



## Inter Office Memo

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DATE: September 25, 2003

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11776 - UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NOS. 3063 AND 3064

APPLICANT: RMC Pacific Materials, Inc.

### UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3063

REQUEST: Amend Unclassified Conditional Use Permit Nos. 367, 2032, and 2241, to extend the time limits of the existing mining operation for an additional 18 years (to 2023).

LOCATION: On the west side of N. Friant Road, between N. Willow Avenue and Lost Lake Road, approximately two and one-half miles north of the City of Fresno ((13475 N. Friant Road) (SUP. DIST.: 2 & 5) (APN: 300-070-56s – 60s; 300-040-19, 20; 300-080-01; 300-250-12).

### UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3064

REQUEST: Amend Unclassified Conditional Use Permit No. 2235 to extend the time limits of the existing mining operation for an additional 18 years (to 2023).

LOCATION: On the west side of N. Friant Road, between Lost Lake Road and Bluff View Avenue, approximately five miles north of the City of Fresno (16356 N. Friant) (SUP. DIST.: 5)(APN: 300-160-46, 51).

PLANNING COMMISSION ACTION:

At its hearing of September 25, 2003, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Downing and seconded by Commissioner Peters to adopt the recommended findings of fact as stated in the staff report, and approve Unclassified Conditional Use Permit Application Nos. 3063 and 3064, subject to the conditions listed in Exhibit "B".

This motion passed on the following vote:

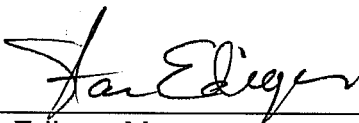
VOTING: Yes: Commissioners Downing, Peters, Abrahamian, Phillips, Milligan

No: Hall, Hurtt, Pierce

Absent: Commissioner Ferguson

RICHARD L. BROGAN, Director  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:

  
\_\_\_\_\_  
Stan Ediger, Manager

Development Services Division

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

EXHIBIT "A"

Unclassified Conditional Use Permit Application Nos. 3063 and 3064

**Staff:** The Fresno County Planning Commission accepted the Staff Report dated September 25, 2003, and a summary staff presentation.

**Applicant:** The applicant expressed agreement with staff's recommendation, described the project, and provided the following points of information:

- The plant has been at this site for 79 years.
- We provide aggregate for a number of different types of projects including hospitals, schools, roads, of which 75% of our materials are used in the construction of public facilities.
- We are not requesting any changes to site boundaries.
- We presently meet and / or exceed all of the permit requirements.
- All we are requesting is additional time to extract an estimated 12 million tons of aggregate.
- If this time extension is not approved, material will have to be trucked in from Merced or Coalinga, which results in wasted fuel, air quality impacts, and safety concerns.
- We have imposed voluntary measures at the site to address air quality.
- We are visited regularly by Air Pollution Control District staff.

**Others:** A representative of Friends of Friant presented testimony that the group does not object to the project, however, landscaping that is required to be planted on a berm along Friant Road has not been completed.

EXHIBIT "B"

Conditions of Approval  
Unclassified Conditional Use Permit Application Nos. 3063 and 3064

1. All conditions of Conditional Use Permit Nos. 367, 2032, 2235 and 2241 shall remain in full force and effect except as modified by the condition below.
2. These permits shall expire on July 28, 2023.

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# County of Fresno

Department of Public Works and Planning  
Richard L. Brogan  
Director

November 5, 2003

Richard Welton  
2285 Ashlan Ave.  
Clovis, CA 93611

Dear Mr. Welton:

SUBJECT: NOTICE OF PLANNING COMMISSION DECISION –  
UNCLASSIFIED CONDITIONAL USE PERMIT NOS. 3063 and 3064  
- RESOLUTION NO.: 11776

On September 25, 2003, the Fresno County Planning Commission approved your application. A copy of the Planning Commission resolution is enclosed. Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days the Planning Commission's decision is final.

If you have any questions, please call me at (559) 262-4241.

Very truly yours,



Will Kettler, Senior Analyst  
Development Services Division

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Enclosure

C: Mr. Gerald Coburn, RMC Pacific Materials

## DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893  
Equal Employment Opportunity • Affirmative Action • Disabled Employer



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
RICHARD L. BROGAN, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 4 & 5 September 25, 2003

**SUBJECT:**                    **Unclassified Conditional Use Permit No. 3063**

**Amend Unclassified Conditional Use Permit Nos. 367, 2032, and 2241, to extend the time limits of the existing mining operation for an additional 18 years (to 2023).**

**LOCATION:**                    **On the west side of N. Friant Road, between N. Willow Avenue and Lost Lake Road, approximately two and one-half miles north of the City of Fresno ((13475 N. Friant Road) (SUP. DIST.: 2 & 5) (APN: 300-070-56s – 60s; 300-040-19, 20; 300-080-01; 300-250-12).**

**SUBJECT:**                    **Unclassified Conditional Use Permit No. 3064**

**Amend Unclassified Conditional Use Permit No. 2235 to extend the time limits of the existing mining operation for an additional 18 years (to 2023).**

**LOCATION:**                    **On the west side of N. Friant Road, between Lost Lake Road and Bluff View Avenue, approximately five miles north of the City of Fresno (16356 N. Friant) (SUP. DIST.: 5)(APN: 300-160-46, 51).**

Applicant: RMC Pacific Materials, Inc.  
Owner:     RMC Pacific Materials, Inc.

**STAFF CONTACT:**         **Darrel Schmidt, Planning & Resource Analyst  
(559) 262-4325**

**Will Kettler, Senior Staff Analyst  
(559) 262-4241**

DEVELOPMENT SERVICES DIVISION

Mailing Address: 2220 Tulare Street, Sixth Floor, Fresno, CA 93721  
2220 Tulare Street, Suite A / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 / FAX (559) 262-4893

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**RECOMMENDATION:**

Approve Unclassified Conditional Use Permit No. 3063 and 3064 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Land Use Map (Sheets 1 & 2)
3. Existing Zoning Map
4. Site Plan (Approved Site Plan, Revised Phasing Plan, Revised Reclamation Plan, Aerial Photos)
5. Board of Supervisors Resolution - Unclassified Conditional Use Permit Nos. 2235 and 2241, including conditions of approval
6. Unclassified Conditional Use Permit Nos. 367 and 2032, conditions of approval (including location maps)
7. Required Findings Necessary for the Granting of a Conditional Use Permit

**PROJECT DESCRIPTION / OPERATIONAL STATEMENT SUMMARY:**

Listed below are key features of the project based on information contained in the applicant's site plan, Board of Supervisors Resolution for CUP Nos. 2235 and 2241, and conditions of approval for CUP Nos. 367 and 2032 (Exhibits 4, 5 & 6).

**Proposed Use:**

- Request to extend the time limits of an existing mining operation for an additional 18 years, to 2023.

**Project Site:**

- Conditional Use Permit No. 3063: Approximately 465 acres
- Conditional Use Permit No. 3064: Approximately 145 acres

**Existing Improvements:**

- Mining operations, associated buildings, and reclaimed area.

**Proposed Improvements:**

- No additional improvements

## **Operational Features:**

- Excavation hours: 7:00 a.m. to 6:00 p.m., Monday through Friday
- Asphalt batch plant hours: 6:00 a.m. to 6:00 p.m. Monday through Friday
- Concrete batch plant hours: 4:00 a.m. to 6:00 p.m. Monday through Friday (May through October); 5:30 a.m. to 6:00 p.m. Monday through Friday (November through April); 6:00 a.m. to 1:00 p.m. Saturday (All year)
- Number of employees: 51
- Maximum of 180 truck trips per day from excavation site to plant

## **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when Conditional Use Permit Nos. 2235 and 2241 were approved in 1987 by the Board of Supervisors.

Section 15162 of the CEQA Guidelines states that once an EIR has been certified for a project, no subsequent EIR shall be prepared unless the lead agency determines: 1) substantial changes are proposed to the project which will require major revisions to the previous EIR, 2) substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions to the EIR, or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous EIR was certified.

An Initial Study (Initial Study Application No. 4924) was prepared for the project under the provision of CEQA to determine if the existing EIR is adequate for the proposed time extension request. In accordance with Sections 15162 of the CEQA Guidelines, the purpose of the Initial Study was to identify environmental effects peculiar to the parcel or project which were not addressed as significant effects in the EIR or provide substantial new information showing that these effects would be more significant than described in the EIR. Within the context of the review, the Initial Study did not identify any significant effects nor was any new information submitted showing the previously identified effects to be more significant. Further, this project was routed for comment and review to the agencies that originally reviewed the project in 1987.

Based on this assessment, the staff has concluded that preparation of a subsequent EIR, supplement or addendum to the original EIR is not required and that the existing EIR is adequate for the project.

## **PUBLIC NOTICE:**

Notices were sent to 62 property owners within one-quarter mile of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.



## PROCEDURAL CONSIDERATIONS:

A Conditional Use Permit Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 7). The decision of the Planning Commission on a Conditional Use Permit is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

In this case, these two Unclassified Conditional Use Permit Applications are linked because the operation is located at two different sites. Traditionally, decisions regarding use permits regarding the operation have been considered together. Staff has combined both CUP applications so that they may be considered together. It is recommended that the Planning Commission consider and take action on the CUPs together.

## KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

- Project Location – CUP 3063: On the west side of N. Friant Road between N. Willow Avenue and Lost Lake Road, approximately two and one-half miles north of the City of Fresno (13475 N. Friant Road) (SUP. DIST.: 2 & 5) (APN: 300-160-46, 51; 300-070-56s – 60s; 300-040-19, 20; 300-080-01; 300-250-12).
- Project Location – CUP 3064: On the west side of N. Friant Road, between Lost Lake Road and Bluff View Avenue, approximately five miles north of the City of Fresno (16356 N. Friant) (SUP. DIST.: 5)(APN: 300-160-46, 51).
- Use of Subject Property: Sand and Gravel Mine
- Surrounding Land Uses: Grazing, Orchard, Single-Family Residences, Park
- Surrounding Parcel Sizes: Less than one acre to 320 acres
- Nearest Residence: Parcels adjacent to the subject property
- General Plan Land Use Designation: Agriculture (San Joaquin River Corridor Overlay)
- Zoning: AE-20 District
- Development Standards: Minimum building setbacks to property lines (35' front, 20' side, 20' rear)
- Public Road Frontage: Friant Road

- Public Road Access: Friant Road

## **ANALYSIS / DISCUSSION:**

### Background:

According to the applicant, a mining operation has been located on a portion of the site since 1924. In 1960, Conditional Use Permit No. 367 was approved to allow excavating and processing of sand, gravel and crushed gravel including washing-screening and grading facilities, batching plant and appurtenant facilities in two, non-contiguous areas, approximately one and one-half miles apart, and totaling approximately 850 acres. In 1984, Conditional Use Permit No. 2032 was approved to allow a rock, sand, and gravel operation on an additional 147 acres, located adjacent to the northernmost excavation area approved under CUP 367. In 1985, CUP 367 was revised under the terms of a settlement with the County of Fresno, which limited the processing plant, asphalt and concrete batch plant operations, and excavation activities to 20 years (or until the year 2005). Conditions of approval also limited processing of material to that extracted from properties permitted under CUP Nos. 367 and 2032.

In 1986, Unclassified Conditional Use Permit No. 2235 was filed, proposing to allow excavation of rock, sand, and gravel with incidental gold recovery on an approximately 251-acre parcel located adjacent to the northernmost excavation site approved under CUP No. 367. CUP No. 2241 was subsequently filed to allow materials to be excavated from the 251-acre site under consideration for CUP No. 2235, to be processed at the existing plant approved through CUP 367, in 1960, modifying previous conditions which had limited processing of materials to those excavated on properties approved through CUP 367 and 2032.

As discussed in the Procedural Considerations Section of this report, because CUP Nos. 2235 and 2241 constituted one project, staff recommended that both applications be considered together, and that a single vote should be taken on both applications. On June 11, 1987, Conditional Use Permit Nos. 2235 and 2241 were denied by the Planning Commission. On appeal of the Planning Commission's decision, the Board of Supervisors certified the environmental impact report prepared for Conditional Use Permit Nos. 2235 and 2241 and approved the Conditional Use Permits. Conditions of approval of the permits limit the life of the mining operation to 18 years from the date of approval, causing them to expire on July 28, 2005. Conditions of approval also limit the number of truck trips hauling excavated material from the excavation site to the processing plant to 180 round trips per day.

CUP No. 3063 proposes to allow continued use of the existing plant site and excavation of areas as approved under CUP Nos. 367, 2032, and 2241. CUP No. 3064 proposes to allow continued excavation of the site approved for excavation under CUP No. 2235. The current proposal requests an extension of this time limitation for an additional 18 years, to 2023. No other changes are proposed.

### The Operation:

Current operations include a sand and gravel processing plant, asphalt batch plant, concrete batch plant, and a materials bagging operation. Processing of the resource material includes washing, screening the material by size, crushing of oversized rock, and stockpiling of sorted materials. Sand of a quarter inch size and smaller is further processed to recover any gold. The plant site, located south of the current area of excavation on approximately 123 acres also includes shops, a scale, dispatch house, and other outbuildings. Plant equipment includes loaders, gravel trucks, asphalt trucks, and cement trucks.

