



Inter Office Memo

DATE: February 16, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12629 - INITIAL STUDY APPLICATION NO. 7190 and
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3544

APPLICANT/
OWNER:

Temblor Petroleum Company, LLC

REQUEST:

Allow a petroleum oil/gas production facility on a 1.6-acre portion of a 315.15-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. A prior exploratory gas well was approved for the site under Conditional Use Permit No. 3420.

LOCATION:

The subject parcel is located on the north side of Mount Whitney Avenue, between the Butte Avenue alignment and the Lake Avenue alignment, approximately two miles west of the unincorporated community of Five Points (SUP. DIST. 1) (APN 050-080-11S).

PLANNING COMMISSION ACTION:

At its hearing of February 16, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian 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. 3544, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7190
Unclassified Conditional Use Permit Application No. 3544

- Staff: The Fresno County Planning Commission considered the Staff Report dated February 16, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:
- The production lifetime for this type of facility is generally 20 years.
 - All of the appropriate paperwork has been completed to allow the Applicant to produce and sell the product.
 - Temblor Petroleum Company, LLC controls the mineral rights on this property.
- 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. 7190/Unclassified Conditional Use Permit Application No. 3544
(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 not to shine toward adjacent properties and public streets.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing
*2.	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
*3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During all ground-disturbing activities
*4.	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 equipment onto Mount Whitney Avenue.	Applicant	Applicant/PW&P	As noted

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

Conditions of Approval	
1.	The subject production oil well operation shall be conducted in accordance with the Site Plans and Operational Statement approved by the Planning Commission for Unclassified CUP No. 3544.

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.	Prior to initiating construction, the Applicant shall contact Underground Service Alert to allow Westlands Water District staff to locate and mark their facilities.
2.	Plans, permits, and inspections are required.
3.	If not already present, a ten-foot by ten-foot corner cut-off should be improved for sight distance purposes at any proposed driveway accessing Lake Avenue.
4.	Portions of the parcel are located in Flood Zone A, which is subject to the 100-year storm. Any work performed within the flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.
5.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher may be required for this project.
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 that the Applicant obtain an encroachment permit from the Road Maintenance and Operations Division.
8.	Initial applications for "Authorities to Construct" will be required by the San Joaquin Valley Unified Air Pollution Control District (Air District). Once constructed and permitted to operate by the Air District, the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources will include the new facilities in accordance with regulations provided in AB 1960; tank testing is not required for tanks younger than five years of age. Leak-detection systems, however, are required for all tanks and associated facilities.
9.	Within 30 days of the occurrence of any of the following events, the facility must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously-disclosed material; or 2) The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. The facility must also certify that a review of the HMBP has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health.
10.	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 labeling, storage and handling of hazardous wastes.
11.	In an effort to protect groundwater, all abandoned water wells (not intended for use or future use) within the 1.6-acre project area shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in

Notes

	accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
12.	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 also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
13.	The Riverdale Unified School District in which the subject property is located is authorized by State Law to adopt a resolution requiring the payment of construction fees. The Department of Public Works and Planning, Development Services Division requires certifications from the school district that the fees have been paid. An official certification form will be provided by the County when application is made for a building permit.



County of Fresno

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

March 6, 2017

Temblor Petroleum Company, LLC
5201 California Avenue #340
Bakersfield CA 93309

Dear Applicant:

Subject: Resolution No. 12629 - Initial Study Application No. 7190 and Unclassified
Conditional Use Permit Application No. 3544

On February 16, 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 cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure