



Inter Office Memo

DATE: May 18, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12647 - INITIAL STUDY APPLICATION NO. 7265 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3568

APPLICANT: Petro-Lud Inc.

OWNER: David & Marilyn Britz Trustees

REQUEST: Allow three exploratory petroleum oil and natural gas wells with the potential for a production facility on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of W. Harlan and S. Lake Avenues approximately 1.9 miles northwest of the unincorporated community of Five Points (SUP. DIST. 1) (APN 050-080-10S).

PLANNING COMMISSION ACTION:

At its hearing of May 18, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3568, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12647

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Eubanks, Chatha, Ede and Mendes
 No: None
 Absent: Commissioners Abrahamian, Lawson, Vallis and Woolf
 Abstain: None

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

By: 

William M. Kettler, Manager
Development Services 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. 7265
Unclassified Conditional Use Permit Application No. 3568

Staff: The Fresno County Planning Commission considered the Staff Report dated May 18, 2017, 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:

- Our company, 'Engineering Project Solutions', represents the project Applicant, Petro-Lud Inc.
- We have no project-related comments at this time; however, we would like to offer rebuttal comments, if necessary.

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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EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7265/Unclassified Conditional Use Permit Application No. 3568
(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 as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing	
*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	During drilling operation	
*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	During drilling operation	
*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	Within 90 days of the termination of drilling operations	
*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	During all ground-disturbing activities	
*6.	Transportation/Traffic	Prior to commencing production operations, a grizzly and/or gravel pad shall be installed on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and	Applicant	Applicant/PW&P	As noted	

	equipment onto Mount Whitney Avenue.	
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*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

Conditions of Approval		
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission for Unclassified CUP No. 3568.	

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.	Plans, permits, and inspections are required for the project. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
2.	There is no public road right-of-way along the Lake Avenue alignment and the nearest County public road is Mount Whitney Avenue approximately one half-mile south of the site. The Applicant shall demonstrate that he has access easement/rights to the property.
3.	The project is subject to the following Rules of the San Joaquin Valley Air Pollution Control District (Air District): District Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4102 (Nuisance). All portable emission units (including drilling rigs) shall be registered with either the California Air Resources Board (CARB) or with the Air District (Rule 2280 [Portable Equipment Registration]).
4.	Any additional runoff generated by the proposed site development cannot be drained across property lines and shall be retained or disposed of per County Standards.
5.	A Grading Permit or Voucher may be required for this application.
6.	All construction materials, equipment, and employee vehicles used in the operation shall be stored and/or parked outside of the County road right-of-way.
7.	Any work within the road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.
8.	Any sediment material transported onto the County roadways shall be cleaned on a daily basis.
9.	Per the Fresno County Department of Public Health, Environmental Health Division: <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.

Notes

<ul style="list-style-type: none"> • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22 Division 4.5. • In an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. 	
<p>10. If future development is sought, the project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development will also be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</p>	
<p>11. The Applicant shall submit detailed drilling proposals to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) in order to obtain specific drilling requirements for the project and haul off all hazardous and non-hazardous wastes and materials generated by the exploratory well drilling operation to an approved waste disposal facility.</p>	



County of Fresno

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

June 17, 2017

Petro-Lud Inc.
Attn: Clayton Ludington
1311 Calaveras Park Drive
Bakersfield CA 93311

Dear Applicant:

Subject: Resolution No. 12647 - Initial Study Application No. 7265 and Unclassified
Conditional Use Permit Application No. 3568

On May 18, 2017, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit 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@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

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Enclosure