

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO

STATE OF CALIFORNIA

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In the Matter of)
UNCLASSIFIED CONDITIONAL USE)
PERMIT APPLICATION NO. 2235)
Stephen Beck, and)
UNCLASSIFIED CONDITIONAL USE)
PERMIT APPLICATION NO. 2241)
Lone Star Industries)

RESOLUTION MAKING FINDINGS
AND APPROVING CONDITIONAL USE
PERMIT APPLICATIONS

WHEREAS, Unclassified Conditional Use Permit Application No. 2235 has been filed by Stephen Beck proposing to allow the extraction of rock, sand, and gravel with incidental gold recovery on a 251-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of N. Friant Road, approximately one-half mile south of the unincorporated community of Friant; and

WHEREAS, Unclassified Conditional Use Permit Application No. 2241 has been filed by Lone Star Industries proposing to allow rock, sand, and gravel excavated from the above-referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue; and

WHEREAS, said applications were heard by the Fresno County Planning Commission on the 11th day of June, 1987; that a motion to approve said applications was made and seconded but failed on a three-to-three vote, thus constituting denial; and

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WHEREAS, an Environmental Impact Report (EIR) and a Supplemental Environmental Impact Report have been prepared for Unclassified Conditional Use Permit Application No. 2235 and Unclassified Conditional Use Permit Application No. 2241; and

WHEREAS, Section 15090 of the California Environmental Quality Act (CEQA) Guidelines requires that the Board certify that the Final Environmental Impact Report and the Supplemental Environmental Impact Report was completed in compliance with CEQA, and that the Board has reviewed and considered the information contained in the Final Environmental Impact Report and the Supplemental Environmental Impact Report prior to approval of the project; and

WHEREAS, Section 15091 of the State CEQA Guidelines requires that the Board, when considering a project for which an Environmental Impact Report has been prepared, shall not approve said project without making one or more of the following findings for any identified significant effect:

- (a) Changes have been required in the project to avoid or substantially lessen the significant effect.
- (b) Another agency has responsibility to require appropriate changes and has or should require such changes.
- (c) Specific economic, social, or other considerations make mitigation measures or project alternatives infeasible; and

WHEREAS, the following impacts were identified as significant for Unclassified Conditional Use Permit Application No. 2235: (1) erosion; (2) excavation will intersect groundwater level; (3) wastewater discharge; (4) lake eutrophication; (5) dust; (6) wildlife, (7) noise; (8) safety hazards from excavation pits; (9) traffic; (10) temporary disruption of recreational users at Lost Lake Park; and (11) aesthetics; and

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1 WHEREAS, the following impacts were identified as significant for
2 Unclassified Conditional Use Permit Application No. 2241: (1) increase in
3 use of water; (2) air quality; (3) noise; (4) traffic; (5) disruption to
4 recreational use of Lost Lake Park; and (6) aesthetics; and

5 WHEREAS, Section 15093 of the State CEQA Guidelines requires that
6 where the decision of a public agency allows the occurrence of significant
7 effects which are identified in the Final EIR and Supplemental EIR, but are
8 not at least substantially mitigated, the approval must contain a finding
9 that the benefits of the project outweigh the unavoidable adverse
10 environmental effects; and

11 WHEREAS, aesthetic impacts have been identified as a significant
12 effect, which cannot be substantially mitigated, for Unclassified Conditional
13 Use Permit Application Nos. 2235 and 2241; and

14 WHEREAS, Section 873 of the Fresno County Ordinance Code prescribed
15 findings to be made in connection with the subject conditional use permit
16 applications; and

17 WHEREAS, this matter came on appeal by the applicants for hearing
18 before this Board on the 14th and 28th days of July, 1987, at which time it
19 considered all testimony and evidence relating to said conditional use
20 permit applications, and the Final EIR and the Supplemental EIR;

21 NOW, THEREFORE, BE IT RESOLVED that the Board certifies the Final
22 Environmental Impact Report and Supplemental Environmental Impact Report as
23 specified in Section 15090 of the State CEQA Guidelines.

24 BE IT FURTHER RESOLVED that this Board makes a finding as to CEQA
25 Section 15091 for Unclassified Conditional Use Permit Application No. 2235
26 that changes have been required in the project to avoid or substantially
27 lessen the significant effects or impacts identified as 1 through 10 above,

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1 and that economic and physical limitations make mitigation measures for
2 potential adverse aesthetic impacts infeasible.

3 BE IT FURTHER RESOLVED that this Board makes a finding as to CEQA
4 Section 15091 for Unclassified Conditional Use Permit Application No. 2241
5 that changes have been required in the project to avoid or substantially
6 lessen the significant effects or impacts identified as 1 through 5 above,
7 and that economic and physical limitations make mitigation measures for
8 potential adverse aesthetic impacts infeasible.

9 BE IT FURTHER RESOLVED that this Board has determined that the
10 rock, sand, and gravel material on the Beck Ranch is a finite resource of
11 high quality and is an economic asset to the community at large. Failure to
12 extract the material now may preclude extraction at a later time due to
13 competing land uses as growth occurs on adjacent properties. Failure to
14 allow the utilization of rock, sand, and gravel on the Beck Ranch will
15 hasten the day when rock, sand, and gravel will have to be transported to
16 the Fresno-Clovis Metropolitan Area from more distant sources. The
17 additional transportation costs would increase the costs of constructing
18 roads, housing, and other projects. When the rock, sand, and gravel
19 operations are completed, planned reclamation will result in additional
20 riparian habitat and recreational resources for the community at large.

21 BE IT FURTHER RESOLVED that this Board makes a finding as to
22 Section 15093 that the benefits of Unclassified Conditional Use Permit
23 Application No. 2235 and Unclassified Conditional Use Permit Application No.
24 2241 outweigh the unavoidable adverse environmental effects.

25 BE IT FURTHER RESOLVED that this Board does hereby make its
26 findings for the subject conditional use permit applications as more
27 particularly set forth below:

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1 Finding 1: All site improvements and excavation areas at the Beck Ranch
 2 are set back from property lines as required. Sufficient area
 3 is available to carry out the types of activities proposed.
 4 The site is adequate in size and shape for the proposed use.
 5 The Lone Star Industries plant site is of adequate size and
 6 shape to accommodate all existing uses. The applicant does
 7 not propose to add any new plant equipment as a result of
 8 processing the new materials from the Beck Ranch, nor does the
 9 applicant intend to increase plant capacity. Therefore, the
 10 site can be found to be adequate in size and shape.

11 Finding 2: Access to the sites is via Friant Road which is classified as
 12 an Expressway on the Fresno County General Plan. This stretch
 13 of Friant Road carries an average daily traffic volume of
 14 4,930 (1985) vehicles per day.
 15 According to the applicants, the capacity of the processing
 16 plant will remain unchanged, thus limiting traffic to a
 17 maximum of 180 truck loads per day. The Development
 18 Engineering Section has indicated that Friant Road is of
 19 adequate width and pavement type to accommodate this traffic,
 20 and that the existing access roads are adequate to handle the
 21 proposed truck traffic.

22 Finding 3: The Beck Ranch site is located north of an approved rock,
 23 sand, and gravel operation, and Lost Lake Regional Park is
 24 adjacent to the north and west. Across Friant Road to the
 25 east are residential homesite parcels, and a residential
 26 subdivision has been approved by Madera County to the west on
 27 the river bluff.

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The Environmental Impact Reports prepared for these projects identified the following potential adverse impacts that might occur from the extraction of resource material on the Beck site: (1) erosion; (2) excavation will intersect groundwater level; (3) wastewater discharge; (4) lake eutrophication; (5) dust; (6) wildlife; (7) noise; (8) safety hazards from excavation pits; (9) traffic; (10) temporary disruption of recreational users at Lost Lake Park; (11) removal of resource material from the site; (12) minor loss of water to evaporation; (13) reduction in use of riparian water; (14) loss of agricultural land; (15) aesthetics. Numerous conditions have been developed to address these concerns. If operated subject to these conditions, the material extraction project will not have any adverse impacts.

The Lone Star processing plant site is located within the San Joaquin River Bottom Area and is overlooked by the river bluffs on either side of the San Joaquin River. The processing plant site is adjacent to two large previously mined open-space areas to the north and west, agriculture to the south, and grazing to the east across Friant Road. As noted in the Environmental Analysis Section, the Supplemental Environmental Impact Report prepared for the project identified several potential impacts related to mineral resources, water, air quality, noise, traffic and circulation, and aesthetics. Numerous conditions have been developed to address these concerns. If operated subject to these conditions, the processing plant operation will not have any adverse impacts.

