



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
BERNARD JIMENEZ, INTERIM DIRECTOR

## Planning Commission Staff Report Agenda Item No. 2 March 3, 2016

**SUBJECT:** Initial Study Application No. 7058 and Unclassified Conditional Use Permit Application No. 3520

Allow an exploratory petroleum oil and natural gas well with the possibility of a production facility on a 0.98-acre portion of a 392-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the north side of W. Elkhorn Avenue, between S. Chateau Fresno and S. Cornelia Avenue, approximately 3.1 miles east of the unincorporated community of Burrel (SUP. DIST. 4) (APN 041-220-16S).

**APPLICANT:** The Termo Company  
**OWNER:** Charanjit S. Bath

**STAFF CONTACT:** Daniel Brannick, Planner  
(559) 600-4297  
  
Eric VonBerg, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7058; and
- Approve Unclassified Conditional Use Permit Application No. 3520 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor’s Map
6. Site Plans
7. Drilling Rig/Pumping Unit Designs and Elevations
8. Applicant’s Operational Statement
9. Summary of Initial Study Application No. 7058 and Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	392 acres	No change
Project Site	Almond orchards; drill pad with three existing exploratory oil and gas wells	Add new drill pad with up to three additional exploratory oil and gas wells
Structural Improvements	<ul style="list-style-type: none"> <li>• None at proposed drill pad site</li> <li>• Three production wells being permitted to be located on a 1.03-acre drill pad approximately 645 feet west of the proposed drill pad site</li> </ul>	<p>Drilling &amp; Testing Phase:            158-foot-tall drilling rig, 236 square-foot pipe bin, 266 square-foot mud dock, 373 square-foot mud tank, 280 square-foot water tank, two 344 square-foot fluid tank systems, pipe rack, diesel-powered generator, doghouse (driller’s office); four employee parking spaces; and travel trailer for accommodation</p> <p>Production Phase:            Well heads, up to three 29.3-foot-tall pumping</p>

Criteria	Existing	Proposed
		units; on-site piping to connect pumping units to production facilities; oil and water heater/separator; dehydrator unit; two 20-foot-tall oil storage tanks; 25-foot-tall wash tank; 25-foot-tall water tank; and four employee parking spaces
Nearest Residence	Approximately 2,050 feet from eastern property line; distance between nearest residence and existing oil and gas well is approximately 3,600 feet	Approximately 2,800 feet between proposed drill pad and nearest residence. No change as to distance from property line
Surrounding Development	Farming and agricultural operations	No change
Operational Features	<ul style="list-style-type: none"> <li>• Almond orchards throughout the subject parcel, including the proposed drill pad site</li> <li>• Three production wells being permitted to be located on a 1.03-acre drill pad approximately 645 feet west of the proposed drill pad site</li> </ul>	<p><u>Site Preparation Phase:</u> Three to five days to prepare access road and drill site</p> <p><u>Drilling and Testing Phase:</u> 24 hours per day for 15 to 21 days per well; drilled cuttings and liquid wastes will be transported off site to a licensed disposal facility</p> <p><u>Production Phase:</u> 10 to 15 days per well required for installation of the production equipment (including pumping units and their connection to on-site production facilities)</p>
Employees	<p><u>Drilling and Testing Phase:</u> Five to ten employees at any given time</p> <p><u>Production Phase:</u> Six to ten employees; one employee to inspect the site daily</p>	<p><u>Site Preparation Phase:</u> Three to five employees</p> <p><u>Drilling and Testing Phase:</u> Five to ten employees at any given time</p> <p><u>Production Phase:</u> Six to ten employees; one employee to inspect the site daily</p>

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Customers	N/A	N/A
Traffic Trips	<p>Production oil and gas wells being permitted:</p> <ul style="list-style-type: none"> <li>• 20 one-way trips per day (10 round trips per day) for installation of the permanent production equipment</li> <li>• Two one-way truck trips per day (one round trip per day) by a maintenance crew to inspect the well(s) during their producing life</li> <li>• Six twice-a-week one-way tanker truck trips per day (three round trips per day) for off-site transportation of oil and gas</li> </ul>	<p>Site Preparation Phase:</p> <ul style="list-style-type: none"> <li>• Ten one-way employee trips per day (five round trips per day) for up to five days</li> </ul> <p>Drilling and Testing Phase:</p> <ul style="list-style-type: none"> <li>• 60 to 70 one-way truck trips per day (30 to 35 round trips per day) for up to 21 days to mobilize drilling rig and associated equipment to the site</li> <li>• 20 to 30 one-way truck trips per day (10 to 15 round trips per day) for up to 15 days to transport supplies and service contractor equipment to the site</li> </ul> <p>Production Phase:</p> <ul style="list-style-type: none"> <li>• 20 one-way trips per day (10 round trips per day) for installation of the permanent production equipment</li> <li>• Two one-way truck trips per day (one round trip per day) by a maintenance crew to inspect the well(s) during their producing life</li> <li>• Six twice-a-week one-way tanker truck trips per day (three round trips per day) for off-site transportation of oil and gas</li> </ul>
Lighting	N/A	Temporary directional lighting for existing during drilling operations
Hours of Operation	Production: 24 hours per day for the life of the project	Drilling and Testing: 24 hours per day for 15 to 20



Criteria	Existing	Proposed
		days per well  Production: 24 hours per day for the life of the project

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: January 29, 2016

**PUBLIC NOTICE:**

Notices were sent to six property owners within one quarter-mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

Pursuant to the Zoning Ordinance, Sections 853-B.11 and 857-C.1.a, an Unclassified Conditional Use Permit (CUP) is required to allow for oil and gas exploration and drilling in the AE-20 Zone District.

An Unclassified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on an Unclassified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

This proposal entails the drilling of an exploratory petroleum oil and natural gas well on a 0.98-acre (42,300 square-foot) portion of a 392-acre parcel. The proposed oil and gas well would be located on a level earthen drilling pad (the "drill site"), which would be cleared of vegetation and graded. If oil and gas production and economics warrant, two more wells may be drilled from the same site utilizing directional drilling techniques, and a production facility will be established to process oil and gas. Part of the proposed development would involve temporary on-site storage of oil and natural gas condensates and transporting them off site via tanker trucks. If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

The subject parcel currently contains almond orchards plus an existing 1.03-acre drilling pad, located approximately 645 feet west of the proposed drill site, where three previously-approved exploratory oil and gas wells are in the process of being developed into production wells. The

surrounding area is marked by large parcel sizes and consists primarily of farmland and agriculture-related operations, with a few single-family homes also present. The closest single-family home to the proposed drill site is approximately 2,800 feet to the east. The unincorporated communities of Burrel and Caruthers are located approximately 3.1 miles west of and five miles northeast of the subject parcel, respectively.

Improvements to be utilized for the proposed exploratory oil and natural gas well include a 158-foot-tall drilling rig; a 236 square-foot pipe bin; a 266 square-foot mud dock; a 373 square-foot mud tank; a 280 square-foot water tank; two 344 square-foot fluid tank systems; a pipe rack; a diesel-powered generator; a doghouse (driller's office); four employee parking spaces; and a travel trailer for accommodation.

In the event that production is commenced, additional facilities at the project site would include well heads; up to three 29.3-foot-tall pumping units; on-site piping to connect pumping units to production facilities; oil and water heater/separator; dehydrator unit; two 20-foot-tall oil storage tanks; 25-foot-tall wash tank; 25-foot-tall water tank; and four employee parking spaces.

***Finding 1:** That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 70 feet Side (eastern property line): 850± feet Side (western property line): 1,550± feet Rear: 1,000± feet	Yes
Parking	No Requirements	Four 10-foot by 20-foot spaces	Yes
Lot Coverage	No Requirements	N/A	N/A
Space Between Buildings	Six feet minimum	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent for existing system	N/A	N/A
Water Well Separation	Septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed development satisfies setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Staff review of the Site Plan demonstrates that the proposed facility meets the minimum building setback requirements of the AE-20 Zone District. The proposed 44,950 square-foot well drilling site will be set back 85 feet from the southern property line (35-foot minimum required), 1,461 feet from the eastern property line (20-foot minimum required), 3,476 feet from the western property line (35-foot minimum required), and 4,970 feet from the northern property line (20-foot minimum required). Adequate area is available on the subject 392-acre site to accommodate the drill pad with proposed improvements, including a 15-foot-wide access road connecting the drilling site to Elkhorn Avenue as shown on the Site Plan (Exhibit 5).

Based on the above, staff finds that the project site is adequate in shape and size to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 1 can be made.

*Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Chateau Fresno Avenue	No change
Public Road Frontage	Yes	Elkhorn Avenue	No change
Direct Access to Public Road	Yes	Elkhorn Avenue	No change
Road ADT		Chateau Fresno Avenue: N/A	No change
		Elkhorn Avenue: 1200	No change
Road Classification		Chateau Fresno Avenue: N/A	No change

	Existing Conditions	Proposed Operation
	Elkhorn Avenue: Local	No change
Road Width	Chateau Fresno Avenue: N/A	No change
	Elkhorn Avenue: 22 feet (60-foot total right-of-way)	No change
Road Surface	Chateau Fresno Avenue: Unimproved	No change
	Elkhorn Avenue: Asphalt Concrete Paved	No change
Traffic Trips	<p>Production oil and gas wells being permitted:</p> <ul style="list-style-type: none"> <li>• 20 one-way trips per day (10 round trips per day) for installation of the permanent production equipment</li> <li>• Two one-way truck trips per day (one round trip per day) by a maintenance crew to inspect the well(s) during their producing life</li> <li>• Six twice-a-week one-way tanker truck trips per day (three round trips per day) for off-site transportation of oil and gas</li> </ul>	<p>Site Preparation Phase:</p> <ul style="list-style-type: none"> <li>• Ten one-way employee trips per day (five round trips per day) for up to five days</li> </ul> <p>Drilling and Testing Phase:</p> <ul style="list-style-type: none"> <li>• 60 to 70 one-way truck trips per day (30 to 35 round trips per day) for up to 21 days to mobilize drilling rig and associated equipment to the site</li> <li>• 20 to 30 one-way truck trips per day (10 to 15 round trips per day) for up to 15 days to transport supplies and service contractor equipment to the site</li> </ul> <p>Production Phase:</p> <ul style="list-style-type: none"> <li>• 20 one-way trips per day (10 round trips per day) for installation of the permanent production equipment</li> <li>• Two one-way truck trips per day (one round trip per day) by a maintenance crew</li> </ul>

		Existing Conditions	Proposed Operation
			to inspect the well(s) during their producing life <ul style="list-style-type: none"> <li>• Six twice-a-week one-way tanker truck trips per day (three round trips per day) for off-site transportation of oil and gas</li> </ul>
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		N/A	None required

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Chateau Fresno Avenue is a private road and is not maintained by the County. Elkhorn Avenue is a local road with a prescriptive 30-foot right-of-way north of the section line per Plat Book (60-foot total right-of-way). A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at the existing driveway or proposed driveway accessing Elkhorn Avenue.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An Encroachment Permit shall be required from the Road Maintenance and Operations Division prior to any work performed within the Elkhorn Avenue County right-of-way.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

The project site fronts Elkhorn Avenue which is a public road and is maintained by the County. A 15-foot-wide access road will be constructed on the subject parcel to connect the well drilling site (drill pad) with Elkhorn Avenue. The proposal will generate only short-term traffic during construction and nominal traffic during operations of the facility, thereby resulting in no need for acquisition of additional road right-of-way for Elkhorn Avenue. Based on this discussion, and with adherence to the Project Notes described above, staff believes that Elkhorn Avenue, as well as other streets and highways in the area that serve the subject parcel, will remain adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

See *Mitigation Measures, Conditions of Approval, and Project Notes* attached as Exhibit 1.

