



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@fresnocountyca.gov
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA June 27, 2019

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

1. **UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3568 – FIRST ONE-YEAR TIME EXTENSION** filed by **CLAYTON LUDINGTON**, proposing to grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3568, which authorizes three exploratory petroleum oil and natural gas wells with the potential for a production facility on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southwest corner of W. Harlan and S. Lake Avenues approximately 1.9 miles northwest of the unincorporated community of Five Points (SUP. DIST. 1) (APN 050-080-10S).

NOTE: *The sole purpose of the public hearing for this item is to address the time extension request.*

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7439** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3607** filed by **FOREFRONT POWER**, proposing to allow a 5 megawatt solar photovoltaic power generation facility with related improvements on an approximately 47-acre parcel of an 88-acre parcel (Exclusive Agricultural, 20-acre minimum parcel size) in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the east side of the parcel, approximately 0.4 miles northeast of its intersection with Hill City Road, and is approximately 0.4 miles north of the northeast corner of the City of Fresno.

DELETED



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 June 27, 2019

SUBJECT: Unclassified Conditional Use Permit No. 3568 – First One-Year Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3568, which authorizes three exploratory petroleum oil and natural gas wells with the potential for a production facility on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

OWNER David Britz
APPLICANT: Clayton Ludington

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit No. 3568; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated May 18, 2017
5. Applicant's correspondence requesting a first one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 7265 was adopted by the Fresno County Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Unclassified Conditional Use Permit (CUP) No. 3568 on May 18, 2017.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 2 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original

time limitation. The request for extension must be filed prior to the expiration of the Conditional Use Permit.

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) No. 3568 was approved by the Planning Commission on May 18, 2017 and became effective 15 days later, as prescribed by law.

The Applicant filed the subject time extension request on April 26, 2019, within the time limit noted above. If this first time extension is granted approval, the Applicant will have until May 18, 2020 to achieve substantial development of the project.

ANALYSIS/DISCUSSION:

As noted above, Unclassified Conditional Use Permit (CUP) No. 3568 was approved by the Planning Commission on May 18, 2017, based on a determination that the required Findings could be made. A copy of the original Staff Report and the Planning Commission's Approval dated May 18, 2017 (Exhibit 4) is attached.

According to the Applicant's letter describing the Time Extension request (Exhibit 5), more time is needed to evaluate the geological and reservoir characteristics of the Five Points area and to acquire the necessary state drilling permits to drill additional oil and gas wells.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. The Planning Commission's jurisdiction in evaluating this request is limited to determining whether the Applicant should be granted an additional year to exercise the Unclassified Conditional Use Permit as approved.

This time extension application was routed to all the agencies who reviewed the original project in 2017. None of those agencies identified any change in circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the first one-year Time Extension for Unclassified Conditional Use Permit No. 3568 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to May 18, 2020.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit No. 3568; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

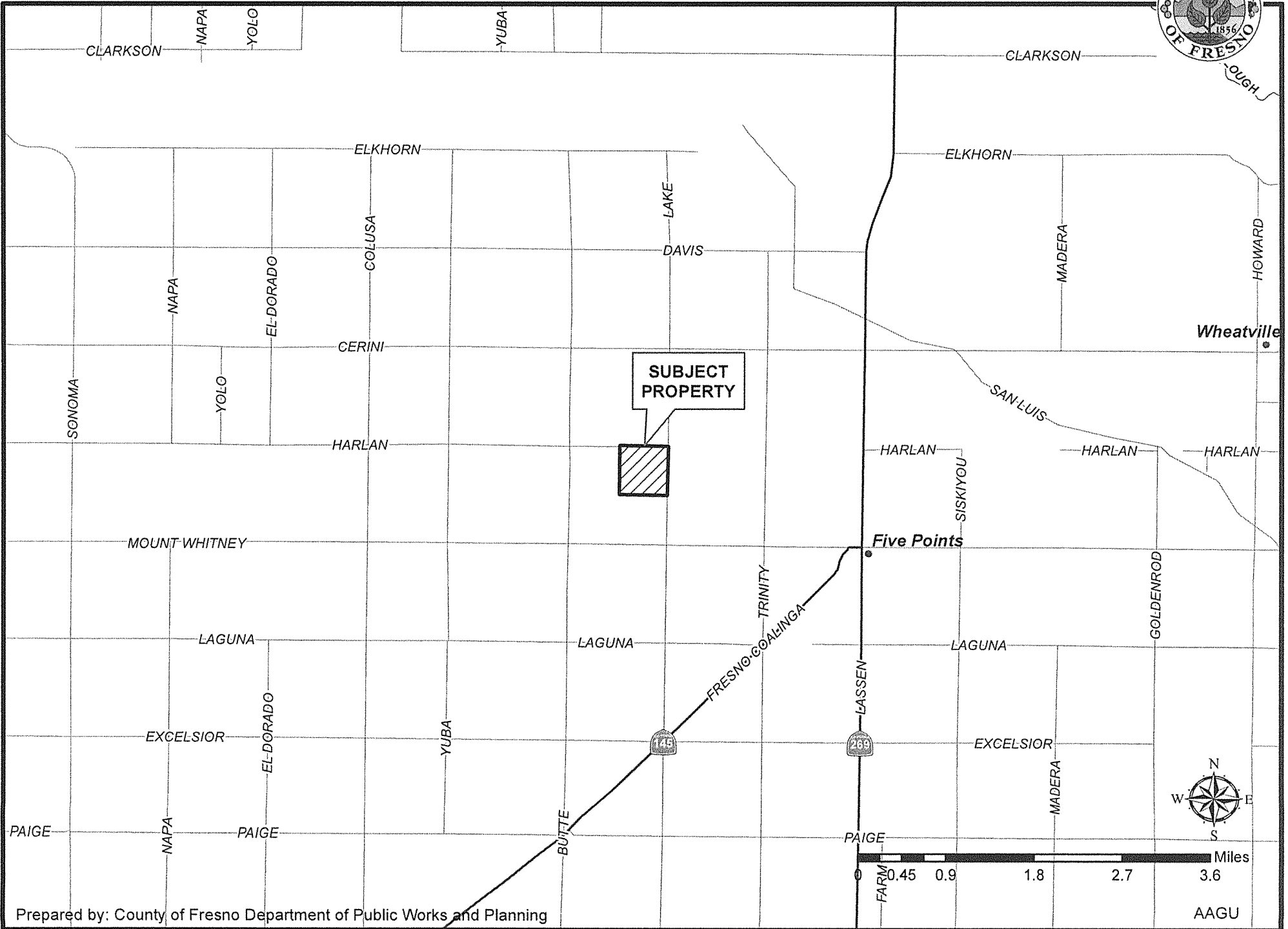
Alternative Motion (Denial Action)

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit No. 3568 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3568\EXT 1\SR\CUP 3568 Ext 1 SR.docx

LOCATION MAP



Prepared by: County of Fresno Department of Public Works and Planning

EXHIBIT 1

EXISTING ZONING MAP

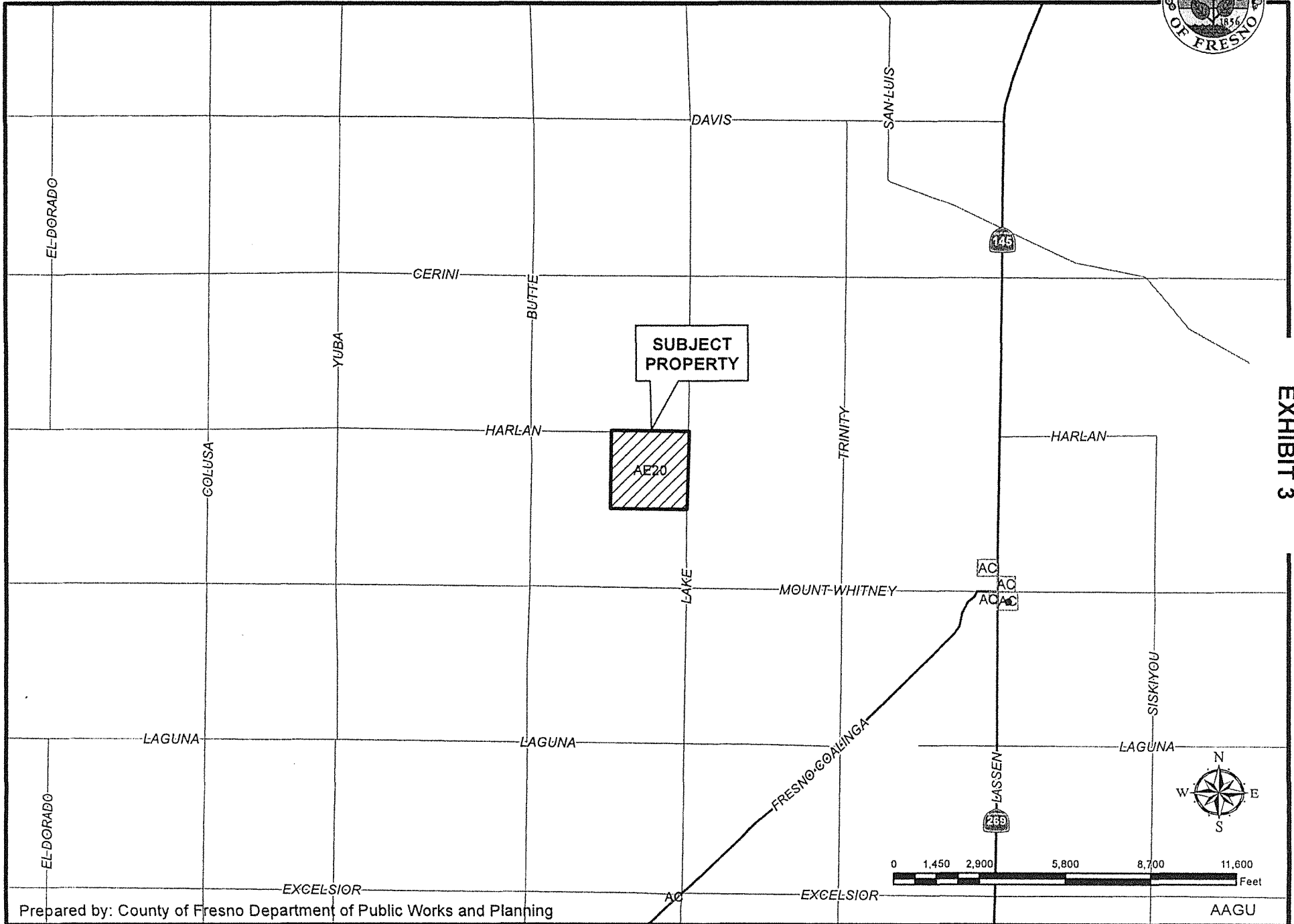
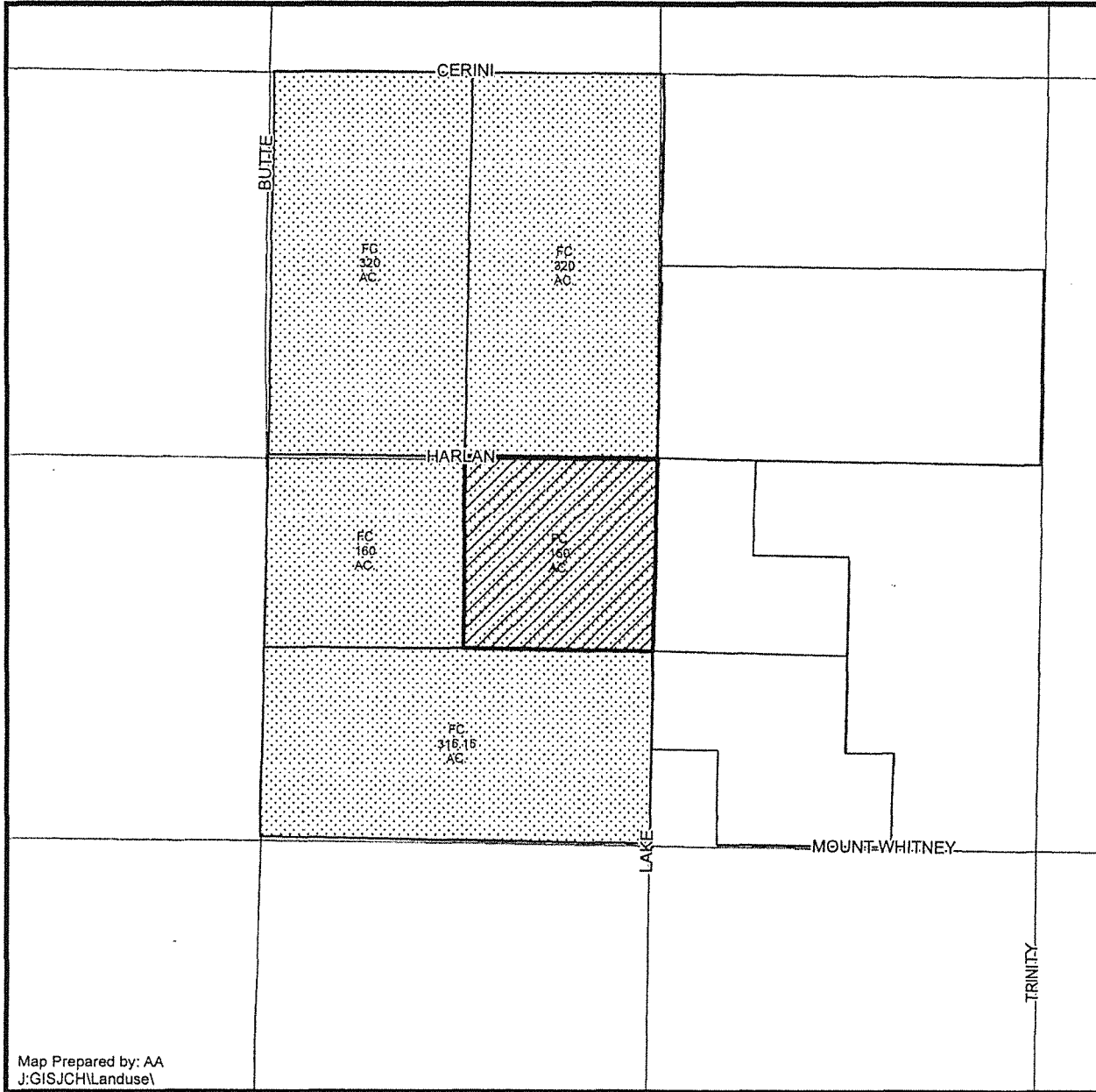


EXHIBIT 3

EXHIBIT 2



CUP 3568

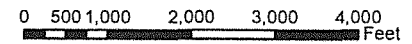
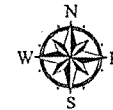
EXISTING LAND USE MAP



LEGEND	
V - VACANT	
FC - FIELD CROP	

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: AA
J:GISJCH\Landuse\

EXHIBIT 4

EXHIBIT 3



Inter Office Memo

DATE: May 18, 2017

TO: Board of Supervisors

FROM: Planning Commission

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

APPLICANT: Petro-Lud Inc.

OWNER: David & Marilyn Britz Trustees

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

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

PLANNING COMMISSION ACTION:

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

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

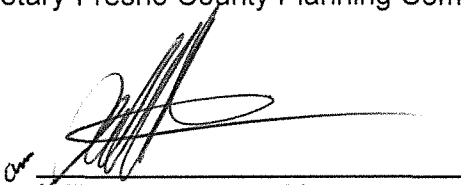
EXHIBIT 4

RESOLUTION NO. 12647

This motion passed on the following vote:

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

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

By: 

William M. Kettler, Manager
Development Services Division

WMK:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3568\RESOLUTION\CUP3568 Reso.docx

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

Attachments

EXHIBIT A

Initial Study Application No. 7265
Unclassified Conditional Use Permit Application No. 3568

Staff: The Fresno County Planning Commission considered the Staff Report dated May 18, 2017, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:

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

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EJ:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3568\RESOLUTION\CUP3568 Reso.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7265/Unclassified Conditional Use Permit Application No. 3568
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing
*2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	During drilling operation
*3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands	Applicant	Applicant/PW&P	During drilling operation
*4.	Agricultural and Forestry Resources	When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.	Applicant	Applicant/PW&P	Within 90 days of the termination of drilling operations
*5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During all ground-disturbing activities
*6.	Transportation/Traffic	Prior to commencing production operations, a grizzly and/or gravel pad shall be installed on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and	Applicant	Applicant/PW&P	As noted

EXHIBIT B

		equipment onto Mount Whitney Avenue.			
--	--	--------------------------------------	--	--	--

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

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

Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Plans, permits, and inspections are required for the project. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
2.	There is no public road right-of-way along the Lake Avenue alignment and the nearest County public road is Mount Whitney Avenue approximately one half-mile south of the site. The Applicant shall demonstrate that he has access easement/rights to the property.
3.	The project is subject to the following Rules of the San Joaquin Valley Air Pollution Control District (Air District): District Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4102 (Nuisance). All portable emission units (including drilling rigs) shall be registered with either the California Air Resources Board (CARB) or with the Air District (Rule 2280 [Portable Equipment Registration]).
4.	Any additional runoff generated by the proposed site development cannot be drained across property lines and shall be retained or disposed of per County Standards.
5.	A Grading Permit or Voucher may be required for this application.
6.	All construction materials, equipment, and employee vehicles used in the operation shall be stored and/or parked outside of the County road right-of-way.
7.	Any work within the road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.
8.	Any sediment material transported onto the County roadways shall be cleaned on a daily basis.
9.	Per the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

Notes

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



Planning Commission Staff Report Agenda Item No. 2 May 18, 2017

SUBJECT: Initial Study Application No. 7265 and Unclassified Conditional Use Permit Application No. 3568

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

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

OWNER: David and Marilyn Britz Trustees
APPLICANT: Petro-Lud Inc.