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Finding 4: The Mineral Resources Section of the Open Space/Conservation Element of the Fresno County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The Beck Ranch and Lone Star Industries sites lie within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Conditions designed to minimize conflicts with surrounding land uses and the natural environment will be imposed on these projects. If operated in conformance with these conditions, the uses will be consistent with the General Plan.

Both the Beck Ranch and Lone Star Industries properties are designated on the General Plan as part of the San Joaquin River Influence Area. Existing policies recognize the multiple use values of the river valley. Because of the unique characteristics of relief, wildlife, vegetation, and natural beauty of this region, it is essential that any development require careful planning. Based on the plan of operation and rehabilitation proposed for the Beck Ranch, and the controls imposed by the conditions of approval, the extraction use will be in conformance with the River Influence Policies. The ultimate restoration of the site to productive agricultural use and wildlife lakes will assure the maintenance of the open-space character of the river area in conformance with the River Influence Policies. The conditions of approval as required for the Lone Star Industries

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processing plant will mitigate potential adverse impacts, and thus ensure that this use will remain in conformance with the River Influences Policies.

Friant Road is designated as a Scenic Highway on the Scenic Highways Element of the Fresno County General Plan from the City of Fresno to Lost Lake. Portions of the Beck Ranch material extraction operation will be visible from Friant Road. The applicant has proposed to limit extraction by providing a 50-foot setback from Friant Road and use existing nut trees and additional landscaping as a visual buffer. The east portion of the property would be rehabilitated for agricultural purposes during and after the completion of the project. The Lone Star processing plant is visible from Friant Road; however, no expansion of the plant equipment is proposed.

BE IT FURTHER RESOLVED that Unclassified Conditional Use Permit Application Nos. 2235 and 2241 be and are hereby approved, subject to those conditions set forth in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

RB:uz
1976K

1 THE FOREGOING Resolution was passed and adopted by the following vote
2 of the Board of Supervisors of the County of Fresno this 28th day of July,
3 1987, to-wit:

4 AYES: Supervisors Conrad, Koligian, Ramacher

5 NOES: Supervisor Andreen

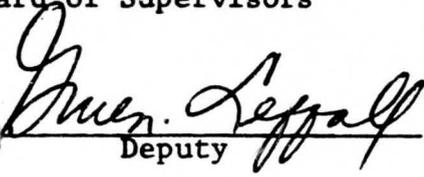
6 ABSTAINED: Supervisor Levy

7 ABSENT: None
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11 CHAIRPERSON, Board of Supervisors

12 ATTEST:

13 SHARI GREENWOOD, Clerk
14 Board of Supervisors

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16 By 
17 Deputy

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21 File #7512

22 Agenda #5a

23 Resolution No. 87-310
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July 14, 1987



20a#6
Agenda Item

Date: July 14, 1987

To: Board of Supervisors

From: Planning Commission

Subject: RESOLUTION NO. 9985 - UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 and ENVIRONMENTAL ASSESSMENT NO. 3157; UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241 and ENVIRONMENTAL ASSESSMENT NO. 3174

Unclassified Conditional Use Permit Application No. 2235 and related Environmental Impact Report filed by Stephen Beck to allow the excavation of rock, sand, and gravel, with incidental gold recovery, on a 251-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District located on the west side of Friant Road adjacent to Lost Lake Regional Park (just east of Lost Lake), approximately one-half mile south of the unincorporated community of Friant (15755 Friant Road) (SUP. DIST.: 5) (APN 300-160-45 and 46); and

Unclassified Conditional Use Permit Application No. 2241 and related Supplement Environmental Impact Report filed by Lane Star Industries, Inc. proposing to allow rock, sand, and gravel excavated from the above referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue (13475 Friant Road) (SUP. DIST.: 2) (APN 300-040-18; 300-070-04, 05, 10, 12, 14, 15, 25; 300-080-01; 300-250-07, 08, 09, 10, 11, 12; 300-310-01).

PLANNING COMMISSION ACTION:

At its hearing of June 11, 1987, the Commission considered the Staff Reports and Environmental Impact Reports prepared for the projects and testimony (Summarized on Exhibit "A"). A motion was made and seconded to deny the applications based on a determination that Findings 2, 3, and 4 could not be made. The motion failed on a three-to-three vote:

ADMINISTRATIVE OFFICE REVIEW Ed Pankert Page 1 of 2
BOARD ACTION: DATE July 14, 1987 APPROVED AS RECOMMENDED _____ OTHER X



CONTINUED TO TUESDAY, JULY 28, 1987, 2:00 P.M., TO ALLOW FURTHER DISCUSSION ON POSSIBLE CONSTRUCTION OF FRONTAGE ROAD.

UNANIMOUS X ANDREEN _____ CONRAD _____ KOLIGIAN _____ LEVY _____ RAMACHER _____ 20a#6

VOTING: Yes: Commissioners Radics, Stephens, Breemer
No: Commissioners Furgurson, Lingo, McCrummen
Absent: Commissioners Cruff, Orosco, Quist

A motion was then made and seconded to approve the applications. The motion failed on a three-to-three vote, thus constituting denial of Unclassified Conditional Use Permit Application No. 2235 and Unclassified Conditional Use Permit Application No. 2241.

VOTING: Yes: Commissioners Lingo, Furgurson, McCrummen
No: Commissioners Breemer, Radics, Stephens
Absent: Commissioners Cruff, Orosco, Quist



RICHARD D. WELTON, Director
Public Works & Development Services Department
Secretary-Fresno County Planning Commission

NOTE: The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

RDW:RB:uz
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RESOLUTION NO. 9985

EXHIBIT "A"

Staff:

The Public Works & Development Services Department presented its Staff Reports dated June 11, 1987, and the Environmental Impact Reports prepared for the projects by Buada Associates dated July, 1986, and April, 1987. Staff indicated that Condition No. 21 as recommended should be modified to require that rehabilitation of any phase be completed within one year of commencing excavation in a subsequent phase rather than within 90 days.

Applicants:

Mr. James McKelvey, representing Stephen Beck, spoke in support of Unclassified Conditional Use Permit Application No. 2235. His presentation included the following major points of information:

- The project was modified in an attempt to reduce environmental impacts by deleting the processing plant operation, deleting the utilization of mercury and other chemicals in the gold recovery operation, limiting the amount of truck traffic, and utilizing an internal haul road system rather than taking direct access to Friant Road.
- The Environmental Impact Reports prepared for the project identified numerous mitigation measures related to noise, land use, traffic, and aesthetics. These mitigation measures will be incorporated into the projects.
- All environmental issues have been addressed by changes to the project or conditions of approval. The Environmental Impact Report can be certified.
- Eliminating a portion of the agricultural operation and providing additional wildlife areas as proposed under the rehabilitation plan will result in less agricultural related chemicals from entering the local groundwater and an increase in the amount of riparian vegetation available for wildlife.
- The Fresno community would derive a great benefit from the project since the rock, sand, and gravel supply is located near the metropolitan area. Transportation costs would be less than if the material had to be transported longer distances from the Kings and Kaweah River areas. Hauling from these outlying areas would result in greater amounts of air pollution and potential traffic hazards.

- The findings of fact can be made for these projects. The Fresno County Board of Supervisors made similar findings and approved a material extraction operation on the subject site in 1985.
- Condition No. 6 should be amended to delete the requirement of "conifer" trees and permit species acceptable to the Parks Division. Condition No. 13 requiring "residential" mufflers is ambiguous. Condition No. 23 has already been complied with, and Condition No. 26 should not require fencing between the Beck and Lone Star properties since both sites would be mined.

Mr. Thomas O'Donald, representing Lone Star Industries, spoke in support of Unclassified Conditional Use Permit Application No. 2241 and offered the following comments:

- The new project will result in only one material processing plant being operated rather than two as previously approved.
- Condition No. 4, requiring an earthen berm to be provided around the core crusher, should be modified to allow for "other similar sound-reducing measures." The requirement that improvements be made within 120 days should be extended by at least 30 days.
- Condition No. 6, requiring removal of vegetation within 120 days of project approval, should be amended to read within 120 days of staff approval.

Others:

Linda Falasco, representing the Central Valley Rock, Sand, and Gravel Association, spoke in support of the requests.

James Oakes, representing the Business Industry Association and the Fresno County and City Chamber of Commerce, spoke in favor of the requests.