The applicant states that average annual mining production for the last 15 years has been 760,00 tons and estimates that at the time of the expiration of the current permits in July 2005, a total of 13.7 million tons of material will have been mined from the project site since 1987. The applicant estimates approximately 12 million tons of sand and gravel will remain when the current permits expire. The EIR prepared for Conditional Use Permit Nos. 2235 and 2241 in 1987 estimated between 4.5 million tons and 8.9 million tons of material would remain following the expiration of the permits, depending on physical conditions of the site and market conditions. The applicant states that the difference in estimates regarding remaining material is due to more information available on the nature of underlying bedrock, more experience mining the property, and technologies that have resulted in production of less waste material.

Since 1924, approximately 700 acres have been mined and reclaimed and are now under management and ownership of the State of California. Approximately 105 of these acres have been mined and reclaimed since the most recent approvals in 1987. Approximately 500 acres still remain to be mined and subsequently reclaimed. Reclaimed areas include land utilized for grazing and farming as well as riparian habitat created by a number of ponds located in former areas of excavation. The approved reclamation plan identifies additional, future ponds and indicates portions of the site will also be utilized for grazing and farming.

### General Plan Policies:

The subject property is located adjacent to the San Joaquin River. Land uses in the vicinity include agricultural and single family residential uses, as well as vacant property. The subject property is designated Agriculture in the General Plan and is located within the San Joaquin River Corridor Overlay. Mineral extraction including sand and gravel is considered a compatible use in areas designated Agriculture. Further, Policies LU-C.2, LU-C.5, and LU-C.6, concerning river influence areas, allow extraction of rock, sand, and gravel resources along the San Joaquin River consistent with the Minerals Resources Section policies of the Open Space and Conservation Element.

Policy OS-C.2, of the Minerals Resources Section of the Open Space and Conservation Element of the General Plan states that the County shall not permit land uses incompatible with mineral resource recovery within areas designated as

Mineral Resource Zone 2 (MRZ-2). The subject property is designated MRZ-1 and MRZ-2. The existing mining operation is compatible with this designation.

Policies OS-C.3 and OS-C.5 require the operation and reclamation of surface mines be consistent with the State Surfaces Mining and Reclamation Act (SMARA) as well as Ordinance provisions. The subject properties are inspected annually by the County Geologist for compliance with SMARA, the County's Ordinance, and conditions imposed through the Conditional Use Permit and Site Plan Review. The County Geologist states that the mining operation is being conducted in compliance with SMARA, the Ordinance, and conditions of approval.

Policy OS-D.4 states the County shall require riparian protection zones around natural watercourses and shall... maintain buffers of 100 feet in width as measured from the top of the bank of unvegetated channels and 50 feet in width as measured from the outer edge of the dripline of riparian vegetation. As part of the Site Plan Review approval of the existing mining operation, mining activities on the subject property are required to maintain a 200-foot buffer from the edge of the river. As stated, the mining use was established prior to implementation of the above mentioned Policy, which became effective in 2000. In addition, it is not known whether the minimum 200-foot buffer from the edge of the river, provides a buffer greater than or less than the buffers discussed in Policy OS-D.4. The Environmental Impact Report prepared for the project in 1987 included evaluation of potential impacts to riparian habitat and other impacts to the San Joaquin River. Based on this information, staff believes that the proposed 18-year time extension will not conflict with General Plan Policy OS-D.4.

The subject property is on the west side of Friant Road, and, at its southernmost point, is located approximately two and one-half miles north of the City of Fresno. This section of Friant Road, from the City of Fresno to Lost Lake Road, is designated a scenic highway in the County's General Plan. Policy OS-L.3 of the County's updated General Plan Policy Document states that intensive land development proposals adjacent to scenic highways shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. In addition, the design of these development proposals shall provide for maintenance of a natural open space area two hundred feet in depth parallel to the right-of-way. Aesthetic impacts related to plant and excavation areas, to travelers on Friant Road and to viewers located on bluffs east and west of Friant Road were identified in the EIR prepared for the project in 1987. Pursuant to the EIR and conditions of approval of the Conditional Use Permits, in order to provide a visual buffer between Friant Road and excavation activities, the applicant has installed berms between 10 and 15 feet in height, adjacent to portions of Friant Road within a 50-foot landscaped setback, consistent with the requirements of the current Conditional Use Permits. Portions of existing orchards adjacent to Friant Road have also been retained, and additional trees have been planted along sections of Friant Road, consistent with the requirements of the Conditions Use Permits. The EIR also determined that aesthetic impacts related to visibility of the plant from Friant Road could not be mitigated. Staff believes that because an EIR was conducted for the existing project, mitigation measure related to aesthetics were identified where applicable, and a determination was made that some visual impacts were

unavoidable, the proposal to grant an additional 18 years to the existing use can be considered consistent with Plan Policy OS.L-3.

Fresno County has been a leading producer of minerals because of the abundance and wide variety of mineral resources that are present in the county. Extracted resources include aggregate products (sand and gravel), fossil fuels (oil and coal), metals (chromite, copper, gold, mercury, and tungsten), and other minerals used in construction or industrial application (asbestos, high-grade clay, diatomite, granite, gypsum, and limestone). Aggregate and petroleum are considered the county's most significant extractive mineral resources and represent a significant economic commodity.

The anticipated consumption of aggregate in the Fresno region for the next 50 years is estimated to be 528 million tons. The aggregate resources on the San Joaquin River, which has been the primary source of construction materials for almost all construction in the Fresno region are almost depleted.

The applicant's request to continue extraction activities is consistent with the economic policies of the General Plan, which place emphasis on coordination of economic development resources and business retention. Economic Development Policy ED-A.9 states that the County shall participate in regional business retention and expansion programs.

The applicant has provided information in support of the continued economic benefits to Fresno County derived from continued operation of the existing sand and gravel operation. The applicant states that the remaining 12 million tons of sand and aggregate material on the project site are a valuable resource and are integral parts of all construction activity in the Fresno/Clovis area including construction of hospitals, schools, homes, public facilities, highways, and local roads. Further, the applicant notes that the existing operation employs 51 full time staff.

The applicant also notes that a 1999 report from the State Department of Conservation, Division of Mines and Geology concludes that additional haulage distance from Coalinga and Merced sites, in fulfilling aggregate needs in the Fresno production/consumption area, would add nearly \$50 million annually to cost of materials starting in the year 2012 (when currently permitted Fresno area resources are assumed to be depleted).

The applicant also references a draft of a soon to be published report by the Construction Materials Association of California which indicates aggregates are essential for construction as well as manufacturing, transportation, wholesale trade, and agriculture, as all of these industries rely on transportation systems and distribution infrastructure. In addition, the referenced report indicates in 2000, the combined direct and indirect economic contributions of the aggregate and construction industries to Fresno County was \$4.4 billion.

The existing mining use was found to be consistent with the General Plan through Conditional Use Permit Nos. 367, 2032, 2235, and 2241, approved in 1960, 1984,

1987, and 1987, respectively. The current proposal seeks to extend the existing permits an additional 18 years, to 2023.

Based on the above information, staff believes this proposal is consistent with the General Plan and Finding 4 can be made.

Ordinance Compliance:

The proposed use is allowed in the AE-20 District provided that an Unclassified Conditional Use Permit is approved by the Commission upon making the required findings. All development standards of the AE District are met through this application.

In addition, the existing operation has been determined to be in compliance with Section 858 of the Ordinance, related to mining activities.

Neighborhood Compatibility and Environmental Concerns:

As stated above in the Background Section, a mining operation has been located on the project site since 1924. Conditional Use Permit Nos. 367, 2032, 2235 and 2241, require cessation of mining activities on the project site in 2005. Approval of this request will extend the existing operation for an additional 18 years, to 2023. No other changes are proposed as part of this request.

Development in the vicinity of the project site, since the approval of CUP Nos. 2235 and 2241 in 1987 includes a 12 lot subdivision approved through Tentative Tract No. 4669 in 1994, located on the east side of Friant Road, across the street from a portion of the subject property. The existing use was found to be compatible with the neighborhood when the project was approved in 1987. Staff does not believe the proposed 18-year time extension for the mining operation presents a compatibility issue, as the mining operation was present at the time of approval of the Tract No. 4669. In addition, a review of County records does not indicate any potential effects to the subdivision, resulting from the presence of the mine, were identified at the time of the subdivision's review in 1994. Staff notes that no noise related complaints about mining operations have been received. Staff also notes that a number of projects in the vicinity, including the Copper River project located approximately one mile south of the project site, have also been approved since 1987.

A rehabilitation plan was approved in conjunction with the existing project, per the State Surfaces Mining and Reclamation Act (SMARA). The phasing portion of this plan was revised in accordance with SMARA requirements in 2002. The time extension request was reviewed by the California Department of Conservation, the California Department of Fish and Game, the San Joaquin River Conservancy, as well as the San Joaquin River Parkway and Conservation Trust. As stated above, no agencies, including those just mentioned, identified specific issues which would warrant the need for a new Environmental Impact Report, or new Negative Declaration under Section 15162 of the California Environmental Quality Act. The California Department of Conservation stated that under SMARA, the County, as Lead Enforcement Agency (LEA) could determine that a substantial deviation in the

reclamation plan was proposed due to the additional 18-year time request. The River Conservancy and the Conservation Trust, both commented that if changes to the reclamation plan were required, these changes should include additional contouring and revegetation with native species. The Department of Fish and Game requested that a revised reclamation plan be required as well as a modification to the existing conditions of approval which would require landscaping with native species of local stock. Upon review of the received comments, staff has determined because the project will not result in mine expansion or changes in mine operation and/or reclamation, including the end use of the land, that the proposed project does not constitute a substantial deviation from the approved reclamation plan, and that the existing reclamation plan remains valid. The County as the Lead Enforcement Agency, therefore, has not required a new reclamation plan.

This proposal was reviewed by the San Joaquin Valley Air Pollution Control District, which states that the proposed 18-year time extension is within the scope of the existing EIR related to air quality issues. The District did not express any concerns with this proposal. Staff notes that conditions of approval for CUP 2235 included use of dust palliative in parking and circulation areas as well as haul roads. In addition, staff notes as discussed above in the General Plan Policies Section, should this proposal be denied, sand and aggregate materials currently produced at the site and used for development in the Fresno/Clovis area, would be required to be hauled from mines further from the immediate metropolitan area. Additional hauling distance from mines outside the immediate would result in additional air quality impacts.

#### Access & Traffic:

The project site takes public road access through two driveways on Friant Road. The southernmost driveway allows access to the asphalt and concrete batch plants and crushing operations. The northern most driveway allows access to the area of current mining operations. Trucks traveling from the area of excavation to the processing plant are limited through the existing use permits to a maximum of 180 round trips per day. No changes in the maximum number of truck trips are proposed.

This proposal was reviewed by the Fresno County Department of Public Works and Planning Design, Development Engineering, and Maintenance and Operations Divisions. No potential traffic impacts related to a continuation of the existing use were identified.

#### **CONCLUSION:**

Staff believes the required findings can be made, based on the factors cited in the analysis and the recommended conditions. Staff therefore recommends that Unclassified Conditional Use Permit Application No. 3063 and 3064 be approved.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (approval action)

- Adopt findings as stated below, and approve Unclassified Conditional Use Permit No. 3063 and 3064 with conditions and notes as stated below; and
- Direct the secretary to prepare a resolution documenting the Commission's action.

### **Alternative Motion** (denial action)

- Move to determine one or more of the required findings can not be made for the following reasons (state which finding(s) and reasons), and move to deny the project.
- Direct the secretary to prepare a resolution documenting the Commission's action.

### **Recommended Conditions of Approval:**

1. All conditions of Conditional Use Permit Nos. 367, 2032, 2235 and 2241 shall remain in full force and effect except as modified by the condition below (see attached Exhibit
2. These permits shall expire on July 28, 2023.

