Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

July 27, 2006

Honorable Board of Supervisors
County of Los Angeles
383 Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

SUBJECT: HEARING ON ORDINANCE EXTENDING INTERIM ORDINANCE NO. 2006-0050U WHICH TEMPORARILY REGULATES OIL WELL DRILLING OF A-2 AND M-1½ ZONED PROPERTY IN UNINCORPORATED BALDWIN HILLS ZONED DISTRICT IN THE COUNTY OF LOS ANGELES (4 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

Adopt the ordinance extending Interim Ordinance No. 2006-0050U for a period of ten months and 15 days.

PURPOSE OF RECOMMENDED ACTION:

Adoption of Interim Ordinance No. 2006-0050U places additional conditions required for site plan approval to drill any new oil well or to deepen any existing well on A-2 and M-1½ zoned properties in the Baldwin Hills Zoned District. The Board found it necessary to adopt said ordinance to respond to concerns from Culver City and members of the Baldwin Hills community that recent increased oil production operations were creating visual intrusions and noxious odors that have a negative effect on the surrounding community. The extension of Interim Urgency Ordinance 2006-0050U will allow sufficient time for the Department of Regional Planning to conduct a zoning study of properties within the Baldwin Hills Zoned District that are zoned A-2 or M-1½ and for the Board of Supervisors to consider adoption of possible permanent zoning ordinance amendments relating to oil well operations and activities.

JUSTIFICATION OF RECOMMENDED ACTION:

The urgency measure adopted by your Board on June 27, 2006 will expire on August 11, 2006 unless extended by Board action. A zoning study to assess the effects of additional oil well drilling in the area has been initiated by the

Department of Regional Planning (DRP). Thorough research and a detailed analysis of the issues are however needed before permanent zoning restrictions are put in place. Additional time is needed to meet with affected parties, to obtain community input and to develop reasoned recommendations. If the urgency ordinance is not extended, drilling of new oil wells and deepening of existing wells will continue without the benefit of additional regulations that could minimize the negative effects on the surrounding community of increased oil and gas production.

ADDITIONAL FACTS AND LEGAL REQUIREMENTS:

Pursuant to Section 65858 of the Planning and Zoning Law (Title 7 of the California Government Code), Interim Urgency Ordinance No. 2006-0050U was adopted by the Board of Supervisors on June 27, 2006. The urgency measure temporarily requires that all new oil well drilling or deepening of existing oil wells on A-2 and M-1½ zoned properties in the Baldwin Hills Zoned District obtain site plan approval from the Director of Planning subject to specified conditions.

The provisions of Section 65858 limit the effective period of Interim Urgency Ordinance No. 2006-0050U to only forty-five (45) days. In view of the approaching August 11, 2006 expiration date, it is recommended that the Interim urgency Ordinance be extended for ten months and 15 days as provided in Section 65858. This will allow sufficient time for DRP to complete the zoning study, including recommended changes to the Zoning Code if needed. As noted above, if Interim Urgency Ordinance No. 2006-0050U is not extended, oil well drilling and deepening of existing wells will continue without the benefit of additional regulations that could minimize the negative effects on the surrounding community of increased oil and gas production. These effects could compromise the public heath safety and general welfare of those who live and work in the surrounding area.

Extension of this ordinance requires that the Board conduct a public hearing at which time the ordinance extending the Interim Urgency Ordinance may be adopted by not less than a four-fifths vote. The date of the public hearing is set for August 8, 2006. Publication of a notice of this public hearing will take place not less than ten (10) days prior to the hearing date, as required. In addition, notices of this public hearing will be mailed to all property owners in the Baldwin Hills Zoned District and within 1,000 feet of the District boundary and other interested persons and organizations.

The proposed ordinance, extending Interim Urgency Ordinance No. 2006-0050U has been prepared by County Counsel. A suggested notice of public hearing is also attached. If you have any questions, please contact me or Mark Child of my staff at (213) 974-6425.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Acting Director of Planning

JEH:RDH:mc

Attachments: Sample public hearing notice
Ordinance

c: Elaine M. Lemke, Principal Deputy County Counsel

NOTICE OF PUBLIC HEARING
ON PROPOSED ORDINANCE EXTENDING
INTERIM URGENCY ORDINANCE NO. 2006-0050U

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California at 9:30 a.m., on August 8, 2006, pursuant to Government Code Section 65858, to hear testimony related to the proposed ordinance extending and possibly modifying Interim Urgency Ordinance No. 2006-0050U for a period not to exceed ten months and 15 days as provided in Government Code Section 65858.