Clary Creager, representing the San Joaquin River Committee, spoke in opposition to the applications and offered the following comments:

- The Environmental Impact Report (EIR) prepared for the project is insufficient and was biased since it was prepared by the applicant's advocate.
- The cumulative impacts of the project including water quality issues, the rehabilitation plan, and noise impacts were not fully discussed in the EIR.
- The proposed mitigation measures are not sufficient to address impacts.

Mr. Jeffrey Boswell representing Madera County property owners owning 2,000 acres of land adjacent to the Beck Ranch on the west side of the San Joaquin River spoke in opposition to the request. His presentation included the following major points:

- The proposed berm will not block adverse visual and noise impacts to surrounding bluff area residents.
- It is questionable whether or not Mr. Beck owns title to all the property under consideration or whether the State Lands Commission owns a portion of it.
- As many as 400 homes on the bluff may look down on the site.
- The Rehabilitation Plan presents problems. The phases should be much smaller than 50 to 60 acres in size.
- The major incentive for the material extraction operation is not the mining of rock, sand, and gravel materials, but the mining of gold. The occurrence of gold is more prevalent near Friant Dam.

Five area property owners spoke in opposition to the request and offered the following comments:

- Truck traffic entering onto and traveling along Friant Road creates hazardous conditions for bicyclists.
- It is questionable whether the material resource is needed given the present available supply at other local extraction sites.
- Adverse noise and air quality impacts will result from the project.
- If Unclassified Conditional Use Permit Application No. 2235 is approved, a condition of approval should indicate that Conditional Use Permit No. 2172 issued on the same site is no longer valid.
- The legal description of Unclassified Conditional Use Permit Application No. 2241 is inaccurate.
- The operational plan for Conditional Use Permit Application No. 2235 should include more phases to comply with current standards that require that no single phase be greater than 80 acres or 25 percent of the project area.
- The reclamation plan is incomplete. It is not known where the mining waste will be deposited.

AGENDA ITEM NO. 5

STAFF REPORT

TO

THE FRESNO COUNTY PLANNING COMMISSION

Unclassified Conditional Use Permit Application No. 2235

Environmental Assessment No. 3157

June 11, 1987

Applicant: Stephen Beck Accepted On: July 15, 1986

Request: Allow the excavation of rock, sand, and gravel with incidental gold recovery.

Location: West side of Friant Road adjacent to Lost Lake Regional Park (15755 Friant Road).

Present Zoning: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing

1. Approximate Area: 251 acres
2. Use of Subject Property: Agriculture, single-family residences
3. Use of Surrounding Area: County recreational park, Lone Star Industries sand and gravel extraction site, single-family residences, bait shop/snack bar
4. Surrounding Zoning: AE-20, Interim R-E, R-E, A-C
5. City Limits: The subject parcel is located approximately one-half mile south of the unincorporated community of Friant.
6. Noticing: Notices were sent to 40 property owners within one-half mile of the subject property.

B. History

On February 2, 1984, the Fresno County Planning Commission denied Unclassified Conditional Use Permit Application No. 2019, which proposed to allow a rock, sand, and gravel extraction operation and related ready-mix concrete and asphaltic concrete plant on the subject property. The Planning Commission's decision was appealed to the Board of Supervisors, and on May 22, 1984, the Board upheld the Commission's decision and denied the appeal.

On September 12, 1985, the Fresno County Planning Commission considered Unclassified Conditional Use Permit Application No. 2172, which was essentially the same project that was denied in 1984. The Commission's motion to deny the application resulted in a technical denial based on a four-to-four vote. The Planning Commission's decision was appealed to the Board of Supervisors, and on October 15, 1985, the Board of Supervisors overturned the Commission's decision and approved Unclassified Conditional Use Permit Application No. 2172 and the Negative Declaration prepared for the project.

Subsequent to the Board's action, the Friends of Friant, a local association, filed court action to challenge the decision of the Board to approve the project without preparation of an Environmental Impact Report. This court action is still pending.

The applicant has filed the present application and has prepared an Environmental Impact Report to address environmental related issues. The current project differs from the prior proposals in that it deletes the previously proposed processing operation and rerouting of haul trucks through a portion of Lone Star's property to the south rather than taking direct access to Friant Road.

This application is being considered concurrently with Unclassified Conditional Use Permit Application No. 2241 filed by Lone Star Industries, Inc., proposing to process the materials excavated from the subject property at Lone Star's existing processing plant. Because these two projects constitute one project, the Planning Commission should take a single vote on the two applications.

C. Background

The applicant indicates that the site is presently farmed with nut trees and grape vines. An approximate 33-acre portion is used for seasonal crops. The site also includes a 2.5-acre homesite and a 2.5-acre irrigation pond.

The entire property is part of the historic alluvial plain of the San Joaquin River prior to the construction of Friant Dam. The topsoil depth is estimated to be an average depth of six feet. Recent soil and geologic tests indicate that rock, sand, and gravel deposits underlie the soil to an average depth of 37 feet.

Lost Lake Regional Park is adjacent to the west and north of the subject property. The park and Lost Lake itself provided the material for the construction of Friant Dam. The lake remains as a partially rehabilitated pit with steep slopes on the east and south sides of the lake. The lake has been developed by the County for fishing and picnicking. The property to the south is owned by Lone Star Industries.

D. Operational and Rehabilitation Plan

The applicant's operational, phasing, and rehabilitation plan is included as Exhibit "A". Development and operation of the site will be in accordance with this statement.

E. Site Plan

The site plan submitted by the applicant shows the following major features:

1. The 251-acre parcel with frontage on Friant Road.
2. An access road located approximately 1,000 feet west of Friant Road providing access through the adjacent Lone Star property to Friant Road.
3. The proposed fencing around the entire parcel on the property line.
4. A 50-foot wide landscaped buffer adjacent to Friant Road (existing almond trees).
5. A 50-foot wide buffer within a ten-foot high berm located along the northern and western property lines.
6. Four phases of extraction with a notation as to size and probable duration of the excavation period.
7. Typical excavation and rehabilitation profile.
8. Cross sections including extent of overburden, depth of excavation, and rehabilitated slopes and levels.
9. The location of two residences, a shed, and a proposed office and shop.

F. Environmental Analysis

An Environmental Impact Report (EIR) was prepared for the combined Lone Star and Beck projects. The project proponent offered to prepare an Environmental Impact Report, and retained a consultant for that purpose. The Environmental Impact Report was prepared by the consultant in conformance with County-adopted policies and procedures, as well as the California Environmental Quality Act (CEQA).

The Environmental Impact Report was prepared in two stages. The first was for the extraction operation on the Beck site, the second, a supplement to the Environmental Impact Report, addressed the processing plant on the Lone Star site. The Environmental Impact Report identified the following potential impacts that might occur from the extraction of resource material on the Beck site: (1) erosion; (2) excavation will intersect groundwater level; (3) wastewater discharge; (4) lake eutrophication; (5) dust; (6) wildlife; (7) noise; (8) safety hazards from excavation pits; (9) traffic; (10) temporary disruption of recreational users at Lost Lake Park; (11) removal of resource material from the site; (12) minor loss of water to evaporation; (13) reduction in use of riparian water; (14) loss of agricultural land; and (15) aesthetics.

An executive summary of the Environmental Impact Report, which discusses the impacts listed above and potential mitigation measures, is attached for your reference.

If the Commission wishes to approve the project, several actions are necessary in regard to the Environmental Impact Report.

The first is to certify the Final EIR. Then the Commission must make findings relative to the significant environmental effects. Finally, the Commission must determine that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

Certification of Environmental Impact Report

Section 15090 of the State CEQA Guidelines requires that the Lead Agency certify that the Final EIR has been completed in compliance with CEQA and that the decision-making body has reviewed and considered the information contained in the Final EIR prior to approval of the project.

Findings

Section 15091 of the State CEQA Guidelines requires that the public agency considering a project for which an Environmental Impact Report has been prepared shall not approve said project without making one or more of the following findings for any identified significant effect:

1. Changes have been required in the project to avoid or substantially lessen the significant effect;
2. Another agency has responsibility and jurisdiction to require appropriate changes and has or should require such changes; and/or
3. Specific economic, social, or other considerations make mitigation measures or project alternatives infeasible.

Statement of Overriding Considerations

Section 15093 of the State CEQA Guidelines requires that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the approval must contain a finding that the benefits of the project outweigh the unavoidable adverse environmental effects. These overriding considerations must be fully explained in the record of approval of the project.