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7265; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3568 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plans/Elevations
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 7265
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size required)	No change
Parcel Size	160 acres	No change
Project Site	Uncultivated Farmland	Three exploratory petroleum oil and natural gas wells with the potential for a production facility on two 1.37-acre portions of a 160-acre parcel
Structural Improvements	None	<p>Drilling and Testing Phase:</p> <ul style="list-style-type: none"> • 172-foot-tall drilling rig, catwalk, pipe bins, mud pumps, reserve tanks/pits, water tanks, living quarters, generators <p>Production Phase:</p> <ul style="list-style-type: none"> • 15- to 18-foot-tall pumping units located on the top of the wellheads; pumping units, separator, stick tank, water tank, flare or gas pipeline
Nearest Residence	None	No change
Surrounding Development	Farmland	No change

Criteria	Existing	Proposed
Operational Features	N/A	<ul style="list-style-type: none"> • Site Preparation: Four to six days for drill pads and installation of well cellars • Drilling: 24 hours per day for 20 days. Resulting solid cutting and drilling fluids will be hauled off site to an approved disposal site. • Completion, testing: 10 days for installation/operation of the completion rig • Production: 20 days for construction of permanent facilities • If no oil and gas discovered in economically viable amounts, the exploratory wells will be plugged/abandoned and the site restored to its original condition.
Employees	N/A	One on-site employee
Customers/Supplier	N/A	No customers on site
Traffic Trips	N/A	<p>Drilling, per well:</p> <ul style="list-style-type: none"> • Twenty (20) one-way heavy truck trips (10 round trips); eighty (80) one-way passenger vehicle/truck and employee/contractor trips (40 round trips) <p>Completion per well:</p> <ul style="list-style-type: none"> • Four (4) one-way heavy truck trips (2 round trips); fourteen (14) one-way passenger vehicle/truck and employee/contractor trips (7 round trips) <p>Testing, per well:</p> <ul style="list-style-type: none"> • Six (6) one-way heavy truck trips (3 round trips); eight (8) one-way passenger vehicle/truck and employee/contractor trips (4 round trips) <p>Construction per well:</p> <ul style="list-style-type: none"> • Four (4) one-way heavy truck trips (2 round trips); eighteen (18) one-way

Criteria	Existing	Proposed
		passenger vehicle/truck and employee/contractor trips (9 round trips) Operation three wells: <ul style="list-style-type: none"> • Eighteen (18) one-way heavy truck trips (9 round trips); six (6) one-way passenger vehicle/truck and employee/contractor trips (4 round trips)
Lighting	N/A	Lighting of the 1.37-acre drill pads during nightly operations
Hours of Operation	N/A	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 included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 14, 2017.

PUBLIC NOTICE:

Notices were sent to two (2) property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) 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 CUP 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 three exploratory petroleum oil and natural gas wells using portable drilling rigs on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel. Through initial testing, if oil and gas production and economics warrant, a permanent production facility to process oil and gas will be established. Part of this establishment involves temporary on-site storage of oil and transporting it off site via tanker trucks, and natural gas reinjected into the production formation to maintain reservoir pressure. If exploratory drilling is unsuccessful,

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
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 improvements meet the 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. Drilling Pad - A will be set back 1,350 feet from the eastern property line (35-foot minimum required), 20 feet from the southern property line (20-foot minimum required), 2,420 feet from the northern property line (35-foot minimum required), and 1,020 feet from the western property line (20-foot minimum required). Likewise, Drilling Pad - B will be set back 35 feet from the eastern property line (35-foot minimum required), 20 feet from the southern property line (20-foot minimum required), 2,420 feet from the northern property line (35-foot minimum required), and 2,320 feet from the western property line (20-foot minimum required). Wells 1 and 2 will be located approximately 1,500 and 1,525 feet, respectively, from the east property line and approximately 120 feet from the south property line of the subject property. Adequate area is available on the 160-acre project site to accommodate two 60,000 square-foot drilling pads with apparatus required of the drilling operation and production facility.

Based on the above information, staff believes the project site is adequate in size and shape 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.*

		Existing Conditions	Proposed Operation
Private Road	Yes	Lake Avenue	No change

		Existing Conditions	Proposed Operation
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	No	N/A	Access to the production facility will be from Mount Whitney Avenue via the Lake Avenue alignment.
Road ADT		Lake Avenue alignment: unknown (private road)	No change
Road Classification		Lake Avenue alignment: N/A (private road)	No change
Road Width		Lake Avenue alignment: unknown (private road)	No change
Road Surface		Lake Avenue alignment: unimproved – dirt road	Installation of a grizzly and/or gravel pad on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and equipment onto Mount Whitney Avenue
Traffic Trips		N/A	<p>Drilling, per well:</p> <ul style="list-style-type: none"> • Twenty (20) one-way heavy truck trips (10 round trips); eighty (80) one-way passenger vehicle/truck and employee/contractor trips (40 round trips) <p>Completion per well:</p> <ul style="list-style-type: none"> • Four (4) one-way heavy truck trips (2 round trips); fourteen (14) one-way passenger vehicle/truck and employee/contractor trips (7 round trips) <p>Testing, per well:</p> <ul style="list-style-type: none"> • Six (6) one-way heavy truck trips (3 round trips); eight (8) one-way passenger vehicle/truck and employee/contractor trips (4 round trips) <p>Construction per well:</p> <ul style="list-style-type: none"> • Four (4) one-way heavy truck trips (2 round trips); eighteen (18) one-way

		Existing Conditions	Proposed Operation
			passenger vehicle/truck and employee/contractor trips (9 round trips) Operation three wells: <ul style="list-style-type: none"> • Eighteen (18) one-way heavy truck trips (9 round trips); six (6) one-way passenger vehicle/truck and employee/contractor trips (4 round trips)
Traffic Impact Study (TIS) Prepared	No	N/A	None required by County Design Division of the Department of Public Works and Planning
Road Improvements		N/A	None required

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division (RMO) of the Fresno County Department of Public Works and Planning: Prior to commencing production operations, a grizzly and/or gravel pad shall be installed on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and equipment onto Mount Whitney Avenue. This has been included as a Mitigation Measure.

There is no public road right-of-way along the Lake Avenue alignment and the nearest County public road is Mount Whitney Avenue approximately one half-mile south of the site. The Applicant shall demonstrate that he has access easement/rights to the property. Any work proposed within the County road right-of-way shall require an encroachment permit from RMO. These requirements have been included as Project Notes.

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

Analysis:

Access to the project site will be from Mount Whitney Avenue via the Lake Avenue alignment. An existing 20-foot-wide access road off of Lake Avenue will provide access to drilling sites (drill pads). Lake Avenue is a private dirt road and not maintained by the County.

The project will generate short-term traffic during drilling, completion and testing phases of the project and nominal traffic during operational phase of the project. Based on low traffic trips generated by the proposal (noted above), no traffic impact study was required by the Design Division or the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

Comments provided by the Road Maintenance and Operations Division identified potential adverse impacts to County Roads caused by truck traffic due to the tracking of stones from the project site onto Mount Whitney Avenue. Therefore, a mitigation measure was incorporated into the project which requires that the Applicant install a grizzly and/or gravel pad where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport.

Based on the above information and adherence to the Mitigation Measure and Project Notes, staff believes that Lake and Mount Whitney Avenues will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion:

Finding 2 can be made.

Finding 3: *That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	320 acres	Farmland	AE-20	None
South	315 acres	Farmland	AE-20	None
East	120 acres	Farmland	AE-20	None
West	160 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): The project shall be subject to District Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4102 (Nuisance), and all portable emission units (including drilling rigs) shall be registered with either the California Air Resources Board (CARB) or with the Air District (Rule 2280 [Portable Equipment Registration]).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional runoff generated by the proposed site development cannot be drained across property lines and shall be retained or disposed of per County Standards. A Grading Permit or Voucher may be required for this application.

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22 Division 4.5.

In an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.

Building Safety/Plan Check Section of the Fresno County Department of Public Works and Planning: If approved, plans, permits, and inspections shall be required.

The aforementioned requirements have been included as Project Notes.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning; California Regional Water Quality Control Board; California Department of Conservation, Division of Oil, Gas and Geothermal Resources; Table Mountain Rancheria, Tribal Government Office; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Fresno County Department of Agriculture; Fresno County Fire Protection District; NAS Lemoore: No concerns.

Analysis:

The subject 160-acre parcel is located in an agricultural area marked by relatively large parcel sizes and sparse residential uses. The unincorporated community of Five Points is located approximately 1.9 miles southeast of the subject parcel. The closest commercial development is located approximately 2,132 feet south of the drilling sites (drill pads). 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. As part of temporary drilling operations, 172-foot-tall drilling rigs and low-height supporting apparatus (catwalk, pipe bins, mud pumps, reserve tanks/pits, water tanks, living quarters and generators) will be used for a short period of time. If the drilling operation proves unfruitful, all apparatus will be removed from the site within 90 days of termination of the drilling operations. However, as part of the production facility 16- to 18-foot-tall pumping units and water and oil storage tanks will be permanently installed on the site. These low-height permanent improvements on a remotely-located project site will have less than significant 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, recommended Condition of Approval, and Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
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.	This policy is met in that the subject application is required for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses. With adherence to the Mitigation Measures, Conditions of Approval, and Project Notes identified in the Initial Study prepared for

Relevant Policies:	Consistency/Considerations:
	this project, the proposal will not have a detrimental impact on the surrounding land uses.
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 project site to its original condition within 90 days of termination of the drilling operations.
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.	The nearest commercial development is approximately 2,132 feet south of the drilling sites and no concerns related to any fire hazard were expressed by the Fresno County Fire Protection District.
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.	The proposal was reviewed by the Fresno County Fire Protection District which expressed no concerns with the project.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	The project will adhere to all the federal and state requirements discussed in Section VIII (Hazards and Hazardous Materials) relating to the handling and management of hazardous materials and noted in Finding 3 of this report.

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: 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. 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. Policy OS-C.20 requires that no human occupancy be located near any active petroleum or natural gas well unless approved by the local Fire District. Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property. Policy HS-F.1 requires handling of hazardous materials according to waste management laws and regulations. The subject parcel is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 1512. Exploratory oil/gas wells are a compatible use on properties subject to a Williamson Act Contract.

Analysis:

The subject property is designated Agriculture in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. The proposal is consistent with the General Plan Policies as discussed above.

In regard to consistency with Policy OS-C.13, the Applicant has requested approval of the proposed use through the subject discretionary land use application and associated environmental analysis (Initial Study). In regard to consistency with Policy OS-C.17, a Mitigation Measure would require that all drilling equipment be removed and the project site returned to its original condition within 90 days of termination of the drilling operations. In regard to consistency with Policy OS-C.20 and Policy HS-B.1, the nearest improved property is approximately 2,132 feet south of the drilling sites (drill pads) and no concerns related to fire hazard were expressed by the Fresno County Fire Protection District. In regard to consistency with Policy HS-F.1, all hazardous materials generated by this proposal will be handled according to federal, state, and local laws.

Based on the above discussion and with adherence to the Mitigation Measures and Conditions of Approval included as Exhibit 1 of this report, staff believes the subject application is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

CONCLUSION:

Staff believes the required Findings for granting Unclassified Conditional Use Permit (CUP) No. 3568 can be made based on the factors cited in the Analysis, the recommended Conditions of Approval, and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3568 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit (CUP) No. 3568, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as 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 (CUP) No. 3568; 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.

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7265/Unclassified Conditional Use Permit Application No. 3568
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing
*2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	During drilling operation
*3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands	Applicant	Applicant/PW&P	During drilling operation
*4.	Agricultural and Forestry Resources	When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.	Applicant	Applicant/PW&P	Within 90 days of the termination of drilling operations
*5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During all ground-disturbing activities
*6.	Transportation/Traffic	Prior to commencing production operations, a grizzly and/or gravel pad shall be installed on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and	Applicant	Applicant/PW&P	As noted

		equipment onto Mount Whitney Avenue.			
--	--	--------------------------------------	--	--	--

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

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

Conditions of Approval reference 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.	Plans, permits, and inspections are required for the project. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
2.	There is no public road right-of-way along the Lake Avenue alignment and the nearest County public road is Mount Whitney Avenue approximately one half-mile south of the site. The Applicant shall demonstrate that he has access easement/rights to the property.
3.	The project is subject to the following Rules of the San Joaquin Valley Air Pollution Control District (Air District): District Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4102 (Nuisance). All portable emission units (including drilling rigs) shall be registered with either the California Air Resources Board (CARB) or with the Air District (Rule 2280 [Portable Equipment Registration]).
4.	Any additional runoff generated by the proposed site development cannot be drained across property lines and shall be retained or disposed of per County Standards.
5.	A Grading Permit or Voucher may be required for this application.
6.	All construction materials, equipment, and employee vehicles used in the operation shall be stored and/or parked outside of the County road right-of-way.
7.	Any work within the road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.
8.	Any sediment material transported onto the County roadways shall be cleaned on a daily basis.
9.	Per the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

Notes

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

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3568\SR\CUP3568 MMRP (Ex 1).docx

EXISTING ZONING MAP

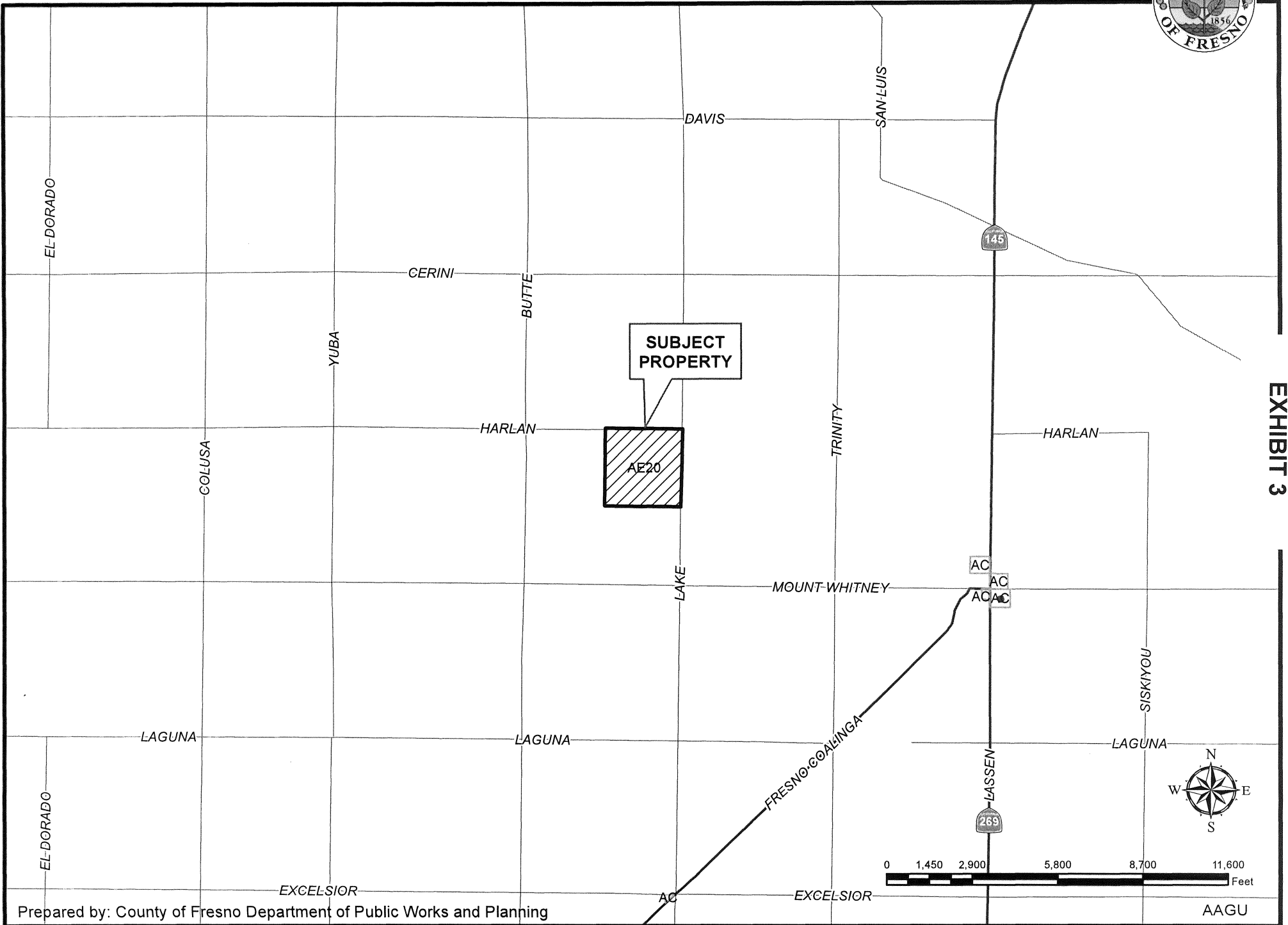
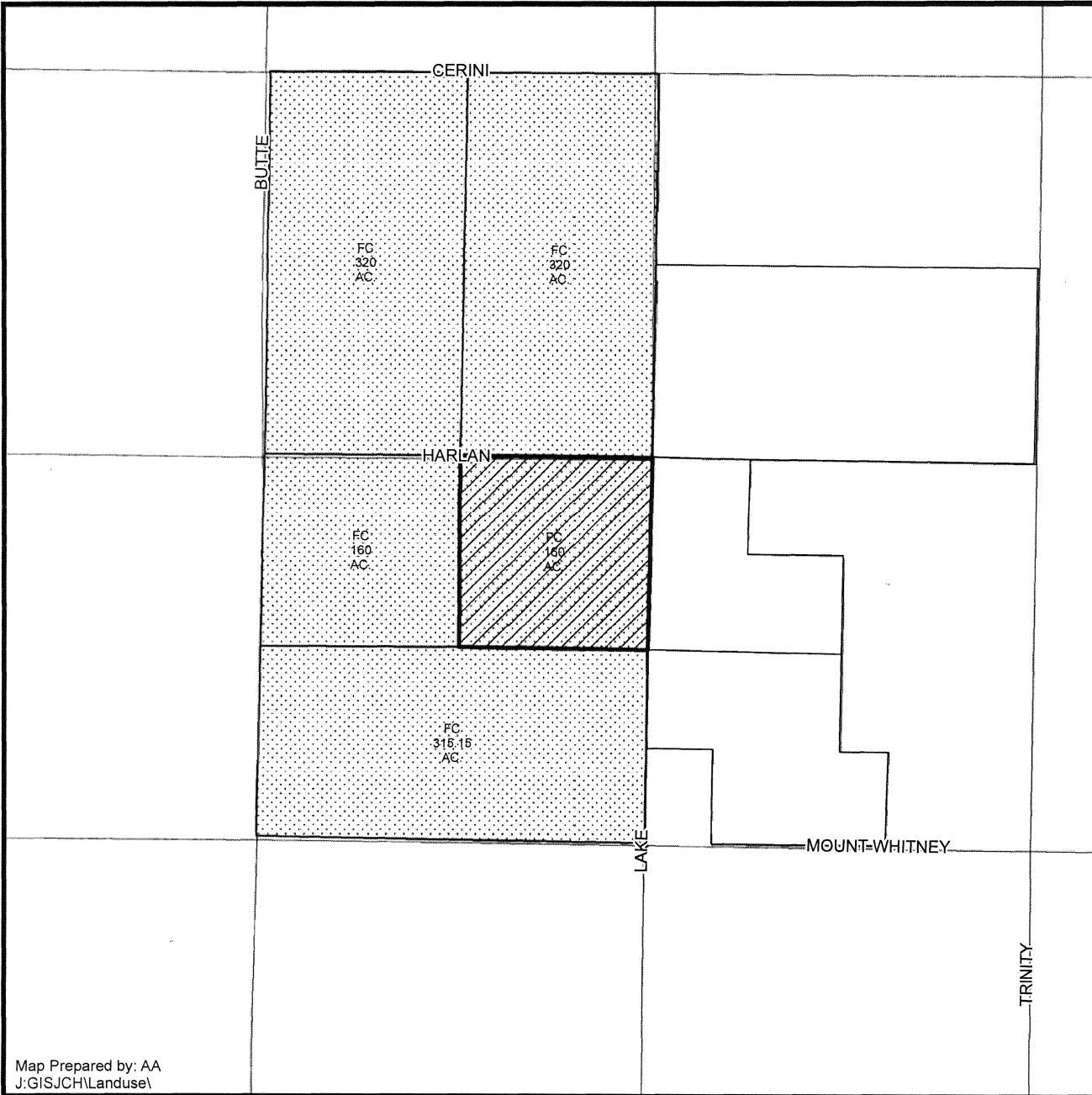