**Conclusion:**

Finding 2 can be made.

*Finding 3:* That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	87.88 acres	Orchards	AE-20	None
	69.70 acres	Orchards	AE-20	None
South	374.19 acres	Orchards	AE-20	None
	98.86 acres	Orchards	AE-20	None
East	453.64 acres	Vineyards	AE-20	None
West	614.18 acres	Orchards	AE-20	None

**Reviewing Agency/Department Comments:**

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the project as it relates to water quantity, as the subject parcel is not located in a water-short area and no use of on-site groundwater is proposed, as the Applicant will truck water to the project site for operational purposes and bottled water will be provided to employees for consumption.

Fresno County Department of Agriculture: The Fresno County “Right to Farm” Ordinance 17.04.100 and 17.72.075 shall be presented to the Applicant so that any necessary measures can be considered by the facility to minimize any potential discomfort or risk to employees. Also, this project, as part of the conditional use designation, must acknowledge the need to control weeds and rodents within the project area to prevent this project from becoming a nuisance to neighboring properties.

Fresno County Department of Public Health, Environmental Health Division: The Applicant will be required to complete a Hazardous Materials Business Plan submittal prior to commencing operations, and is required to handle all hazardous waste in accordance with 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. Additionally, a Spill Prevention Control and Countermeasure Plan (SPCC) shall be required for above-ground petroleum storage tanks with an aggregate storage capacity equal to or greater than 1,320 gallons.

Fresno County Fire Protection District: No concerns with the proposal.

San Joaquin Valley Air Pollution Control District (Air District): The project-specific emissions of criteria pollutants are not expected to exceed the District significance threshold of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project is subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules) and Rule 2280 (Portable Equipment Registration) requiring all portable emission units (including drilling rigs) to be registered with the California Air Resource Board (CARB) or with the Air District.

California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR): The Applicant shall submit a detailed drilling proposal in order to obtain specific requirements for the proposed drilling operation.

Regional Water Quality Control Board: No comments at this time regarding the proposal. Subsequent comments may be provided at the time DOGGR provides comments.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The Applicant is requesting to develop and operate an exploratory petroleum oil and natural gas well with the possibility of a production facility on a 0.98-acre (42,300 square-foot) portion of a 392-acre parcel.

As discussed above, the project site contains an almond orchard plus a previously-approved oil and gas well operation, and is located in an agricultural area marked by relatively large parcel sizes and a few residential land uses. The unincorporated communities of Burrel and Caruthers are located approximately 3.1 miles west and 5 miles northeast, respectively, of the subject parcel. The parcel is not located along a designated Scenic Highway and no scenic vistas or scenic resources were identified in the vicinity of the proposal.

Operations at the site of the proposed well would entail use of a 158-foot-tall drilling rig (operated 24 hours per day for up to 21 days) to drill the first exploratory well and the two additional exploratory wells if desired. If oil or gas is not discovered in economically viable amounts, the exploratory wells will be plugged and abandoned in compliance with DOGGR regulations. If oil and gas is discovered in economically viable amounts during the drilling and testing phase of the first well, two additional wells may be drilled on the same site utilizing directional drilling techniques, and a production facility will be established to process the oil and gas. Part of this establishment involves temporary on-site storage of oil and natural gas condensates and transporting them off site via tanker trucks.

Each of the three exploratory wells would have a wellhead contained within a 100 square-foot six-foot-deep cellar surrounded with an above-ground guard rail. Support facilities to be shared by the three exploratory wells and confined within a 44,950 square-foot drilling site (drill pad) include: 158-foot-tall drilling rig; 236 square-foot pipe bin; 266 square-foot mud dock; 373 square-foot mud tank; 280 square-foot water tank; two 344 square-foot fluid tank systems; pipe rack; diesel-powered generator; doghouse (driller's office); four employee parking spaces; and a travel trailer for accommodation.

The production phase of the proposal would be initiated if oil and/or gas is discovered in economically viable amounts during the drilling and testing phase of the project. Further, depending upon the amounts of oil or gas discovered, the Applicant may utilize one or more of the three exploratory wells for production. Each of the three wells would have on-site piping to

connect the pumping units to production facilities. Support facilities to be shared by the three wells for production include: oil and water heater/separator; dehydrator unit; two 20-foot-tall oil storage tanks, 25-foot-tall wash tank, 25-foot-tall water tank and four employee parking spaces.

Given the project's location within an existing almond orchard as well as the general lack of population and development aside from agriculture in the area, the proposed oil and gas exploration and production facilities are unlikely to be significantly visible and will have a minimal visual impact on the surrounding area.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes identified in the Initial Study prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*See Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4: That the proposed development is consistent with the General Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.4: The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element (See Section OS-C).	As described in the sections below, the Applicant's proposal is consistent with the sections of the Open Space and Conservation Element's Mineral Resources Section relating to oil and gas exploration and production.
General Plan Policy OS-C.13: The County shall require a special permit for certain oil and gas activities and facilities as specifically noted in the Oil and Gas Development Matrix (Table OS-C.1) due to their potential significant adverse effects on surrounding land or land uses.	The subject discretionary land use application (Unclassified Conditional Use Permit Application No. 3520) satisfies Policy OS-C.13. Further, with adherence to the recommended Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study prepared for this project and discussed under Finding 3 of this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity.
General Plan Policy OS-C.17: The County shall require the timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the land to its primary land use as designated by the General Plan.	Consistent with this policy, a Mitigation Measure has been included requiring the Applicant to remove all drilling equipment and restore the site to its original condition within 90 days of terminating drilling operations.



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy OS-C.20: The County shall not allow any building intended for human occupancy to be located near any active petroleum well unless suitable safety and fire protection measures and setbacks are approved by the local fire district.</p>	<p>The nearest single-family residence is approximately 3,600 feet east of the proposed drill site. The Fresno County Fire Protection District reviewed the project and expressed no concerns related to any fire hazards resulting from this proposal.</p>
<p>General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>This proposal was reviewed by the Fresno County Fire Protection District, which expressed no concerns with the proposal.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities which handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p> <p>General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.</p> <p>General Plan Policy HS-F.3: The County, through its Hazardous Materials Incident Response Plan, shall coordinate and cooperate with emergency response agencies to ensure adequate countywide response to hazardous materials incidents.</p>	<p>The proposal was reviewed by the Environmental Health Division of the Fresno County Department of Public Health, whose comments indicated the Applicant will be required to complete a Hazardous Materials Business Plan submittal prior to commencing operations, and that all hazardous waste be handled according to requirements set forth in the California Health and Safety Code (HSC). Additionally, a Spill Prevention Control and Countermeasure Plan (SPCC) will be required for above-ground petroleum storage tanks with an aggregate storage capacity equal to or greater than 1,320 gallons. Adherence to these requirements will make the proposal consistent with policies HS-F.1, HS-F.2, and HS-F.3.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: See list of relevant policies indicated in previous table.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

According to the Policy Planning Section, the project site is under a Williamson Act, Agricultural Land Conservation Contract (ALCC). ALCC No. 4770 limits land use to agricultural and other compatible uses in exchange for the opportunity for reduced property tax valuation. The 392-acre parcel appears to be part of a commercial agricultural farming operation. Exploratory oil

wells are a compatible use to the extent that they do not significantly displace farmland on restricted lands. Based on the proposed size of the lease area, this does not appear to be a concern.

Based on the analysis above, staff believes the subject proposal to allow an exploratory oil and natural gas well with the possibility of a production facility is consistent with the General Plan.

**Recommended Conditions of Approval:**

*See Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3520, subject to the Mitigation Measures and recommended Conditions of Approval.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7058; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3520, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3520; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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**EXHIBIT 1**

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7058 and Unclassified Conditional Use Permit Application No. 3520  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Aesthetics, Lighting	<p>a. All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets, and shall be of minimum brightness consistent with safety.</p> <p>b. All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.</p> <p>c. 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.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*2.	Agriculture	When drilling operations are completed, the Applicant shall return the project site (as much as practical) to its original condition within 90 days of termination of the drilling operations and remove all drilling equipment.	Applicant	Applicant/PW&P	As noted
*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	Ongoing during construction
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Commission.				