Staff is of the opinion that impacts 1 through 10 identified above can be considered significant but can be substantially mitigated by conditions of the Conditional Use Permit as stated in the staff report. Impacts 11-14 can be considered unavoidable but less than significant. Aesthetic impact, Number 15, is considered significant and cannot be substantially mitigated, requiring a statement of overriding considerations.

G. Staff Analysis/Recommended Findings of Fact

Finding 1: Adequacy of Size and Shape of Subject Parcel

All site improvements and excavation areas are set back from property lines as required by the Fresno County Zoning Ordinance. Sufficient area is available to carry out the types of activities proposed. The site should be adequate in size and shape for the proposed use.

Finding 2: Adequacy of Streets and Highways

Friant Road adjacent to the site is classified as an Expressway on the Fresno County General Plan. This stretch of Friant Road carries an average daily traffic volume of 4,930 (1985) vehicles per day. According to the applicant, the proposal will generate as many as 180 truck trips per day. Development Engineering has indicated that Friant Road is of adequate width and pavement type to accommodate this traffic.

The applicant proposed to take access to Friant Road via the Lone Star property at a point 1,500 feet to the south of his property. Existing improvements to Friant Road at this access point include a left-turn pocket, acceleration, and deceleration lanes that provide safe ingress and egress to the site. According to the applicant, the destination of the majority of the material extracted from this site will ultimately be the metropolitan area and, therefore, the majority of the trucks will be directed south of the project site.

Although Friant Road may be capable of accommodating the additional traffic, the project does generate concerns regarding safety hazards to the users of the existing bike path along Friant Road, school buses, school children, and high school students driving to and from school. During hearings on prior similar projects in this vicinity, the Sierra Joint Union High School and Friant Union School submitted letters of concern for the safety of school children. The schools have stated that truck traffic creates a hazard for their buses and pupils using Friant Road. Sierra Joint Union High School notes that the 6:00 a.m. to 6:00 p.m. hours of operation are the same hours that school buses are operating. During these hours, students are also waiting at the side of the road for the buses and, in some cases, young drivers are driving to school in their own vehicles.

Finding 3: Adverse Effects on Surrounding Properties

The project site is located north of an approved rock, sand, and gravel operation, and Lost Lake Regional Park is adjacent to the north and west. Across Friant Road to the east are residential homesite parcels, a bait shop/snack bar, and a residential subdivision, approved by Madera County to the west on the river bluff.

The project site is zoned AE-20 and is considered prime productive farmland with Class I and II soils based on the Soil Conservation Service's rating system. The site is presently farmed with nut trees and grape vines. The applicant's rehabilitation plan would result in the conversion of 170 acres of prime farmland to wildlife ponds. The land to be backfilled and used as farmland may not be reclaimed to the productive state of the present land. The resultant farmland with a higher groundwater table could limit the potential use of the land for farming. The loss of the productive farmland could be somewhat mitigated by a more limited excavation of the resource material, so that more land can be reclaimed as productive farmland.

The Environmental Impact Report prepared for this project identified potential land use conflicts between the proposed operation and users of Lost Lake Regional Park. The serenity of the park, as well as its aesthetic appeal, will be affected. Depending on the magnitude of these impacts, park usage could decline. Operational characteristics also could adversely impact the bird population that exists at the park.

The Environmental Impact Report also cited potential safety hazards to cyclists using the Friant Regional Bikeway and Friant Scenic Highway as another concern. This hazard is related to the truck traffic and the spillage of sand and gravel from the trucks onto the bikeway. This project will continue the conflict with the use of Friant Road by sand and gravel trucks, and the bicyclists and recreation users of the area's regional park facilities.

Other unavoidable impacts identified by the Environmental Impact Report that cannot be completely mitigated include the following: erosion of topsoil; loss of water due to evaporation of the lake surfaces; periodically exceeding noise standards at two residences on the bluffs and the residence adjacent to the hamburger stand/bait shop when excavation activities are closest to them; and adverse visual impacts to bluff residents resulting from unsightly excavation activities.

The applicant has proposed several measures to mitigate adverse noise and visual effects of the project on the surrounding properties. These measures include (1) providing ten-foot high landscaped berms to be placed along the western, northern, and northeastern edges of the site; (2) maintaining a 50-foot setback from Friant Road with retention of trees and planting of additional landscaping within the setback area; (3) mufflers installed on all equipment; and (4) the phasing sequence which will keep the excavation hidden from Friant Road for most of the first half of the operation's life. However, even with the mitigation measures offered by the applicant, the project may still have adverse visual and noise impacts on Lost Lake Park, which is a passive park used for fishing and camping, the scenic road designation, and the residences on the bluff.

Finding 4: General Plan Consistency

The Mineral Resources Section of the Open Space/Conservation Element of the County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The subject site lies within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Operation of the site as proposed and in accordance with conditions designed to minimize conflicts with surrounding land uses and the natural environment could be consistent with the General Plan.

The subject property is designated on the General Plan as part of the San Joaquin River Influence Area. The policies recognize the multiple use values of the river valley. Because of the unique characteristics of relief, wildlife, vegetation, and natural beauty of this region, it is essential that any development require careful planning. Based on the plan of operation and rehabilitation proposed by the applicant, plus any additional conditions and mitigation measures deemed necessary to address any concerns and impacts, this use could be in basic conformance with the River Influence Policies. However, as indicated in Finding 3, it is doubtful that recommended conditions of approval could adequately mitigate the potential impacts. The ultimate restoration of the site to productive agricultural use and wildlife lakes will assure the maintenance of the open-space character of the river area in conformance with the River Influence Policies.

Friant Road is designated as a Scenic Highway on the Scenic Highways Element of the Fresno County General Plan from the City of Fresno to Lost Lake. The applicant has proposed to limit extraction by providing a 50-foot setback from Friant Road and use existing nut trees and additional landscaping and berms as a visual buffer. The east portion of the property would be rehabilitated for agricultural purposes during and after the completion of the project.

H. Staff Recommendation

Staff does not believe that Findings 2, 3, and 4 can be made and, therefore, recommends denial of Unclassified Conditional Use Permit Application No. 2235.

However, if the Commission determines that the required findings can be made to approve Unclassified Conditional Use Permit Application No. 2235, the approval should be subject to the conditions stated in Attachment "B".

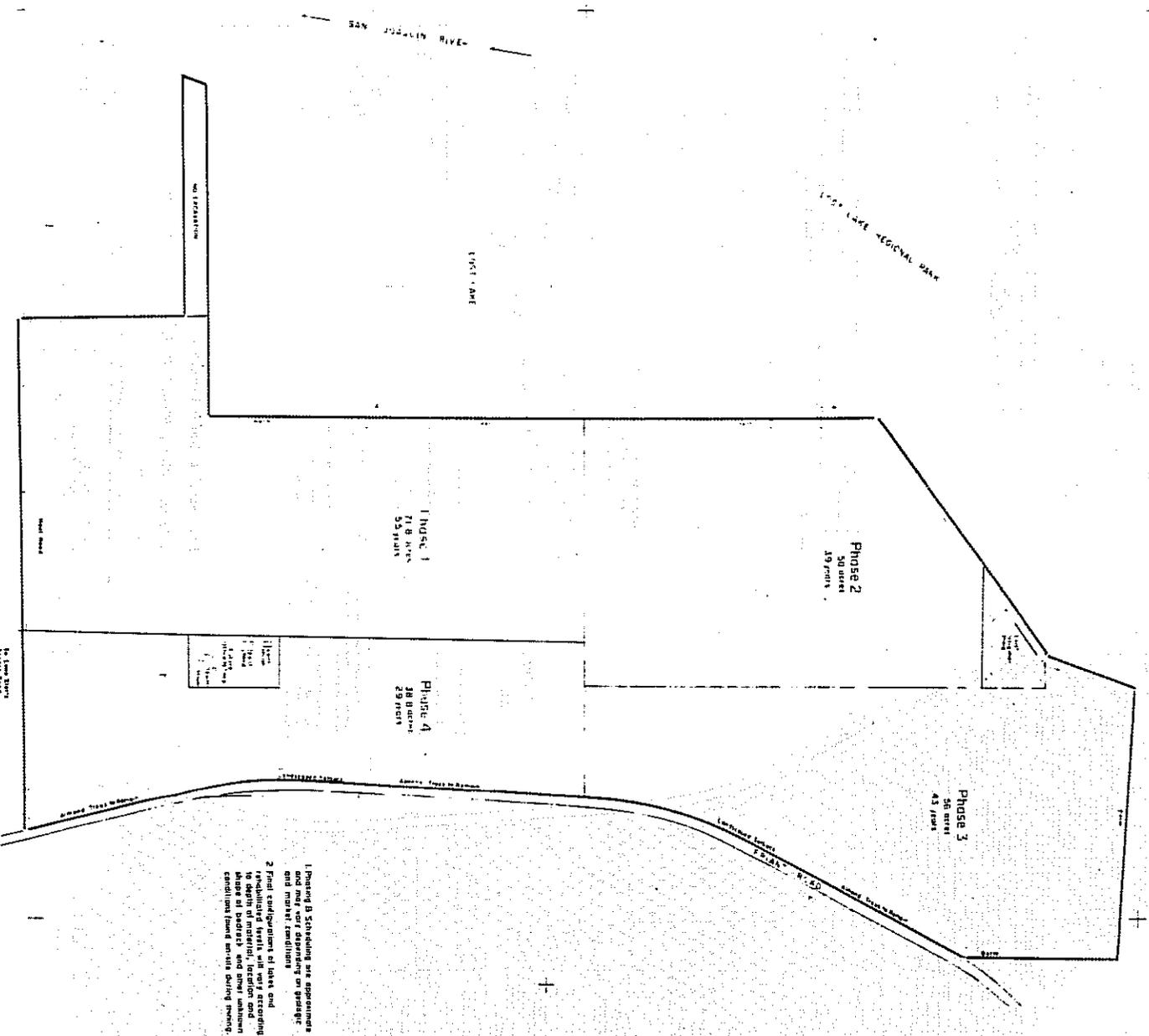
In approving the application, the Commission must also take the actions outlined in the Environmental Analysis Section of this report.