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EXHIBIT 1

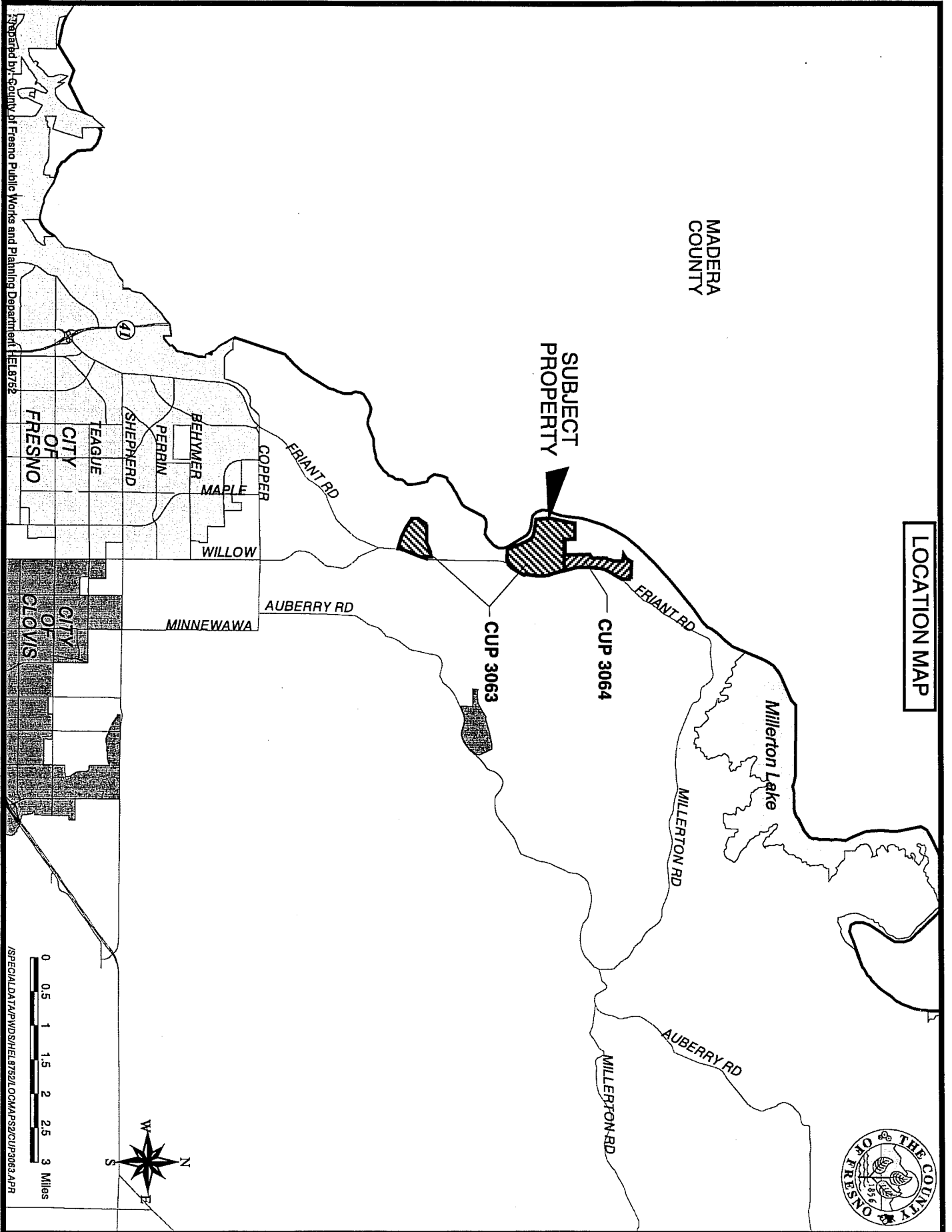
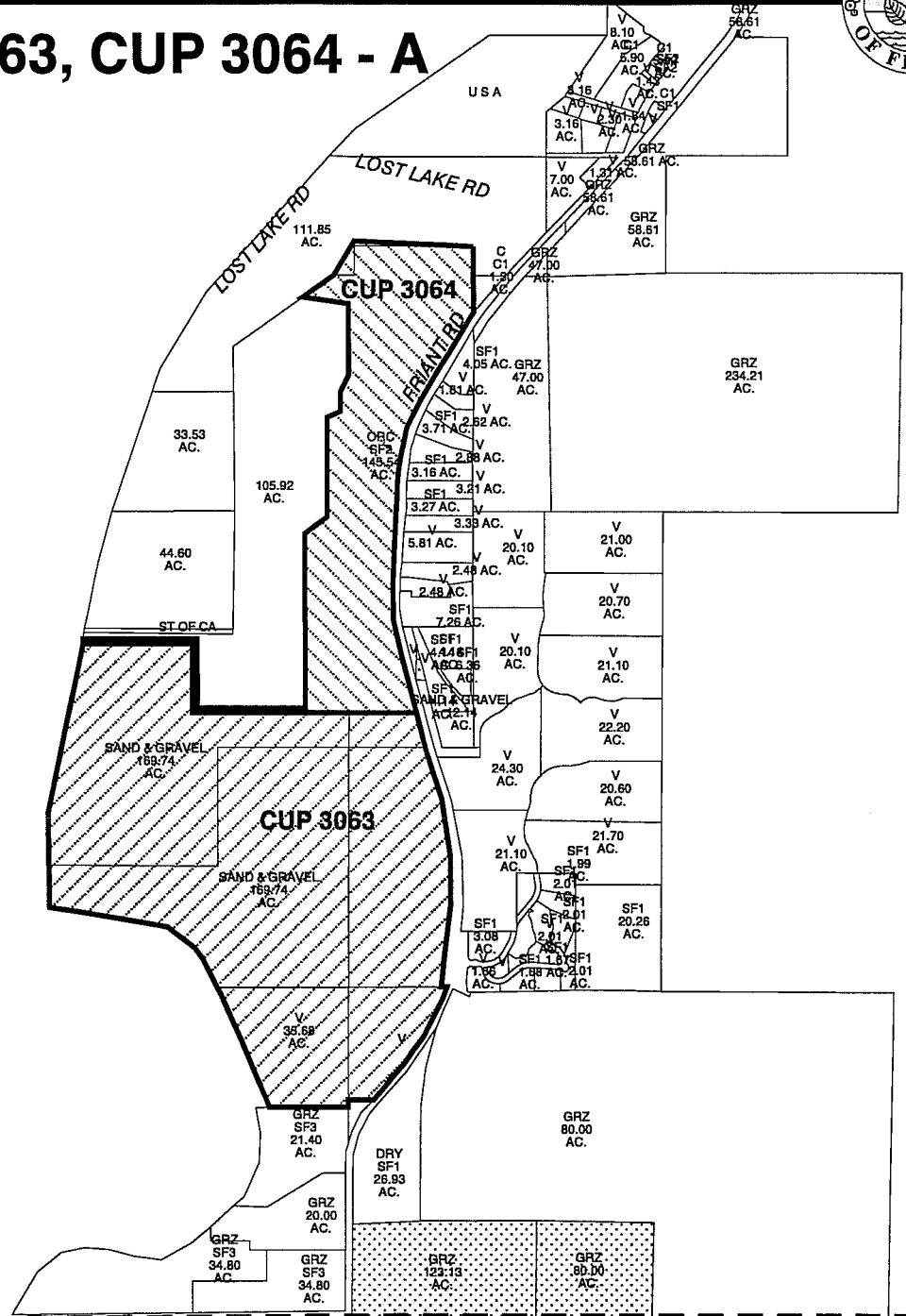


EXHIBIT 2

EXISTING LAND USE MAP

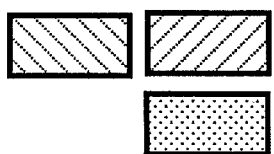


CUP 3063, CUP 3064 - A



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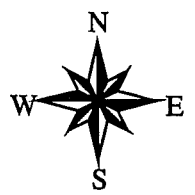
Legend	
C - COMMERCIAL	
C# - COMMERCIAL	
DRY - DRY FARMING	
GRZ - GRAZING	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	



Subject Property

Ag Contract Land

1000 0 1000 Feet

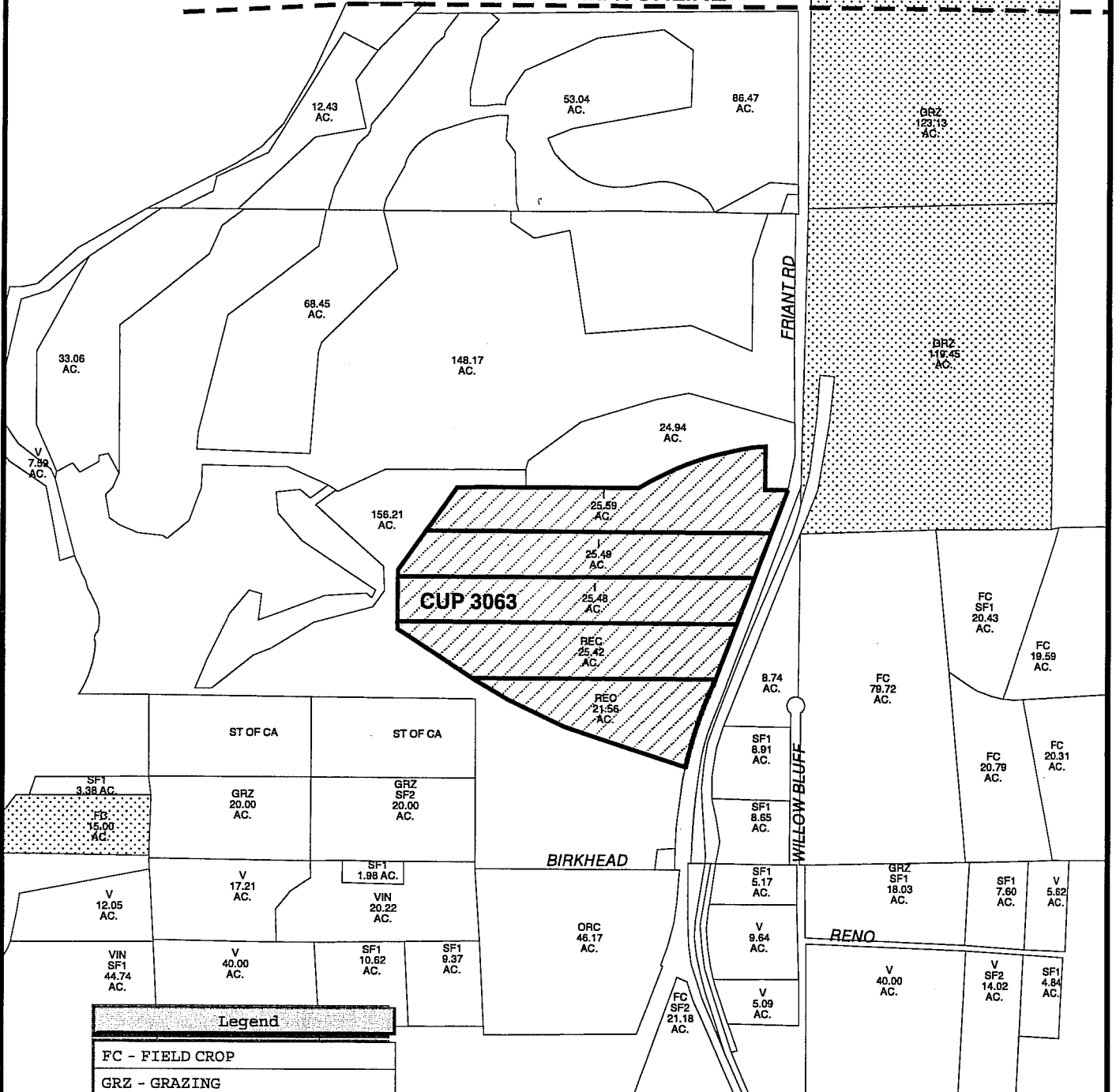


# EXISTING LAND USE MAP


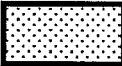


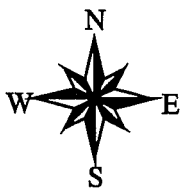
## CUP3063, CUP3064 - B

MATCHLINE



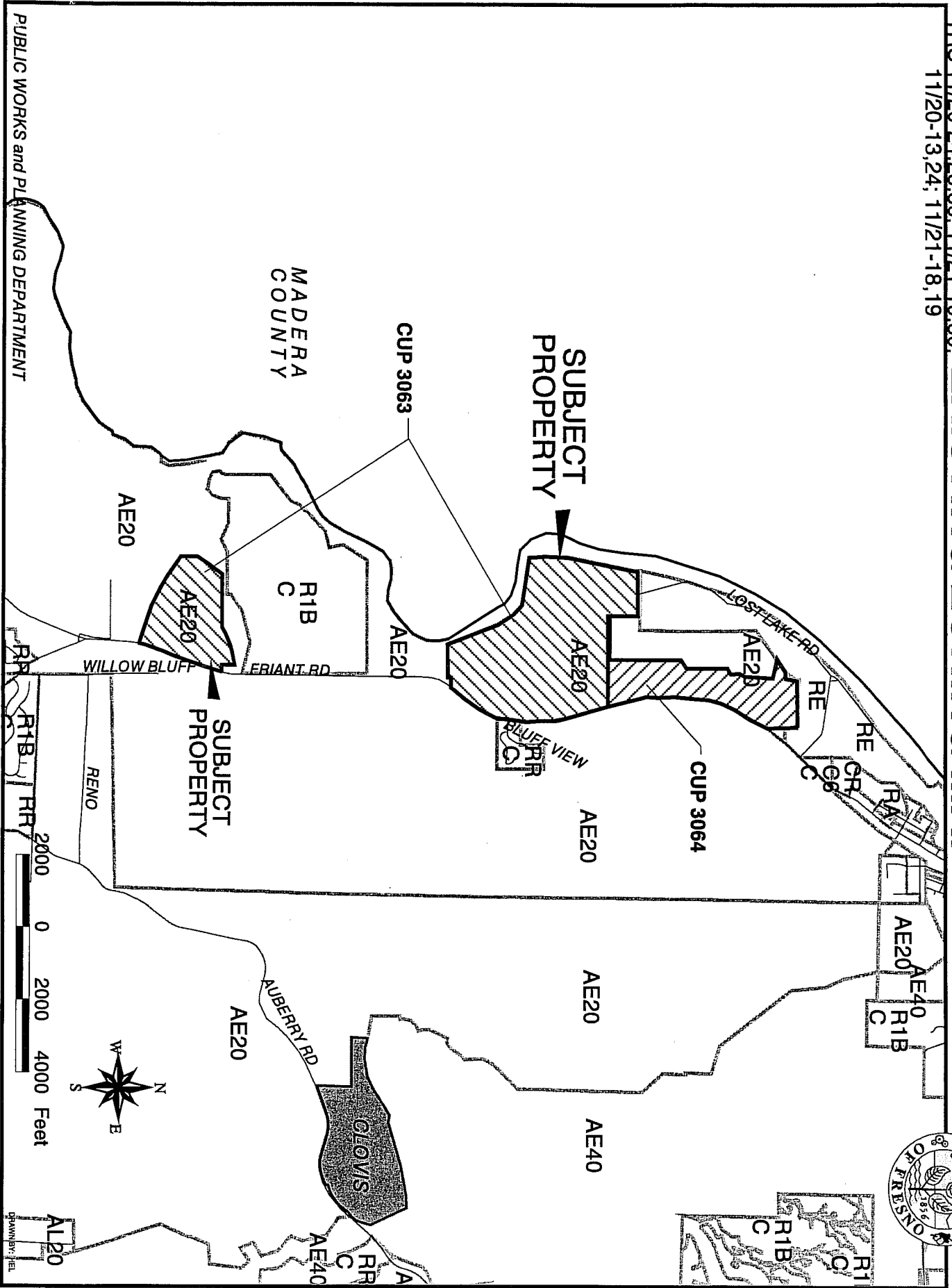
Legend	
FC	FIELD CROP
GRZ	GRAZING
I	INDUSTRIAL
ORC	ORCHARD
REC	RECREATION
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

 Subject Property  
 Ag Contract Land



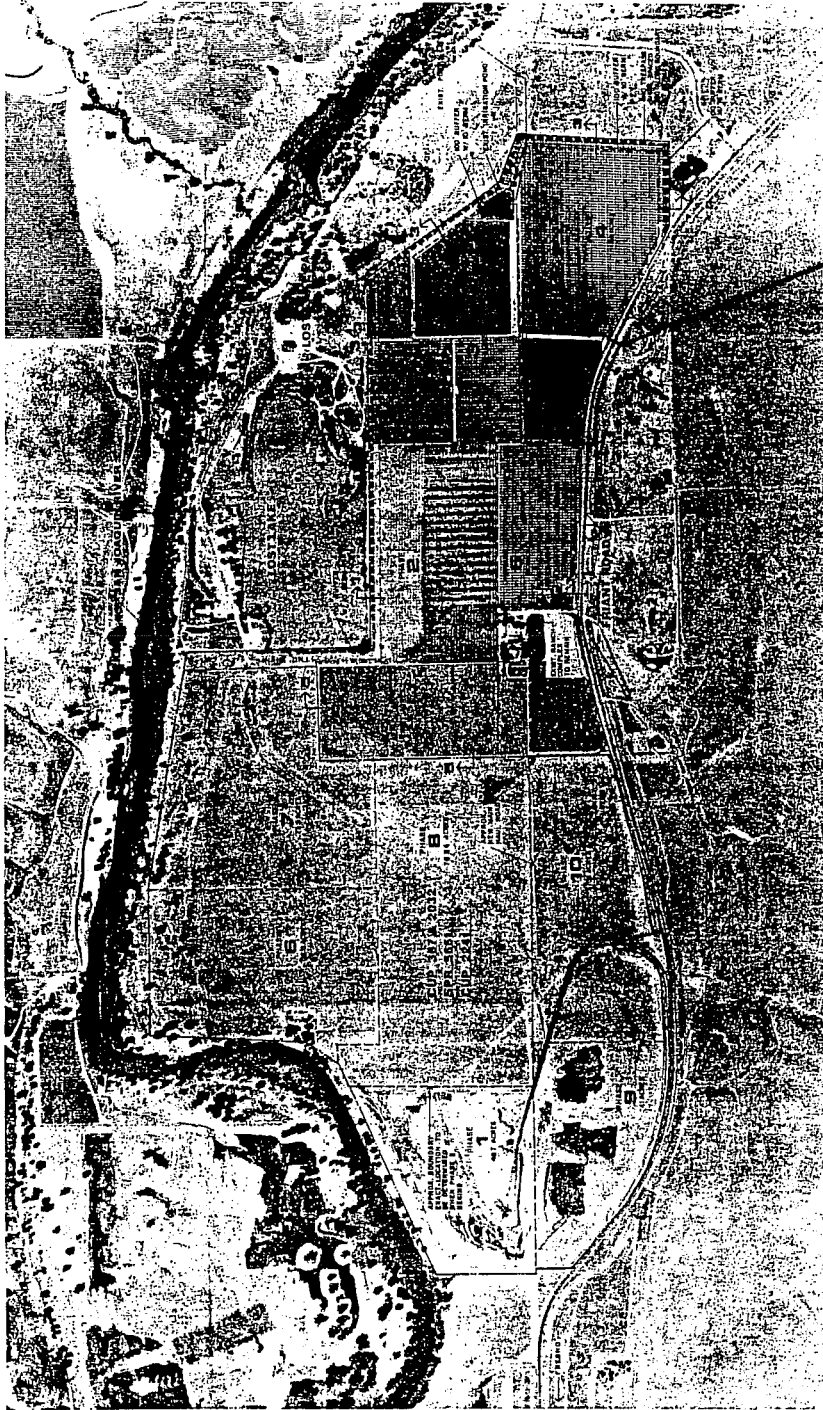
CUP3063, CUP3064, IS4924  
TRB 11/20-24,25,36; 11/21-19,30;  
11/20-13,24; 11/21-18,19

# EXISTING ZONING MAP



PUBLIC WORKS and PLANNING DEPARTMENT

MADERA COUNTY



AREA OF CURRENT LANDSCAPING IMPLEMENTATION (3/28/84)

# MASTER SITE PLAN

SCALE 1" = 200'

SITE PLAN REVIEW FOR COMBINED PROPERTIES OF LONE STAR INDUSTRIES INC. & STEPHEN M. BECK CONDITIONAL USE PERMITS NO'S 367, 2032 AND 2235.

**LEGEND:**

- PROPERTY LINE
- PHASE LINE - BUFFER SETBACK LINE
- BERM 10' HIGH
- BERM 10' HIGH
- 4 RANDED WIRE FENCE ON P1
- MIN. 3' STANDBY
- EXIST. 40" PIPE LINE
- NEW PVC WATER LINE

**NOTES:**

- 1' ADEQUATE TOPSOIL TO BE STOCKPILED FOR SITE REHABILITATION
- SEE CONDITIONAL USE PERMIT C U P 2235

## EXHIBIT "4"

AMES OAKES AIA  
DIRECTOR OF PLANNING  
1111 W. SHAW, FARMERS, CA  
DRAWN

SITE PLAN REVIEW FOR COMBINED PROPERTIES OF LONE STAR INDUSTRIES INC. & STEPHEN M. BECK CONDITIONAL USE PERMITS NO'S 367, 2032 AND 2235

**APPROVED PLAN**

DATE: 08/28/87  
BY: [Signature]

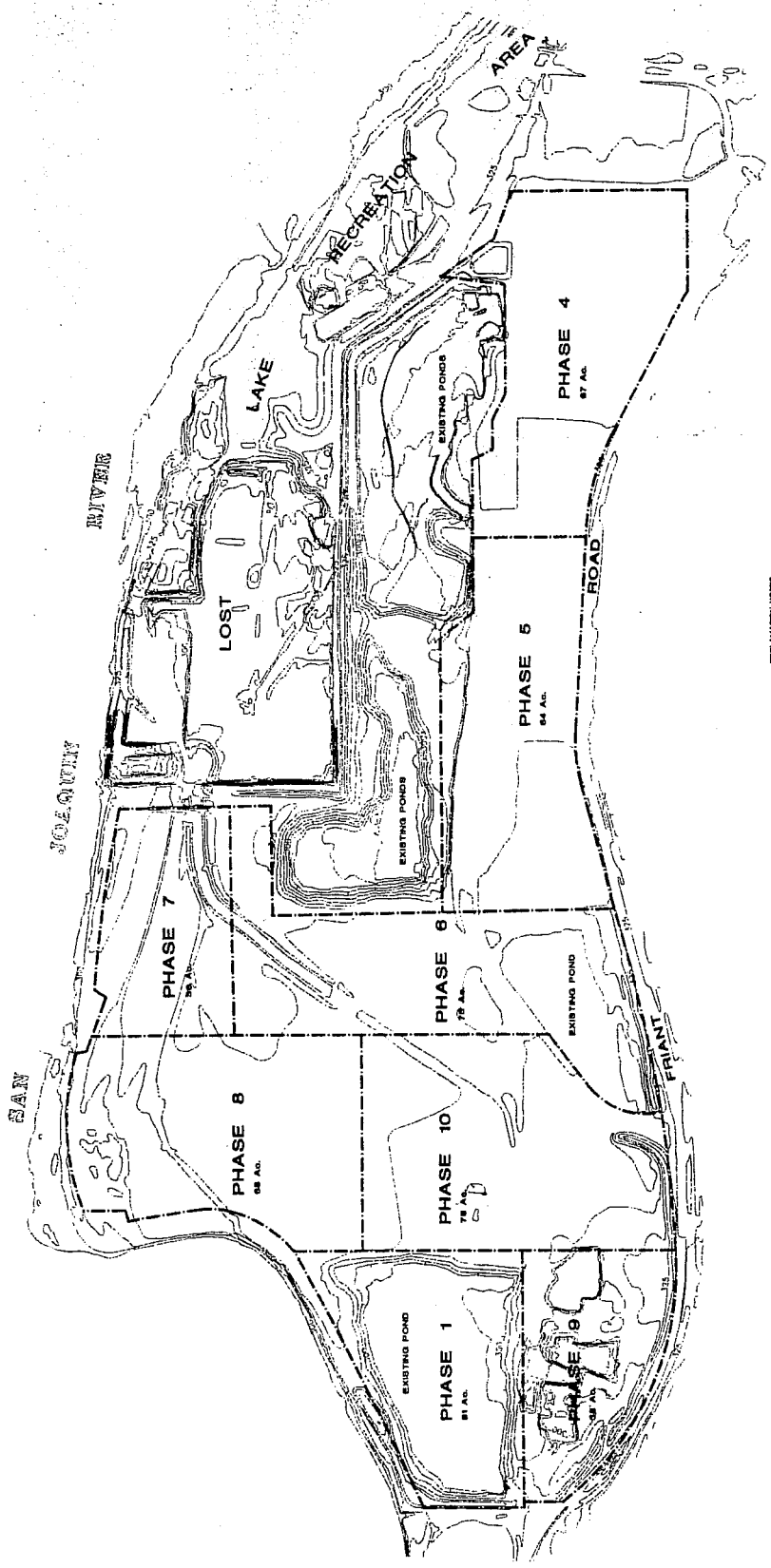
NOTE: THIS PLAN IS APPROVED FOR THE PROPOSED DEVELOPMENT AS SHOWN ON THESE SHEETS. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**PROFESSIONAL SEAL**