EXHIBIT 3

CUP 3568

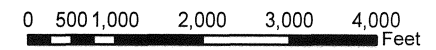
EXISTING LAND USE MAP



LEGEND
V - VACANT
FC - FIELD CROP

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: AA
J:GISJCH\Landuse\

EXHIBIT 4



W Cerint Ave

W Cerint Ave

W Cerint Ave

More... Streets Aerial Topo

PETRO-LUD

S Colusa Ave

W Harlan Ave

S Yuba Ave

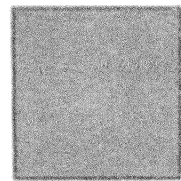
W Harlan Ave

S Butte Ave

Project Parcel

S Lake Ave

S Trinity Ave



Mt Whitney Ave AE20
Exclusive Agricultural

Mt Whitney Ave

City of COUNTY

Picture 1
Looking North from Mt. Whitney Ave

Mt Whitney Ave Five Point

Exhibit 5 - Page 1

EXHIBIT 5

Enhanced Search

Search Layer:

Search by Parcel ID [Example: 00101001 or 0010%]:

Laguna Ave

S Butte Ave

S Lake Ave

W Laguna Ave

145

S Trinity Ave

Fresno-Coalinga Rd

1 km

1 mi

W Excelsior Ave

W Excelsior Ave

W Excelsior Ave

CUP3568

RECEIVED
COUNTY OF FRESNO

FEB 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES

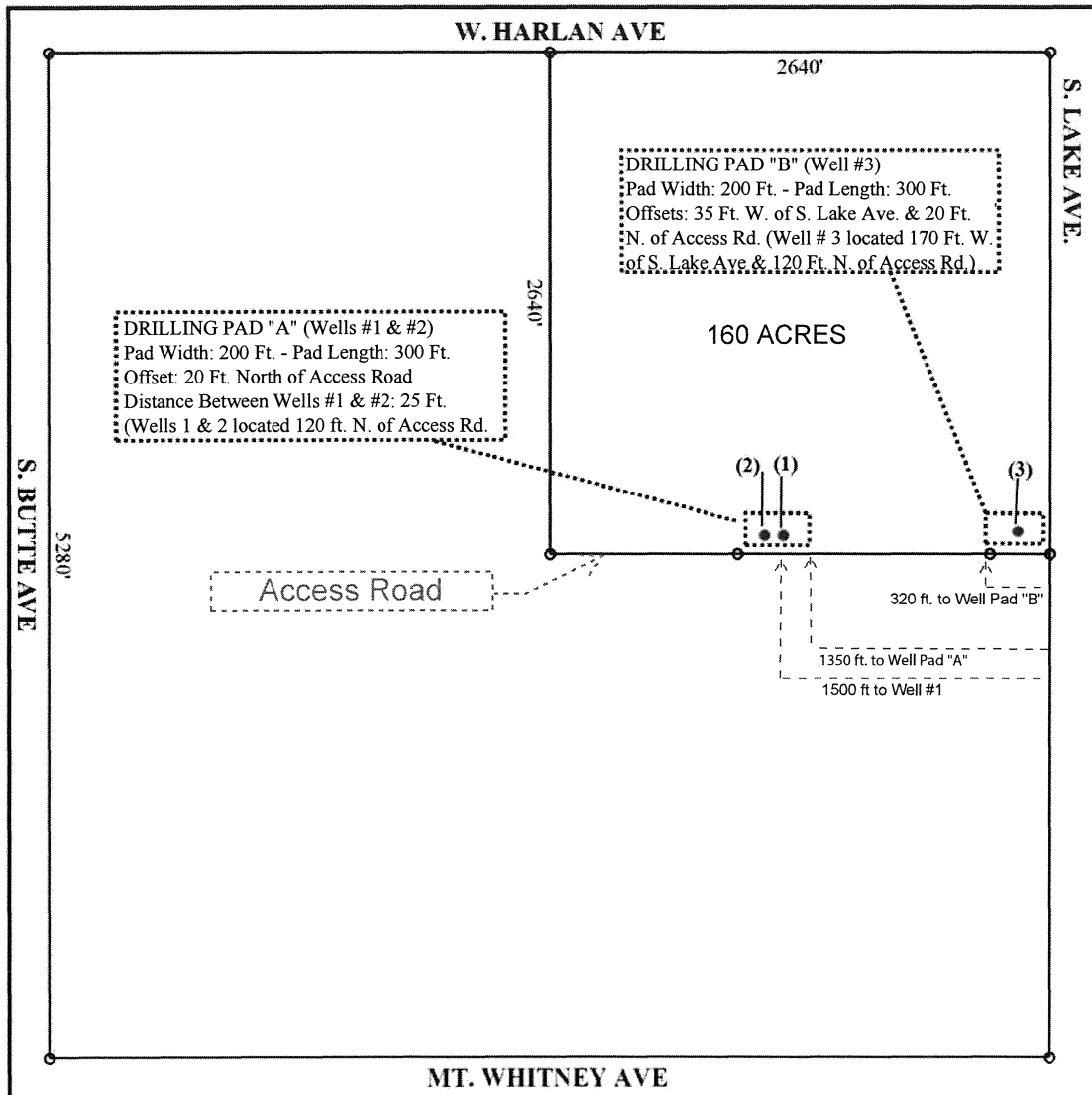
S Lassen Ave

2017

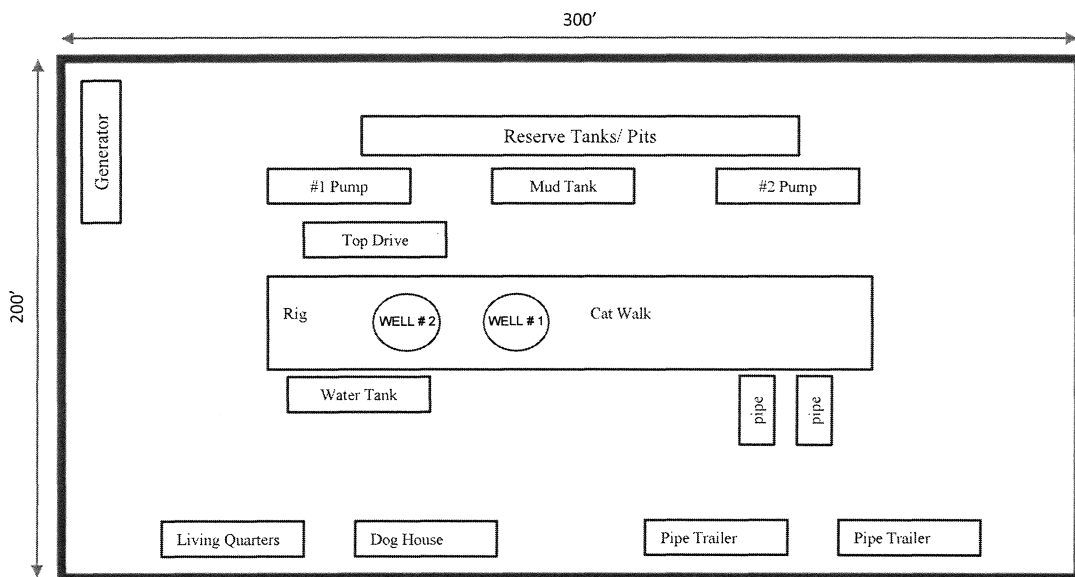




PETRO-LUD, INC. - SITE PLAN
WELLS: HOEY 1, 2, & 3
SEC. 20 - T17S -R17E - FRESNO, CA



Typical Rig Layout



DIMENSIONS:

GENERATOR: 11' 1" W x 11' H x 50' L

MUD TANK: 10' W x 55' L

CAT WALK: 8' W x 6' H x 42' 6" L

LIVING QUARTERS: 10' W x 35' L

RIG: 25' W x 50' L

RESERVE TANKS / PITS: 11' 6" W x 11' 8" H x 104' L

#2 PUMP: 11' 6" W x 11' 6" H x 34' L

WATER TANK: 10' 6" W x 10' 9" H x 55' 4" L

DOG HOUSE: 10' W x 11' 3" H x 50' L

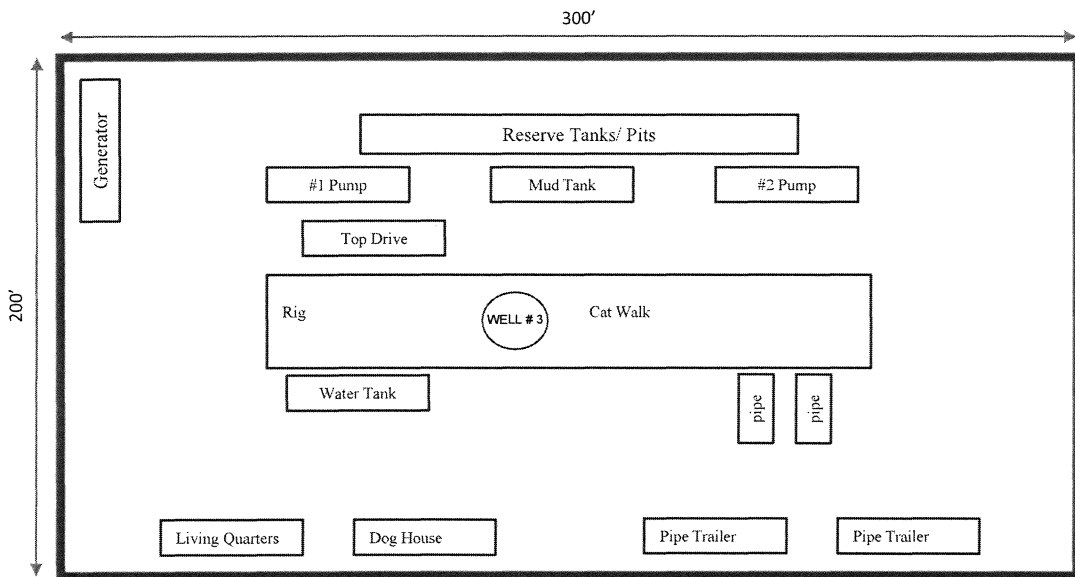
#1 PUMP : 11' 6" W x 11' 6" H x 34' L

TOP DRIVE : 5' 10" W x 14' L

PIPE TUBS (2): 8' W x 6' H x 36' L

PIPE TRAILER (2): 10' W x 35' L

Typical Rig Layout



DIMENSIONS:

GENERATOR: 11' 1" W x 11' H x 50' L

MUD TANK: 10' W x 55' L

CAT WALK: 8' W x 6' H x 42' 6" L

LIVING QUARTERS: 10' W x 35' L

RIG: 25' W x 50' L

RESERVE TANKS / PITS: 11' 6" W x 11' 8" H x 104' L

#2 PUMP: 11' 6" W x 11' 6" H x 34' L

WATER TANK: 10' 6" W x 10' 9" H x 55' 4" L

DOG HOUSE: 10' W x 11' 3" H x 50' L

#1 PUMP : 11' 6" W x 11' 6" H x 34' L

TOP DRIVE : 5' 10" W x 14" L

PIPE TUBS (2): 8' W x 6' H x 36' L

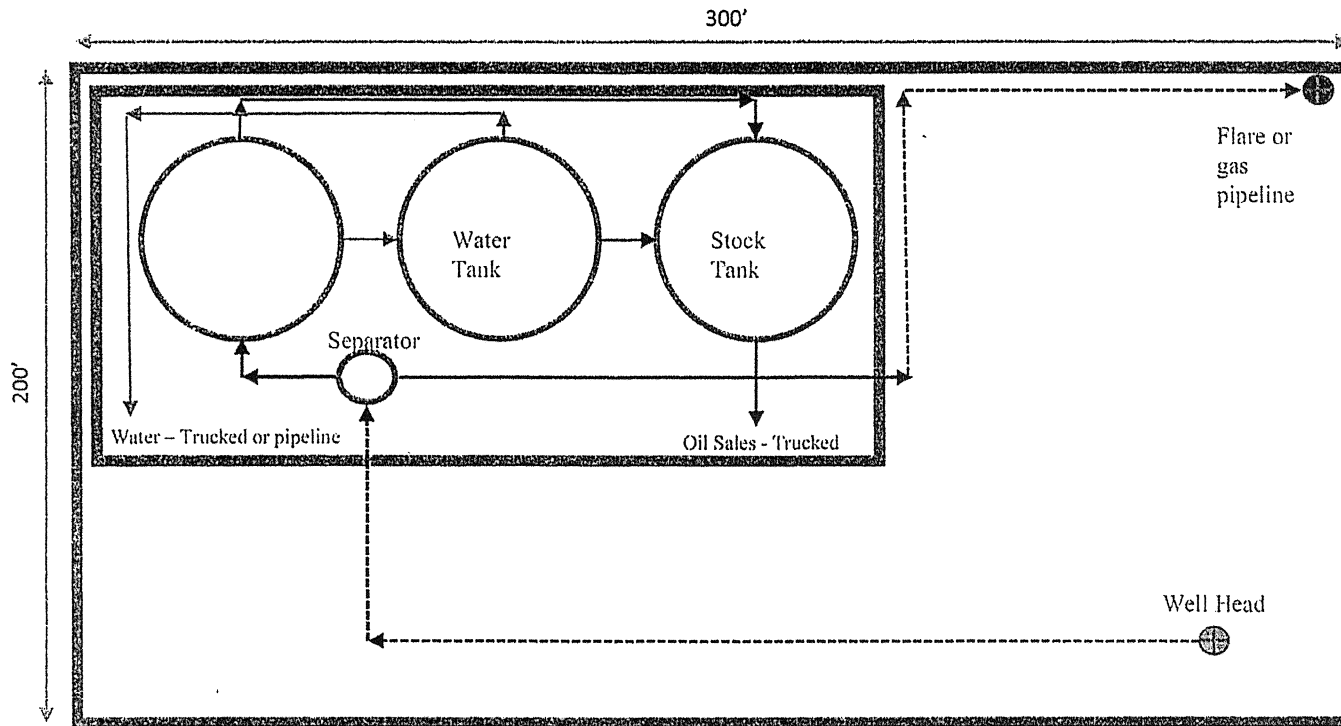
PIPE TRAILER (2): 10' W x 35' L



Typical Production Site Layout

Exhibit 5 - Page 5

Oil
Gas
Water



CVP 356B

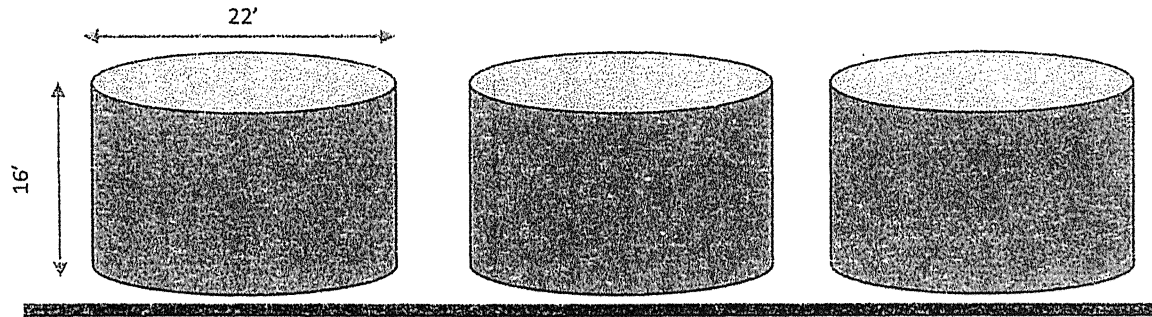
RECEIVED
COUNTY OF FRESNO

FEB 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

PL PETRO-LUD

Typical Elevation Profile



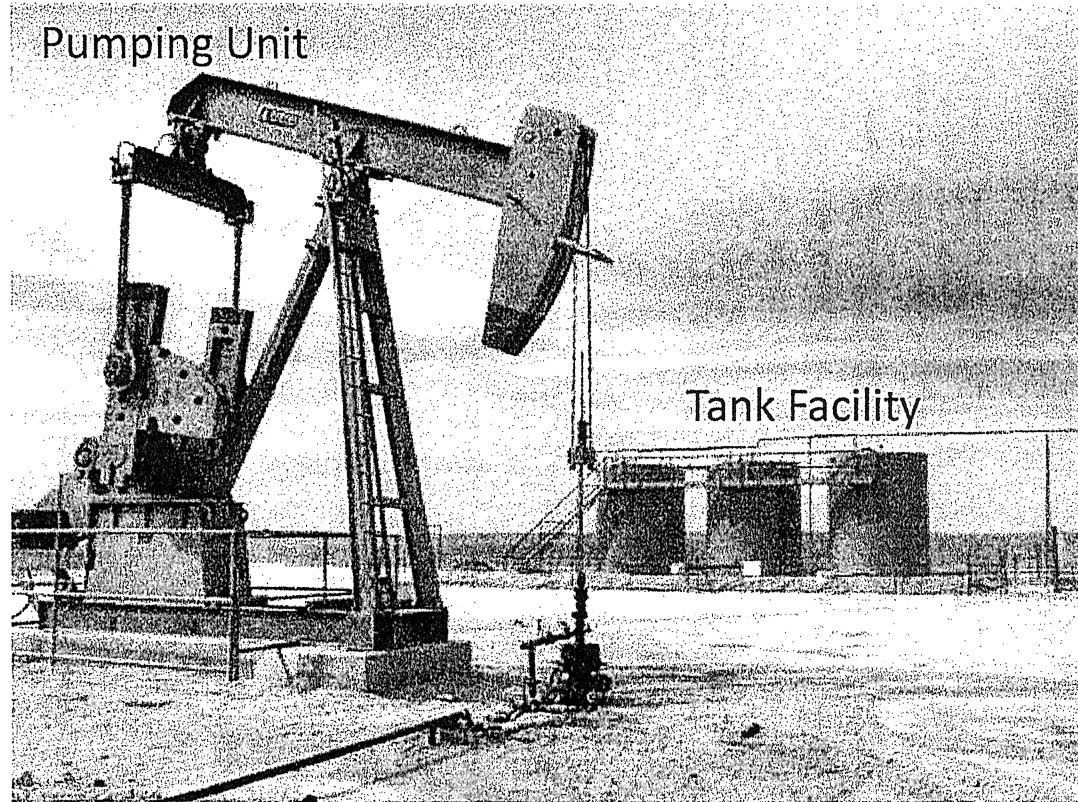
CUP3568

RECEIVED
COUNTY OF FRESNO

FEB 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Image of Typical Well and Facility