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APPENDIX A

REQUIRED FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.
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.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

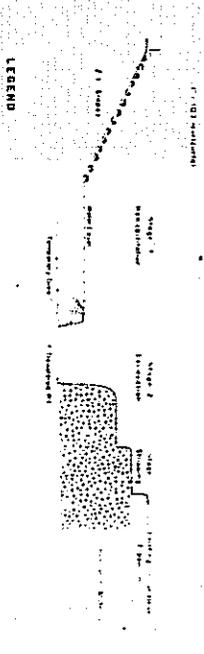


1 Phasing B: Staking out equipment and not yet depending on hydraulic and marsh conditions
 2 Final configurations of lake and rehabilitated wetlands will not recognize the original topography, but will follow the slope of bedrock and other subsurface conditions found in situ during mining.

TYPICAL BERM ALONG LOSS LAKE

TYPICAL CROSS-SECTIONS OF REHABILITATED SITE

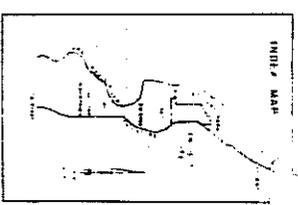
EXCAVATION AND REHABILITATION PROFILE



LEGEND

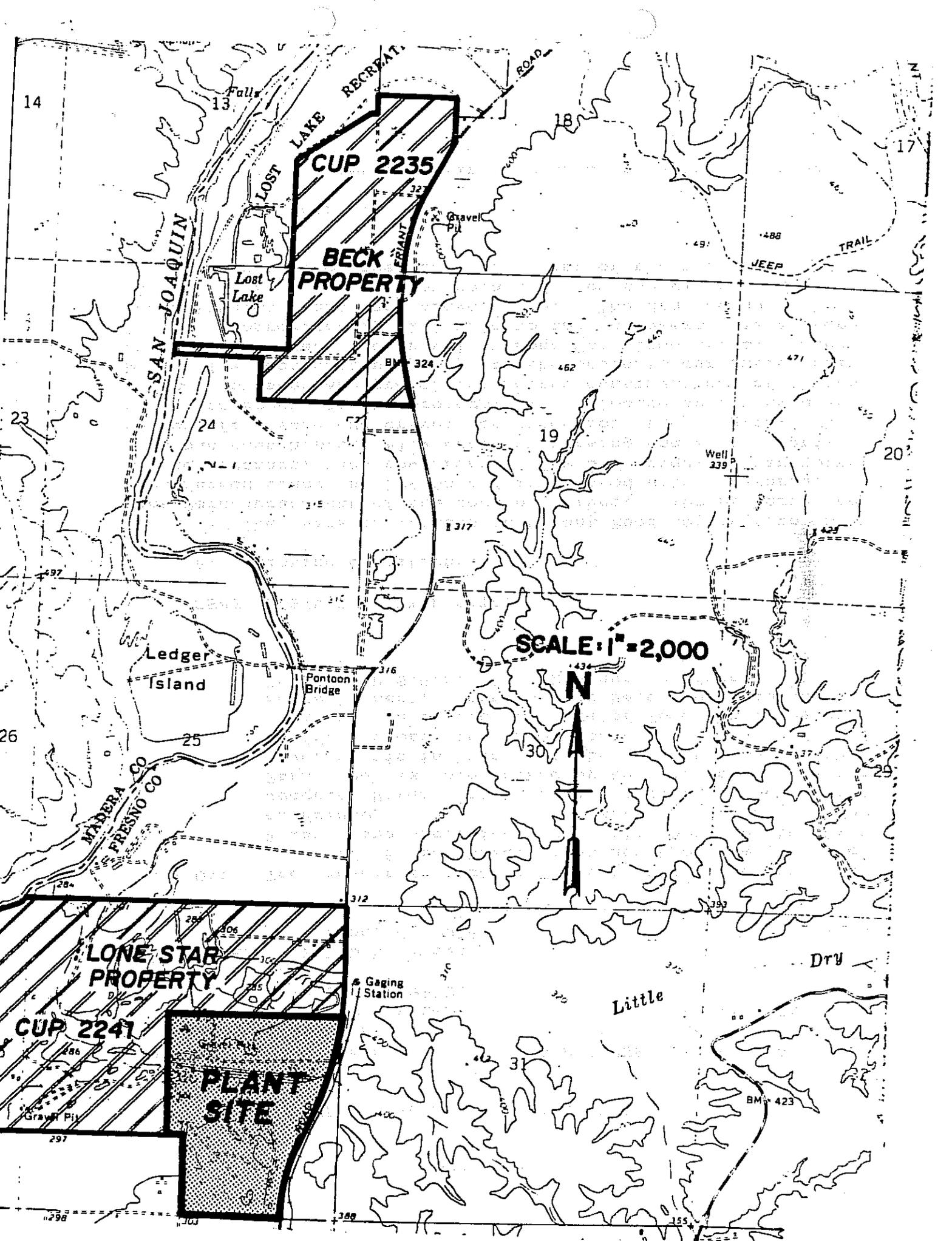
- Proposed Road 2' or Greater
- Existing Road
- Proposed Walkway
- Existing Walkway
- Proposed Parking
- Existing Parking

PLAN VIEW



Rock, Sand & Gravel Extraction OPERATIONAL, PHASING & REHABILITATION PLANS

Prepared for BECA MINING
 Prepared by RUEDA ASSOCIATES, 5331 N. DeSoto Ave., Fresno, CA 93790 D091432-4012 (27) CA-2117-EM-2477



14

Falls
13

CUP 2235

BECK
PROPERTY

SAN JOAQUIN

Lost Lake

Gravel Pit

JEEP TRAIL

BM 324

19

Well 339

20

SCALE: 1" = 2,000'

N

Ledger Island

Pontoon Bridge

30

Dry

Little

LONE STAR
PROPERTY

CUP 2241

PLANT
SITE

Gaging Station

Gravel Pit

BM 423

298

303

309

355

ATTACHMENT "A"

OPERATIONAL AND REHABILITATION PLAN

APPLICANT: Beck Ranch
Stephen Beck
1602 Divisadero
Fresno, CA 93721

LAND OWNER: Stephen Beck
1602 Divisadero
Fresno, CA 93721

SITE ADDRESS: 15755 N. Friant Rd
Fresno, CA 93626

LOCATION: The project is located in Fresno County on the west side of Friant Road, just south of the Town of Friant and approximately 4 miles north of the City of Fresno. The site is within the San Joaquin River bottom area adjacent to Lost Lake Park and is overlooked by the adjacent eastern river bluffs in Fresno County and the western river bluffs across the San Joaquin River. It is included in Section 13 & 24 of Township 11 south, Range 21 East, Mount Diablo Base and Meridian, the Friant, U.S.G.S. 7 1/2 Minute quadrangle

I. GENERAL ENVIRONMENTAL DATA:

A. Existing Conditions:

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin River bottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to the project, is a flooded quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent rehabilitated sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just east of the project.