NO. 81,194  
STATE OF TEXAS  
JAMES OAKES AIA  
007-41-987  
ARCHITECTURE

SHEET 3 OF 7  
SUBMITTED JULY 31 2002 SPR 5903

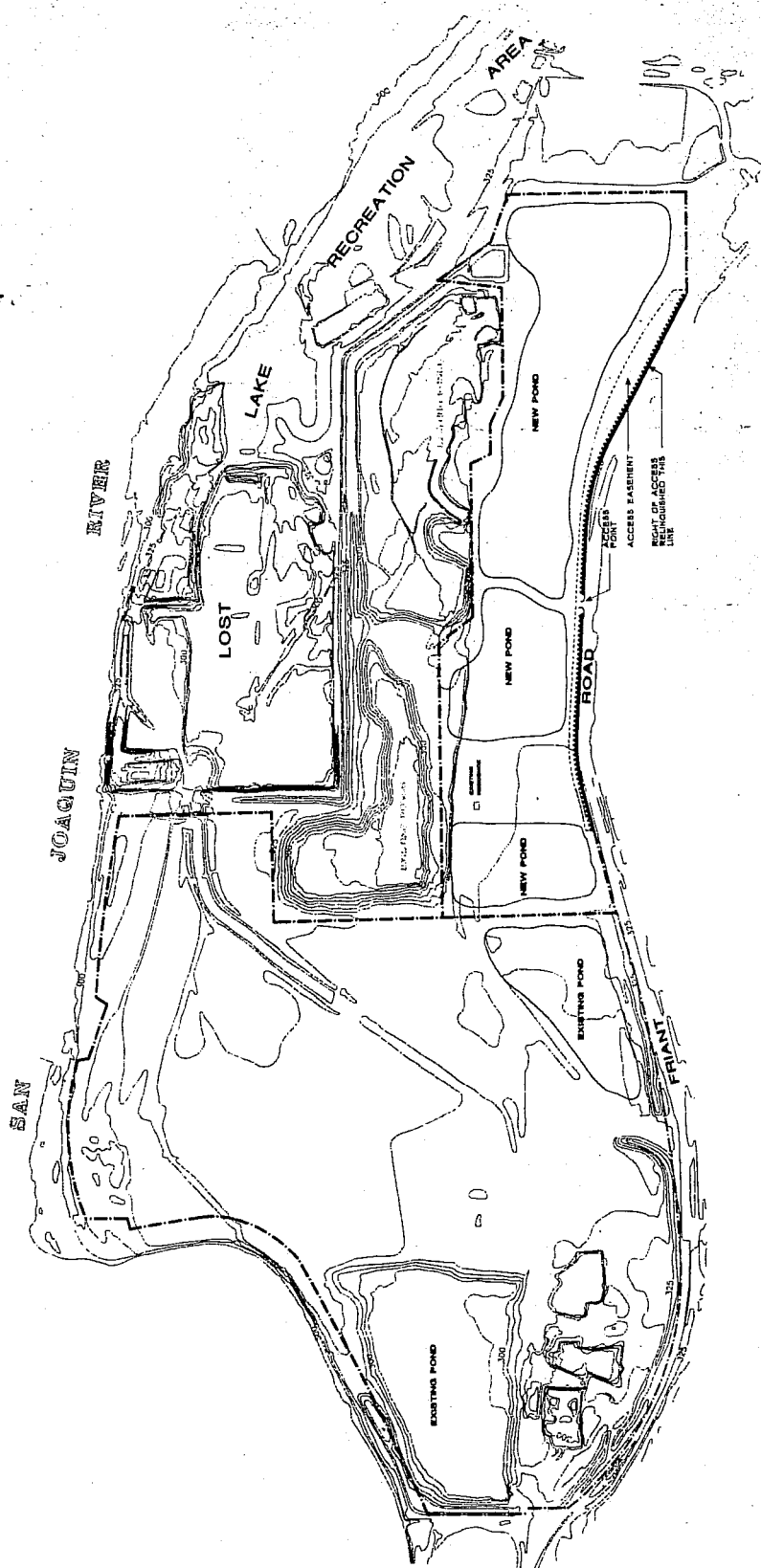
AUGUST 28, 1987  
BY: [Signature]



- RECLAMATION NOTES:
1. GEOLOGIC CONDITIONS WILL DETERMINE THE FINAL QUANTITIES OF RECLAIMED AREAS. THE FINAL RECLAIMED AREAS WILL BE PROVIDED AS MUCH AS POSSIBLE.
  2. ALL RECLAIMED AREAS SHALL BE PLANTED WITH COMMERCIAL GRASSES.
  3. ALL RECLAIMED AREAS SHALL BE PLANTED WITH COMMERCIAL GRASSES.
  4. ALL RECLAIMED AREAS SHALL BE PLANTED WITH COMMERCIAL GRASSES.
  5. FINAL USE OF SITE: COMMERCIAL/RESIDENTIAL.

REVISED PHASING PLAN

PHASE CHANGE - MINOR DEVIATION FROM ORIGINAL PLAN AND DETAILS OF MINING OPERATIONS FOR CONDITIONS OF APPROVAL. THIS PLAN IS NOT TO BE USED TO MODIFY THE OVERALL CONDITIONS OF APPROVAL.

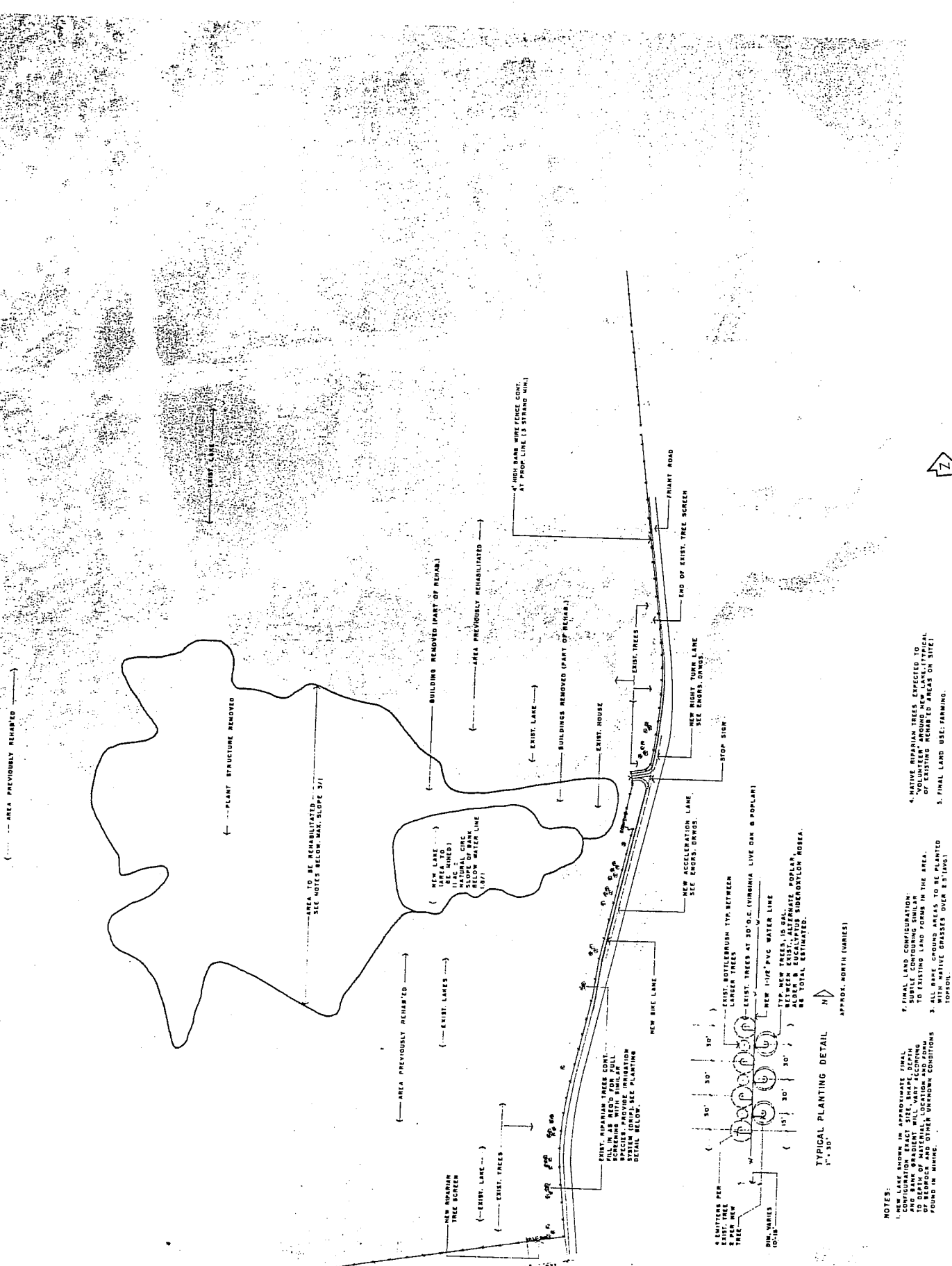


- REVISIONS
1. REVISIONS WILL DETERMINE THE FINAL QUANTITIES OF MATERIALS TO BE EXCAVATED AND FILL TO BE PLACED. THE FINAL QUANTITIES OF MATERIALS TO BE EXCAVATED AND FILL TO BE PLACED WILL BE DETERMINED AS SOON AS POSSIBLE.
  2. ALL MATERIALS TO BE EXCAVATED SHALL BE PLACED WITHIN THE RECREATION AREA.
  3. ALL RECLAIMED AREAS SHALL BE PLANTED WITH NATIVE PLANTS AND TREES.
  4. MATERIALS TO BE EXCAVATED SHALL BE PLACED WITHIN THE RECREATION AREA.
  5. FINAL USE OF SITE: RECREATION/AGRICULTURE.

REVISED RECLAMATION PLAN

RECLAMATION CHANGE - MINOR DEVIATION FROM THE ORIGINAL RECLAMATION PLAN. THE REVISIONS TO THE RECLAMATION PLAN ARE NECESSARY TO CORRECT THE RECLAMATION PLAN FOR THE REVISIONS TO THE RECLAMATION PLAN. THE REVISIONS TO THE RECLAMATION PLAN ARE NECESSARY TO CORRECT THE RECLAMATION PLAN FOR THE REVISIONS TO THE RECLAMATION PLAN.

SHEET 2 OF 7  
 SUBMITTED JULY 31, 2002



NOTES:

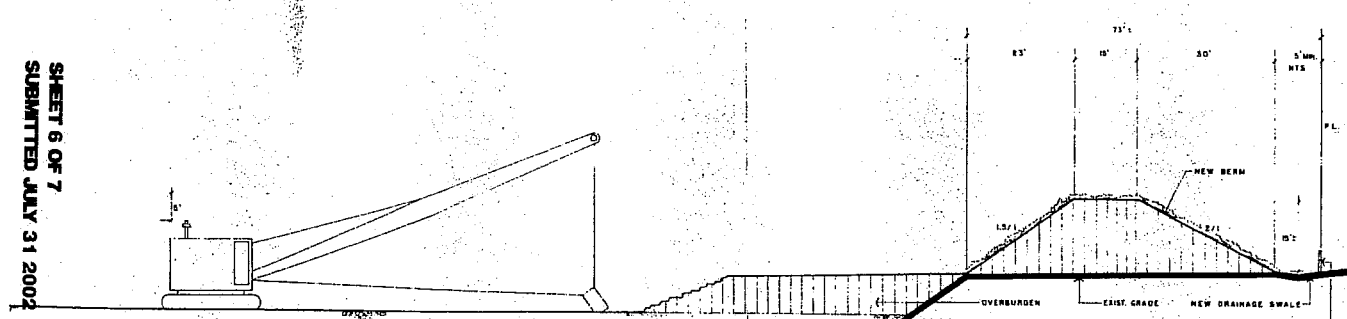
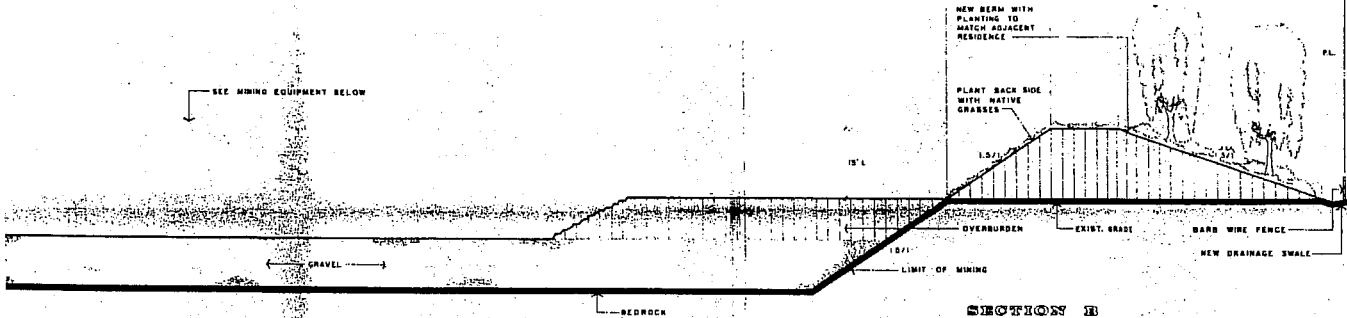
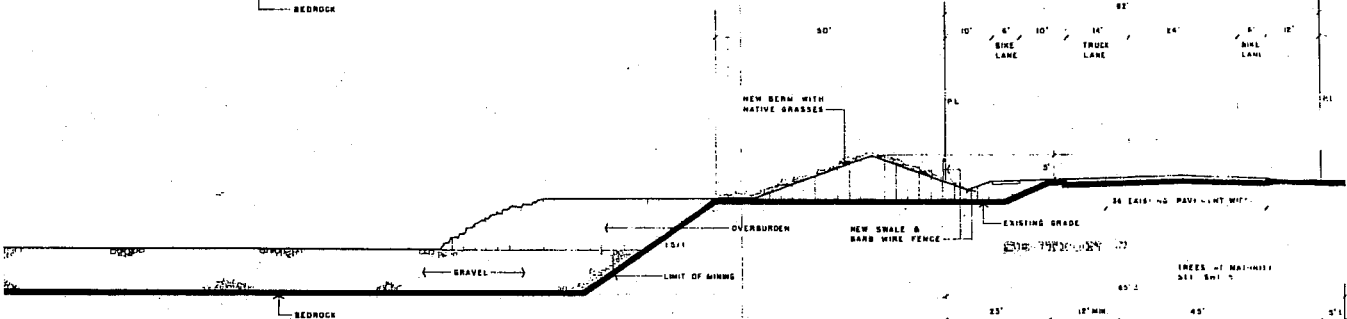
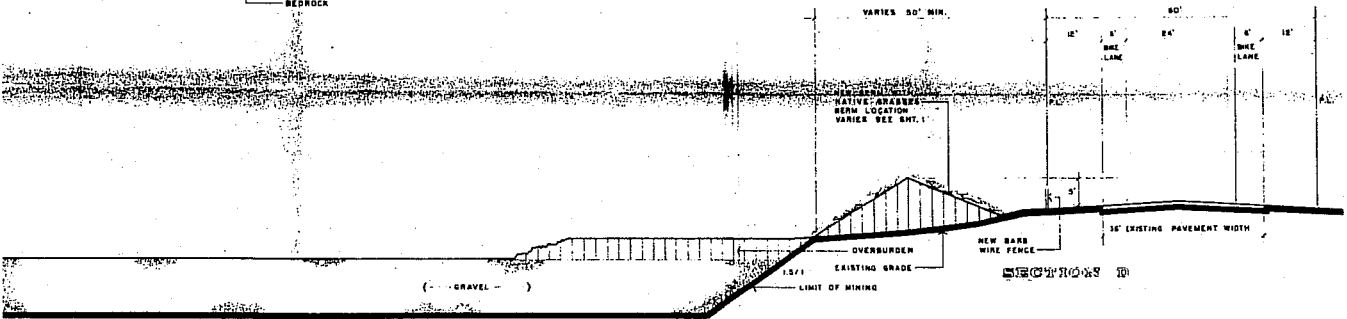
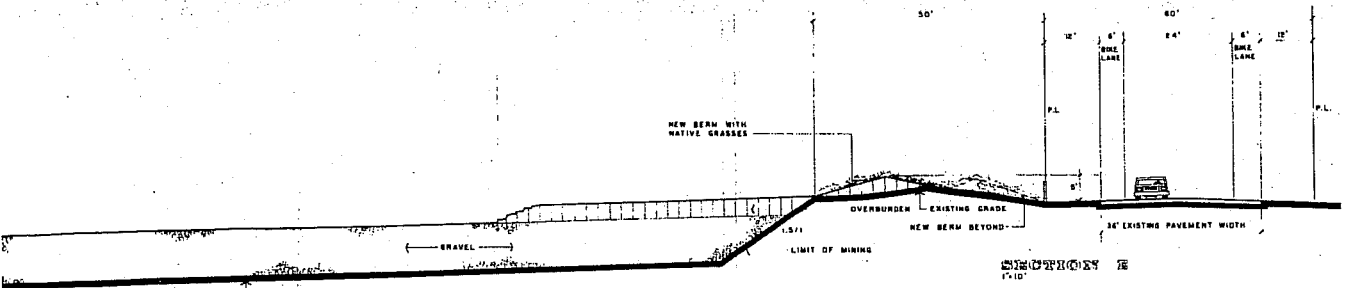
1. PLAN SHOWS AN APPROXIMATE FINAL CONTOURING. THE FINAL CONTOURING WILL VARY SLIGHTLY AND BANK SLOPES WILL VARY SLIGHTLY FROM THE SHOWN SLOPES. THE LOCATION AND ZONE OF BARE GROUND AREAS TO BE PLANTED TO SOIL WILL VARY FROM THE SHOWN AREAS.
2. ALL BARE GROUND AREAS TO BE PLANTED TO SOIL WITH UNKNOWN CONDITIONS TO BE PLANTED TO SOIL.
3. FINAL LAND USE: FARMING.
4. NATIVE RIPARIAN TREES EXPECTED TO REGENERATE AROUND NEW LAKE (TYPICAL OF EXISTING AREAS ON SITE).