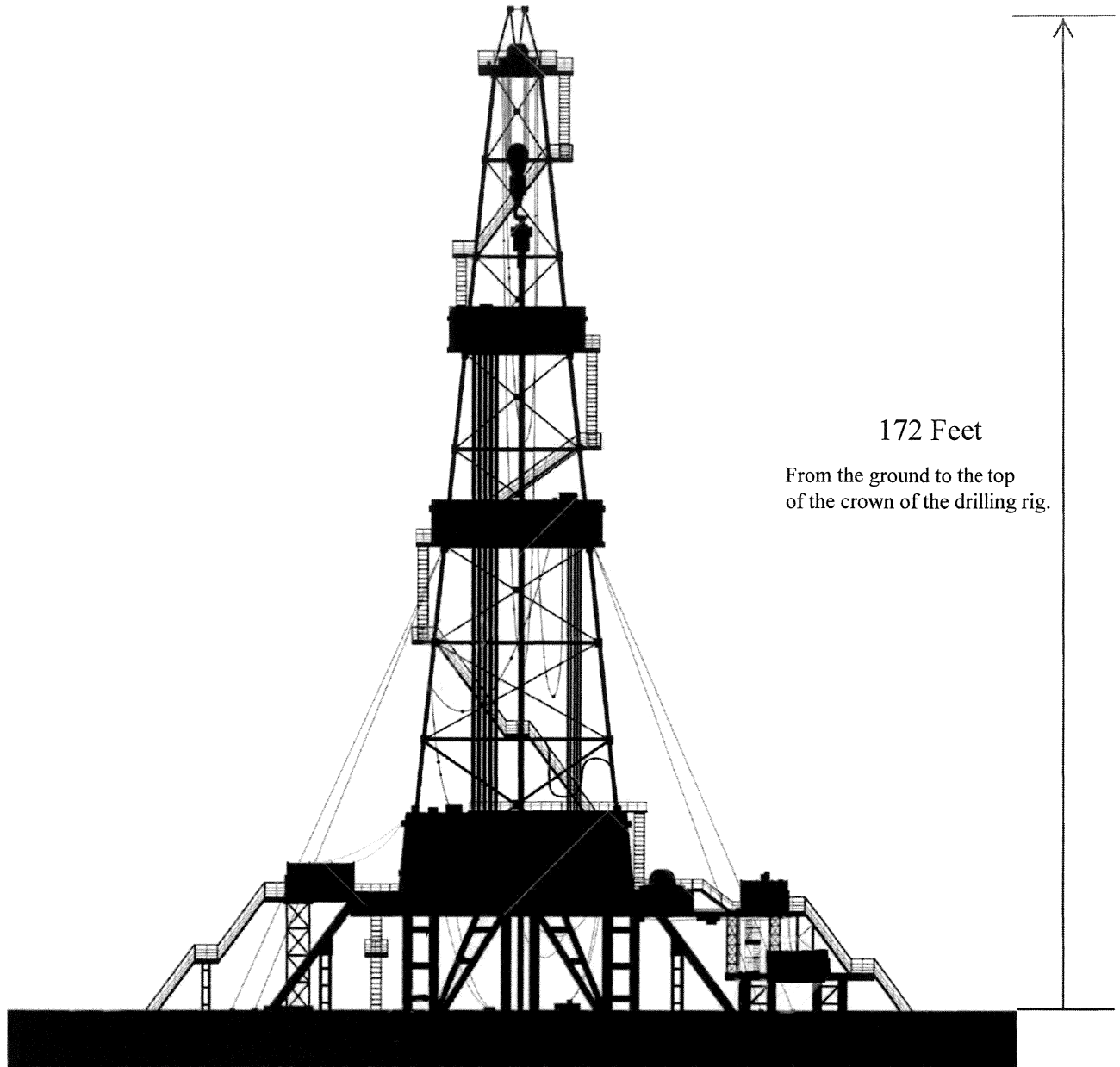
CUP 3568

RECEIVED
COUNTY OF FRESNO

FEB 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

HOEY 1, 2, & 3 WELLS
TYPICAL OIL, GAS, AND GEOTHERMAL
DRILLING RIG



172 Feet

From the ground to the top
of the crown of the drilling rig.

EXHIBIT 6

Petro-Lud Inc. CUP Application Operational Checklist

1. Outline of the operation:

The applicant is proposing to drill up to three (3) oil and gas wells using a temporary portable drilling rig. The wells will be tested using temporary production equipment to determine if there are paying quantities of oil and gas. If it is determined that the field is productive a permanent oil and gas facility will be constructed and the field will be operated and maintained.

The project consists of two distinct phases (some wells may be drilled after the construction of the permanent facility).

1. Drilling, completion, and testing
2. Construction, operation, and maintenance

Drilling, Completion, and Testing:

A new drilling pad will be built lying east to west that will be located 1500' West and 125' North from the center section line of the Northeast Quarter Corner of section 20. The new drilling pad will measure approximately 200' (E-W) x 300' (N-S). Access to the location will be on the existing county roads, improved and unimproved. A temporary well cellar (8' x 8" x 6') will be built and conductor pipe will be cemented at the well location to a depth of 80 feet +/- 1ft. This preliminary work will require four (4) to six (6) days of daylight activity. The proposed well, Hoey#1, will be drilled approximately 600' North of the existing Temblor well, Harnish-McCormick #3.

A mobile drilling rig will be set up for drilling – See “Typical Rig Layout.” The move in and rigging-up should take approximately two (2) days. Actual drilling time is estimated to take approximately twenty (20) days. Drilling is a continuous 24 hour per day operation and the drilling crew consists of four (4) men working eight hour shifts, three shifts per day. The well will be drilled to a total measured depth of approximately 10,000'.

No hazardous material will be used in the drilling mud system. All drilled cuttings will be separated from the mud system, de-watered and stored on the location until the drilling is completed, liquid waste (water from the drilling mud) will be re-used as needed in the mud system. The excess will be stored on the site until it is dewatered. All drilling fluids to be used during the drilling of the above referenced well will be the same drilling materials that are currently used in accordance with locally drilled agriculture wells. Therefore all cuttings and drilling fluids will be dewatered and hauled off site to an approved non-hazardous drilling mud disposal site or spread on location if necessary to build up location for production facilities.

If oil and gas is found in commercial quantities casing will be installed. The casing will be cemented and fresh water zones will be protected with cement as required by the California Division of Oil and Gas. The drilling rig will be released and a smaller completion rig will be moved in and the well completed.



Petro-Lud Inc. CUP Application Operational Checklist

A smaller, portable completion rig will be used instead of the drilling rig to complete the well. It may be required to run logs, perforate oil/gas sands, perform tests and run tubing. The completion process would take approximately ten (10) additional days. Temporary testing facilities would be brought in the test the well.

The oil would be produced into portable tanks and trucked to a local refiner during an initial test period. The capacity of the well will be estimated at that time and permanent facilities will be designed based on expected capacity. The time required for initial testing of an oil well is not expected to exceed two (2) months.

The natural gas will be produced into a portable gas/liquid separator and flare system with any liquids being contained in a portable tank as mentioned above. The produced gas will be metered and then incinerated in the flare utilizing an air induction line, continuous pilot, and wind shroud to ensure complete combustion. The capacity of the well will be estimated at this time and permanent facilities will be designed based on the expected capacity. The time required for initial testing of a gas well is not expected to exceed two (2) months.

If the well(s) is unsuccessful, it will be plugged with cement as required by the California Division of Oil and Gas. The drilling rig and all of the equipment will be removed from the site. The temporary cellar will be removed and the site and access road will be cleaned up and returned to as close to their original condition as reasonably possible. The total time that the site will be used is four (4) or five (5) weeks if oil or gas is not discovered in paying quantities.

Construction, Operation, and Maintenance:

If there is a sufficient volume of oil, and or gas, permanent facilities would be constructed- See "Typical Production Site Layout." Construction of permanent facilities would take twenty (20) days. Oil would be trucked offsite to a local refiner. It is anticipated that one (1) or two (2) trucks per day per well to haul oil may be needed at first, but the frequency will lessen as the oil production rate falls off during the first few months. Water hauling may require only one (1) truck per week per well at the outset. If natural gas is available on a regular basis, it will be –flared or eventually reinjected into the production formation to maintain reservoir pressure.

It is also estimated that each well could require a workover at least one (1) per well per year. Each workover could last seven (7) days per well. A company operator will monitor the well(s) on a daily basis to ensure that the operation continues as required. Producing operations will continue as long as it is profitable.

We expect that the economic life of the well(s) will be twenty years or longer.

2. Operational time limits:

To prepare the site, set conductor, rig up, drill well, set casing and rig down is 24 hours per day, 7 days a week. The completion rig will operate +/- 12 hours per day. The construction will be +/- 12 hours per day. Operations and maintenance 24 hours per day, 7 days a week.

Petro-Lud Inc. CUP Application Operational Checklist

3. Number of customers or visitors:

There are no costumers for this site. Visitors will include contractor and service employees during all phases of the project. This has been captured in the "Estimated Project Traffic and Employee/Contractor" sheet.

4. Number of employees:

There are no current employees. There will be one employee who will check in on the property once its fully operational. This will normally be 2-3 hours during daylight. There would also be one contract employee driving a truck picking up oil and water.

See "Estimated Project Traffic and Employee/Contractor" sheet.

5. Service and delivery vehicles:

During the drilling, completion and testing there could be as high as 20 (includes 4 employees x 3 shifts) passenger vehicles. This would be for the transportation of crews and delivery of drilling related items. There would also be as many as ten (10) trucks in a single day. This would be brief and only during the two (2) days of rig up and two (2) days of rigging down.

During normal operations, there would be an estimated three (3) truck trips per well to handle fluids. This would be reduced as the well production declines. There would be an additional site visit each day from an employee. Deliveries of other goods and items would be very infrequent and likely only during workover operations.

See "Estimated Project Traffic and Employee/Contractor" sheet.

6. Access to the site

Mt. Whitney Avenue to S. Lake Avenue; then approximately ½ mile North of S. Lake Avenue to the project site.

7. Parking:

The drill site will be bladed and on a flat field. It is 200' x 300' in size. Temporary parking will be provided at the drill site. During ongoing operations parking will be provided at the wells pads and production facility.

8. Goods on sale:

There are no goods for sale.

9. Equipment used:

Petro-Lud Inc. CUP Application Operational Checklist

Please see the answer in # 1 above.

10. Supplies:

Diesel fuel will be on site for fuel to run the drilling rig. The diesel will be stored in tanks specifically designed to contain diesel with a secondary containment bin. Other various non-hazardous products to formulate drilling fluids will also be on location to allow the well to be drilled. The drilling fluids products will be in dry bagged form and miscellaneous buckets of products. The formulated drilling fluid will be in above ground steel tanks. Various steel casings and tubular products will also be on location, which will be used in the drilling and completion of the well.

During operations, no supplies will be kept onsite. Most daily supplies will be carried on employee or contractor vehicles.

11. Appearance:

During the drilling operation, noise will only consist of the running of approximately 3-500 horsepower main rig engines with industrial mufflers with some (+/- 2) auxiliary 50hp. engines. The noise of these engines will not be noticeable outside the boundaries of the location. Glare and odor will not be a problem. The location will be periodically watered to prevent any dust problem.

12. Solid & Liquid Waste:

During the drilling of a well, approximately 1500 barrels or 300 yards or +/- 400 tons of solid cuttings will be brought out of the well and stored in a pit 25' wide by 150' long by +/- 5' deep. The cuttings will be analyzed when drilling is completed for hazardous content. Historical analysis of cuttings to date indicates that cuttings are non-hazardous. Therefore, assuming the non-hazardous analysis applies for the Hoey#1, the cuttings alone with the drilling mud will be hauled off to a disposal site or spread on location if necessary to build up the location for production facilities. In addition to the cuttings themselves, approximately 1500 barrels of liquid drilling mud will be produced during the drilling of the well. This liquid too, will be analyzed, and if found non-hazardous as 99.9% of the drilling mud water samples are, this material will be dewatered and hauled off site to an approved non-hazardous drilling mud disposal site or spread on location if necessary to build up location for production facilities. Any and all wastes found to be hazardous will be hauled off to a certified and approved California hazardous waste disposal site. All other solid waste will be kept in a bin and disposed of in the local landfill.

During operations there could be some tank bottoms accumulated. This material would be removed, tested, and possibly used onsite for dust suppressant or road base. If the material is hazardous it would be hauled offsite to a certified and approved California hazardous waste disposal site. All other solid waste will be kept in a bin and disposed of in the local landfill.

Petro-Lud Inc. CUP Application Operational Checklist

13. Estimated water:

It is estimated during the course of the drilling operation, approximately 1400 gallons of water per day will be used during the drilling of the well. This water will be used to manufacture the drilling fluid and to make cement, which will be used to cement the outside of the casing(s). And, if the well is deemed to be a dry hole, the water will be utilized to formulate cement to place abandonment cement plugs in the hole in accordance with the rules and regulations of the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, Coalinga Division. Water will be purchased offsite and trucked in when needed to replenish the onsite water tank.

No water is expected to be used for the ongoing operation of the facility.

14. Advertising:

No advertising will exist.

15. Buildings:

No existing buildings will be used, nor will any buildings be constructed for the temporary drilling operation. If the permanent facility is constructed there would tanks, vessels, pumping units, pipes, valves, pumps, etc. See "Typical Production Facility Layout"

16. Buildings:

There will be no buildings intended for human occupancy.

17. Lighting/Sound:

The rig and location will be totally lit during the night for working operations by portable temporary lights that will be focused on the rig and drilling location. There will not be any sound amplifications systems.

No lights are necessary for the long term operation of the facility.

18. Landscaping:

No landscaping or fencing is expected.

19. Additional information:

See attached maps for reference.

END OPERATIONAL STATEMENT CHECKLIST

Estimated Project Traffic and Employees/ Contractors				
Drilling - Per Well	Maximum Per Day	Average Per Day	Days of Operation	Total
Heavy Trucks ⁽¹⁾	10	3.5	30	106
Passenger Vehicles/ Trucks	20	16.4	30	492
Employees/ Contractors	20			
Completion - Per Well				
Heavy Trucks	2	1	10	10
Passenger Vehicles/ Trucks	3	2	10	20
Employees/ Contractors	4			
Testing - Per Well				
Heavy Trucks	3	3	60	180
Passenger Vehicles/ Trucks	2	2	60	120
Employees/ Contractors	2	2	60	120
Construction	Maximum Per Day	Average Per Day	Days of Operation	Total
Heavy Trucks	2	1	20	20
Passenger Vehicles/ Trucks	4	4	20	80
Employees/ Contractors	5			
Operations - 3 Wells	Maximum Per Day			
Heavy Trucks ⁽²⁾	9			
Passenger Vehicles/ Trucks	1			
Employees/ Contractors	2			
1. Clear location, set conductor, rig up, drill, set casing, rig down. Includes haul off of any solid or liquid waste.				
2. Heavy truck traffic would be for trucking of water and crude oil. Also, an extra heavy truck trip could occur during workovers. Because this is infrequent it is not added.				



EXHIBIT 7

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Petro-Lud Inc.
- APPLICATION NOS.:** Initial Study Application No. 7265 and Unclassified Conditional Use Permit Application No. 3568
- DESCRIPTION:** Allow three exploratory petroleum oil and natural gas wells with the potential for a production facility on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject parcel is located on the southwest corner of W. Harlan and S. Lake Avenues approximately 1.9 miles northwest of the unincorporated community of Five Points (SUP. DIST. 1) (APN 050-080-10S).

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 three exploratory petroleum oil and natural gas wells using portable drilling rigs on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel. Through initial testing, if oil and gas production and economics warrant, a permanent production facility to process oil and gas will be established. Part of this establishment involves temporary on-site storage of oil and transporting it 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.

Amenities to be utilized during drilling operation include: drilling rig, catwalk, pipe bins, mud pumps, reserve tanks/pits, water tanks, living quarters, generators, and dog house.

Likewise, amenities to be utilized during oil/gas production include: pumping units, well head, separator, stick tank, water tank flare or gas pipeline.

The subject parcel is located in an agricultural area marked by relatively large parcel sizes and few residential uses. The unincorporated community of Five Points is located approximately 1.9 miles southeast of the subject parcel. The closest commercial development is located approximately 2,132 feet southeast of the drilling site (drill pad).

