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Inter Office Memo

DATE: March 3, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12559 - INITIAL STUDY APPLICATION NO. 7058 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3520

APPLICANT: The Termo Company

OWNER: Charanjit S. Batth Family LP

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of March 3, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

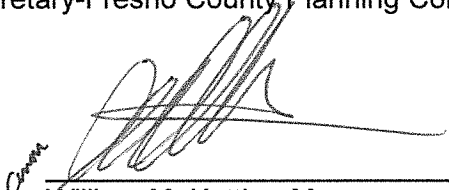
A motion was made by Commissioner Chatha and seconded by Commissioner Abrahamian to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3520, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12559

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Abrahamian, Egan, Eubanks, Mendes, Woolf, Zadourian
	No:	None
	Absent:	Commissioners Borba, Lawson
	Abstain:	None

BERNARD JIMENEZ, INTERIM DIRECTOR
 Department of Public Works and Planning
 Secretary-Fresno County Planning Commission

By:  _____
 William M. Kettler, Manager
 Development Services Division

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- NOTE:
1. The Commission's action is final unless an appeal is filed with the Clerk to the Board of Supervisors within 15 days of the Planning Commission's decision.
 2. The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7058
Unclassified Conditional Use Permit Application No. 3520

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 3, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He offered the following additional information to clarify details of the project and the intended use:
- Up to three exploratory wells would be drilled at the project site, and any or all of the three wells could eventually become production wells.
 - The mineral rights in the project area are owned by a variety of owners, including some who reside outside of California.
 - Prior to the Applicant's filing of the subject Conditional Use Permit Application, the mineral rights owners formed a mineral rights sharing agreement to govern extractions from the proposed oil and gas well.
 - The initial exploratory oil and gas well would utilize vertical drilling, and subsequent exploratory wells may utilize vertical drilling or diagonal drilling.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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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)

EXHIBIT B

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*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
Conditions of Approval					
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 required Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	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.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

March 21, 2016

The Termo Company
3275 Cherry Avenue
Long Beach CA 90807

Dear Applicant:

Subject: Resolution No. 12559 - Initial Study Application No. 7058 and Unclassified
Conditional Use Permit Application No. 3520

On March 3, 2016, the Fresno County Planning Commission approved your application with
Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

If you have any questions regarding the information in this letter please contact me at
dbrannick@co.fresno.ca.us or 559-600-4297.

Sincerely,

Daniel Brannick, Planner
Development Services Division

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Enclosure