TYPICAL PLANTING DETAIL  
1" = 50'

APPROX. NORTH (N)







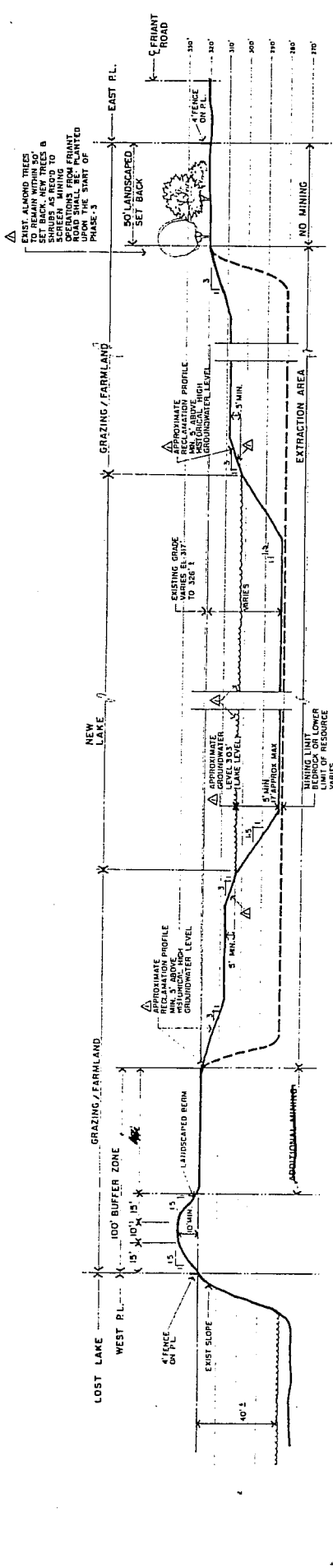
SHEET 6 OF 7  
SUBMITTED JULY 31 2002

APPROVED PLAN	
DATE	BY
REVISION	REVISION
NO.	NO.
DATE	BY
NO.	NO.
DATE	BY
NO.	NO.

BERM SECTION - AREA "A"  
CUP 367 & 2032

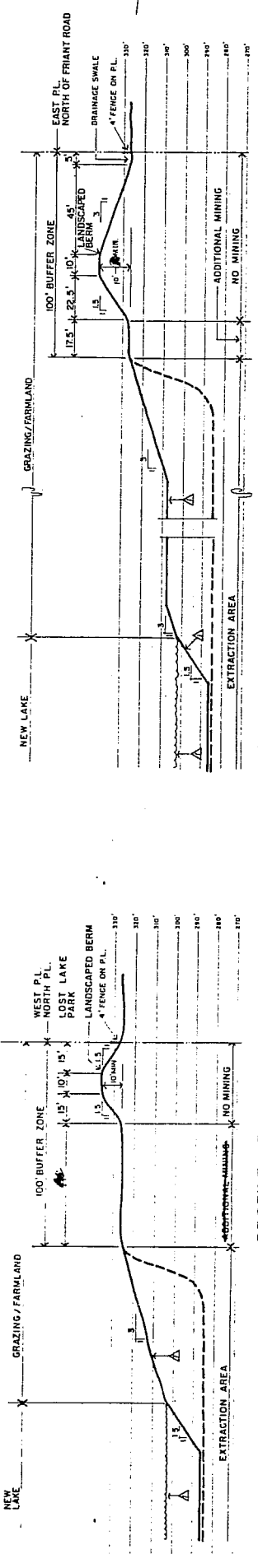
LONE STAR INDUSTRIES INC.  
FRIANT CALIFORNIA

JAMES OAKES AIA  
ARCHITECT - PLANNER  
C-1888  
SHAW, PLEASANTON, CA.



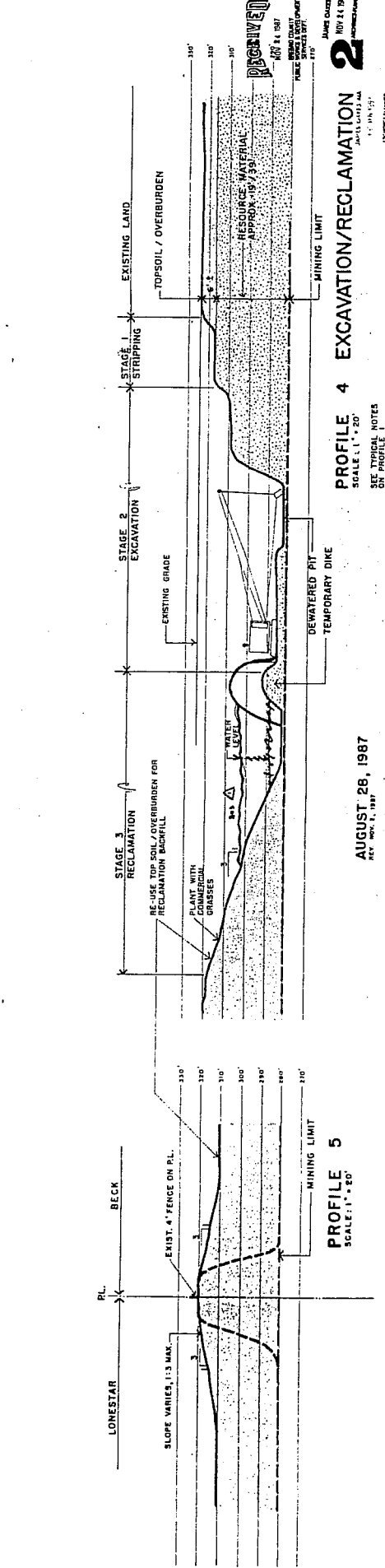
**PROFILE 1**  
SCALE: 1" = 20'

NOTES ARE TYPICAL AS APPLICABLE TO ALL PROFILES.  
1. EXIST. ALMOND TREES TO BE SET BACK.  
2. NEW TREES TO BE PLANTED AS PER OPERATIONS FROM FRIANT ROAD TO THE EAST.  
3. MAX. ROCKS TO BE SET BACK FROM THE FRONT OF PHASE-3.  
4. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
5. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
6. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
7. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
8. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
9. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.



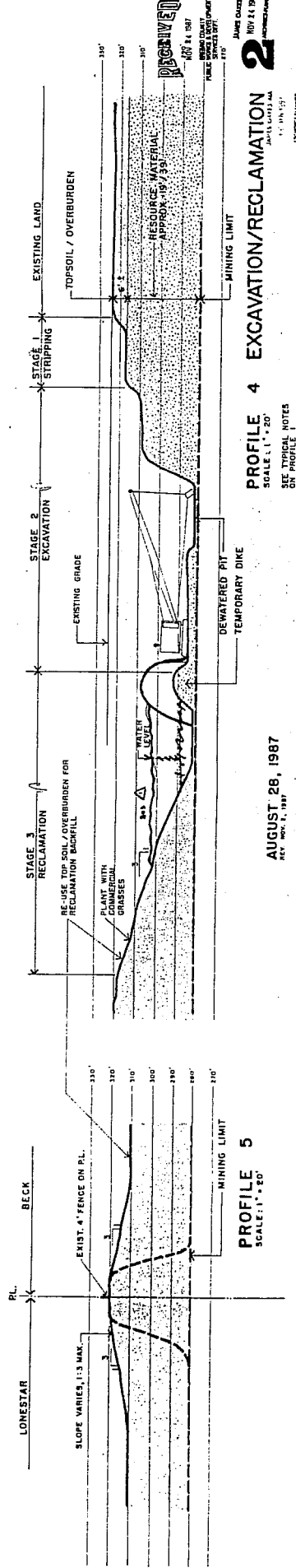
**PROFILE 2**  
SCALE: 1" = 20'

NOTES ARE TYPICAL AS APPLICABLE TO ALL PROFILES.  
1. EXIST. ALMOND TREES TO BE SET BACK.  
2. NEW TREES TO BE PLANTED AS PER OPERATIONS FROM FRIANT ROAD TO THE EAST.  
3. MAX. ROCKS TO BE SET BACK FROM THE FRONT OF PHASE-3.  
4. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
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9. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.



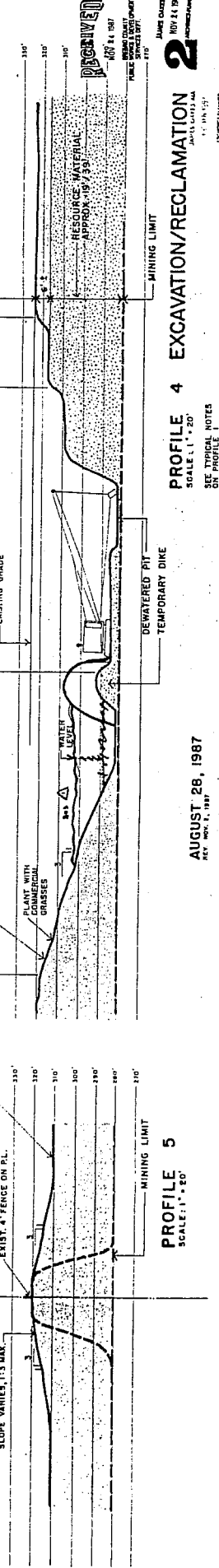
**PROFILE 3**  
SCALE: 1" = 20'

NOTES ARE TYPICAL AS APPLICABLE TO ALL PROFILES.  
1. EXIST. ALMOND TREES TO BE SET BACK.  
2. NEW TREES TO BE PLANTED AS PER OPERATIONS FROM FRIANT ROAD TO THE EAST.  
3. MAX. ROCKS TO BE SET BACK FROM THE FRONT OF PHASE-3.  
4. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
5. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
6. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
7. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
8. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
9. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.