B. Vegetation:

Grape Vineyard, Walnut Orchard, seasonal row crops.

C. Soil Types:

Hc	Hanford sandy loam	Class 2
He	Hanford sandy loam, gravelly substratum	Class 2
GtA	Greenfield sandy loam	Class 3
Tzda	Tujunga cobbly loamy sand	Class 4

(As identified by Soil Survey of Eastern Fresno County, USDA Soil Conservation Source.)

D. Groundwater:

Based on available well logs and from a number of test pits dug on the site, the average depth to first groundwater occurrence is approximately 25 feet. In the test pits water was first encountered at about 30 feet. Water levels on the southern end of the adjacent Lone Star Operation are currently encountered at 12 to 15 feet.

Water levels in the adjacent Lost Lake average approximately 40 feet below the surface of the subject property. The elevation of lake water fluctuates only slightly with the height of the water in the river. It is apparent that lake levels are maintained primarily by ground water seepage from adjacent properties and to a minor extent by irrigation water from the project site.

E. Surface Water:

The project site was leveled for irrigation in 1950. The profile of the land, and soil types are more conducive to water percolating through the soil to the groundwater table than to surface water runoff flows. An insignificant amount of irrigation water currently drains to the adjacent Lost Lake. There is no run-off to the river.

The present agricultural operation is presently irrigated with water pumped from the San Joaquin River and from on-site wells. Water is pumped from the river to a 2.5 acre pond on the north end of the site. Irrigation water is then channeled to flood-irrigate the almond orchard, vineyards, and row crops.

F. Geologic Description:

The site is located on a flood plain in a topographic trough formed by the San Joaquin River. The San Joaquin River is approximately 1050 feet west of the property channel and outside the designated floodway. It is relatively flat, having been leveled prior to planting the existing vineyard and orchards.

The soils of the site were evaluated on two separate occasions by using backhoe test pits. The surface overburden soils consist of poorly graded silty sands to a depth of 2-1/2 to 9 feet and contain various amounts of fine gravel and some silty lenses. These soils have a moderate to high erosion potential for most types of construction with moderate slopes. Although the surface soils are underlain by a thin layer of silt in a few locations, the majority of the site appears to be immediately underlain by sand and gravel extending to bedrock. Depth to bedrock underlying the site ranges from 15-1/2 to 40 feet.

II. OPERATIONAL PLAN

A. Legal Description (on file).

B. Statement of Operations:

1. The project area contains 251 acres. Excavation will begin within one year of the granting of the permit.

2. Excavation will occur 6 A.M. to 6 P.M. Monday through Friday, except when within 500 feet of a residence excavation will start at 7 A.M. Exceptions to these normal hours of operation will be declared public emergencies.

3. Excavation of material is estimated to take 8 to 12 years.

4. Sand and gravel will be excavated together with the recovery of any gold. Total estimated volume is 8 million tons. Average annual volume is estimated to 765,000 tons depending on demand.

5. Excavation will occur in four phases (Figure 1). All excavation will occur outside of the designated floodway of the San Joaquin River. There will be no discharge or runoff of water from the project site to the river. The current vineyard and orchard will gradually be removed as excavation occurs. That portion not being excavated will continue to be farmed until excavation reaches that area. Each phase will be excavated and rehabilitated in three stages.

Stage One will be the removal of topsoil to expose the resource material. Topsoil will be removed by scrapers and used for berms along the property line adjacent to Lost Lake Park, or stockpiled to be used for rehabilitation of excavated areas.

Stage Two will be the area of active excavation. Material will be removed using either a dragline or a scraper.

Material will be loaded by a front-loader into haul trucks for transport to the processing plant. During this stage, in areas where gold is likely to occur (i.e. sandy areas at or about the water line) mechanical gold recovery equipment will separate potential gold-bearing sand concentrate. Dust from excavation and haul roads will be controlled by the use of water trucks.

Stage Three will be the rehabilitation of completed excavation areas. After removal of the resource, lakes will be created on the majority of the site (approximately 170 acres). In areas where no excavation occurs, or the excavation is shallow due to the limited availability of resources, the overburden will remain or be replaced, allowing these areas to be used for grazing or farm land. The final location of the reclaimed lakes and farm land will depend in part on the depth of material, location and shape of bedrock and other conditions as yet unknown which may be found on-site during excavation. Initial grading and sloping will occur on an on-going basis. Final rehabilitation will be completed within one year of the completion of each phase.

As part of the excavation, gold will be recovered as a by-product. The recovery of gold-bearing sands is accomplished by a mechanical system which separates the sand concentrate (known as black sand). The gold-bearing sand usually occurs at or below the ground water level. Since the system is completely mechanical, no impacts to water quality will occur during this initial recovery process. The resulting concentrates will be transported in barrels to an on-site lab where the gold will be removed using a completely mechanical process without the use of mercury or any other chemical.

Sand and gravel will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1 1/2 miles to the south.

A 50-foot setback for excavations will be maintained along Friant Road and along the boundary adjacent to Lost Lake Park and the hamburger stand. The remainder of the boundaries will have a 25-foot setback. Within the setback along Friant Road, the existing almond trees will remain as a screen. Additional landscaping will be located along the frontage where no trees presently exist.

6. Equipment includes scrapers, dragline, front-loaders, mechanical black sand separator, and water trucks. Maximum truckloads per day are estimated to be 185 loads.

7. Road and excavation dust will be controlled by the use of water trucks. Noise levels on equipment will meet Fresno County Noise Ordinance Standards by the use of exhaust mufflers on all vehicles and excavation equipment.

In order to provide a noise and visual buffer between the project and Lost Lake Park, 10-foot high berms will be placed along the western and northern edges of the site and between the site and the residence, hamburger stand and baitshop in the northeast corner. The berms will be constructed of topsoil being saved for future rehabilitation. Native trees, shrubs, and ground cover will be planted on the berm to stop erosion and to aesthetically blend them with the environment at Lost Lake.

8. Since the processing of resource material occurs off-site at Lone Star's existing processing plant, there will be no significant on-site water requirements.

9. Since the processing occurs off-site, there are no "waste" materials. Material not transported to the site, such as overburden, will be used during rehabilitation in sloping completed excavation areas.

C. Site Plan (Figure 1) submitted shows:

1. Ingress and egress roads, and haul road. (Water trucks are used to minimize dust.)

2. (There are no processing or storage areas since processing occurs off-site).

3. Extent and configuration of slopes to be maintained in excavation areas.

4. (There is a locked gate at Lone Star's entrance road. The entire site is fenced with barbed wire fencing. Signs are posted at the entrance road.)

5. Cross-sections (typical) defining planned slopes and estimated extent of overburden, sand and gravel deposits and water table.

III. REHABILITATION PLAN (RECLAMATION PLAN)

A. The site will be rehabilitated to wildlife lakes and to grazing/agricultural land (Figure 2). Stored topsoil or topsoil from berms will be utilized in contouring and sloping banks. Native riparian grasses, shrubs and trees are expected to begin to re-establish themselves within one year after final contouring as experienced at other sand and gravel lakes along the San Joaquin River. Water in the lakes will be from groundwater percolation due to the excavation being below groundwater level. Final grazing/agricultural areas are anticipated to be areas where tests have shown an overabundance of sand or where minor amounts of recoverable resource occurs.

Final configuration of the lakes and rehabilitated levels will vary according to the actual depth of the material, location and shape of bedrock or clay layers and other unknown conditions found on the site during mining.

B. Site Plan (Figure 2) submitted shows:

1. New contouring.
2. (Gravel deposits underlying the dike between Lost Lake and site's lakes are porous, allowing a certain amount of flow of water between them which will aid circulation. Culverts between the on-site lakes will allow for further circulation.)
3. Vegetative planting. (See Section IIB-5 and 7. A landscaping plan is required as part of the Site Plan Review process after the CUP is approved.)
4. Access. (See Section IIC-1 & 2)

C. Soil Salvage Plan. (See Section IIB-5 & 9).

D. Schedule of Rehabilitation. (See Section IIB-5).

E. At the termination of operations on the site, all equipment will be removed. The existing house and structures will remain.