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

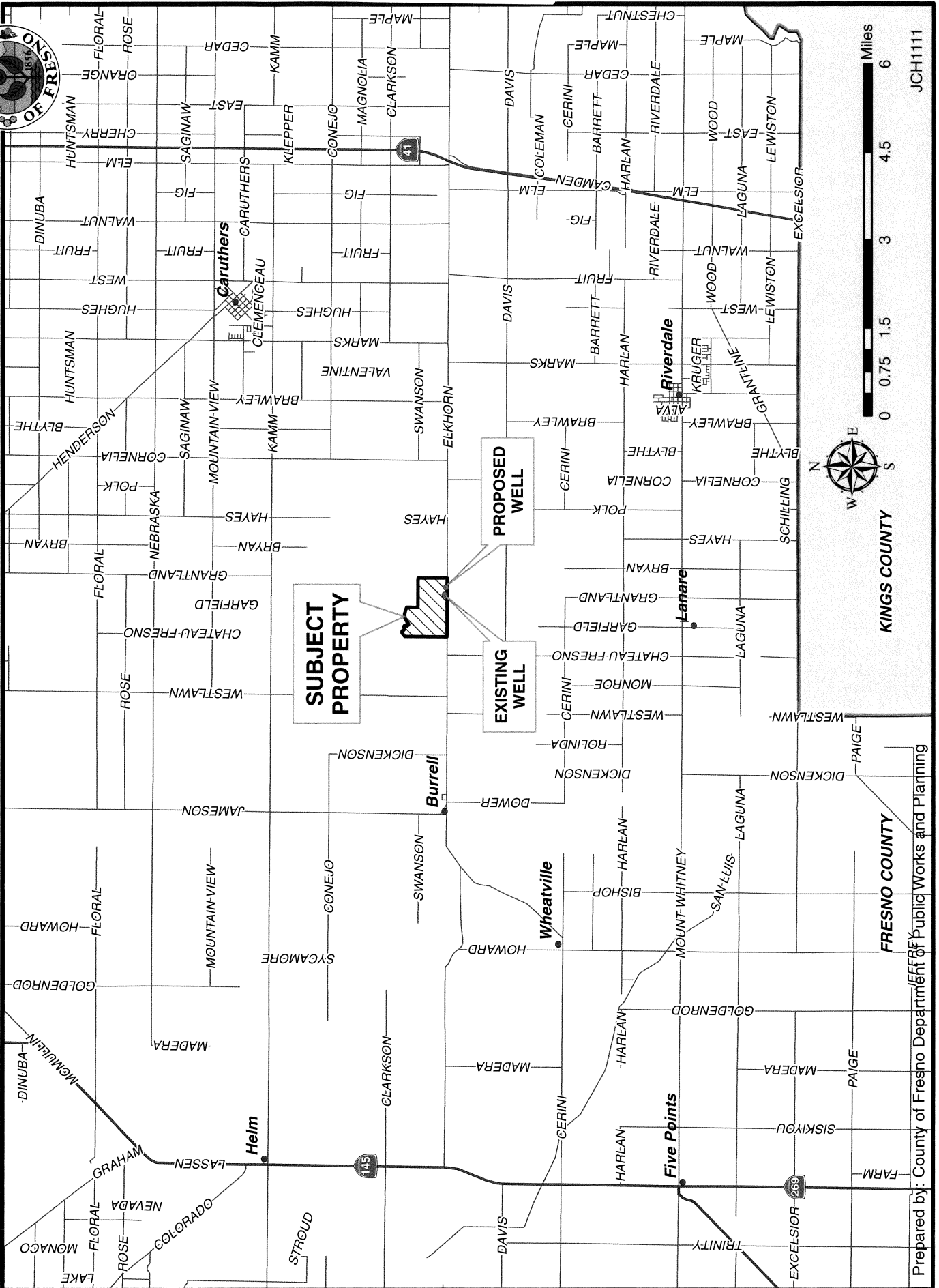
1.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
2.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the existing driveway accessing Elkhorn Avenue.
3.	A grading permit or voucher is required for any grading proposed with this application.
4.	The Applicant is required to submit a detailed drilling proposal to the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) in order to obtain specific requirements for the proposed drilling operation.
5.	The proposed project may be subject to San Joaquin Valley Air District Rules and Regulations, including: Regulation VIII (Fugitive Dust Rules) and Rule 2280 (Portable Equipment Registration) requiring all portable emission units (including drilling rigs) to be registered with the California Air Resource Board (CARB) or with the Air District. Contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
6.	The Applicant will be required to complete a Hazardous Materials Business Plan submittal prior to commencing operations. All hazardous waste is required to be handled in accordance with 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. A Spill Prevention Control and Countermeasure Plan (SPCC) will be required for above-ground petroleum storage tanks with an aggregate storage capacity equal to or greater than 1,320 gallons.

DB  
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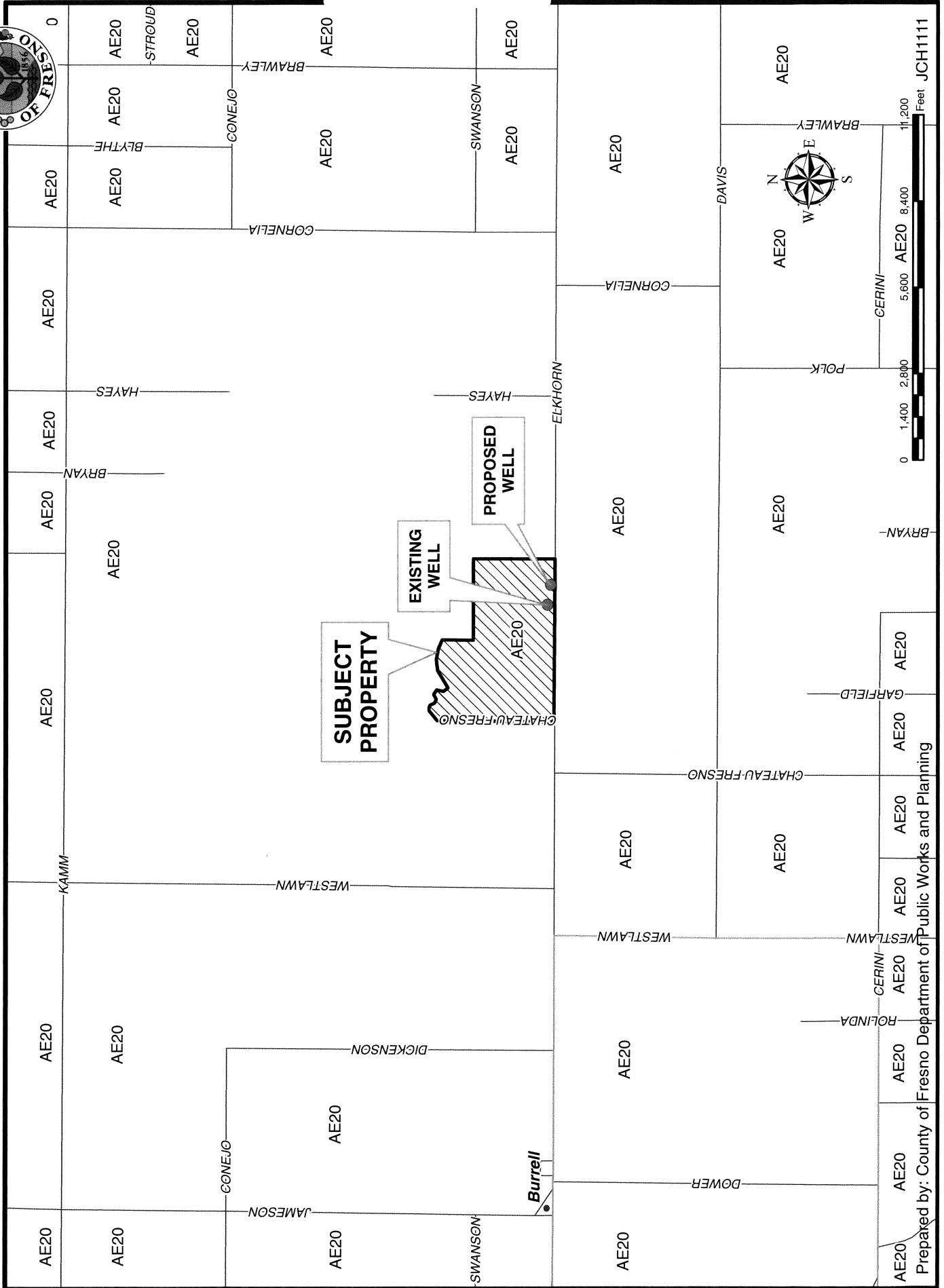
EXHIBIT 2