**PROFILE 4**  
SCALE: 1" = 20'

NOTES ARE TYPICAL AS APPLICABLE TO ALL PROFILES.  
1. EXIST. ALMOND TREES TO BE SET BACK.  
2. NEW TREES TO BE PLANTED AS PER OPERATIONS FROM FRIANT ROAD TO THE EAST.  
3. MAX. ROCKS TO BE SET BACK FROM THE FRONT OF PHASE-3.  
4. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
5. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
6. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
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9. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.



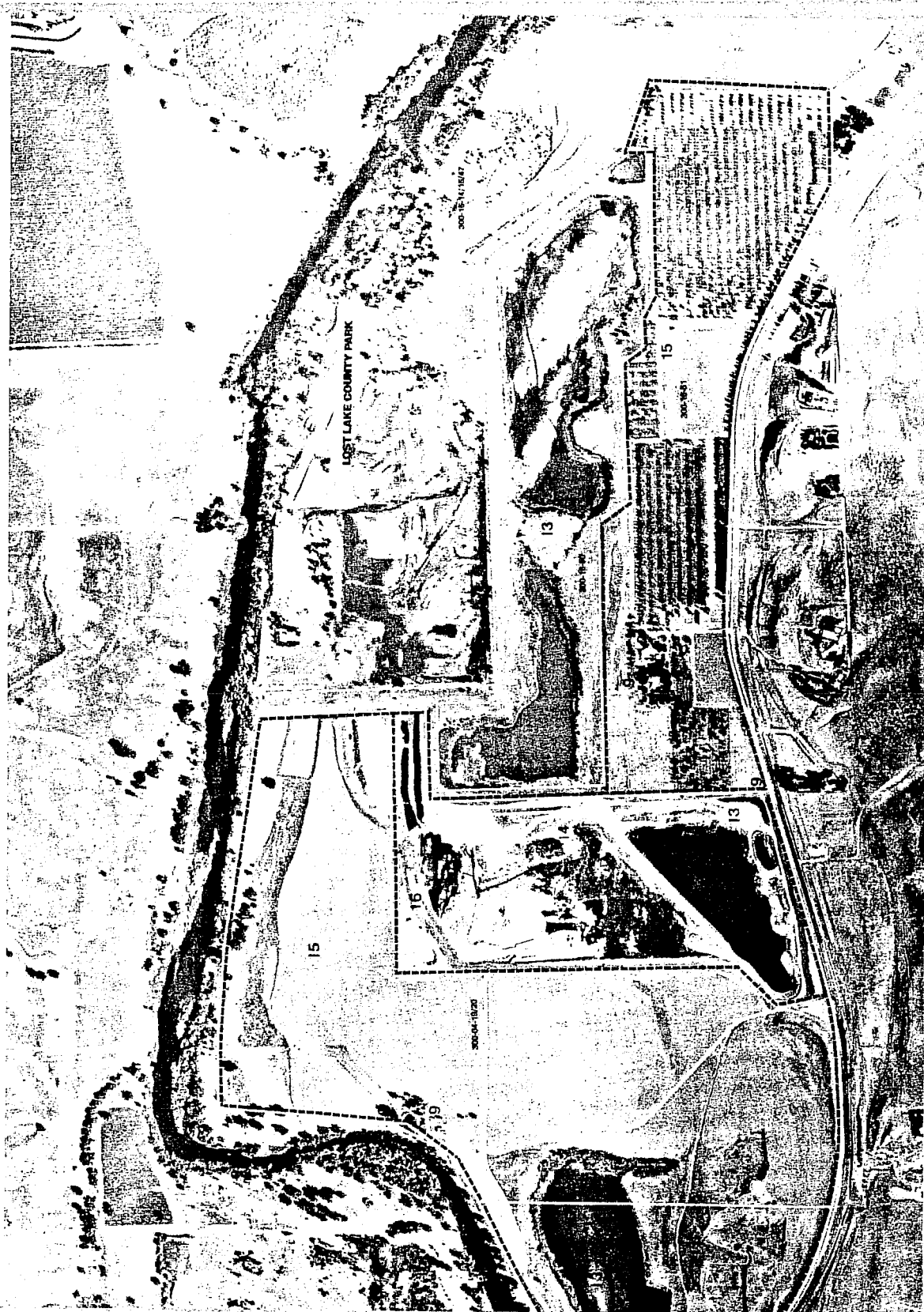
**PROFILE 5**  
SCALE: 1" = 20'

NOTES ARE TYPICAL AS APPLICABLE TO ALL PROFILES.  
1. EXIST. ALMOND TREES TO BE SET BACK.  
2. NEW TREES TO BE PLANTED AS PER OPERATIONS FROM FRIANT ROAD TO THE EAST.  
3. MAX. ROCKS TO BE SET BACK FROM THE FRONT OF PHASE-3.  
4. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
5. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
6. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
7. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
8. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.  
9. APPROXIMATE RECLAMATION PROFILE VARIATION FROM EXIST. GROUNDWATER LEVEL.



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LOST LAKE COUNTY PARK

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DANIEL C  
MATCH LINE

# RMC PACIFIC MATERIALS

JAMES GAKIS, AIA  
ARCHITECT - PLANNING  
100 W. SHAW ST. SUITE 101  
P.O. BOX 20000  
SAN JOSE, CALIFORNIA 95128  
415-255-7200 FAX 415-255-9457

Date: July 28, 1987 (Continued from 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 Lone 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 Parker Page 1 of 2  
BOARD ACTION: DATE July 28, 1987 APPROVED AS RECOMMENDED \_\_\_\_\_ OTHER X

UPHELD APPEALS; CERTIFIED ENVIRONMENTAL IMPACT REPORT; ADOPTED RESOLUTION APPROVING FINDINGS AS REQUIRED BY CEQA AND ZONING ORDINANCE; APPROVED CONDITIONAL USE PERMITS WITH CONDITIONS AS RECOMMENDED IN EXHIBITS "A" AND "B" OF RESOLUTION NO. 87-310.

UNANIMOUS \_\_\_\_\_ ANDREEN No. CONRAD Aye KOLIGIAN Aye LEVY abstained RAMACHER Aye

526

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.

PDW:RB:uz  
1856K

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF FRESNO

STATE OF CALIFORNIA

In the Matter of )  
UNCLASSIFIED CONDITIONAL USE )  
PERMIT APPLICATION NO. 2235 )  
Stephen Berk, 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 Berk 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

///

///

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

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

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

16           (a) Changes have been required in the project to avoid or  
17 substantially lessen the significant effect.

18           (b) Another agency has responsibility to require appropriate  
19 changes and has or should require such changes.

20           (c) Specific economic, social, or other considerations make  
21 mitigation measures or project alternatives infeasible; and

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

28       ///



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,  
28          ///

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 the  
26 findings for the subject conditions set forth below:  
27 particularly set forth below:

28 ///

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.

28 ///

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

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

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

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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

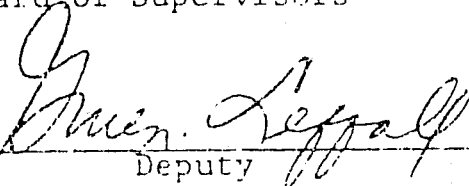
6 ABSTAINED: Supervisor Levy

7 ABSENT: None

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11 CHAIRPERSON, Board of Supervisors

12 ATTEST:

13 SHARI GREENWOOD, Clerk  
14 Board of Supervisors

15   
16 By Shari Greenwood  
Deputy

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19  
20  
21 2- File #7512

22 Agenda #5a

23 Resolution No 87-310  
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## EXHIBIT "A"

## Conditions of Approval

Unclassified Conditional Use Permit Application No. 2235 - Stephen Beck

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. Approval of the Site Plan Review shall be made by the Board of Supervisors. 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, or other landscaping as acceptable to the Parks and Recreation Division. 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 I 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 mufflers as approved by the Fresno County Health Department.
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. Traffic warning signs, as deemed necessary by the County, shall be posted along Friant Road in both directions from the access road intersection to warn motorists of merging truck traffic. The placement, size, wording, and number of these signs shall be approved by the Director of the Public Works & Development Services Department.
26. 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.
27. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition, excepting that portion adjacent to Lost Lake and the southerly property boundary.
28. The maximum number of daily truck loads generated from the site shall not exceed 180.

29. 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 Attachment "A".
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.

## Attachment "A"

Unclassified Conditional Use Permit Application No. 2235

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 at 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.

858-E:

- 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.

## EXHIBIT "B"

## Conditions of Approval

Unclassified Conditional Use Permit Application No. 2241 - Lone Star Industries

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. The conditions of approval for Unclassified Conditional Use Permit Application No. 367 and 2032 shall remain in full force and effect.
3. The operation shall be limited to a maximum of 180 truck loads per day.
4. The applicant shall modify existing plant equipment by installing rubber liners on the hoppers and utilizing rubber-coated screens. The applicant shall provide an earthen berm or other similar sound-reducing improvements around the core crusher to attenuate noise. The size, location, and construction of such berm or improvements shall be approved by the Fresno County Health Department and the Fresno County Public Works & Development Services Department prior to construction. All improvements shall be made within 120 days of commencing the extraction of material approved in Unclassified Conditional Use Permit Application No. 2235.
5. Traffic warning signs, as deemed necessary by the County, shall be posted along Friant Road in both directions from the plant entrance. The placement, size, wording, and number of these signs shall be approved by the Road Maintenance and Operations Division of the Fresno County Public Works & Development Services Department prior to installation.
6. All vegetation existing along Friant Road north of the plant site that, in the opinion of the Road Maintenance and Operations Division, decreases visibility at the plant site entrance shall be removed within 120 days of commencing excavation of material approved in Unclassified Conditional Use Permit Application No. 2235.
7. This permit shall be subject to satisfaction of Condition No. 2 of Unclassified Conditional Use Permit Application No. 2235.
8. The operator shall be responsible for the costs of maintaining the existing access road improvements at the plant site and excavation site, including the acceleration and deceleration lanes within the right-of-way, which were previously required by Conditional Use Permit No. 2032. Details as to how the maintenance work will be accomplished shall be determined by the Director of the Public Works & Development Services Department prior to the performance of any maintenance work.

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## EXHIBIT "6"

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 367

### Conditions for Area "A"

1. Extraction operations shall be allowed for a maximum of 20 years from the date extraction commences pursuant to Conditional Use Permit No. 367 (as modified hereby) or Conditional Use Permit No. 2032.
2. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m., except that within a 700-foot radius of the southwest corner of APN 300-310-17, the hours of operation shall be 7:00 a.m. to 4:30 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.
3. No extraction shall be allowed east of Friant Road.
4. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation within 200 feet of said Channel shall not be disturbed.
5. Any areas of significant riparian vegetation within the site and not within said 200 foot river setback shall be preserved until sand and gravel excavation requires removal or destruction.
6. A berm shall be construed between the 310-foot and 320-foot contour lines on the north property line adjoining Lost Lake Park.
7. A 50-foot wide setback shall be provided from the Friant Road right-of-way line which will be established by the Site Plan Review. A berm and/or landscaping consisting of trees and shrubs shall be provided within the setback area to effectively screen the extraction site from Friant Road. The Director of the Resources and Development Department may allow the width of the berm or landscaped area to be less than 50 feet if effective screening can be demonstrated. The berm and/or landscaping shall be completed within six months from the date excavation commences pursuant to Conditional Use Permit No. 2032 or Conditional Use Permit No. 367 (as modified hereby).
8. A single, two-way driveway access shall be allowed on Friant Road at a point approximately 1,400 feet north of the south boundary of Section 19. The connection to

Friant Road shall be designed with a free right-turn minimum design radius of 30 mph.

9. A 150-foot, left-turn storage lane shall be constructed on Friant Road at the entrance to the extraction site.
10. A 2,500-foot acceleration lane, 14 feet in width, shall be constructed on Friant Road to accommodate trucks leaving the extraction site. The existing five-foot wide southbound bike lane shall be relocated and separated from the acceleration lane by a distance of ten feet to the west.

Note: Approximately 1,000 feet of the acceleration lane may be on-site.

11. Additional right-of-way for Friant Road shall be dedicated to the County as determined by the Site Plan Review approval.
12. Stockpiling of material shall not be allowed within 200 feet of Friant Road or that portion of the north property line adjoining Lost Lake Park unless Permittee screens any such closer stockpiling with approved landscaping so that it is not visible from Friant Road and the north property line of Lost Lake Park.
13. 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.
14. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
15. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
16. The Permittee 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 this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the Permittee.
17. A drip irrigation system or its equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.



18. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall specify proposed phasing and show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Final slopes above the seasonal lowest water line shall be 3:1 or flatter, 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.
19. Each phase must be rehabilitated in accordance with the rehabilitation plan within one year after initiation of the subsequent phase. The berm on the north property line shall be retained until rehabilitation of entire site is completed.
20. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the Permittee 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.
21. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems.
22. An archaeological survey shall be conducted prior to excavation.
23. All equipment shall be equipped with mufflers to minimize noise generation.
24. Prior to excavation, a Site Plan Review Application shall have been submitted to and approved by the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
25. Structural design of all improved public roads shall be in accordance with County standards and approved by the Director of Public Works.
26. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.

