



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

December 6, 2019

The Termo Company
PO Box 2767
Long Beach 90801

Dear Applicant:

Subject: Resolution No. 12801 - Initial Study Application No. 7649 and Unclassified
Conditional Use Permit Application No. 3653

On October 24, 2019, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at eahmad@fresnocountyca.gov or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: October 24, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12801 - INITIAL STUDY APPLICATION NO. 7649 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3653

APPLICANT: The Termo Company

OWNER: DLM Partners

REQUEST: Allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).

PLANNING COMMISSION ACTION:

At its hearing of October 24, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

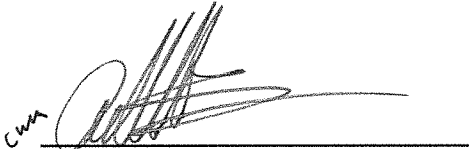
A motion was made by Commissioner Vallis and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3653, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12801

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Vallis, Eubanks, Abrahamian, Burgess, Chatha, Delahay, Ede and Lawson
	No:	None
	Absent:	Commissioner Hill
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

 William M. Kettler, Manager
 Development Services and Capital Projects Division

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7649
Unclassified Conditional Use Permit Application No. 3653

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 24, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- I represent the Termo Company.
 - We agree with the Conditions of Approval and Mitigation Measures for the project.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7649/Unclassified Conditional Use Permit Application No. 3653
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During drilling and production phase
2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Drilling phase
3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.	Applicant	Applicant/PW&P	Drilling phase
4.	Agricultural and Forestry Resources	When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.	Applicant	Applicant/PW&P	Drilling phase
5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
6.	Energy	The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during well drilling or production operations.	Applicant	Applicant	During drilling and production phase

7.	Tribal Cultural Resources	<p>Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor inspect the site prior to and be present during all ground-disturbing activities, both during construction and decommissioning. The certified Native American Monitor may provide pre-construction briefings to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. The notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe, at spowers@tachi-yokut-nsn.gov. The tribal monitors shall be independently insured in order to enter the construction zone.</p>	Applicant	Applicant/all tribes	As noted
8.	Tribal Cultural Resources	<p>In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted within 100 feet of the find. A qualified Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. The County of Fresno, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. Any findings shall be submitted by the archaeologist in a professional report to the project Applicant, the County of Fresno and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.</p>	Applicant	Applicant/PW&P	As noted
9.	Tribal Cultural Resources	<p>If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. The Commission shall identify the person believed to be the Most Likely Descendant (MLD), who shall have at least 48 hours from notification of the find to comment. The human remains and associated or unassociated funerary objects shall be treated per CEQA Guidelines Sec. 15064.5(d). If the MLD and</p>	Applicant	Applicant/PW&P	As noted

		the other parties do not agree on the reburial method, the Project shall follow PRC Section 5097.98(e).	
Conditions of Approval			
1.		Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.	
2.		Plans, permits and inspections are required for onsite improvements, including the temporary mobile office. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4560 for detail.	
3.		<p>Prior to the issuance of building permits, the Applicant shall comply with the following requirements from the California Department of Transportation (Caltrans):</p> <ul style="list-style-type: none"> • Provide a Transportation Management Plan (TMP), as the traffic trips for drilling activity may impact the peak hours. • Obtain an encroachment permit if a TMP is needed. • Repair and replace any damaged pavement at the site access off State Route 145. • Clean roadways from construction activities. • Construct shoulder backing at the site access with an encroachment permit. 	
4.		Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.	
5.		All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.	

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The Applicant shall consult with the San Joaquin Valley Air Pollution Control District for Air District rules that may apply to the project.
2.	<p>To address potential health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Notes

	<ul style="list-style-type: none"> • An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Any lubricating oil found in the well shall be removed from the well prior to placement of fill material for destruction, and the "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements.
<p>3.</p>	<p>To address potential health impacts resulting from the project, the Division of Oil, Gas, and Geothermal Resources (DOGGR) requires the following:</p> <ul style="list-style-type: none"> • Physical access to all onsite oil and gas wells shall be maintained, and all oil and gas wells shall be abandoned in compliance with DOGGR regulations. • DOGGR shall immediately be consulted prior to the commencement of any work to uncover a known abandoned well and/or discovery of any unrecorded well. • Soil testing and reverification of any contamination found for the one known abandoned oil and gas well located within the project boundary shall be conducted (the well may have had a mud pit/drilling sump associated with drilling operation). • Any soil containing significant amounts of hydrocarbons shall be disposed in accordance with local, state and federal laws. • No well work shall be performed without written approval/appropriate permit from the Division of Oil, Gas, and Geothermal Resources.
<p>4.</p>	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • According to FEMA, FIRM Panel 2850J, portions of the subject parcel are located in Zone A and are subject to flooding from the 100-year storm. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48). • Onsite turnarounds are required for vehicles leaving the site to enter the highway in a forward motion. • An Engineered Grading and Drainage Plan and a grading permit may be required for any grading proposed with this application.
<p>5.</p>	<p>A hazardous material spill prevention and response plan shall be provided to Westlands Water District in the event a spillage such as the diesel fuel stored onsite, chemicals such as biocide, and oil goods produced during or after the production phase. Contact Underground Service Alert prior to construction.</p>
<p>6.</p>	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>