LOCATION MAP

CUP 3520, IS 7058



# EXISTING ZONING MAP





# EXISTING LAND USE MAP

CUP 3520

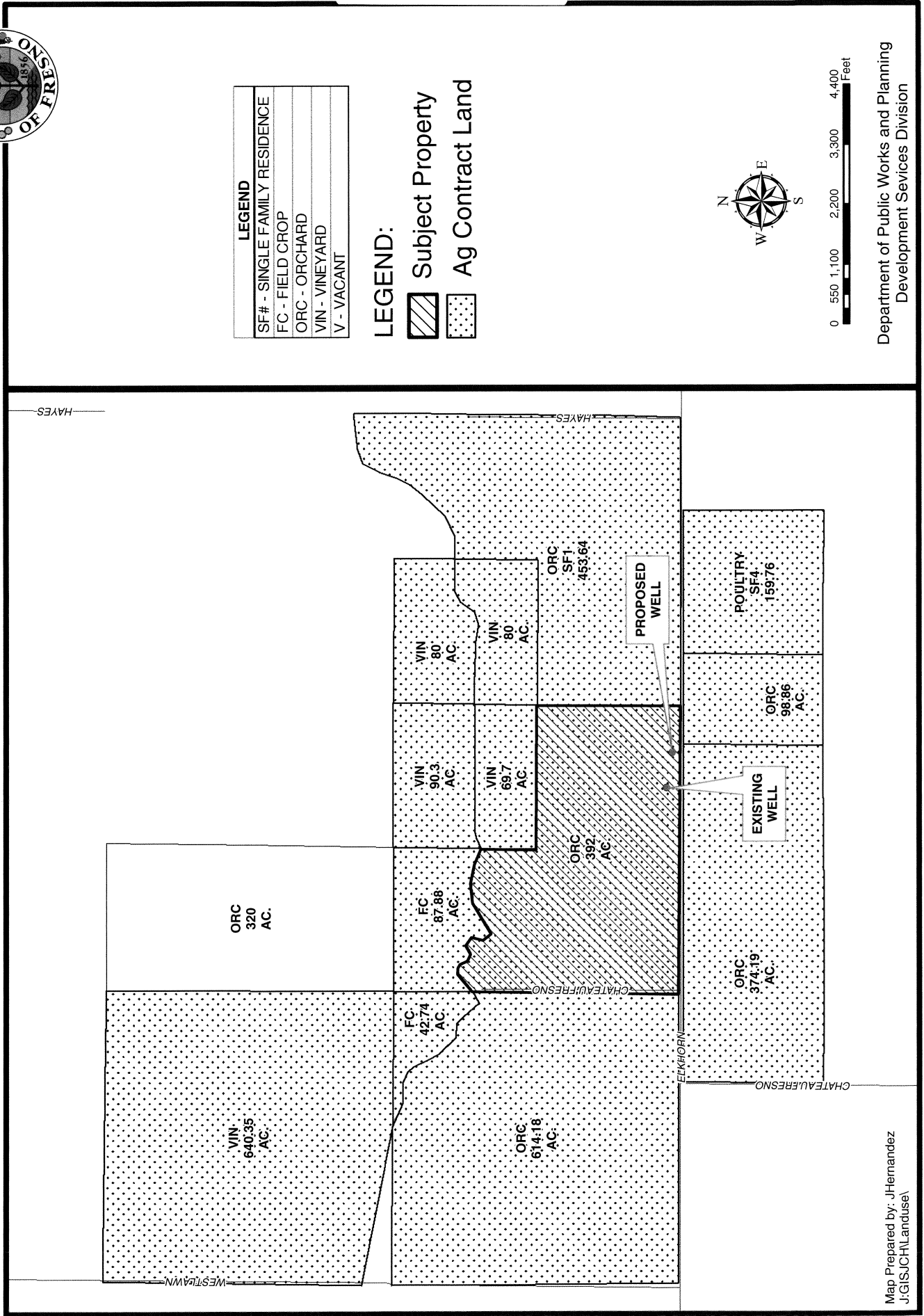


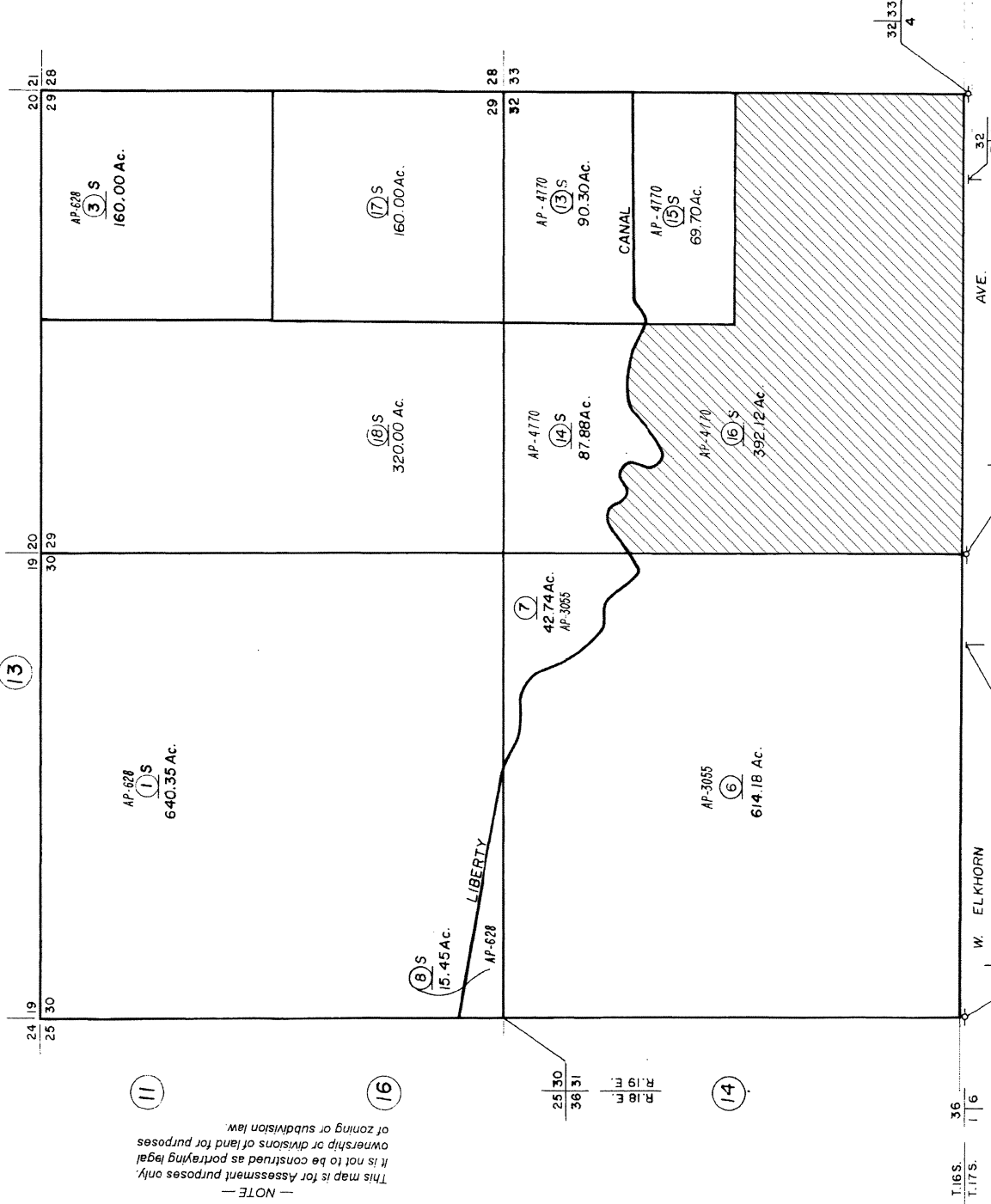
EXHIBIT 5

41-22

Tax Area  
170-00  
170-04



SEC'S 29, 30, 31, & 32, T.16S., R.19E., M.D.B.&M.



NOTE - This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 41 - Pg. 22  
County of Fresno, Calif.

Bk. 53

Agricultural Preserve

1964

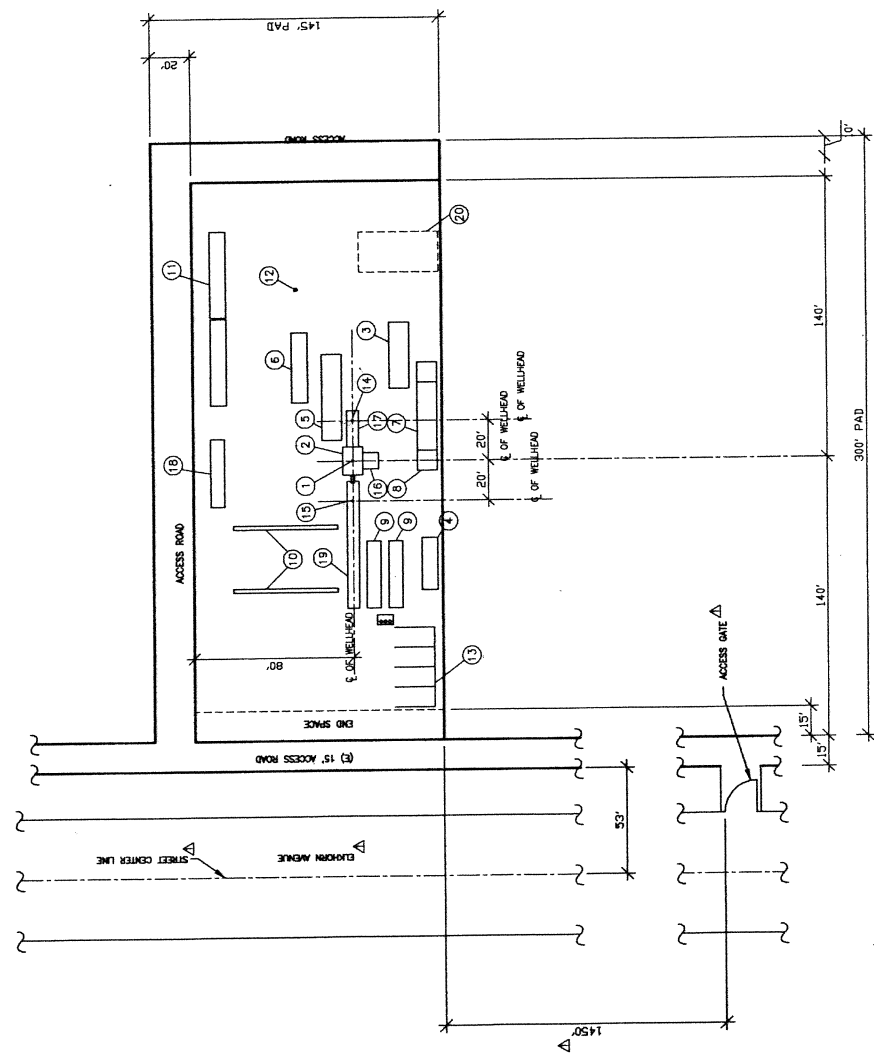


# EXHIBIT 6

LEASEE: THE TERMO COMPANY  
 OWNER: CHARANJIT BATHI FAMILY LTD.  
 PARTNERSHIP  
 WELL: PETERS #2-32  
 SECTION 32 T.16S. R.19E., MDBM  
 APN: 041-022-16S  
 RIVERDALE, CA  
 COUNTY OF FRESNO

**LEGEND**  
 (E) EXISTING  
 (N) NEW

- KEY**
- 1 PROPOSED OIL WELLHEAD LOCATION DH 2-32
  - 2 CELLAR 10' X 6' SQUARE X 6' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
  - 3 MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
  - 4 STANDBY PUMP, 8' WIDE X 28'-2" LONG
  - 5 GENERATOR, 10' WIDE X 42'-9" LONG
  - 6 WATER TANK, 8' WIDE X 35' LONG
  - 7 MUD TANK, 9'-4" WIDE X 40' LONG
  - 8 MUD DOCK, 8' WIDE X 33'-3" LONG
  - 9 PIPE BIN, 7' WIDE X 33'-8" LONG
  - 10 PIPE RACK
  - 11 FLUIDS TANK SYSTEM, 8' X 43', QTY-2
  - 12 (E) CLEARED, LEVEL SITE WITH DIRT BASE
  - 13 EMPLOYEE PARKING SPACE, 10' X 20', QTY (4)
  - 14 PROPOSED OIL WELLHEAD LOCATION DH 3-32
  - 15 PROPOSED OIL WELLHEAD LOCATION DH 4-32
  - 16 DRILLER'S HOUSE
  - 17 DRAWWORKS
  - 18 DOGHOUSE
  - 19 CATWALK
  - 20 SHORT TERM ACCOMMODATION TRAVEL TRAILERS PARKING