The subject parcel is not located along a designated Scenic Highway and no scenic vistas or scenic resources were identified in the vicinity of the proposal. As part of the production facility, the project will permanently install limited, low-height, above-ground structures. This includes a 16- to 18-foot-tall pumping unit and water and oil storage tanks. These low-height improvements on a remotely located project site 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:

The drilling rig and drill pad will be lit during the night for working operations by portable temporary lights. These lights have the potential to cause adverse glare effects in the area. To minimize these effects, it will be required that all lighting shall be hooded and directed down toward the base of the drilling rig so as to not shine toward adjacent properties and on public streets, and drilling tower shall be lighted and marked to reduce potential conflicts with nighttime aerial application of herbicides and pesticides on adjacent agricultural lands. These requirements will be included as Mitigation Measures.

* **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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is located on land which is classified as Unique Farmland on the Fresno County Important Farmland Map (2014). Although this proposal will preclude the agricultural cultivation of approximately 1.37 acres (60,000 square feet) of farmland, the loss of farmland would be less than significant considering the remaining 158.63 acres of the subject parcel to remain available for agricultural use. Additionally, a Mitigation Measure will require that the project site shall be returned to its original condition upon cessation of the operations.

* **Mitigation Measure**

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

B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 1512. The Policy Planning Section of the Fresno County Department of Public Works and Planning reviewed the proposal and determined that exploratory oil/gas wells are a compatible use on properties subject to a Williamson Act Contract.

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: NO IMPACT:

The subject parcel is not located in an area of forest land, nor is it zoned for Timberland Production. Approval of the proposed drilling operation and establishment of an oil/gas production facility on a small portion (1.37 acres) of the subject farming property will not encourage the conversion of additional farmlands away from their intended uses.

III. AIR QUALITY

A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Would the project violate 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:

According to the San Joaquin Valley Air Pollution Control District (Air District) the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project will not significantly impact air quality and is also not subject to District Rule 9510 (Indirect Source Review).

The project, however, would be subject to District Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4102 (Nuisance) and would require all portable emission units (including drilling rigs) to be registered with either the California Air Resources Board (CARB) or with the Air District Rule 2280 (Portable Equipment Registration). These requirements will be included as Project Notes.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed as said 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) any Federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or impediment of the use of native wildlife nursery sites.

- 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: NO IMPACT:

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located in an area determined to be high or moderately sensitive to archeological resources. Although no impact on cultural resources are expected from this proposal, a mitigation measure will require that if cultural resources are uncovered during ground-disturbing activity, all work shall be halted and an archeologist shall be called to evaluate the findings and necessary mitigation measures.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should*

be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

- 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: NO IMPACT:

The Table Mountain Rancheria (TMR), Tribal Government Office reviewed the proposal and in a letter dated February 23, 2017 stated that the project site is beyond TMR's area of interest.

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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or in an area of known landslides.

- 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, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, any grading performed as part of this proposal may require a Grading Voucher. 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 at risk of known risk of landslides or lateral spreading, nor is it located in 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 require installation of an on-site sewage disposal system. Portable toilets will be utilized on site in lieu of permanent restroom facilities.

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, supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will adhere to the Air District Rules described in Section III. A. B. C. D. Air Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to extract, process, and transport oil and gas. Per the Applicant's Operational Statement, diesel fuel will be stored on site in tanks with secondary

containment bins, and non-hazardous products to formulate drill fluid will be stored in steel tanks. Solid cutting and liquid drilling mud produced during drilling operations will be analyzed for non-hazardous contents and hauled off site to an approved disposal site.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that: 1) facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 3) all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school. The nearest school, Helm Elementary School, is approximately 6.4 miles north of the subject proposal.

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

FINDING: NO IMPACT:

The project site is farmland and not a hazardous material site.

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. Five Point Ranch Airport is approximately 6.3 feet west of the drilling site (drill pads). The project will not be impacted by the 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 in an area at risk of wildfire.

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:

The project was routed to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) for review and comments. Although no concerns were expressed by that agency, standard comments requiring the Applicant to submit detailed drilling proposals to DOGGR in order to obtain specific drilling requirements for the project and haul off all hazardous and non-hazardous wastes and materials generated by the exploratory well drilling operation to an approved waste disposal facility shall apply and will be included as Project Notes.

The Fresno County Department of Public Health, Environmental Health Division, reviewed the proposal and requires that: 1) in an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; and 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. These requirements will be included as Conditions of Approval.

This proposal was also routed to the California Regional Water Quality Control Board. No concerns were expressed by that agency.

- 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:

The project will require the use of water during the course of drilling operations. An estimated 1,400 gallons of water per day will be used. Water will be purchased off site and trucked in when needed to replenish the on-site water tanks.

The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no water quantity concerns, as the subject parcel is not located in a water-short area and no use of on-site ground water is proposed.

- 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 existing drainage patterns or the course of a stream or river.

- 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 2825H, the parcel is not subject to flooding from the one percent-chance 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 in an area at risk of flood by levee or dam failure or inundation by seiche, tsunami or mudflow.

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 nearest unincorporated community of Five Points is approximately 1.9 miles southeast of the subject property.

- 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 proposal is not in conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The Agriculture and Land Use Element of the General Plan lists oil and gas development as non-agricultural uses permitted in areas designated Agriculture.

The subject proposal meets: 1) Policy OS-C.13 in that the subject application is required for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses; 2) Policy OS-C.17 in that upon termination of the activities related to reclamation of oil and gas development, the project site will be converted to its primary land use as designated by the General Plan; 3) Policy OS-C.20 and Policy HS-B.1 in that the nearest development is approximately 2,132 feet southeast of the drilling site and no concerns related to fire hazard were expressed by the Fresno County Fire Protection District; and 4) Policy HS-F.1 in that the project will adhere to all the federal and state requirements discussed in Section VIII (Hazards and Hazardous Materials) relating to the handling and management of hazardous materials.

- 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:

The project site is not located in a 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: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to 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 project site is not located near an airport or private airstrip. The nearest airport, Five Point Ranch Airport, is approximately 6.3 feet west of the well drilling site.

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: NO 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?

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, the project will generate a maximum of forty (40) employees and delivery truck trips (20 round-trips) during drilling, completion and testing of the wells. However, during normal operations, there will be six (6) one-way truck trips (3 round-trips) per well to handle fluids.

The Design Division of the Fresno County Department of Public Works and Planning reviewed this proposal and did not raise any concerns related to traffic, nor require a Traffic Impact Study for the project.

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

FINDING: NO IMPACT:

The project is not in close proximity of a public, private or military airport.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Access to the drilling site (drill pads) will be from Mount Whitney Avenue via Lake Avenue. An on-site access road will connect the drilling pad to Lake Avenue. The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns regarding increased traffic hazards except that a grizzly or gravel pad shall be installed to minimize sediment transport from vehicles and equipment onto the County roadways. This requirement will be included as a Mitigation Measure.

* **Mitigation Measure:**

1. *Prior to commencing production operations, a grizzly and/or gravel pad shall be installed on the Lake Avenue alignment where the Lake Avenue alignment intersects Mount Whitney Avenue to minimize sediment transport from vehicles and equipment onto Mount Whitney Avenue.*

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No concerns related to emergency access were expressed by the Fresno County Fire Protection District.

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

FINDING: NO IMPACT:

Water used during the drilling operation is non-recyclable and will not contribute to the volume at an existing wastewater treatment facility.

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

FINDING: NO IMPACT:

All storm water generated as a result of this proposal will be retained or disposed of per County Standards.

- 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 sanitarian solid waste will be generated at the site. A portable sanitary facility will be installed during operations and will be pumped out at an approved location.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not impact biological resources. Impacts on cultural resources will be minimized to less than significant with the included Mitigation Measure in Section V of this report.

- 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, Cultural Resources and Transportation/Traffic, which will be addressed with the Mitigation Measures discussed in Section I, Section II, Section V and Section XVI of this report.

- 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 Initial Study No 7265 prepared for Unclassified Conditional Use Permit Application No. 3568, 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 biological resources, mineral resources, noise, population and housing, public services, and recreation.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and utilities and service systems have been determined to be less than significant.

Potential impacts relating to aesthetics, agricultural and forestry resources, cultural resources and transportation/traffic have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated 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 southwest corner of Tulare and "M" Street, Fresno, California.

EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 7265	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-	
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): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Petro-Lud Inc.		Project Title: Unclassified Conditional Use Permit Application No. 3568		
Project Description: Allow three exploratory petroleum oil and natural gas wells with the possibility of a production facility on two 1.37-acre (60,000 square feet) portions of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the southwest corner of W. Harlan and S. Lake Avenues approximately 1.9 miles northwest of the unincorporated community of Five Points (SUP. DIST. 1) (APN 050-080-10S).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7265) prepared for Unclassified Conditional Use Permit Application No. 3568, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, noise, population and housing, public services, and recreation. Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, agricultural and forestry resources, cultural resources and transportation/traffic have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – April 14, 2017			Review Date Deadline: Planning Commission – May 18, 2017	
Date: April 13, 2017	Type or Print Name: Chris Motta, Principal Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION



April 18, 2019

County of Fresno
Department of Public Works and Planning
Development Services and Capital Projects Division
Mr. Ejaz Ahmad, Planner
2220 Tulare Street, 6th Floor
Fresno, California 93721

Re: CUP 3568 Extension Application

Dear Mr. Ahmad:

Petro-Lud would like to respectfully request an extension for Conditional Use Permit No. 3568 to allow more time to evaluate the geological and reservoir characteristics of the Five Points area and to acquire the necessary state drilling permits to drill additional oil and gas wells.

Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Alex D. Guitart, RPL
Agent for Petro-Lud, Inc.
Cel: 504-628-7727



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 June 27, 2019

SUBJECT: Variance Application No. 4067

Allow a reduced street side-yard setback of 28 feet two inches, where a 35-foot minimum is required, for a single-family residence currently under construction on a 5.62-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of East Reno Road approximately one half-mile west of its intersection with Auberry Road, and approximately one mile northeast of the nearest city limits of the City of Fresno (4872 East Reno Road) (SUP. DIST. 5) (APN 580-010-03S).

OWNER: Harjot Singh Dulai
APPLICANT: Loye Stone

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4067; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances Map
6. Site Plan
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	5.62 acres	No change
Project Site	5.62 acres	No change
Structural Improvements	A 9,367 square-foot single-family dwelling, under construction	A portion of said residence will be allowed to remain within the street side-yard setback on the west side of the property
Nearest Residence	Approximately 55 feet east of the subject parcel's eastern boundary	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(2) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 23 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission. The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The subject parcel was originally created as part of Block 6 of Redwood Park, recorded in Book 5, Page 4 of Record of Surveys on June 17, 1909. According to available records, the subject parcel in its current configuration was created as Parcel 1 of Parcel Map No. 3615 recorded on February 7, 1978. The subject parcel currently contains approximately 5.62 acres, and is being improved with a 9,367 square-foot single-family dwelling, currently under construction, for which building permits were issued on October 8, 2018. During the plan review process, it was determined that the building would require a minor variance to allow a 3.5-foot encroachment of the residence into the street side-yard setback on the west side of the property. Minor Variance No. 1286 was approved by the Department of Public Works and Planning on December 14, 2018, which allowed for a ten (10) percent deviation (3.5 feet), or a 31.5-foot setback on the west (street) side of the property, where a 35-foot minimum is required. Subsequently, when the foundation footings were inspected, it was determined that the foundation would exceed the 10 percent deviation allowed by the Minor Variance, and thus a full Variance would be required to allow the additional encroachment.

The current Variance request, submitted on September 18, 2018, proposes to allow a portion of the single-family dwelling under construction to remain within the required setback area, placing the structure approximately six feet ten inches into the street side-yard setback and approximately 28 feet 2 inches from the eastern edge of a sixty-foot-wide non-exclusive easement which traverses the west side of the subject property. A portion of the dwelling under construction is encroaching approximately six feet ten inches into the street side-yard setback area on the west side of the property. In this case, the 35-foot minimum street side-yard setback is applied due to the existence of a 60-foot-wide non-exclusive easement running through the western property boundary. The AE-20 Zone District requires a minimum 35-foot setback from the front property boundary and the side property boundary (street side-yard) when abutting a street.

At least 20 variance requests have been processed within one half-mile of the subject property. Of those, all were related to a parcel division or mapping procedure, or a waiver of fence/wall requirement; none pertained to reduced setbacks. Those variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3255 – Allow a waiver of the requirement for a fence or wall around a swimming pool on an 8.72-acre parcel in the AE-20 Zone District.	Approval	PC Approved	April 26, 1990
VA No. 3413 – Allow a Property Line Adjustment between a 38.50-acre parcel and 5.19-acre parcel resulting	Approval	PC Approved	May 20, 1993

in the reduction of an existing 5.19-acre parcel to 4 acres in the AE-20 Zone District.			
VA No. 3482 – Allow the creation of two 5-acre parcels from an existing 10-acre parcel in the AE-20 Zone District.	Denial	PC Approved	March 16, 1995
VA No. 3483 – Allow the creation of three 5.20-acre parcels and a 10.06-acre parcel (20 acres required) from a 25.66-acre parcel of land in the AE-20 Zone District.	Denial	PC Denied BOS Approved	March 16, 1995 April 18, 1995
VA No. 3509 – Allow the creation of nine lots from a 19.92-acre parcel with a minimum lot size of two acres, with no public road frontage, concurrent with Amendment Application (AA) No. 3654 (rezone from AE-20 to Rural Residential), Tentative Tract Application (TT) No. 4710, and Environmental Assessment (EA) No. 4195.	Approval	PC Approved BOS Approved	January 11, 1996 February 13, 1996
VA No. 3556 – Allow the creation of two 5.0-acre parcels, a 5.1-acre parcel and a 5.2-acre parcel (20-acre minimum required) from a 20.30-acre parcel in the AE-20 Zone District. (VA No. 3815)	Denial	PC Approved	April 3, 1997
VA No. 3579 – Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, from an existing 5.17-acre parcel in the AE-20 Zone District. (VA No. 4012)	Denial	PC Approved Approval expired	July 10, 1997
VA No. 3590 – Allow creation of a 2.50-acre and a 5.10-acre parcel, with the smaller parcel having no public road frontage (20 acres and 165 feet required), from an existing 7.60-acre parcel of land in the AE-20 Zone District.	Denial	PC Approved	November 6, 1997

VA No. 3596 – Allow a property line adjustment between two 10-acre parcels, resulting in a 6.50-acre parcel and a 13.5-acre parcel, in the AE-20 Zone District. (VA No. 3932)	Deferred to Planning Commission	PC Approved	October 16, 1997
VA No. 3618 – Allow creation of a 3.53-acre parcel, a 2.57-acre parcel, and a 2.62-acre parcel (20 acres required), each parcel having no public road frontage (165 feet required), in the AE-20 Zone District.	Deferred to Planning Commission	PC Denied BOS Denied	November 12, 1998 December 15, 1998
VA No. 3693 – Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District.	Denial	PC Denied	August 22, 2002
VA No. 3771 – Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 4.85-acre parcel in the AE-20 Zone District, and allow the 1.74-acre parcel without road frontage.	Denial	PC Denied	April 22, 2004
VA No. 3773 – Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District. (VA No. 3895, VA No. 3693)	Denial	PC Denied	March 4, 2004
VA No. 3815 – Allow the creation of four parcels 3.9, 4.5, 4.6, and 5 acres in size (minimum 20 acres required), allowing three parcels without public road frontage (minimum 165 feet required), from an existing 18.03-acre parcel in the AE-20 Zone District.	Denial	PC Approved	October 12, 2006
VA No. 3882 – Allow creation of a 5.88-acre parcel and a 6.29-acre parcel (minimum 20 acres required) from a 12.17-acre parcel in the AE-20 Zone District.	Denial	PC Denied BOS Upheld PC denial	September 18, 2008 November 4, 2008
VA No. 3895 – Allow the creation of two parcels, each approximately 2 acres in size (minimum 20-acres required), from an existing 4.00-acre parcel in the AE-20 Zone District.	Denial	PC Approved	July 16, 2009

VA No. 3932 – Allow creation of an approximately 3.4-acre parcel and two approximately 4.9-acre parcels from an existing 13.09-acre parcel in the AE-20 Zone District.	Denial	PC Approved	December 12, 2013
VA No. 4012 – Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, and a lot depth-to-width ratio greater than four-to-one, from an existing 5.17-acre parcel in the AE-20 Zone District.	Denial	PC Approved	October 20, 2016
VA No. 4025 – Allow the creation of a 2.3-acre parcel and a 2.55-acre parcel from an existing 4.85-acre parcel in the AE-20 Zone District.	Denial	PC Denied BOS Approved	August 10, 2017 October 17, 2017
VA No. 4039 – Allow the creation of two 5-acre parcels from an existing 10-acre parcel in the AE-20 Zone District.	Denial	PC Approved with conditions BOS Upheld approved conditions on appeal	February 15, 2018 May 1, 2018

ANALYSIS/DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Street Side (west):35 feet Side: 20 feet Rear: 20 feet	Front: 35 feet Street Side (west): 28 feet 2 inches Side: 20 feet Rear: 20 feet	No
Parking	N/A	N/A	N/A

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, except those used to house animals, which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	There is currently no septic system on site. There is an existing water well located on proposed Parcel No. 3. Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

Reviewing Agencies/Department Comments:

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: If the Variance is not approved, the Applicant shall remove or reduce the portion of the residence encroaching into the required street side-yard setback on the west side of the property. Additionally, the Applicant shall make no improvements to the residential foundation until this Variance request has been resolved.

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance.

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

Should any underground storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

Development Engineering Section of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings describe the property's reduced setback area due to the existence of a 60-foot-wide non-exclusive easement traversing its west side as being an exceptional circumstance not generally applicable to other properties in the vicinity. Staff acknowledges that the location of the easement on the subject property limits the buildable area of the property more so than if it were simply adjacent to the property, however, the same circumstance would apply to any corner lot or lots in the area with similar easements. The same 60-foot-wide easement that traverses the subject property extends approximately one quarter-mile beyond its southern boundary, intersects East Reno Road, and traverses two other properties before it intersects with Garonne Road, approximately one quarter-mile to the south.