Said Interim Urgency Ordinance temporarily places additional regulations on oil and gas production operations in the Baldwin Hills Zoned District.

The Interim Urgency Ordinance is applicable to all properties zoned Heavy Agricultural (A-2) or Restricted Heavy Manufacturing (M-1½) located within the Baldwin Hills Zoned District.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call the Community Studies I Section of the Los Angeles County Department of Regional Planning at (213) 974-6425 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. The offices are closed on Fridays.

"ADA ACCOMMODATIONS: If you require reasonable accomodations or auxiliary aids and services such as material in alternative format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (voice) or (213) 617-2292 (TDD), with at least three business days notice."

Si no entiende este aviso o necesita mas información, por favor llame este numero (213) 974-6425.

COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

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RAYMOND G. FORTNER, JR.
County Counsel

July 25, 2006

James Hartl, Acting Director
Department of Regional Planning
1390 Hall of Records
320 West Temple Street
Los Angeles, California 90012

Re: Extension of Interim Ordinance No. 2006-0050U

Dear Mr. Hartl:

As requested, enclosed are the analysis and ordinance extending Interim Ordinance No. 2006-0050U for a maximum period of 10 months and 15 days to June 26, 2007. Interim Ordinance No. 2006-0050U, adopted on June 27, 2006, and effective for only 45 days, temporarily imposes additional development standards and restrictions on the drilling of any new oil wells or deepening of existing oil wells upon any property zoned A-2 or M-1½ located within the Baldwin Hills Zoned District. Interim Ordinance No. 2006-0050U is scheduled to expire on August 11, 2006, unless extended pursuant to Government Code section 65858.

We understand that this extension ordinance is set for public hearing before the Board of Supervisors on August 8, 2006.

The ordinance and its analysis may be presented to the Board of Supervisors for its consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di
Enclosures

HOA.381119.1

ANALYSIS

This ordinance extends Interim Ordinance No. 2006-0050U for a maximum period of 10 months and 15 days to June 26, 2007. Interim Ordinance No. 2006-0050U adopted on June 27, 2006, and effective for only 45 days, temporarily imposes additional development standards and restrictions on the drilling of any new oil wells or deepening of existing oil wells upon any property zoned A-2 or M-1½ located within the Baldwin Hills Zoned District. Interim Ordinance No. 2006-0050U is scheduled to expire on August 11, 2006, unless extended pursuant to Government Code section 65858.

This extension ordinance is an urgency measure and requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption.

RAYMOND G. FORTNER, JR.
County Counsel

By Elaine M. Lemke
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

07/18/06 (requested)
07/20/06 (revised)

381079_2

ORDINANCE NO. _____

An ordinance extending Interim Ordinance No. 2006-0050U, temporarily regulating the use of Heavy Agricultural (A-2) and Restricted Heavy Manufacturing (M-1½) zoned property in the Baldwin Hills Zoned District and declaring the urgency thereof and that this ordinance take effect on August 11, 2006.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Prohibition.

Pursuant to section 65858 of the Government Code, the Board of Supervisors, having held a public hearing, hereby extends Interim Ordinance No. 2006-0050U to June 26, 2007. Interim Ordinance No. 2006-0050U provides that no new oil wells shall be drilled or existing wells deepened upon any property that is both: (1) within the geographical area of the Baldwin Hills Zoned District as identified in Section 22.16.230 of Title 22 of the Los Angeles County Code ("County Code"); and (2) zoned A-2 or M-1½ as defined in Title 22 of the County Code, except as provided below.

No new oil well shall be drilled or existing well deepened on either A-2 or M-1½ zoned property in the Baldwin Hills Zoned District unless a site plan is first submitted to and approved by the Director of the Department of Regional Planning ("Director") in accordance with the procedures set forth in Part 12 of Chapter 22.56 of said Title 22 of the County Code and in this extended interim ordinance.