**SITE PLAN DETAIL "A"**  
 SCALE: 1"=80'

## PROPOSED EXPLORATORY OIL WELLS

sheet no. **A-2** of \_\_\_\_\_  
 job no. \_\_\_\_\_ date \_\_\_\_\_ dr. by \_\_\_\_\_  
 O.C. #1975 05-29-2013 J. JOHNSON  
 7/1-11/11/11 revisions

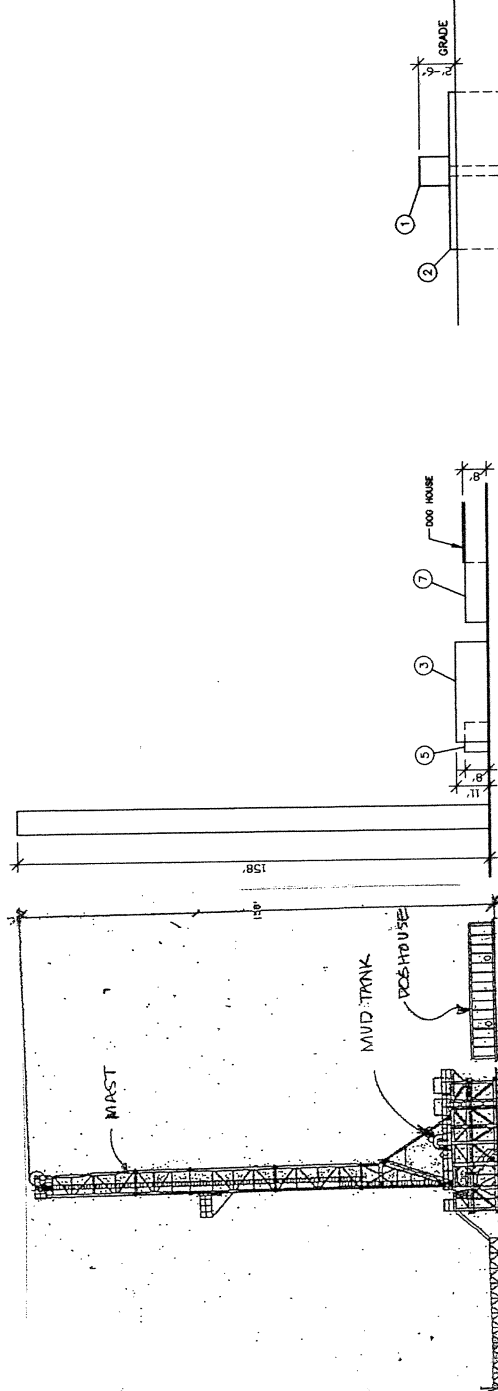
**SITE PLAN FOR**  
**PETERS #2-32**  
 FRESNO, CA

**THE DRAWING CENTER**  
 TEL: (559) 252-7155  
 FAX: (559) 522-7156  
 E-mail: drewing@drawingcenter.net  
 496 CLOVIS AVE., SUITE 1  
 CLOVIS, CA 95611

LEASEE: THE TERMO COMPANY  
 OWNER: CHARANJIT BAITH FAMILY LTD.  
 PARTNERSHIP  
 WELL: PETERS #2-32  
 SECTION 32 T.16S. R.19E., MDBM  
 APN: 041-022-16S  
 RIVERDALE, CA  
 COUNTY OF FRESNO

LEGEND  
 (E) EXISTING  
 (N) NEW

- KEY
- ① OIL WELLHEAD
  - ② CELLAR 10'-0" SQUARE X 6' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
  - ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
  - ④
  - ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
  - ⑥
  - ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
  - ⑧
  - ⑨
  - ⑩
  - ⑪
  - ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE



FRONT VIEW  
 RIG ELEVATION  
 SCALE: 1"=40'  
 EXPLORATORY OIL WELL

SIDE VIEW  
 RIG ELEVATION  
 SCALE: 1"=40'  
 EXPLORATORY OIL WELL

EXPLORATORY OR PRODUCTION  
 WELLHEAD ELEVATION  
 SCALE: 1/8"=1'-0"

THE DRAWING CENTER  
 456 CLOVIS AVE., SUITE 1  
 CLOVIS, CA 95612  
 TEL: (530) 222-7188  
 FAX: (530) 222-7186  
 E-mail: cec@thedrawingcenter.net

SITE PLAN FOR  
 PETERS #2-32  
 FRESNO COUNTY, CA

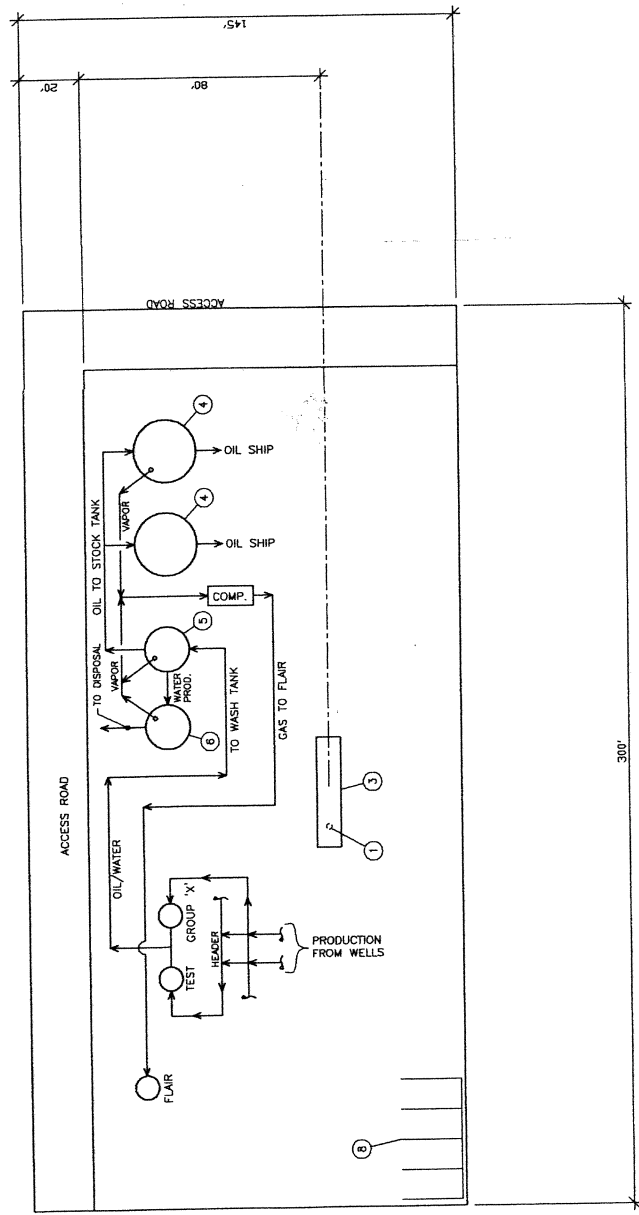
job no. D.C. 1875 7/1-12/2005	date 08-29-2015	dr. by J. JOHNSON
revisions		

sheet no.  
**A-3**  
 of \_\_\_\_\_

LEASEE: THE TERMO COMPANY  
 OWNER: CHARANJIT BATHI FAMILY LTD.  
 PARTNERSHIP  
 WELL: PETERS #2-32  
 SECTION 32 T.16S. R.19E., MDBM  
 APN: 041-022-16S  
 RIVERDALE, CA  
 COUNTY OF FRESNO

LEGEND  
 (E) EXISTING  
 (N) NEW

KEY  
 ① PRODUCTION OIL WELL LOCATION DH 2-32  
 ② THIS NUMBER NOT BEING USED  
 ③ (N) PUMPING UNIT FOR DH 2-32  
 ④ (N) 400 BBI OIL TANK, 12' X 20' HIGH  
 ⑤ (N) 500 BBI WASH TANK, 12' X 25' HIGH  
 ⑥ (N) 500 BBI WATER TANK, 12' X 25' HIGH  
 ⑦ THIS NUMBER NOT BEING USED  
 ⑧ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).



**THE DRAWING CENTER**  
 456 CLOVIS AVE, SUITE 1  
 CLOVIS, CA 95612  
 TEL: (549) 525-7145  
 FAX: (549) 525-7146  
 E-mail: drawing@thedrawingcenter.net

**SITE PLAN DETAIL "A"**  
 SCALE: 1"=40'  
**PROPOSED PRODUCTION OIL WELLS**

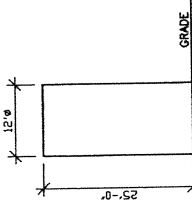
**SITE PLAN FOR**  
**PETERS #2-32**  
 FRESNO COUNTY, CA

job no. 17-18009  
 date 08-29-2015  
 revision  
 dr. by J. JOHNSON  
 sheet no. **A-4**  
 of \_\_\_\_\_

# EXHIBIT 7

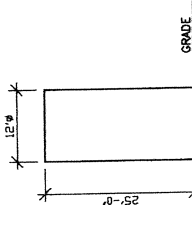
LEASEE: THE TERMO COMPANY  
 OWNER: CHARANJIT BATH FAMILY LTD.  
 PARTNERSHIP  
 WELL: PETERS #2-32  
 SECTION 32 T.16S. R.19E., MDBM  
 APN: 041-022-16S  
 RIVERDALE, CA  
 COUNTY OF FRESNO

LEGEND  
 (E) EXISTING  
 (N) NEW



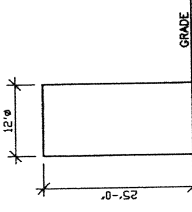
**PRODUCTION OIL TANK ELEVATION**

SCALE: 1"=20'



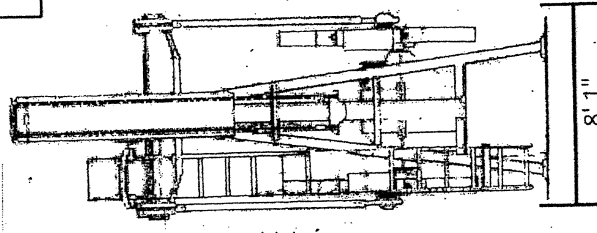
**PRODUCTION WASH TANK ELEVATION**

SCALE: 1"=20'