Additionally, the adjacent properties to the west and southwest, although they do not contain the easement like the subject property, they do abut the easement and are therefore subject to the same 35-foot street side-yard setback restriction. The easement, although part of the property, is considered a road for setback purposes per the Zoning Ordinance; therefore, the same 35-foot setback applied to the front yard is applied to the street side-yard in this case.

In support of Finding 2, the Applicant states that this request is to allow a small area of the residence under construction, consisting of the enclosure for the main electrical service panel, to encroach into the setback, and that to move the service panel to an alternate location would cause the Applicant to incur a substantial cost increase to the project.

With regard to Finding 2, staff does not believe that the restriction on building into required yard setback areas constitutes the deficit of a substantial property right which would warrant the granting of the Variance to rectify. A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the encroaching portion of the residence (electrical service panel enclosure) could possibly be relocated to another part of the residence, outside of the setback area.

Therefore, based on the analysis, staff was not able to identify any unique or exceptional circumstances applicable to the subject property, nor the deficit of a substantial property right. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	20.31 acres	Vacant	AE-20	Approximately 730 feet northwest
	20.79 acres	Vacant	AE-20	N/A
South	4.84 acres	Single-Family Residential	AE-20	Approximately 930 feet
East	5.61 acres	Single-Family Residence	AE-20	Approximately 60 feet
West	7.60 acres	Single-Family Residence	AE-20	Approximately 295 feet

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: East Reno Road is currently improved with asphalt paving, measuring approximately 12 to 14 feet in width.

Fresno County Fire Protection District: This project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

The subject property is located within the California Department of Forestry “State Responsibility Area” (SRA) boundary and is therefore subject to all applicable Fire Safe Regulations and standards, including, but not limited to, building setbacks, driveway construction, turnaround area, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. Accordingly, any future development of the property or resultant parcels shall be subject to applicable SRA Fire Safe Regulations.

Analysis:

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity, due to the fact that the requested Variance involves a minor setback deviation for the encroachment of a small portion of the residence under construction into an area of the property designated for future road purposes, but which does not currently provide access to any other properties.

In regard to Finding 3, it is the intention of the Applicant, if this Variance is approved, to complete the construction of the residence, placing that portion of the structure containing the electrical service panel approximately 28 feet two inches from the eastern edge of the 60-foot-wide easement, and approximately 88 feet two inches from the westerly adjacent property line.

Staff concurs that there will be no additional impact to surrounding properties, provided there is not further encroachment into required setbacks or existing easements and that the development complies with all applicable State Responsibility Area (SRA) Fire Safe Regulations with regard to setbacks for structures and emergency access.

Staff believes that there will be no adverse impacts on neighboring properties; therefore, Finding 3 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated. c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured 	<p>Review by the Water and Natural Resources Division has determined that adequate water supply is available to serve the parcel based on available records, review of previously-prepared groundwater evaluation reports, and well yield certifications in the area. These previous tests have confirmed moderate to high levels of well production with generally rapid recovery of water surface elevations after extended periods of pumping between 4 and 72 hours. These previous results and the fact that the subject property shares similar geology, based on previous well driller logs, supports the Division’s determination.</p>

Relevant Policies:	Consistency/Considerations:
such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.	
General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.	Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcel are adequate to support individual on-site sewage disposal systems.

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not subject to a Williamson Act Contract. There are no General Plan issues.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

Analysis

In support of Finding 4, the Applicant states that the granting of the Variance would have very little impact on the objectives of the General Plan.

Staff concurs with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. The General Plan only addresses setbacks in residential districts briefly in the Land Use Element, Policy LU-F.14, which provides that front-yard setbacks should be staggered with varied roofline treatments and housing styles, and in regard to minimum setbacks for garage openings which face an access street in areas designated for Medium-Density Residential development.

Based on the above analysis, Staff believes that Finding 4 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff does not believe Findings 1 and 2 required for granting the Variance can be made, based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4067.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4067; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4067, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4067\SR\VA 4067 SR.docx

**Variance Application (VA) No. 4067
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.

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.	If the Variance is not approved, the property owner shall remove or reduce the portion of the residence encroaching into the required street side-yard setback.
2.	In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).
3.	Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
4.	Should any underground storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
5.	The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and is therefore subject to all applicable Fire Safe Regulations and standards, including, but not limited to, building setbacks, driveway construction, turnaround area, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials.
6.	The Applicant is required to abide by SB 1374 – Construction and Demolition Diversion Requirements; including Title 15 Building Standards Code related to diversion requirements.

LOCATION MAP

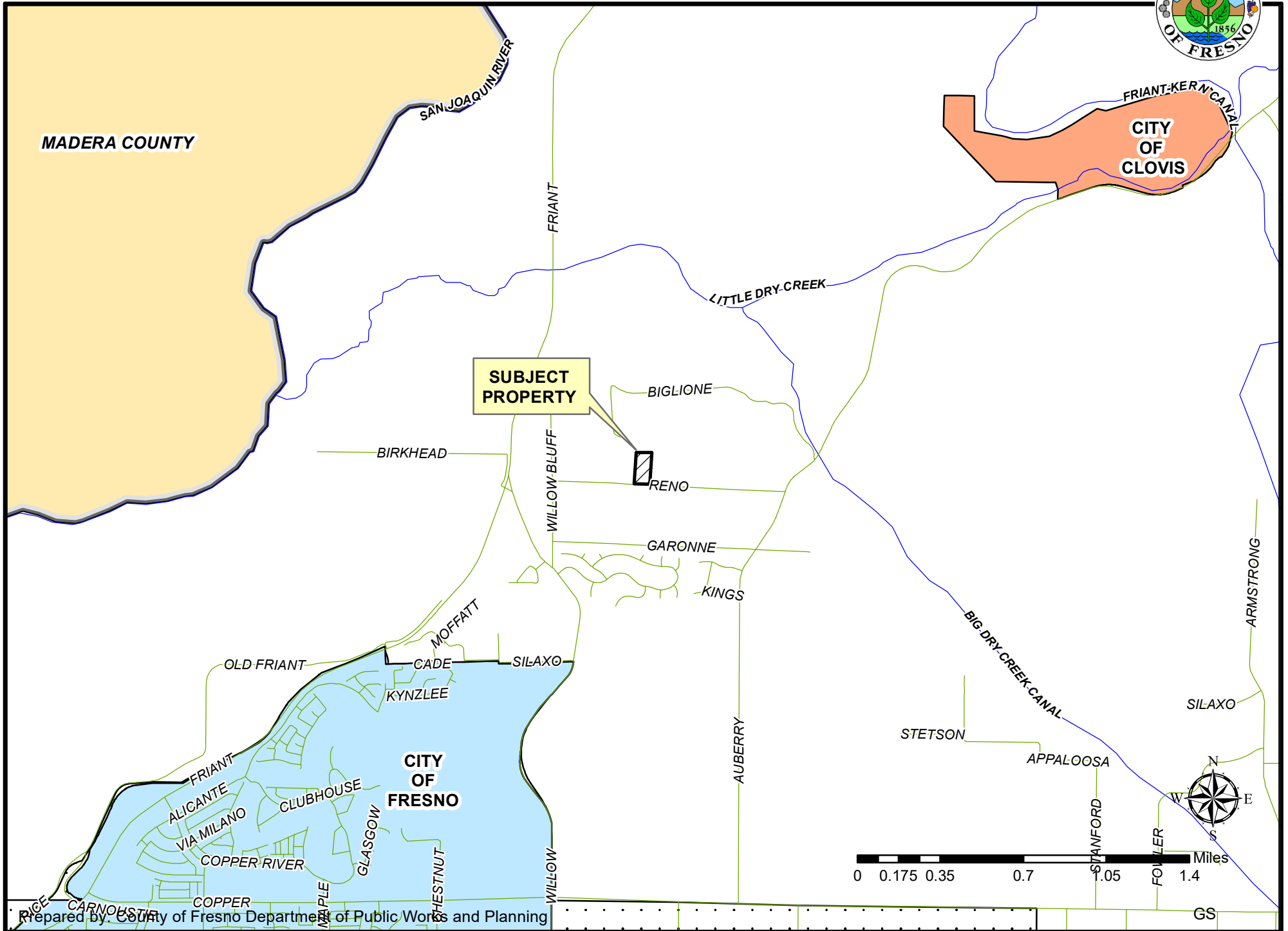
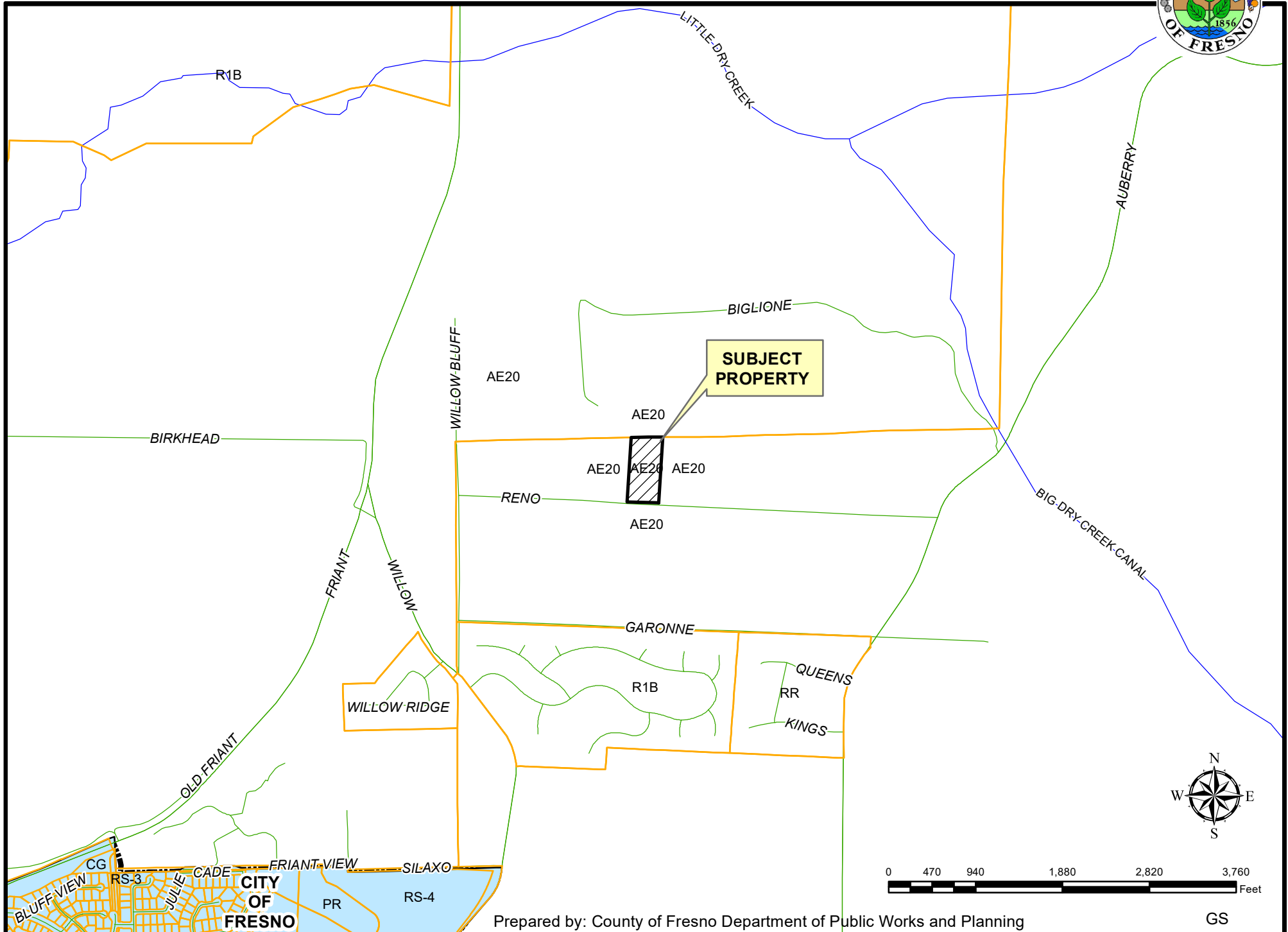
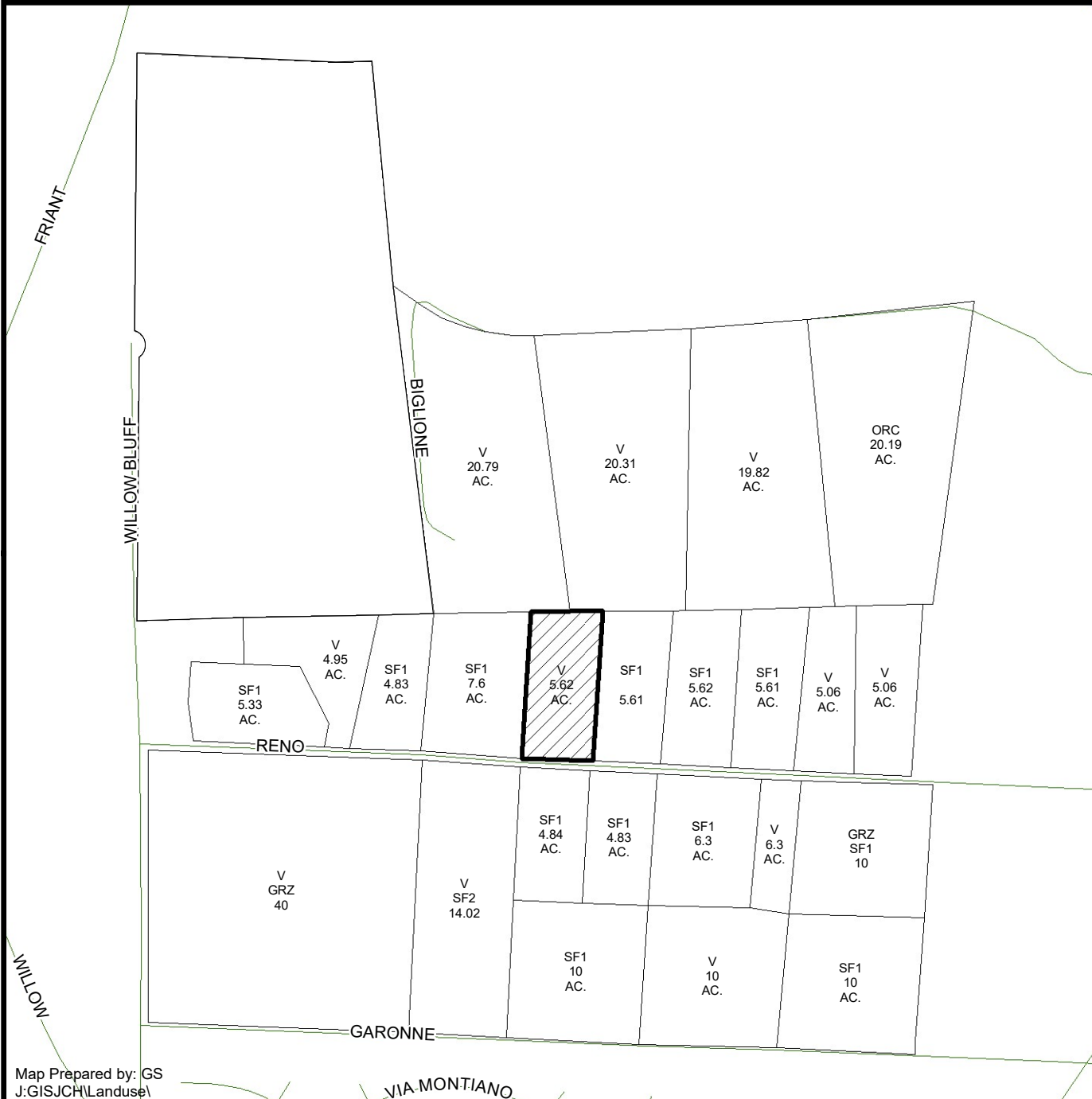


EXHIBIT 2

EXISTING ZONING MAP



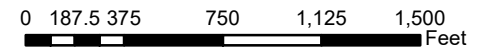
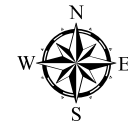
EXISTING LAND USE MAP



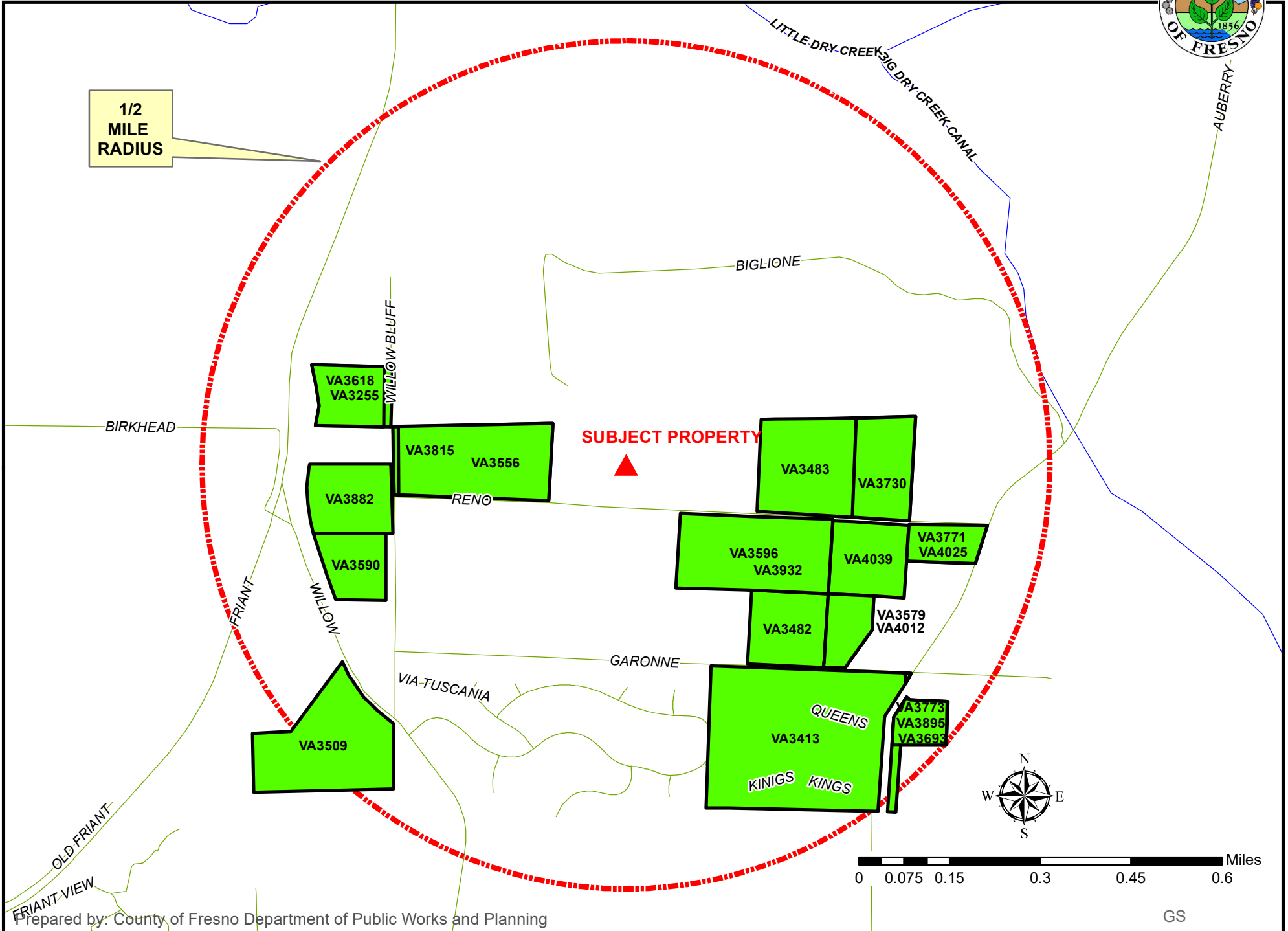
LEGEND
GRZ - GRAZING
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