ATTACHMENT "B"

Conditions
for
Unclassified Conditional Use Permit Application No. 2235

1. Development and operation of the use shall conform to the plan and operational statement approved by the Commission, except as modified by the conditions of approval.
2. A Site Plan Review shall be submitted in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. The site plan shall be a Master site Plan combining the extraction operations authorized under Unclassified Conditional Use Permit Nos. 367, 2032, and 2235. The "Master Site Plan" shall indicate phasing, timing, progression of extraction, and rehabilitation of the three properties as one combined operation. The Master Plan shall conform with all conditions of approval of each conditional use permit and the approved Rehabilitation Plans.
3. The applicant shall allow the County staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for said monitoring must be executed before excavation authorized by this permit is begun. Cost of said periodic monitoring shall be at the expense of the applicant.
4. Unclassified Conditional Use Permit Application No. 2235 shall expire concurrently with Unclassified Conditional Use Permit No. 367 (Year 2005).
5. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m. Routine maintenance of excavation equipment shall be allowed Monday through Sunday limited to the hours of 7:00 a.m. to 8:00 p.m.
6. A 100-foot wide buffer zone with a minimum ten-foot high berm in the center shall be constructed prior to excavation of each phase and maintained along the west, north, and east property line of the subject parcel, except for that portion of the east property line common with Friant Road. The berms shall not exceed an 8-inch loose maximum, and slopes shall be constructed no steeper than 2:1 horizontal to vertical, and no flatter than 3:1. The berm shall be landscaped with grasses, shrubs, and specimen size conifers in groves planted at 40-foot intervals. The landscape plan shall be subject to approval by the Parks and Recreation Division, and shall include various species that improve food and shelter for animals. All planting shall be completed within 90 days following berm construction. At the west and north property lines adjacent to Lost Lake, the ten-foot high berm shall toe the west property line, and shall have a 1.5:1 slope to discourage pedestrian access. The developer shall have the option of continuing the ten-foot high berm along the north boundary, adjacent to the lake, to the western most boundary line of the subject parcel, or to extend the berm southerly, along the west boundary of Phase 1 as shown on the plan, to a point that will completely screen the plant site from Lost Lake Park users.

7. A 50-foot setback shall be maintained on the common boundary with Friant Road. Existing trees within the 50-foot setback shall remain, and additional landscaping shall be provided at such a time to ensure that the site is totally screened from the motoring public when Phase 4 commences. The landscaping plan and planting scheduled shall be submitted to the Department for approval through the Site Plan Review process.
8. A noise attenuation berm shall be constructed along the east property line from Friant Road to the northeast corner of the property. The berm shall be a minimum of 15 feet in height or at least five feet higher than the effective height of the noise source. The slope of the berm shall be 3:1 or flatter, and shall be rounded or contoured to minimize the appearance of being an artificially constructed barrier.
9. A qualified professional experienced in groundwater shall establish the historical high groundwater level and shall submit such documentation with the Site Plan Review application.
10. The maximum depth of excavation shall be determined by conditions of the Site Plan Review, based on the historical high groundwater level and the amount of topsoil or overburden available on the site to backfill the farm area to five feet above said water level. The calculations will be done by a professional engineer and submitted to the County under the Site Plan Review application.
11. The excavated area to be rehabilitated to farmland shall be backfilled with the stored topsoil or overburden to a height five feet above the historical high groundwater level of the subject parcel.
12. The use shall be operated in such a manner as to avoid creating a noise nuisance.
13. Loaders and all other diesel or gasoline-powered equipment shall be equipped with residential-type mufflers.
14. The operation shall include measures to ensure that dust is kept to a minimum. In particular, truck parking and circulation areas shall be treated with a dust palliative, and repeated as necessary, to prevent the creation of dust by vehicles.
15. A dust palliative shall be applied to all haul roads as frequently as necessary to control dust. Dust palliatives may include road oil, water magnesium chloride, or other proven materials.
16. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
17. A drip irrigation system or its equivalent approved by the Director of the Public Works & Development Services Department shall be provided to ensure maintenance of all landscaping.
18. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems.

19. Height of the topsoil stockpiles shall be restricted as not to be visible from Friant Road or Lost Lake Park. The stockpiles shall be contoured as to blend with the surrounding area and to avoid the appearance of being commercially established storage areas conflicting with the rural character of the community.
20. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be 3:1 or less, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
21. Rehabilitation work in any phase shall proceed in such a manner that no excavated area is allowed to remain in an unrehabilitated state for more than three years. Rehabilitation of any phase shall be completed within one year of commencing excavation in a subsequent phase.
22. All rehabilitation backfill materials shall be subject to approval by the Fresno County Health Department.
23. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the applicant shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel, if corrective action is not taken by the operator within 24 hours of notification by the County.
24. Access to Friant Road shall be limited to the existing access road located on the adjacent property located approximately 1,500 feet to the south.
25. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of the Public Works & Development Services Department.
26. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition, excepting that portion adjacent to Lost Lake.
27. The maximum number of daily truck loads generated from the site shall not exceed 180.
28. Boundaries of the property adjacent to Lost Lake Park shall be posted with "no trespass" signs spaced every 150 feet.

NOTES:

1. All operations and rehabilitation activities shall conform to the Development and Rehabilitation Standards, and Special Conditions subsection of Section 858 of the Zoning Ordinance, as specified on the attachment.

2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.

3. A reclamation plan for the Surface Mining and Reclamation Act must be submitted to the California Division of Mines and Geology.

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ATTACHMENT "C"

Unclassified Conditional Use Permit Application No. 2172

Applicable Standards and Conditions of
Zoning Ordinance Section 858-C and E

858-C:

1. No extraction of material or overburden shall be permitted within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. No stockpiled soil or material shall be placed closer than 25 feet from a property boundary.
3. No production from an open pit shall create a slope steeper than 2:1 within 50 feet of a property boundary nor steeper than 1-1/2:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its rehabilitation configuration, and slopes of 1:1 may be maintained five feet below the lowest water table on the property experienced in the preceding three years.
4. The first 100 feet of access road(s) intersecting with a County-maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two-percent grade and shall have a width of not less than 24 feet.
7. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Fresno County Public Works & Development Services Department.
8. Security fencing, four feet in height, consisting of not less than three strands of barbwire or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet horizontal to one foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.
19. The operator shall comply with all existing and future laws, ordinances, regulations, orders, and decrees of bodies or tribunals.
- 22b. Sufficient topsoil shall be saved to perform site rehabilitation in accordance with the rehabilitation plan.
- 22c. All reasonable and practical measures shall be taken to protect the habitat of wildlife.
- 22d. Temporary stream or watershed diversion shall be restored.

2. Security, as herein specified, shall be deposited by the operator of a permanent material extraction site in the event any phase of the rehabilitation plan is not completed in accordance with the approved permit, and upon notification of the amount of security by the Director. Pending the deposit of security, the operator shall not conduct any further activity on or from the premises. Said security shall be in the form of cash deposited by the operator with the County or in an approved irrevocable escrow or its equivalent and shall be in an amount determined by the Director equal to 100 percent of the total cost of completing the subject phase of rehabilitation. Said security may be partially released during the progress of rehabilitation as long as the same ratio is maintained on deposit for all completed work.
3. Where the rehabilitation work as to any phase is not completed within the time period set forth in the approved rehabilitation plan or as extended by the Director, the County may enter upon the operator's premises to perform said work and use said funds deposited as security to pay for the cost thereof. In the event the operator fails to complete rehabilitation work as required herein and has not deposited security as specified herein for the cost of rehabilitation work, the operator shall then be liable to the County for the cost of any rehabilitation work required to be performed by the County in accordance with the rehabilitation plan. Where the County is authorized to enter upon property to cause rehabilitation work to be done, the Conditional Use Permit may be revoked by the Board of Supervisors upon 30 days written notice first being given to the operator.
6. All material extraction sites in the County of Fresno are subject to a periodic inspection once every two years or such other period as required in a Conditional Use Permit to determine compliance with operational and rehabilitation plans.

The required periodic inspections shall not impair the County's right to perform additional on-site inspections as may be necessary and appropriate to ensure compliance of the requirement of the Conditional Use Permit or other provisions of law. The Board of Supervisors may adopt by resolution a schedule setting forth the fees that may be imposed for required periodic inspections.

ENVIRONMENTAL IMPACT REPORT
EXECUTIVE SUMMARY

PREFACE

This document, together with the Draft EIR (DEIR), Volumes I & II including Appendices A & B, published in July 1986, constitute the Final EIR for the proposed Beck Ranch Sand and Gravel Permit. This document includes the revised summary of the Draft EIR and the following Appendices: Appendix C contains a list of persons receiving a copy of the Draft EIR and a list of persons receiving notification of the availability of the draft EIR; Appendix D contains written comments received from persons, organizations and agencies responding to the Draft EIR; Appendix E contains responses of the lead agency to the comments received on the Draft EIR.