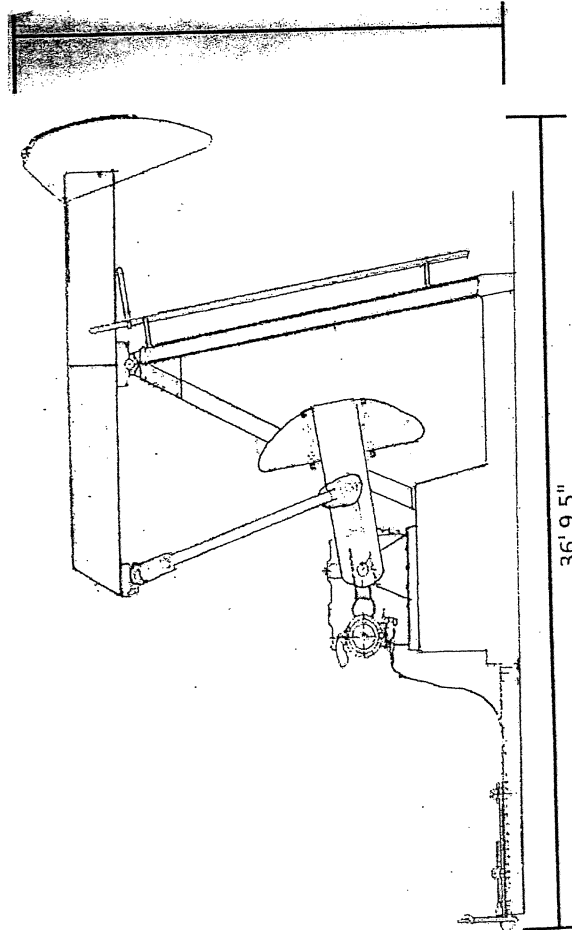
**PRODUCTION WATER TANK ELEVATION**

SCALE: 1"=20'



**PRODUCTION FRONT VIEW PUMPING UNIT**

SCALE: NONE



**PRODUCTION SIDE VIEW PUMPING UNIT**

SCALE: NONE

sheet no.  
**A-5**  
 of \_\_\_\_\_

job no.	date	dr. by
02-11-0000	08-28-2015	J. JOHNSON
revisions		

**SITE PLAN FOR PETERS #2-32**  
 FRESNO COUNTY, CA

**THE DRAWING CENTER**  
 496 CLOVIS AVE. SUITE 1  
 CLOVIS, CA 95612  
 (530) 225-7149  
 FAX (530) 225-7149  
 E-mail: [service@the-drawing.com](mailto:service@the-drawing.com)

## EXHIBIT 8

The Termo Company “Applicant”  
Oil Well Project  
**Operational Statement**

The proposed project includes drilling an exploratory oil and natural gas well called the Peters 2-32, to a depth of approximately 7,000 feet, on a 0.98 acre, level earthen drilling pad (the “drill site”). If drilling is successful, the applicant proposes to construct production facilities to process the oil and gas production. If oil or gas production and economics warrant, two or more wells, the Peters 3-32 and Peters 4-32, may be drilled from the same drill site using directional drilling techniques. If either well is completed as a producer it would use the same production facilities and oil and water storage tanks.

The proposed project’s purpose is to develop additional oil and natural gas reserves for the State of California. The objective of the proposed project is to locate possible untapped oil and/or natural gas resources with the potential for drilling additional wells from the drill site.

If the initial test well is not successful, the Applicant may or may not elect to drill the second or third test well. In the event that one or all of the wells are not successful, the production facility phase will be cancelled and the well or wells would be plugged and abandoned in compliance with the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations. The drill site and any newly built access roads would then be restored to their original condition as nearly as practical, or to a condition matching current usage.

The proposed project is located approximately 3.5 miles east of the unincorporated community of Burrel in 40 acres of the southeast quarter of the southeast quarter of Section 32, Township 16 South, Range 19 East, MDBM (APN: 041-022-16). The location of the proposed drill site and the proposed bottom hole locations are identified on the attached vicinity and location map.

Access to the location will be from Highway 41, west on Elkhorn Avenue, and then west on an access road to the drill site. Gravel and sand may be used to surface the access road if necessary. Access to the site is shown on the attached location map.

The proposed drill site will encompass an area not greater than 141 feet by 300 feet (approximately 0.98 acres). Photographs representative of the proposed project areas are attached.

The proposed project includes three phases: (1) a site preparation phase, (2) a drilling and testing phase, and (3) a production phase. A description of each phase of the operation is provided below. An additional phase (4), a subsequent well drilling and testing phase would occur if the second and/or third well is drilled.

### Site Preparation Phase

The drill site boundaries will be clearly delineated to ensure all activities are confined to the project site. The proposed drill site will be cleared of vegetation, and the drill pad will be graded to level an area not greater than 0.98 acres in size. Gravel may be used to improve the surface of the access road to the drill site and on the drill site work areas.

## Site Preparation Phase cont.

The Applicant estimates that up to five (5) days will be needed to prepare the access road and the drill site. Approximately 3 to 5 contractors and employees will be onsite during the site preparation phase. Contractors or employees will operate heavy equipment needed to grade and level the drill site.

Construction related equipment operated onsite during this phase will include a crane, dozer, front end loader, grader/scrapper, roller, and water truck.

Site preparation activities will be conducted during daylight hours and will not produce glare.

Emissions resulting from the operation of diesel powered construction equipment may produce odors. However, these activities are short term and should not exceed five (5) days.

Site preparation activities may produce dust. The applicant proposes the following to minimize dust during site preparation:

- Water all active road and construction area as needed to reduce or eliminate dust from traffic and construction.
- Cover all trucks hauling soil, sand or other loose materials or require all trucks to maintain at least two feet of freeboard.

Operation of construction related equipment will generate noise. The United States Environmental Protection Agency has found that the noisiest equipment types operating at construction sites typically range from 88 dBA to 101 dBA at a distance of 50 feet. The following table lists noise levels typically generated by construction equipment that may be used during the Site Preparation Phase.

### NOISE LEVELS GENERATED BY CONSTRUCTION EQUIPMENT

Type of Equipment	Typical Sound Level (dBA at 50 feet)
Generator	76
Air Compressor	81
Pneumatic Tools	85
Backhoe	85
Excavator	86
Dozer	87
Front-End Loader	88
Dump Truck	88
Scrapper	88

Based on sound levels presented in the above table, equipment associated with the construction of the drill site could produce noise levels in excess of 88 dBA at a distance of 50 feet from the proposed drill site. However, the nearest residence is located approximately 2,975 feet east from the proposed project site. Using an attenuation algorithm of 6 dBA per doubling of distance, (accepted technical standard) maximum outdoor noise levels are expected to be well below 52.51 dBA to non-existent at the nearest residence.

No solid or liquid wastes will be generated during the site preparation phase. No outdoor lighting or outdoor sound amplification system will be used during the site preparation phase.

## Drilling and Testing Phase:

The drilling and testing phase of the project will require approximately 30 to 35 truck trips to mobilize the drilling rig and associated equipment to the drill site. An additional 10 to 15 trucks will be required to transport supplies and service contractor equipment to the site and not more than 5 short term accommodation travel trailers will be set up on the site during drilling and completion operations. It is anticipated that not more than 2 hydraulic cranes will also be transported to the site to set up the drilling rig, raise the drilling mast and set the associated drilling equipment and supplies. After a well is drilled, and the well is either completed or abandoned, the drilling rig is promptly disassembled and removed from the drill site.

Drilling operations for each well will be conducted 24 hours per day for an anticipated period of 15 to 21 days per well. Approximately 5 to 15 personnel will be on site at any given time during drilling operations.

Approximately 3 to 5 truck trips per day will be required to support drilling operations. All drilling and production testing equipment (i.e., drilling rig, mud pumps, mud system equipment, portable water tanks, waste tanks, fuel tanks, portable toilets, pipe racks, and pipe baskets, etc.) will be temporarily installed and contained within the proposed drill site. Drilling equipment is identified on the drill site plot plan included with this application. An above ground portable fluids tank system will be used for drilling and completion operations. All drilling fluids and earthen cuttings will be contained within the tank system.

The estimated volume of cuttings and/or drilling fluids generated per day is approximately 5,000 gallons. Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

No hazardous materials (as classified by state and county regulatory definitions) will be used in the drilling fluid system. All drilled cuttings will be separated from the mud system, de-watered and stored on the location until drilling is completed. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. Liquid waste will be transported to a licensed disposal facility at the end of the Drilling and Testing Phase.

Approximately 10,500 gallons of water per day will be required during drilling operations. Water will be purchased from a private commercial supplier and trucked to the drill site. Bottled water will be purchased and transported onsite for human consumption.

Temporary directional lighting will be used during drilling and completion operations but lighting is not required for the production facility. Directional lighting is used to minimize impacts of lighting to nocturnal animals

Well drilling, testing, completion and production activities will not produce glare.

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature.

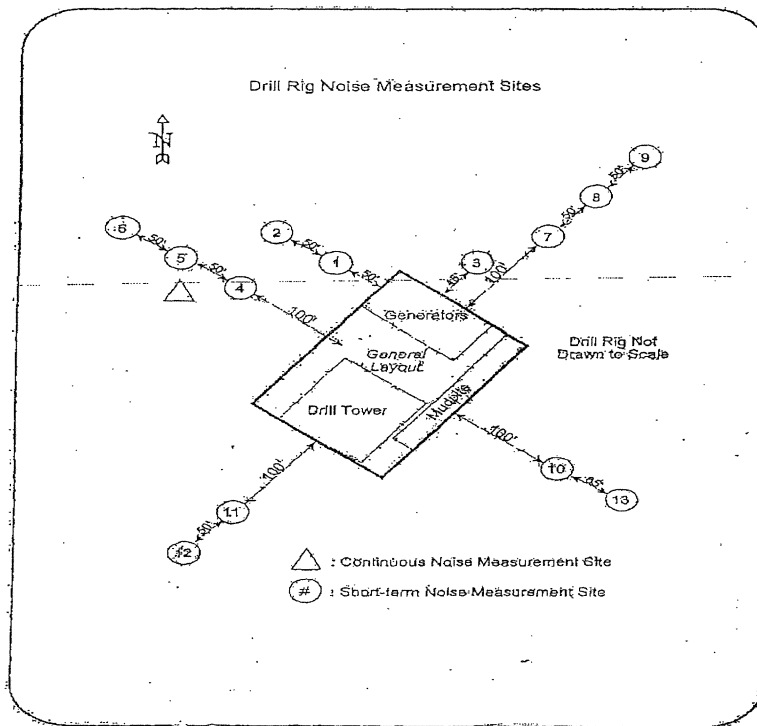
Vehicle trips to the site may produce dust. The Applicant will incorporate the same operational procedures identified in the Site Preparation Phase to minimize the generation of dust.