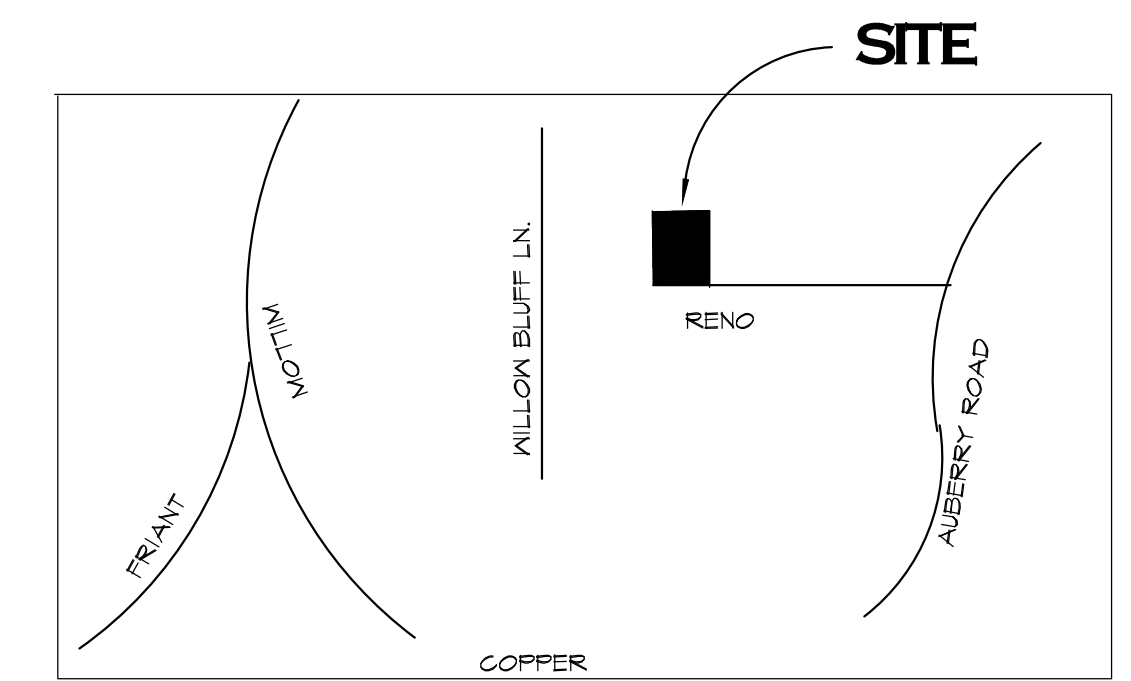
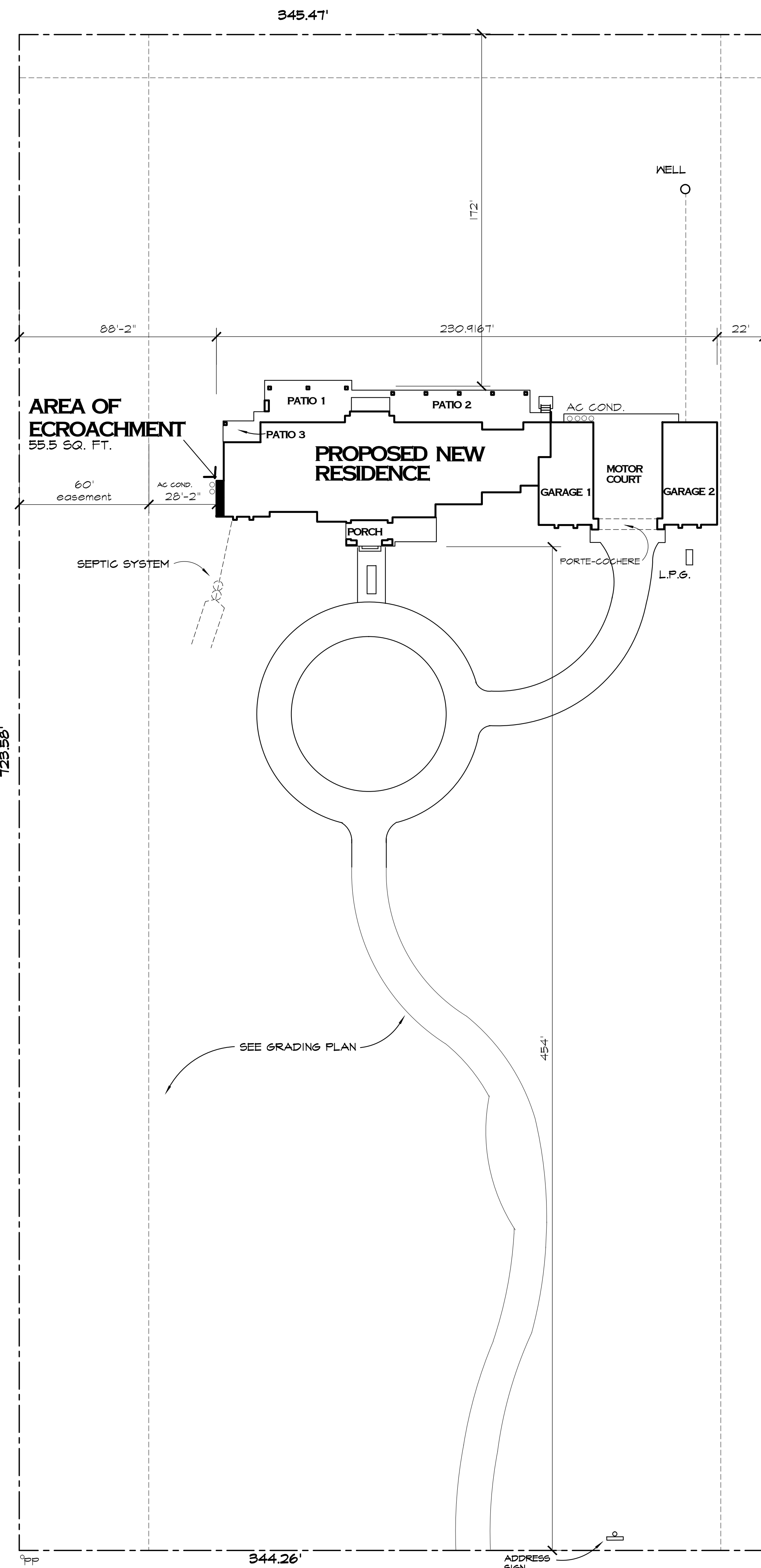
LEGEND:

 Subject Property



APPROVED VARIANCES WITHIN A HALF MILE RADIUS





SHEET INDEX	
A1	SITE PLAN
A2	FIRST FLOOR PLAN
A6	EXTERIOR ELEVATIONS

BUILDING AREAS	
LIVING AREA	= 1ST FLOOR : 5709 SQ. FT.
	2ND FLOOR : 3650 SQ. FT.
TOTAL LIVING AREA	= 9367 SQ. FT.
GARAGE 1	= 1109 SQ. FT.
GARAGE 2	= 1209 SQ. FT.
PORCH	= 232 SQ. FT.
PATIO 1	= 180 SQ. FT.
PATIO 2	= 548 SQ. FT.
PATIO 3	= 494 SQ. FT.
PORTE-COCHERE	= 160 SQ. FT.
BED 3 BALCONY	= 163 SQ. FT.
TOTAL	= 13,951 SQ. FT.

4872 EAST RENO ROAD



SITE PLAN


SCALE : 1/32" = 1'-0"

SITE ADDRESS : 4872 E. RENO ROAD
CLOVIS, CA. 93611

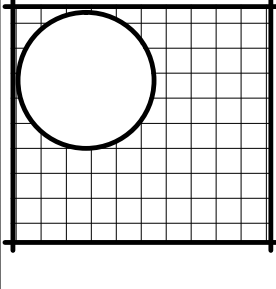
A.P.N. : 580 - 010 - 035

OWNER: HARJOT SINGH DULAI AND
AMNEET VIRK DULAI
65 N. WYNDOVER AVE.
CLOVIS, CA. 93611
554-210-1230

EXHIBIT 6



LOYE H. STONE AIA ARCHITECT
1805 WEST BULLARD AVENUE SUITE 18
FRESNO, CALIFORNIA 93711 437-0555



CONCORD CONSTRUCTION
1368 W. HERNDON AVE. SUITE 102
FRESNO, CA 93711 447-1000
LIC. NO. 915874

JOB NO.

DATE:
1-4-19

SHEET NO.

A1

Fresno County Dept. of Public Works
and Planning.

March 1, 2019

Re: 39635
4872 E. Reno Road

Variance Findings:

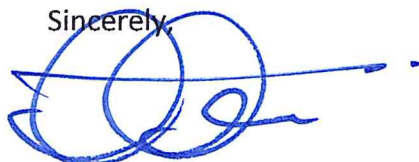
The requested variance does not apply generally to other properties in the area as the variance involves a reduced setback to an easement for a future road.

The variance is necessary in order to allow a small area of the residence to encroach into the setback. The area of encroachment consists of the main electrical service for the residence. A great cost burden will occur if the main electrical panel has to be moved to another location.

The granting of the variance will not be materially detrimental to the public welfare as it is a minor setback deviation of a small portion of the residence into a setback space of a future street easement. The future street does not seem to access any public area.

The granting of the variance will have very little impact on the objectives of the general plan.

Sincerely,



Loyal Stone
Architect



HARJOT SINGH PULAI
OWNER



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 June 27, 2019

SUBJECT: General Plan Conformity Application – Sanger Unified School District
Proposed Elementary School

Acquire approximately 17.93 acres of property for a new elementary school site (with related facilities) in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The proposed site is located on the west side of South Temperance Avenue, approximately 700 feet north of East Church Avenue, in the City of Fresno Sphere of Influence (1261 and 1345 S. Temperance) (SUP. DIST. 5) (APN 316-160-46 and -72).

OWNERS: Rick and Carmen Thompson
Thomas and Jana Bailey
Etta Lou Heilman, Trustee

APPLICANT: Sanger Unified School District

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Roosevelt Community Plan

ZONING AND LAND USE DESIGNATIONS:

Criteria	Designation
General Plan Designation	Reserve medium-density residential in the County-adopted Roosevelt Community Plan
City of Fresno General Plan Designation	Medium-density residential
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)

SITE AND PROPERTY CHARACTERISTICS:

Criteria	Existing	Proposed
Parcel Size	4.94 acres (APN 316-160-46) 12.99 acres (APN 316-160-72)	An approximately 17.93-acre elementary school site
Project Site	Rural Residential and Vacant Land	Elementary school campus
Nearest Residence	30 feet south of the proposed site	No change
Surrounding Development	Residential subdivisions, vacant land, rural residential development, field crops and orchard	No change

SURROUNDING PROPERTIES:

Surrounding Parcels			
	Size:	Use:	Zoning:
North:	1.84-acre parcel and medium-density residential subdivision	Medium-density residential housing and rural residential house	RS-4 (Fresno City) AL-20 (County)
South:	Eight approximately 2-acre parcels	Rural Residential	AL-20
East:	19.59-acre parcel	Single-family rural residential home and agriculture	AE-20
West:	Medium-density residential subdivision	Medium-density residential	RS-5 (Fresno City)

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

On May 23, 2019, the Sanger Unified School District (District) submitted an application for determination of General Plan Conformity on an approximately 17.93-acre site for the purpose of purchasing property for a new elementary school. The proposed site is located on the west side of North Temperance Avenue, approximately 700 feet north of East Church Avenue in the City of Fresno Sphere of Influence. The proposed school site is in an area experiencing urbanization and planned future residential development. The timing for the construction of the school is estimated to be in approximately five to seven years to coincide with planned residential development in the area and funding availability.

The District has stated that the new site is necessary to serve the planned student population growth generated by urban development. The school would be in regular session on weekdays from late August to early June with additional special events and classes during evenings, on weekends, and during the summer recess. The planned grade levels and enrollment would typically serve approximately 700 students in transitional kindergarten through sixth grade. The school would have approximately 45 employees (including administrators, faculty, and support staff), and would have administrative offices, classrooms, a multi-purpose building, and physical education facilities/outdoor play areas.

The City of Fresno's water and sewer systems are proposed to serve the school, and the location and design of the water and sewer facilities would be subject to review and approval by the City of Fresno.

The Fresno Irrigation District (FID) does not own, operate, or maintain any facilities located on the subject properties. The proposed development lies within the City of Fresno Growth Area 1 and is entitled to water under the current City of Fresno Conveyance Agreement.

Adopted Public Land Use Policy: The City of Fresno General Plan designates the proposed school site and adjoining land as medium-density residential. Schools are a permitted use in all single-family residential areas per the Fresno General Plan. The siting of a school at this location is consistent with the City of Fresno General Plan, Goal 8 (Develop Complete Neighborhoods). The

Sanger Unified School District expects the site to be annexed by the City of Fresno at the time of development.

Access: The Fresno General Plan designates Temperance Avenue as a Super Arterial, which is currently a two-lane County-maintained road, and designates Church Avenue as a Collector. The Fresno County General Plan designates Temperance Avenue as an Expressway and Church Avenue as a Collector. The school site will have street frontage on Temperance Avenue, and roads should be constructed to City of Fresno standards at the time of development.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
Policy LU-G.1: Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.	The proposed school site is within the City of Fresno Sphere of Influence and is designated for medium-density residential development in the City of Fresno General Plan. The project should be referred to the City of Fresno for review and comment.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	The proposed site is in an area designated for future urban development by the City of Fresno and is planned to be developed as residential uses. Property to the north and west are new medium-density residential subdivisions. Property to the south is developed as rural residential, and property to the east is rural residential and vacant agricultural land.
Policy PF-I.1: County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.	The District is attempting to accommodate growth projections and neighborhood needs with acquisition of this school site.
Policy PF-I.6: Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.	It is the intent of Policy PF-I.6 to discourage establishment of school facilities in agricultural areas because school facilities attract urban growth such as new residential developments, which could result in premature annexation of land as well as adversely affecting the surrounding farming operations. It is acknowledged that the proposed site is in an area designated for future urban development by the City of Fresno.

Relevant Policies:	Consistency/Considerations:
<p>Policy PF-I.7: County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.</p>	<p>The District has submitted the General Plan Conformity Application as part of the early process of site acquisition for development of an elementary school; analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on City and County General Plan policies that address urban fringe areas.</p>
<p>Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.</p>	<p>The proposed project is the purchase of approximately 17.93 acres of land for the development of an elementary school. An elementary school is not expected to create glare, smoke, electrical interference, or have hazardous chemicals or fuel storage on site.</p>

GENERAL PLAN POLICY CONSIDERATIONS:

The proposed school site and immediate surrounding area are within the City of Fresno's Sphere of Influence and are designated for medium-density residential land use. The site is also within the County-adopted Roosevelt Community Plan. The land use element of this community plan is consistent with the land use element of the Fresno County General Plan and subject to countywide goals, objectives, and standards.

A fundamental policy directive of the County's General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres.

The City of Fresno has not started annexation of this site and did not comment on the proposed school site.

As previously mentioned, the subject area is zoned for limited agricultural land uses (AL-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices. In this case, however, the area is within the City of Fresno Sphere of Influence and planned for medium-density single-family residential neighborhoods. The County-adopted Roosevelt Community Plan designates the site as Urban Reserve – Medium-Density Residential. The subject school is being located at this site to accommodate planned student growth in the area.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states that the County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs, and shall work with residential developers and school districts to ensure that

needed school facilities are available to serve new residential development. This proposal is consistent with this policy.

OTHER CONSIDERATIONS:

The proposed school site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act. Thus, the proposed site is not in conflict with related provisions and land uses.

REVIEWING AGENCY/DEPARTMENT COMMENTS:

Staff received comments from the following departments/agencies: Building and Safety Section, Road Maintenance and Operations Division, Policy Planning Unit, and Design Division of the Fresno County Department of Public Works and Planning; Joaquin Valley Air Pollution Control District; Fresno Irrigation District; and Fresno County Fire Protection District. The comments did not express any concerns regarding General Plan conformity.