In addition to ensuring compliance with the conditions applying to oil wells set forth in Section 22.24.120.D of Title 22 of the County Code, the Director shall also

require that the new or deepened well site plan approval be subject to the following additional conditions:

1. Landscaping shall be planted at the periphery of the property containing new or deepened well drilling operations, to beautify and screen the operations from adjoining or adjacent public streets or highways to the satisfaction of the Director;

2. A revegetation and screening plan for the new or deepened well site plan shall be submitted to and approved by the Director. The revegetation and screening plan shall ensure that, upon the completion of the drilling of a new or deepened well, the drill site shall be placed in a clean condition and shall be landscaped with appropriate vegetation so as to screen from public view, to the extent reasonable and feasible, the tanks and other permanent equipment. Such landscaping shall be maintained in good condition;

3. All visible structures of the new or deepened wells drilled during the pendency of this extended interim ordinance shall be painted or otherwise surfaced with a color compatible with the surrounding area to the satisfaction of the Director;

4. Drilling operations shall be limited to no more than one and one-half oil rigs at a time averaged over the life of the extended interim ordinance;

5. Oil production facilities shall be designed and/or housed and operated so that odor shall be limited to a minimum and so that noise and vibrations conform to the limits as specified in Chapter 12.08 of Title 12 (the noise control ordinance) of the County Code;

6. At all times during drilling operations, the operator shall maintain enhanced monitoring equipment that shall monitor and digitally record the emission of hydrogen sulfide and combustible gases at detection limits of no less than one part per million for sulfides and 10 percent of lower explosive limits for combustible gases. Such monitors shall provide an automatic alarm, triggered by the detection of hydrogen sulfide at five parts per million, or above, and 10 percent, or above, of lower explosive limits for combustible gases, audible or visible to the operator of any drilling equipment. As soon as possible after an alarm event is received, and no later than four hours thereafter, the operator must notify all appropriate agencies including the Culver City Fire Department, the Los Angeles County Fire Department – Hazardous Materials Unit, the State Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR"), and the South Coast Air Quality Management District ("SCAQMD") (collectively, "Investigating Agencies"). The operator shall maintain a 24-hour hotline for odor complaints and maintain records of such calls. Upon the receipt of two or more odor complaints within six (6) hours of an alarm event, the operator shall immediately cease operation of any well(s) at which the detection limits were exceeded, except: (1) to perform such work as may be necessary to eliminate continuing emissions or to permanently secure the well, or as otherwise may be directed by the Investigating Agencies; or (2) unless the appropriate Investigating Agencies find that no hazard exists and mitigations are in place to minimize to the extent feasible recurrence of the source of the odor. The operator shall immediately make available all monitoring equipment records to any of the Investigating Agencies upon verbal or written request to any of the

operator employees working at or near the location of the monitoring equipment. The operator shall reimburse the Investigating Agencies for the actual costs of responding to an alarm event and/or responding to a release of odor that has generated two or more complaints which are determined to be related to events caused by the operator; and

7. No site plan review application for a new or deepened well shall be approved unless the applicant files and maintains a current well program acceptable to the Director, which describes for the succeeding six (6) months the locations and numbers of proposed new or deepened drilling sites in the Baldwin Hills Zoned District. The plan shall also depict proposed well abandonments and consolidations of well sites for the same period.

Multiple oil wells may be approved in one site plan review application.

The Department of Regional Planning ("Department") shall designate and make reasonably available as a single point of contact a planner to review and act upon all applications for oil well operations, as appropriate, under the terms of this extended interim ordinance.

Exhibit A to this extended interim ordinance, which is incorporated by reference herein, is a complete list of oil wells for which permits have been applied for or obtained from DOGGR within the Baldwin Hills Zoned District during the one-year period immediately preceeding the adoption of Interim Ordinance No. 2006-0050U. No well depicted on Exhibit A is located: (1) within 1,000 feet of any residential dwelling within Culver City; (2) within or beyond the zone known as the Nodular Shale; or (3) within the Culver City Viewshed, as defined in this extended interim ordinance. "Culver City

Viewshed" means any location for which there exists a direct sightline from any residential, commercial, or recreation area within Culver City limits to any part of a pumping rig or unit, but not including a drilling rig, that may be erected at such location.

In no event shall an oil well that is not depicted on Exhibit A be drilled or deepened prior to January 1, 2007, unless such well is also located more than 1,000 feet from any residential dwelling within Culver City and is outside the Culver City Viewshed. Applications for site plan approval for wells not meeting the above criteria, however, may be filed and processed by the Department prior to January 1, 2007.

SECTION 2. Adoption and Expiration of Initial Interim Ordinance; Authority.

Interim Ordinance No. 2006-0050U was adopted on June 27, 2006. Unless this ordinance takes effect on or before August 11, 2006, Interim Ordinance No. 2006-0050U will expire. California Government Code section 65858 provides that an urgency measure in the form of an Interim Ordinance may be adopted without prior public notice by a four-fifths votes of the Board of Supervisors, which shall be effective for only 45 days following its date of adoption. Government Code section 65858 further provides that such an urgency measure may be extended following compliance with that section for an additional 10 months and 15 days beyond the original 45-day period, and it can be extended a second time for an additional one year.