Drilling and Testing Phase (cont.):

Short-term noise increases would be anticipated on and around the project site during the Drilling and Testing Phase. These activities would last for approximately one to three weeks depending upon the time necessary to actually drill and test the well(s) using the temporary drilling rig.

In order to quantify the noise generated by a drilling rig, drilling companies have conducted noise level measurement surveys. These surveys include noise level measurements at numerous locations surrounding the drilling rig during normal operating conditions. Field observations indicate that there are a number of noise sources associated with drilling rig operations including power generators, mud pumps, and the derrick (labeled as the drill tower in the diagram) itself. However, of all these noise sources, the generators were identified as the dominant noise-producing component. The results of the survey are presented in the following table.

Monitoring locations are shown in the following figure 1





Drilling and Testing Phase (cont.):

<b>Drilling Rig Noise Level Measurement Data</b>		
<b>Site #</b>	<b>Description</b>	<b>Measured Leq (dB)</b>
1	50' northwest of generators fans	91
2	100' northwest generators fans	83
3	45' northeast of generators	80
4	100' northwest of facility	85
5	150' northwest of facility	80
6	200' northwest of facility	76
7	100' northeast of facility	66
8	150' northeast of facility	64
9	200' northeast of facility	62
10	100' southeast of facility	71
11	100' southwest of facility	69
12	150' southwest of facility	67
13	165' southeast of facility	67
Figure 1 shows the location of these noise measurement sites		

In addition to the short-term noise level measurement survey, continuous hourly noise level monitoring was performed. The purpose of this monitoring was to quantify drilling rig related noise levels over a 24-hour period, and to identify periods of increased noise level generation. The results of this monitoring are shown numerically in the following table. It should be noted that the recording unit was located approximately 135 feet from the generator fans, the major-noise producing component of the drilling rig.

<b>Statistical Summary of Ambient Noise Measurement Results</b>					
<b>Location</b>	<b>Daytime (7a.m.-10p.m)</b>		<b>Nighttime (10p.m-7a.m)</b>		<b>CNEL</b>
	<b>Average (Leq)</b>	<b>Maximum (Lmax)</b>	<b>Average (Leq)</b>	<b>Maximum (Lmax)</b>	
In vicinity of residences nearest to the project site	35	52	37	54	44

Based on sound levels presented in above table, equipment associated with drilling operations could produce noise levels in excess of 79 dBA at a distance of 135 feet from the proposed drill site. However; the nearest residence is located approximately 2,795 feet east of the proposed project site. Based on an attenuation algorithm of 6 dBA per doubling of distance, maximum outdoor noise levels are expected to be well below 52.14 dBA to non-existent at this residence.

## Production Phase

If economic quantities of oil and/or natural gas are discovered in the initial or subsequent test wells, the well will be completed and production facilities will be installed. The entire drill site area will be maintained to facilitate the drilling of a second and or third exploratory test well, if the Applicant chooses. After the drilling of the second and or third test well, any portion of drill site not required by the Applicant will be returned to natural grade and restored to the same condition previous to the proponent's activity.

Production facilities will include a well head, oil and water heater/separator, a dehydrator, a pump jack, pipeline to onsite tanks, produced oil and water storage tanks. A copy of the production site plot plan and the oil production unit schematic are attached. The Applicant will construct production tanks and facilities to minimize impact to the environment. The Applicant will contact local Fire Authority concerning construction and installation requirements for the aboveground storage tanks.

Operation of production equipment could result in long-term noise. The primary source of noise associated with operating production equipment is from the pump jack, including its electric motor. Use of a natural gas compressor may be required, depending on the pressure of the produced natural gas. Accordingly, until the well pressure is tested, the need for compression at the well site cannot be determined. Likewise a well that does not require compression early in its life cycle may require compression at some later point in time.

Noise levels recorded at the production drill site are presented in the following table:

### **Oil Well Measurement Results**

<b>Site #</b>	<b>Distance</b>	<b>Location</b>	<b>Comments</b>	<b>Sound Level, Leq (dBA)</b>
1	1'	Pump Jack	Noise source was primarily engine noise	78.2
2	50'	50-feet from site	Noise source was operations of well site	69.7
3	100'	100-feet from site	Noise source was operations of well site	63.5
4	200'	200-feet from site	Noise source was operations of well site	56.3
5	700'	700 feet from site	Primary source included well site, distant traffic	46.6
6	3,635'	Nearest Residence	Well barely audible. Primary noise distant traffic	32.77

Based on sound levels presented in the above Table, equipment associated with long-term oil production operations could produce maximum noise levels of 70 dBA at a distance of 50 feet from the proposed production facility. As previously stated, the nearest residence is located approximately 2,795 feet northwest of the proposed project site. Based on an attenuation algorithm of 6 dBA per doubling of distance, maximum outdoor noise levels are expected to be less than 34.51 dBA at this residence.

## Production Phase Cont.

The Applicant proposes to use non-reflective production equipment.

Approximately 6 to 10 personnel will be required to operate equipment and install the proposed permanent production facility. Approximately 10 to 15 days will be required for installation of the permanent production equipment.

Emissions resulting from the operation of construction equipment used to install the production facility may produce odors. However, these activities are very short term and temporary in nature.

Vehicle trips to the site during construction of the production facility may produce dust. The Applicant proposes to incorporate the same operational procedures identified in the Site Preparation Phase to minimize the generation of dust.

Produced oil and natural gas will be metered for sales and the production facility will be inspected on a daily basis. Produced oils and by-products including production water and natural gas condensates will be stored temporarily in 400 barrel capacity storage tanks that are approximately 12 feet in diameter and 25 feet in height. By-products will be periodically transported from the facility by truck for offsite disposal and/or recycling at an applicable licensed facility.

The production plant will not generate hazardous waste as defined by Title 22, Division 4.5, Chapter 11, but all hazardous waste that is created will be handled in accordance with both county and state requirements and will be disposed of in a licensed facility by licensed handlers.

Typically a maximum of one truck trip per day will be required to inspect the well during the producing life of the well(s). Not more than three (3) tanker trucks twice a week will be required to transport oil off site. At least four employee parking places will be provided on the drill site

It is sometimes necessary to bring in a daylight workover rig for downhole repairs during the production life of a well. The rig and all associated equipment will be contained within the boundaries of the well site and the average workover rig height is less than 100 feet

No night lighting will be required for the production facility. Fencing maybe installed to secure the production facility

At the end of the well(s) economic life (defined as sufficient production to pay for operating expenses), the well(s) will be plugged and abandoned according to the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations. The site will be cleared of all equipment and returned to its previous conditions as nearly as practical.

## EXHIBIT 9



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** The Termo Company
- APPLICATION NOS.:** Initial Study Application No. 7058 and Unclassified Conditional Use Application No. 3520
- DESCRIPTION:** Allow an exploratory petroleum oil and natural gas well with the possibility of a production facility on a 0.98-acre portion of a 392-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject parcel is located on the north side of W. Elkhorn Avenue, between S. Chateau-Fresno and S. Cornelia Avenue, approximately 3.1 miles east of the unincorporated community of Burrel (SUP. DIST.: 4) (APN: 041-220-16S).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

**FINDING:** LESS THAN SIGNIFICANT IMPACT:

This proposal entails the drilling of an exploratory petroleum oil and natural gas well on a 0.98-acre (42,300 square-foot) portion of a 392-acre parcel. The proposed oil and gas well would be located on a level earthen drilling pad (the "drill site"), which would be cleared of vegetation and graded. If oil and gas production and economics warrant, two more wells may be drilled from the same site utilizing directional drilling techniques and a production facility will be established to process oil and gas. Part of this establishment involves temporary on-site storage of oil and natural gas condensates and transporting them off site via tanker trucks. If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

Improvements to be utilized for the proposed exploratory oil and natural gas well include: 158-foot-tall drilling rig, 236 square-foot pipe bin, 266 square-foot mud dock, 373 square-

foot mud tank, 280 square-foot water tank, two 344 square-foot fluid tank systems, pipe rack, diesel-powered generator, doghouse (driller's office); four employee parking spaces; and travel trailer for accommodation.

Production facilities, in the event that production is commenced, include: Well heads; up to three 29.3-foot-tall pumping units; on-site piping to connect pumping units to production facilities; oil and water heater/separator; dehydrator unit; two 20-foot tall oil storage tanks; 25-foot tall wash tank; 25-foot tall water tank; and four employee parking spaces.

The subject parcel currently contains almond orchards and a 1.03-acre drilling pad approximately 645 feet from the proposed drill site where three previously approved exploratory oil and gas wells are in the process of being developed. The surrounding area consists of farmland marked by large parcel sizes and a few single-family homes. The closest single-family home is approximately 3,600 feet east of the drill site. The unincorporated Communities of Burrel and Caruthers are located approximately 3.1 miles west of and five miles northeast of the subject parcel, respectively. State Route 41 is approximately seven miles to the east. The parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the vicinity of the proposal. The project may permanently install limited, low-height, above-ground structures (up to three 29.3-foot-tall pump jacks and four 20 to 25-foot-tall storage tanks) on the property as part of production facilities if oil is found. This will not significantly change the existing visual character of the site and its surroundings.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal will utilize temporary directional lighting during drilling operations which has the potential of generating new sources of light and glare in the area. However, the impacts related to light and glare within the area are not expected to be significant in that all lighting will be required to be hooded and directed down toward the base of the drilling rig so as to not shine toward adjacent properties and on public streets. Lighting and marking of the drilling tower is also required in order to reduce potential conflicts with nighttime aerial application of herbicides and pesticides on adjacent agricultural lands. These requirements will be included as Mitigation Measures.

As discussed above, a separate drilling pad with three exploratory oil and gas wells located on a different portion of the subject parcel was previously approved and is in the process of being developed. The Mitigation Measures here are consistent with those for the previously approved exploratory well site.

\* **Mitigation Measures**

1. *All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.*

2. *All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.*
3. *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.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is classified as Prime Farmland and Farmland of Statewide Importance on the Fresno County Important Farmland Map (2010), and is enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 4770. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, exploratory oil wells are a compatible use on property subject to Williamson Act Contracts; the Applicant submitted a signed Statement of Intended Use on October 27, 2015. The project is not located in an area of forest land.