CONCLUSION:

County staff can find the proposed elementary school site consistent with General Plan policy, based on analysis provided in this report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Finding of Consistency)

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

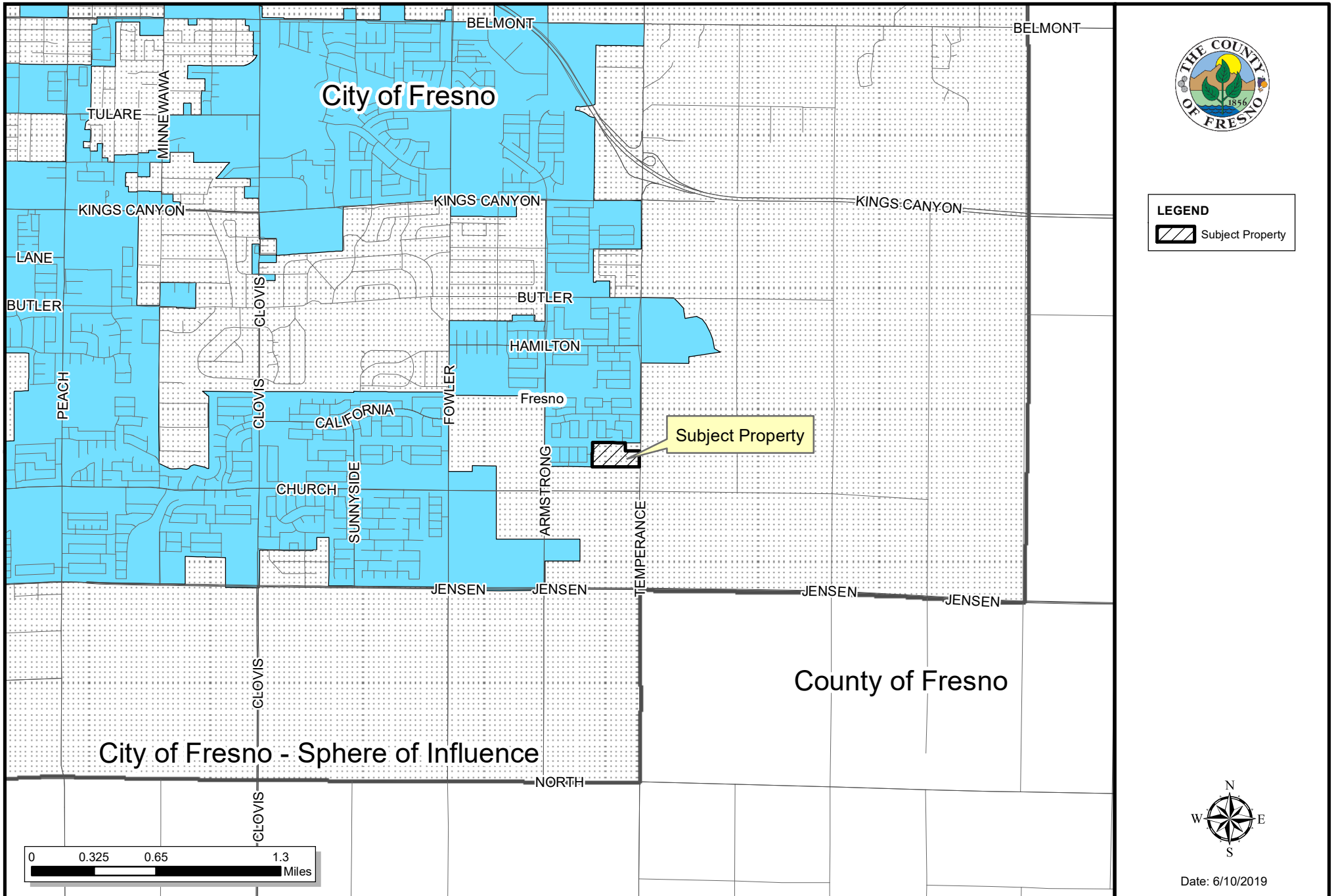
Alternative Motion (Finding of Non-Consistency)

- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

MM:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\GPC\Sanger Unified\Temperance Church Elementary\SR\GPC SUSD SR.docx

LOCATION MAP

General Plan Conformity - Sanger Unified School District



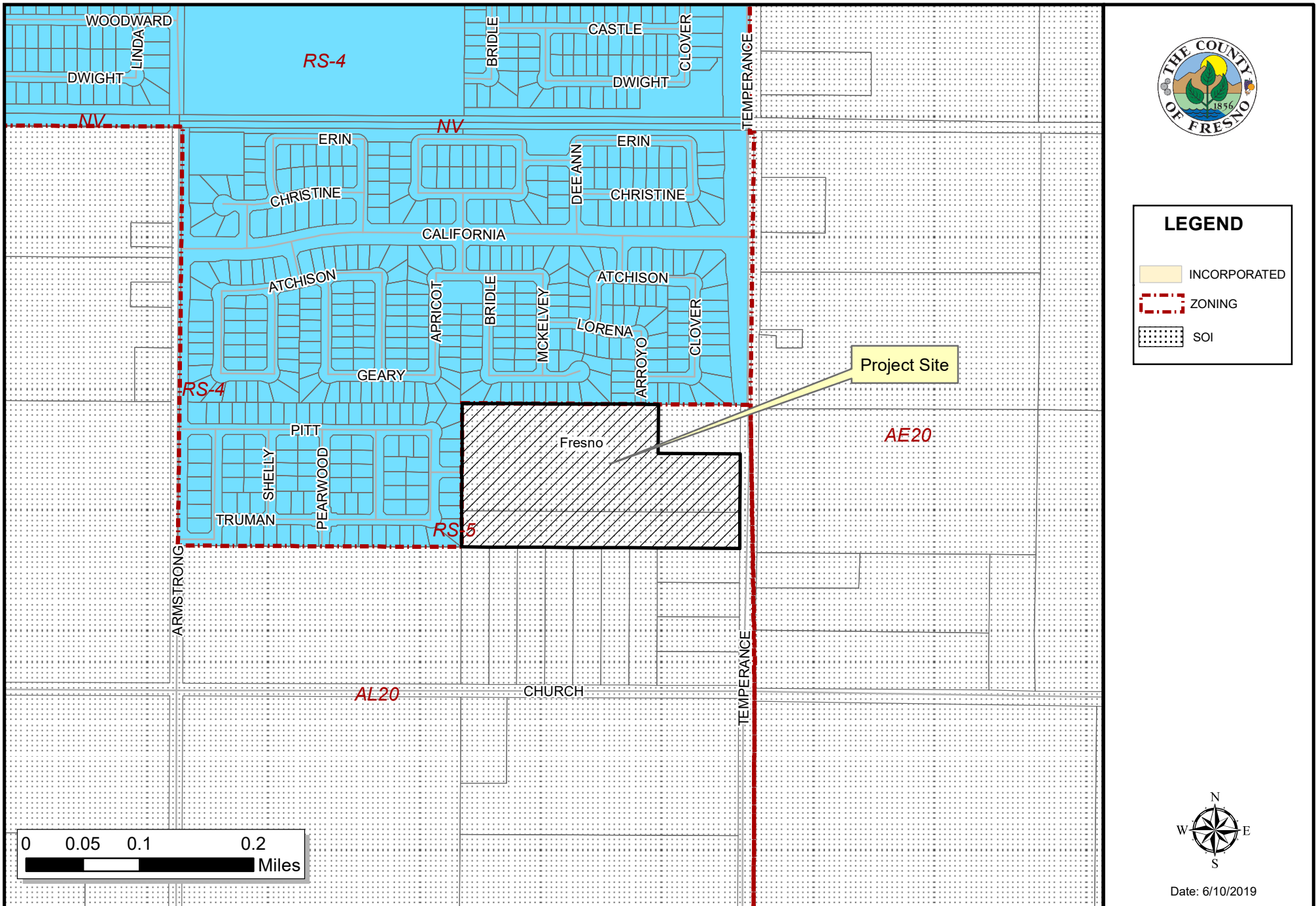
LEGEND
[Hatched Box] Subject Property



Date: 6/10/2019

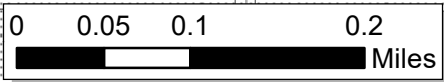
EXISTING ZONING

General Plan Conformity - Sanger Unified School District



LEGEND

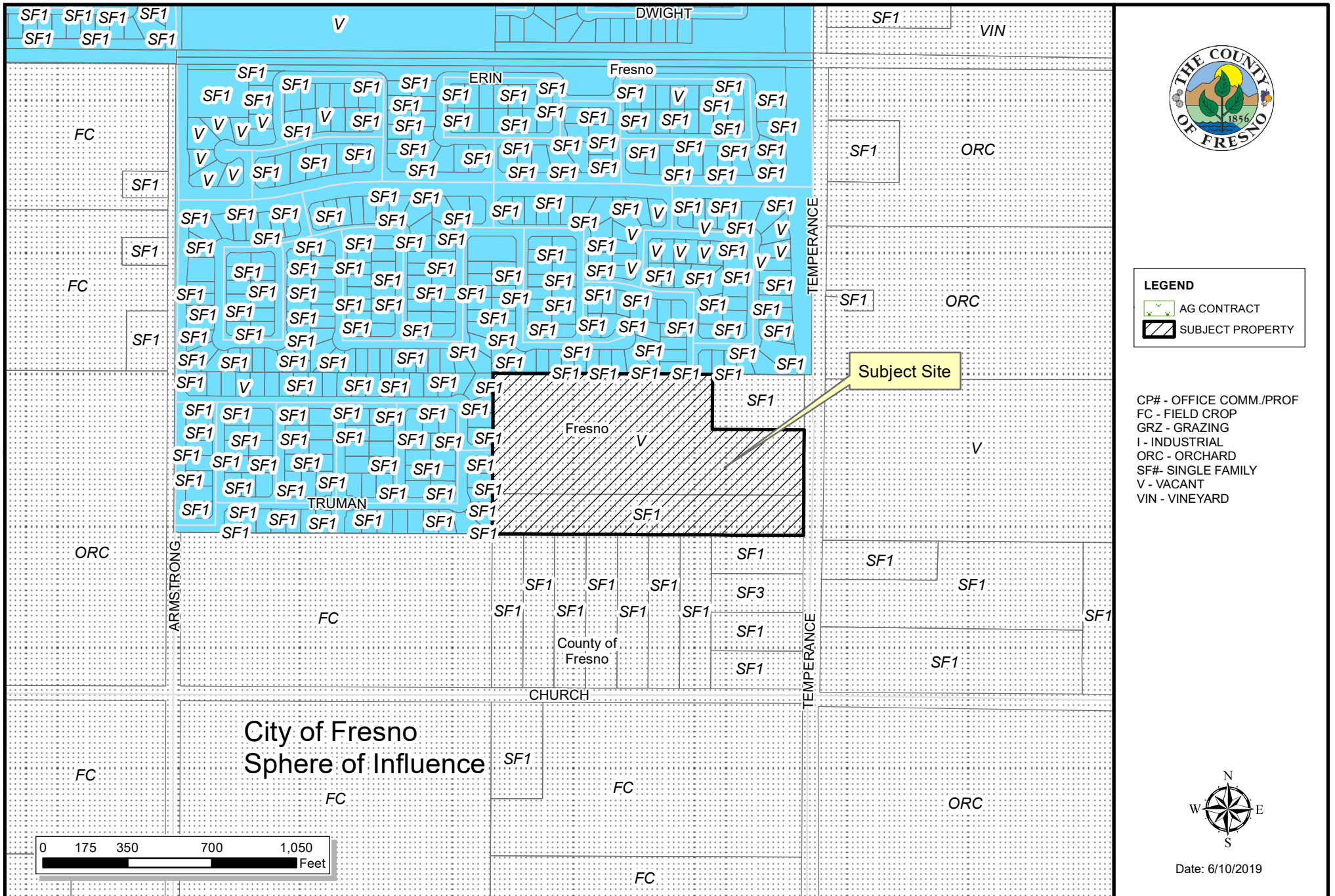
- INCORPORATED
- ZONING
- SOI



Date: 6/10/2019

EXISTING LAND USE MAP

General Plan Conformity - Sanger Unified School District



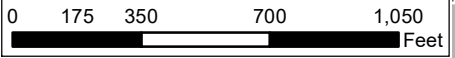
LEGEND

- AG CONTRACT
- SUBJECT PROPERTY

- CP# - OFFICE COMM./PROF
- FC - FIELD CROP
- GRZ - GRAZING
- I - INDUSTRIAL
- ORC - ORCHARD
- SF# - SINGLE FAMILY
- V - VACANT
- VIN - VINEYARD

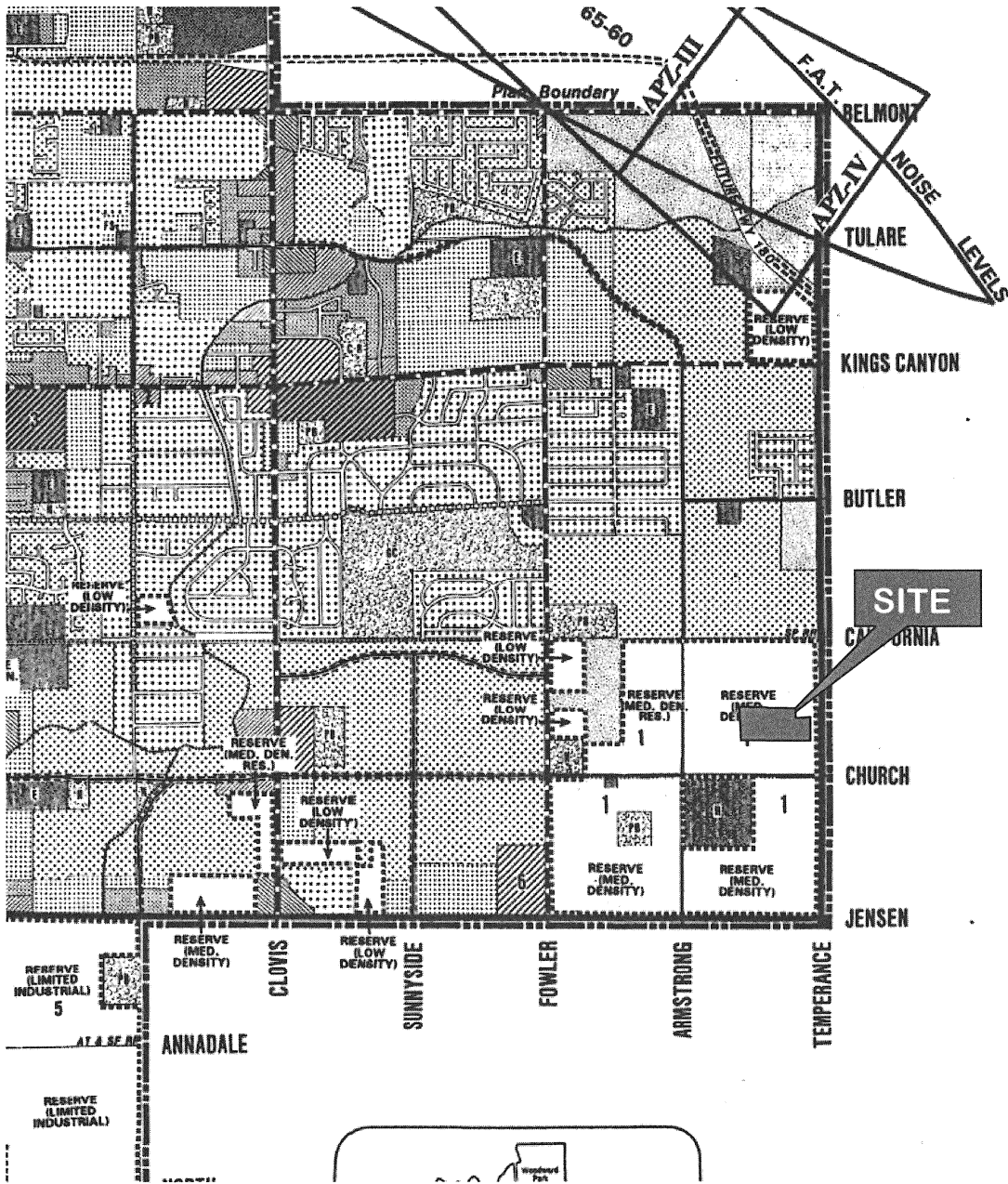


Date: 6/10/2019



ROOSEVELT Community Plan

EXHIBIT 4



LEGEND

RESIDENTIAL	OPEN SPACE
[Symbol] RURAL DENSITY	[Symbol] AGRICULTURAL
[Symbol] LOW DENSITY	[Symbol] COMMERCIAL-RECREATIONAL
[Symbol] MEDIUM LOW DENSITY	[Symbol] GOLF COURSE
[Symbol] MEDIUM DENSITY	[Symbol] PONDING BASIN
[Symbol] MEDIUM HIGH DENSITY	[Symbol] NEIGHBORHOOD PARK
COMMERCIAL	[Symbol] COMMUNITY PARK
[Symbol] OFFICE	INDUSTRIAL
[Symbol] NEIGHBORHOOD	[Symbol] LIMITED
[Symbol] COMMUNITY	[Symbol] GENERAL
[Symbol] GENERAL	CIRCULATION
[Symbol] REGIONAL	[Symbol] FREEWAY
PUBLIC FACILITIES	[Symbol] PROPOSED FREEWAY
[Symbol] PUBLIC FACILITY	[Symbol] EXPRESSWAY
[Symbol] ELEMENTARY SCHOOL	[Symbol] SUPER ARTERIAL
[Symbol] MIDDLE SCHOOL	[Symbol] ARTERIAL
[Symbol] HIGH SCHOOL	[Symbol] COLLECTOR
[Symbol] COLLEGE	[Symbol] SCENIC ROUTE
[Symbol] FAIRGROUNDS	[Symbol] LOCAL STREET
[Symbol] FIRE STATION	[Symbol] PROPOSED STREET
[Symbol] HOSPITAL	[Symbol] MULTI-PURPOSE TRAIL (CANAL BANK)

NOTES

- MEDIUM DENSITY RESIDENTIAL RESERVE LIMITED TO 4.88 UNITS PER ACRE
- ALTERNATIVE OFFICE, PUBLIC FACILITY AND MEDIUM DENSITY RESIDENTIAL TO BE CONSIDERED.
- DUAL DESIGNATION, PUBLIC FACILITY (HIGH SCHOOL) IS THE ALTERNATIVE USE.
- DUAL DESIGNATION, OPEN SPACE (NEIGHBORHOOD PARK) AS AN ALTERNATIVE USE.
- DUAL DESIGNATION, OPEN SPACE (REGIONAL PARK) AS AN ALTERNATIVE USE.
- COMMUNITY COMMERCIAL PLANNED USE (30 ACRES) TO BE DEVELOPED AS A 15-ACRE COMMERCIAL CENTER AND 15 ACRES OF OFFICES, SUBJECT TO THE PROVISIONS OF RESO. 92-141. (CITY OF FRESNO)
- LIMITED TO SINGLE STORY OFFICES ONLY

EXHIBIT 4