



## Inter Office Memo

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DATE: March 30, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12639 - INITIAL STUDY APPLICATION NO. 7223 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3549

APPLICANT: The Termo Company

OWNER: DLM Partners

REQUEST: Allow up to three exploratory petroleum oil and natural gas wells with the possibility of related production facilities on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the West Floral Avenue Alignment between Howard Avenue and South Goldenrod Avenue, approximately seven miles southwest of the unincorporated community of Raisin City, CA (Sup. Dist. 4) (APN 041-020-21S).

### PLANNING COMMISSION ACTION:

At its hearing of March 30, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson 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. 3549, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12639

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Lawson, Borba, Chatha, Eubanks, Hill and Mendes
	No:	None
	Absent:	Commissioner 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. 7223  
Unclassified Conditional Use Permit Application No. 3549

Staff: The Fresno County Planning Commission considered the Staff Report dated March 30, 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 to clarify the intended use:

- We understand the Commissioners' concerns about limits to flexibility if too specific a well location is requested, and the need to submit a subsequent application.
- We have been attempting to file for multiple well sites over a broader area.
- We could drill in the middle of the 160-acre parcel and then drill horizontally, but that would have a greater impact on the existing farmland.
- The drilling is termed directional drilling.

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  
Conditional Use Permit (CUP) Application No. 3549  
(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 so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing	
*2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be directed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Ongoing	
*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	Ongoing	
*4.	Agricultural and Forestry Resources	When drilling operations are completed, or production activities cease, the Applicant shall return the project site (as much as is practical) to its original condition within 90 days of termination of the drilling operations, and remove all drilling equipment.	Applicant	Applicant/PW&P	Ongoing	
*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	Ongoing	
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.	Contact the Building and Safety Section of the Development Services Division at (559) 600-4560 regarding permits for siting, construction and electrical work.
3.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at the exiting driveway onto Howard Avenue.

\*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**

<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labelling, storage and handling of hazardous waste.
2.	If oil or gas is not discovered in economically viable amounts, the well shall be plugged and abandoned in compliance with California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) regulations.



# County of Fresno

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

May 9, 2017

The Termo Company  
3275 Cherry Avenue  
Long Beach CA 90807

Dear Applicant:

Subject: Resolution No. 12639 - Initial Study Application No. 7223 and Unclassified  
Conditional Use Permit Application No. 3549

On March 30, 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 [jshaw@co.fresno.ca.us](mailto:jshaw@co.fresno.ca.us) or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner  
Development Services Division

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Enclosure