During the review of the Beck Ranch DEIR, it was determined by Fresno County that a supplemental DEIR and Final EIR (Lone Star Processing Plant Supplemental DEIR) be prepared which evaluates the processing of Beck Ranch materials by the existing Lone Star plant. The responses to comments received to the Beck Ranch DEIR for which answers are contained in the Lone Star DEIR are referenced herein to that Lone Star DEIR.

INTRODUCTION AND SUMMARY

REVISED

This Environmental Impact Report (EIR) has been prepared by Buada Associates to assess the potential environmental impacts of the proposal by Stephen Beck and Lone Star Industries to excavate sand and gravel on a 251 acre site owned by Stephen Beck located near the San Joaquin River in Fresno County. This assessment is based on a review of all project plans; review of appropriate State and County plans for the area; consultation with the applicant and operator; evaluation of technical data specifically prepared for this project; and on-site surveys of the property and surrounding land uses.

In accordance with a proposal approved by Fresno County, the EIR focuses on the relationship of the proposed project to erosion and ground settlement; groundwater quality; riparian water rights and usage; vegetation and wildlife; noise; land use; agriculture; recreation; traffic; and aesthetics. The County has determined that the project will not have significant impacts on other resources including air quality, population, public services, energy, utilities, and archaeology. The basis for the above identified focused issues was determined by two initial studies prepared for similar projects on the same property.

Buada Associates was assisted by the following consultants as subcontractors in preparing the EIR.

- o J. H. Kleinfelder and Associates, Geotechnical Consultants, performed the evaluation of erosion potential and fill settlement potential.
- o Kenneth D. Schmidt, Groundwater Consultant, performed the evaluation of impacts to groundwater.
- o Robert F. Winter, Biologist, performed the evaluation of vegetation and wildlife impacts.
- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic and surface water hydrology.

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin River bottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to

the project, is a flooded quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent rehabilitated sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just east of the project.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several adjacent landowners challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application which is the subject of this Beck Ranch EIR, does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. This Beck Ranch DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predated CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining in the San Joaquin Riverbottom. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental to the Beck EIR was necessary to evaluate impacts to the Lone Star plant

relating to the processing of materials from the Beck Ranch. This supplement to the Beck EIR was required to be completed before the Beck Ranch application could be heard by the Planning Commission. The Lone Star supplement was filed in January 1987. The Lone Star Final supplement to the EIR was filed concurrently with the filing of this Beck Ranch Final EIR.

Among the issues raised by the Environmental Assessments, by testimony during the public hearings, and by the lawsuit were: conflicts between the loss of agricultural land and the recovery of a needed resource; potential impacts to wildlife in Lost Lake Park; noise impacts from the plant operations, extraction operations and haul trucks to the users of Lost Lake Park, and adjacent residents; traffic conflicts on Friant Road between project trucks and school buses, bicycles and auto traffic; impacts to water quality and quantity; potential illegal use of riparian water from the San Joaquin River; discharge of wastewater to San Joaquin River; the use of large amounts of fuel, water, and energy; and visual impacts to residents on the bluffs, users of Lost Lake and Friant Road travelers.

Deletion of the plant facilities from the Beck Ranch have removed any impacts from an on-site plant. Potential truck traffic conflicts from additional trucks serving an additional plant and a new access point on Friant Road have also been eliminated. Potential impacts have been reduced to those associated with transferring Lone Star Industries' existing excavation operation to the project site and continuing extractive operations in the area for a longer period of time.

In addition, the applicant has revised the project to delete the use of mercury or any other toxic chemical during the recovery of gold in the on-site laboratory and is proposing instead, a strictly mechanical process. The deletion of the use of chemicals has minimized any potential water quality contamination from the wastewater discharge.

Among the remaining issues to be resolved by this EIR include: conflicts between the loss of agricultural land and the recovery of a needed mineral resource; impacts to water quality and quantity; impacts to wildlife; noise impacts to park users and adjacent residents; continuation of existing traffic conflicts between sand and gravel trucks and school buses, bicycles and auto traffic; any use of riparian water; and visual impacts to park users, adjacent residents and Friant Road travelers. A choice remains to be made between the project including recovery of a needed, mineral resource with its related impacts; no project with a retention of agricultural land and permanent loss of the resource; a reduced project or excavation of only a portion of the resource and permanent loss of the remainder; an alternative location of the project relocating

Mitigation:

- o A discharge permit will be required from the California Regional Water Quality Control Board.

6. LAKE EUTROPHICATION: In the long-term, eutrophication (loss of oxygen) may slowly occur in the lakes created by the project as it has in the adjacent Lost Lake.

Mitigation:

- o Culverts placed in the dikes separating the lakes would increase circulation.

7. DUST: Dust from current agricultural operations will be reduced as agricultural production is replaced by excavation of the resource.

Mitigation:

- o Dust from excavation operations and from the project's haul roads during the dry season will be minimized by the proposed use of dust palliative on the roads and/or the use of water trucks on the haul roads and in the excavation areas.

8. WILDLIFE. Some species of wildlife will be temporarily disturbed during construction of berms.

Mitigation:

- o The proposed landscaped berms and rehabilitated lakes will provide additional riparian habitat and will attract a more diverse species in larger numbers.

9. NOISE: Noise levels will temporarily increase in the area. With the exception of extractive operations within 500 feet of residences, noise levels will be within the standards of the Fresno County Noise Ordinance.

Mitigation:

- o Impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 a.m. within 500 feet of the nearest residence.

10. LAND USE: Agricultural production potential will be reduced on the site.

Mitigation:

impacts to another area and permanent loss of the site's resources; or alternative uses of the site such as residential, golf courses, or expansion of Lost Lake Park.

If the project is developed as proposed, certain environmental impacts may occur.

1. **EROSION:** Some erosion may occur during construction of the berms and along the banks of the proposed lakes prior to revegetation.

Mitigation:

- o Timely planting of the berms with groundcover, shrubs and trees as proposed in the project design should keep erosion to a minimum. A natural revegetation process normally occurs rapidly around the lakes, limiting any erosion to the first month or so if final grading occurs during the rainy season. All run-off will be contained on-site.
2. **SAND AND GRAVEL RESOURCES:** Sand and gravel resources will be permanently removed from the site.

Mitigation:

- o The only mitigation measure would be no project. Such a measure would reduce available reserves of needed construction materials in the Fresno-Madera region to less than 20 years.

3. **GROUNDWATER:** The proposed excavation will intersect the groundwater level. Groundwater will ultimately fill the pits forming freshwater lakes. Runoff from the site will also flow into the lakes. There will be a minor loss of water to evaporation.

Mitigation:

- o Mitigation of evaporative loss is limited to chemical treatment of the lakes or shallower excavation. Chemical treatment may create greater impacts. Shallower excavation will result in permanent loss of resource and reduce available construction material reserves.

4. **RIPARIAN WATER:** The removal of the vineyard and orchard will reduce the current use of riparian water.

5. **WASTEWATER DISCHARGE:** Waste water from the gold recovery lab will be discharged to a small, shallow settling pond.

o The extraction of sand and gravel will provide a recognized economic resource to the Fresno-Madera region. No County policy clearly establishes priorities when this contradiction arises. The present agricultural areas will be replaced by the proposed lakes which will provide valuable wetlands, riparian habitat, and fishery. This additional habitat will in the long-term attract wildlife in greater numbers and diversity to the Lost Lake area.

11. HAZARDS: The excavation pits may present a safety hazard during operation.

Mitigation:

o Sloping of the sides during rehabilitation to 2H to IV (horizontal to vertical) as proposed in the project design and fencing of the property as required by the Zoning Ordinance will minimize hazards.

12. TRAFFIC: Existing sand and gravel truck traffic on Friant Road to the Lone Star Industries' processing plant will continue for a longer period of time.

Mitigation:

o By utilizing Lone Star's existing access road, a new access road and additional traffic conflict point will be eliminated.

13. AESTHETICS: Areas of active excavation will be visible from the bluffs just east of Friant Road and from the western bluffs in Madera County. Excavation on the eastern half of the site will be visible from Friant Road.

Mitigation:

o Landscaping planted within the set back along Friant Road will provide a more effective screen for the traveler.