SECTION 3. Definitions and Penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to violations of the provision of this extended interim ordinance.

SECTION 4. Zoning Study Initiated; Determination of immediate threat.

The Department has commenced a comprehensive zoning study to review all A-2 and M-1½ zoned properties in the Baldwin Hills Zoned District to consider a possible permanent zoning ordinance amendment with respect to oil well operations and activities. Although oil wells have existed for many decades in the Baldwin Hills Zoned District, in the past year, there has been a number of complaints by nearby residents reported to the County, the SCAQMD, and the City of Culver City relating to oil well operations in the affected area. On at least one occasion in the last eight (8) months, a notice of violation was issued by the SCAQMD as the odors, attributed to oil well operations, were considered a nuisance. These complaints coincide with a dramatic upsurge in the drilling and deepening of oil wells in this area. Since January 2005, approximately 60 permits were issued by the state and 10 to 20 new wells have been opened in the affected area. Also, the drilling of additional wells or deepening of existing wells without adequate controls may negatively impact the quality of life for nearby residents due to the possibility of ever-increasing odor occurrences and releases of noxious gases as well as other potential adverse impacts including noise, visual, traffic, and vibration impacts. Unless this interim ordinance is extended as provided for herein, an irreversible incompatibility of land uses might reasonably occur

as a result of the drilling or deepening of new wells in the affected area, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the drilling or deepening of new wells and the approval of any required additional subdivisions, variances, building permits, site plans, or any other applicable entitlements in connection therewith would result in that threat to the public health, safety, or welfare absent extension of the restrictions contained in Interim Ordinance No. 2006-0050U. If this ordinance does not take effect on August 11, 2006, new oil wells may be drilled or existing oil wells deepened that might conflict with any permanent amendment to Title 22 of the County Code for the Baldwin Hills Zoned District that may be adopted as a result of the Department study, and these uses may continue after any permanent re-zoning of the properties in the Baldwin Hills Zoned District.

SECTION 5. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the extended interim ordinance are hereby declared to be severable.

SECTION 6. Urgent Need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall become effective on August 11, 2006, and it shall be of no further force and effect 10 months and 15 days following the date it became effective unless further extended in accordance with the provisions set forth in Government Code section 65858.

[BaldwinHillsUrgOrd]

EXHIBIT A

PXP 2006 DRILLING PROGRAM – PERMITTED WELLS

LEASE	WELL	SEC	PERMIT DATE	STATUS
BC-LAI 1	800	17	12/6/2005	Drilled
BC	701	17	12/6/2005	Drilled
BC	901	17	12/6/2005	Drilled
VRU	805	8	12/12/2005	Drilled
VRU	704	8	12/12/2005	Drilled
VRU	304	8	12/12/2005	Not Drilled
VRU	303	8	12/12/2005	Not Drilled
VRU	291	8	12/12/2005	Not Drilled
VRU	290	8	12/12/2005	Not Drilled
VRU	605	8	12/12/2005	Drilled
VRU	703	8	2/8/2006	Not Drilled
VRU	903	8	2/8/2006	Drilling
LAI 1	447	17	2/24/2006	Drilling
LAI 1 BC	448	17	2/24/2006	Not Drilled
BC	2167	17	3/6/2006	Drilled
BC LAI 1	2367	17	3/6/2006	Drilling
LAI Comm 1	2178	16	3/13/2006	Not Drilled
Bradna Comm	2378	16	3/13/2006	Not Drilled
Stocker	2468	16	3/13/2006	Not Drilled
Marlow Burns	2478	16	4/6/2006	Not Drilled
LAI 1	2067	17	3/10/2006	Drilled
Marlow Burns	2278	16	3/13/2006	Not Drilled
Stocker	2268	16	3/13/2006	Not Drilled
VRU	904	8	3/20/2006	Drilled
LAI 1	426	8	3/20/2006	Not Drilled
VRU	360	8	3/16/2006	Not Drilled
VRU	361	8	3/20/2006	Not Drilled
VRU	362	8	3/16/2006	Not Drilled
LAI 1	2267	17	4/11/2006	Drilled
Stocker	2078	16	4/24/2006	Not Drilled
Stocker	2568	16	4/24/2006	Not Drilled