Although this proposal will preclude the agricultural cultivation of approximately 0.98 acres of farmland, this loss of farmland is less than significant considering that the subject parcel will still contain approximately 390 acres of land available for agricultural use. Additionally, if production facilities are established, any unused portion of the drill site will be put back into farming operation. Furthermore, a Mitigation Measure will require that upon cessation of operations the project site shall be returned to its original condition (farmland).

\* **Mitigation Measure**

1. *When drilling operations are completed, the Applicant shall return the project site (as much as practical) to its original condition within 90 days of termination of the drilling operations and remove all drilling equipment.*

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was reviewed by the San Joaquin Valley Air Pollution Control District (Air District), which referred to comments that had been issued for a previous oil and gas well project on the subject parcel. According to the Air District, the project-specific emissions of criteria pollutants are not expected to exceed the District significance threshold of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project is subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules) and Rule 2280 (Portable Equipment Registration) requiring all portable emission units (including drilling rigs) to be registered with the California Air Resource Board (CARB) or with the Air District. Compliance with Air District Rules will reduce air quality impacts of the subject proposal to a less than significant level.

### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The subject parcel is located in an agricultural area and has been previously disturbed as the property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have also been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not identify any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; and 4) the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or use of native wildlife nursery sites. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

**V. CULTURAL RESOURCES**

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project site is located in an area designated to be moderately sensitive for archeological resources. Therefore, a mitigation measure would require that 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 contacted 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

\* **Mitigation Measure**

1. *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.*

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

The area is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the project will be subject to the Seismic Design Category C Standards.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is flat, and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, excavations for wells or trenches for utilities, and exploratory excavations

performed under the direction of a registered design professional are exempted work and a Grading Permit is not required per Fresno County Ordinance Code. However, in instances where a Grading Permit is not required, but where there may be an impact on surrounding properties, a Grading Voucher may be required. This will be included as a Project Note.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

This proposal does not entail the utilization of any on-site septic system. Portable toilets will be utilized for the project and the associated waste will be removed from the project site and disposed of at an appropriate facility.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and expressed no concerns with greenhouse gas emissions. Compliance with the Air District Rules discussed in Section III (Air Quality) of this analysis will reduce air quality impacts of the subject proposal to a less than significant level.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or

- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Environmental Health Division of the Fresno County Department of Public Health review of the project, the Applicant shall be required to complete a Hazardous Materials Business Plan submittal prior to commencing operations, and shall handle all hazardous waste in accordance with 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. Additionally, a Spill Prevention Control and Countermeasure Plan (SPCC) shall be required for above-ground petroleum storage tanks with an aggregate storage capacity equal to or greater than 1,320 gallons. Adherence to these requirements will reduce potential impacts to a less than significant level in regard to the handling and accidental release of hazardous materials.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

There are no schools located within one quarter-mile of the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites are located within the boundaries of the subject parcel.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or within two miles of a public or private use airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not located within a wildland area.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR), applicants for oil and gas development projects shall submit detailed drilling proposals to DOGGR in order to obtain specific drilling requirements for their projects. This requirement, as well as a standard DOGGR requirement for all hazardous and non-hazardous wastes and materials generated by the exploratory well drilling operation to be hauled off to an approved waste disposal facility, will be included as a Project Note.

The California Regional Water Quality Control Board (RWQCB) has consistently commented that the requirement to file a Report of Waste Discharge with said agency for the temporary discharge of drilling muds/boring wastes to an unlined sump may be waived subject to the following criteria: a) drilling mud can remain in a sump only if the discharger can demonstrate the mud is non-hazardous and does not contain halogenated solvents; b) drilling mud must first be dried (fluids removed), then the site must be restored to pre-sump conditions within 60 days of well completion or abandonment, and the backfilled sump must be covered with at least one foot of clean soil; and c) the sump must be greater than 100 feet from the nearest surface water and the bottom of the sump must be at least five feet above the highest groundwater elevation. Additionally, if the exploratory well becomes commercially productive, the Applicant shall identify an acceptable method for the disposal of water produced by operations. As such, the Applicant shall be required to contact RWQCB for any permits needed for drilling fluid disposal prior to commencing operations.

Based on the above, the project will comply with applicable water quality and waste discharge standards, and any impacts on water quality will be less than significant.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity, as the subject parcel is not located in a water-short area and no use of on-site groundwater is proposed. The Applicant will truck water to the project site for operational purposes and bottled water will be provided to employees for consumption.

The Environmental Health Division of the Fresno County Department of Public Health commented that in an effort to protect groundwater all abandoned water wells (not intended for use or future use) within the project area shall be properly destroyed by an appropriately licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil, and 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 accordance with federal, state and local government requirements.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

The project will not alter any existing drainage patterns and no streams or rivers are located near the subject parcel.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. B Geology and Soils.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

No additional water quality impacts were identified in the project analysis.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this project.

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to the FEMA FIRM Panel 2875H, the subject property is not subject to flooding from the 100-year storm.

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject parcel is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located approximately 3.1 miles west of the unincorporated Community of Burrel.

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the Fresno County General Plan. The Agriculture and Land Use Element of the General Plan lists mineral extraction and oil and gas development as non-agricultural uses permitted in areas designated Agriculture, subject to Policies listed in Section OS-C of the General Plan.

General Plan Policy LU-A.4 requires that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element. Policy OS-C.13 requires a special permit for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses. In this instance, the subject discretionary land use application (Conditional Use Permit Application No. 3520) satisfies this Policy OS-C.13. Policy OS-C.17 requires timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan. For this project, as discussed in Section II of this analysis, a Mitigation Measure has been included requiring the Applicant to remove all drilling equipment and return the project site to its original condition within 90 days of terminating drilling operations.

Policy OS-C.20 requires no human occupancy to be located near any active petroleum or natural gas well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District, and Policy HS-B.1 requires that the County identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property. In this instance, the nearest dwelling unit is located approximately 3,600 feet northwest of the drilling site, which is a distance sufficient to comply with the General Plan. Further, the Fresno County Fire Protection reviewed this proposal and expressed no concerns with the project.

Policy HS-F.1 require that facilities which handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations. Policy HS-F.2 requires that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage. Policy HS-F.3 requires that the County, through its Hazardous Materials Incident Response Plan, shall coordinate and cooperate with emergency response agencies to ensure adequate countywide response to hazardous materials incidents. As discussed in Section VIII of this analysis, the Environmental Health Division of the Fresno County Department of Public Health reviewed the project and noted applicable health and safety standards but otherwise expressed no concerns of potential impacts regarding the project.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This project will not conflict with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or

- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Section 8.40.060 of the Fresno County Noise Ordinance specifically exempts noise sources from activities associated with the drilling of petroleum, oil, gas, or water wells from the Noise Ordinance. While the project has the potential to create additional noise in the area, the project area is primarily agricultural with few residences and significant distance between properties, which reduces the potential for impact from noise. Further, comments from the Environmental Health Division of the Fresno County Department of Public Health did not identify any specific concerns regarding noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The subject parcel is not located in the vicinity of a public airport or private airstrip, and is not impacted by airport noise.

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:



1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District reviewed this proposal and expressed no concerns with the project.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

#### XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

#### XVI. TRANSPORTATION/TRAFFIC

A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or

B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

The subject parcel is located on the north side of W. Elkhorn Avenue between S. Chateau-Fresno and S. Cornelia Avenue. Access to the drill site will be provided via a proposed 20-foot-wide access road off of Elkhorn Avenue. According to comments from the Fresno County Development Engineering Section, Elkhorn Avenue is a County-maintained local road with an ADT of 1200 and is in very good condition.

The Applicant's Operational Statement states that approximately 60 to 70 one-way truck trips (30 to 35 round trips) will be generated during the mobilization of a drilling rig and associated equipment to the site. Additionally, 20 to 30 daily one-way truck trips (10 to

15 daily roundtrips) will be generated to transport supplies and service contractor equipment to the site. The drilling operations will be supported by 5 to 15 personnel at any given time and will run 24 hours a day for 15 to 21 days.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which did not express any concerns regarding the carrying capacities of the adjacent roadways nor require a Traffic Impact Study for the project. It was noted that access to Elkhorn Avenue (upon the ultimate buildout) will be limited to right in and right out, and that the Applicant should ensure that the placement of the access point and the required setback of the access road is compliant with County standards.

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which did not identify any concerns regarding increased traffic hazards or emergency access. According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the previously-approved oil and gas project at the project site included requirements that the Applicant mitigate any potential for sediment track-out onto County-maintained roads, and also minimize creation of potential dust nuisance by requiring that all unpaved access and circulation areas be treated with a dust palliative, as necessary, during construction of the proposed project. With the subject project, the Applicant has incorporated these measures as part of the project's Operational Statement. Based on the inclusion of these measures, any impacts are anticipated to be less than significant.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.

## XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. B. Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal, or eliminate important examples of the major periods of California prehistory or history?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant.

B. Does the project have impacts that are individually limited, but cumulatively considerable?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The proposed exploratory petroleum oil and natural gas wells will adhere to permitting requirements, rules and regulations set forth by the San Joaquin Valley Air Pollution Control District, the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR), and the California Regional Water Quality Control Board (RWQCB). No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Agricultural and Forestry Resources and Cultural Resources which will be addressed with the Mitigation Measures discussed in Section I (Aesthetics), Section II (Agricultural and Forestry Resources), and Section V (Cultural Resources).

C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

**FINDING: NO IMPACT:**

No substantial adverse impacts on human beings were identified in the project analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3520, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, or Recreation.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Aesthetics, Agricultural and Forestry Resources, and Cultural Resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration/Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare

Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

DB

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 6991</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Daniel Brannick, Planner	Area Code: 559	Telephone Number: 600-4297	Extension: N/A
Applicant (Name): The Termo Company	Project Title: Conditional Use Permit Application No. 3520		
Project Description: Allow an exploratory oil and natural gas well with processing facilities on a 392-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Conditional Use Permit Application No. 3520, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, or Recreation.  Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation and Traffic, and Utilities and Services have been determined to be less than significant.  Potential impacts to Aesthetics, Agricultural and Forestry Resources, and Cultural Resources have been determined to be less than significant with the identified Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – January 29, 2016		Review Date Deadline: Planning Commission – March 3, 2016	
Date: January 25, 2016	Type or Print Signature: Eric VonBerg Senior Planner	Submitted by (Signature): Daniel Brannick Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

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