NOTES:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 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.

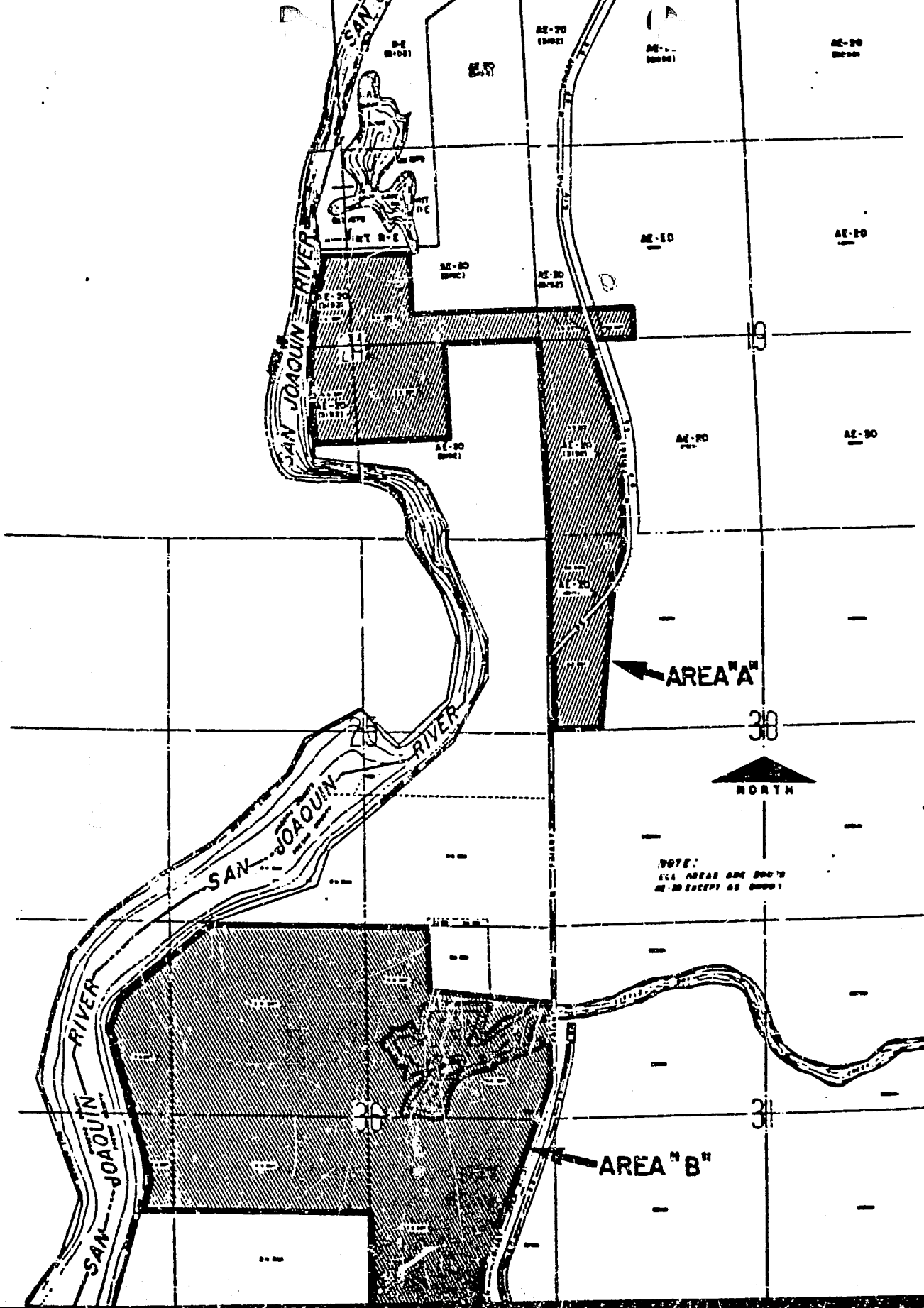
## Conditions for Area "B"

1. The processing plant operation shall be discontinued upon completion of material extraction allowed pursuant to Conditional Use Permit No. 2032, Conditional Use Permit No. 367 or upon the twentieth (20th) anniversary of the date of County approval of these Conditions, whichever occurs last. In no event shall the life of the operation exceed 20 years.
2. All operations shall be limited to weekdays during the hours of 6:00 a.m. to 6:00 p.m. except that in the event of any emergency as determined by any governmental body or agency, excavation and processing may proceed as needed notwithstanding the aforesaid.
3. Except for the main sand pile, the height of material stockpiles shall not exceed 25 feet unless the Permittee is able to satisfy County that it will plant landscaping which will, within five (5) years of planting, effectively screen such stockpiles from view from Friant Road.
4. Landscaping consisting of riparian-type trees shall be provided along the frontage of Friant Road and Birkhead Avenue to effectively screen the view of the plant and the stockpiles from the highway user within five years. A landscape plan shall be prepared by an architect or landscape architect and shall be submitted within 90 days of the date of this agreement. The landscaping shall be completed within six months of the approval of the plan.
5. A dust palliative shall be applied to all internal circulation roads as frequently as necessary to control dust. Dust palliatives may include road oil, water, magnesium chloride, or other proven materials.
6. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
7. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
8. The Permittee 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 this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the Permittee.

9. A drip irrigation system or surface ditch irrigation system or their equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.
10. Within 90 days of the date of approval of this agreement, a Site Plan Review Application shall have been submitted to the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
11. A detailed rehabilitation plan shall be submitted as part of the required Site Plan Review. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be rounded and contoured to provide an appearance consistent with the surrounding area. The rehabilitation work shall be done in such a way as to preserve existing riparian vegetation. All rehabilitation work in areas where mining activity has been completed shall be finished within one year of the date of plan approval.
12. Subject to the approval of the Director of Development, Permittee shall take such corrective measures as may be necessary, if at all, to eliminate any stagnant water conditions in any existing or proposed ponds created or to be created by Permittee.
13. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.
14. Structural design of all improved public roads shall be in accordance with County standards and approved by the Director of Public Works.
15. Road improvements shall be made by Permittee in accordance with the schematic plan attached hereto and marked as Exhibit A. In no event shall Permittee be required to expend more than \$50,000 on such improvements.

Notes:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 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.



## EXHIBIT "B"

## Unclassified Conditional Use Permit No. 2032

1. Unclassified Conditional Use Permit No. 2032 shall expire eight years from the date excavation commences or upon expiration of Conditional Use Permit No. 367, whichever date is later, provided that in any event Unclassified Conditional Use Permit No. 2032 shall expire 15 years from the date of this resolution of approval.
2. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m., except that within the southerly 700 feet of the property the hours of operation shall be 7:00 a.m. to 4:30 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.
3. Stockpiling of material shall not be allowed within 200 feet of the south property line, nor shall any excavation be allowed within a 260-foot radius of the front entry of the residence on the adjoining property to the south.
4. Haul roads shall be designed in a manner that will direct traffic away from the south property line.
5. 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.
6. Sprinklers or other devices approved by the Resources and Development Department shall be utilized as needed in Phase I to minimize dust generation.
7. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District. (The applicant must file an application for authority to construct with the Fresno County Air Pollution Control District.)
8. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
9. Prior to initiation of Phase I, a noise attenuation berm shall be constructed along the south property line and along the westerly boundary of the extraction site a distance of 400 feet from the south property line. 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. That portion of the south berm adjacent to landscaping on the adjoining homesite shall have a slope of 3:1 or less and shall be landscaped with trees and/or shrubs similar to those on the homesite. The remaining portion of the berm shall be planted with native grasses.

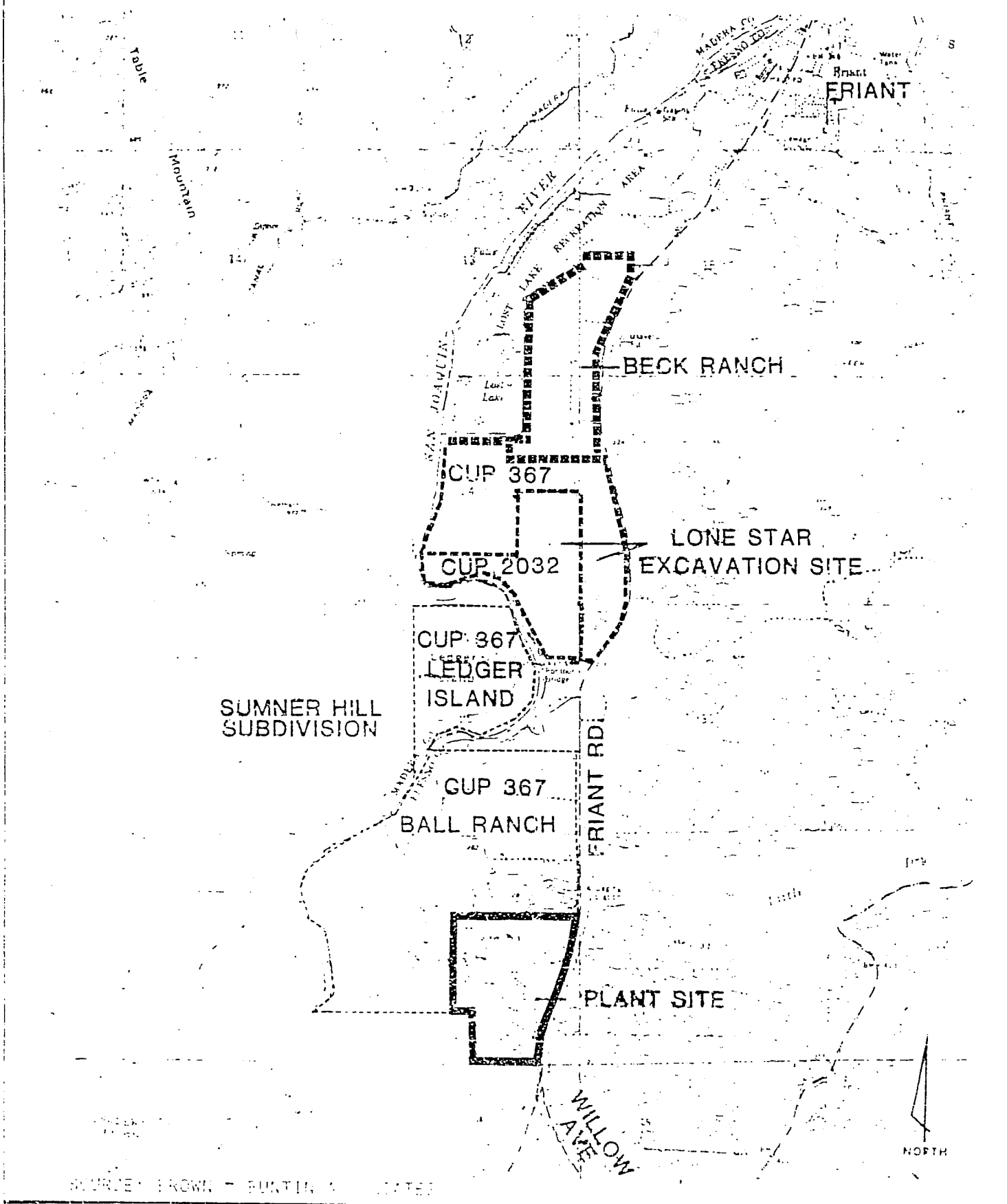
- 10. The applicant shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the applicant.
- 11. A 50-foot wide setback shall be provided from the Friant Road right-of-way line which will be established by the Site Plan Review. A berm and/or landscaping consisting of trees and shrubs shall be provided within the setback area to effectively screen the extraction site from Friant Road. The Director of the Resources and Development Department may allow the width of the berm or landscaped area to be less than 50 feet if effective screening can be demonstrated.
- 12. A drip irrigation system or its equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.
- 13. 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.
- 14. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems. Corrective measures shall be taken to eliminate the stagnant condition of the pond adjacent to the plant site.
- 15. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation shall not be disturbed.
- 16. An archaeological survey shall be conducted prior to excavation.
- 17. All equipment shall be equipped with mufflers to minimize noise generation.
- 18. Each phase must be rehabilitated in accordance with the rehabilitation plan within one year after initiation of the subsequent phase. The berm on the south property line shall be retained until rehabilitation of entire site is completed.
- 19. 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.

20. Any areas of significant riparian vegetation within the site shall be preserved. Extraction shall be prohibited in these areas.
21. Prior to excavation, a Site Plan Review Application shall have been submitted to and approved by the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
22. A single, two-way driveway access shall be allowed on Friant Road at a point approximately 1,400 feet north of the south boundary of Section 19, Township 11 South, Range 26 East. The connection to Friant Road shall be designed with a free right-turn minimum design radius of 30 mph.
23. A 150-foot, left-turn storage lane shall be constructed on Friant Road at the entrance to the extraction site.
24. A 2,500-foot acceleration lane, 14 feet in width, shall be constructed on Friant Road to accommodate trucks leaving the extraction site. The existing five-foot wide southbound bike lane shall be relocated and separated from the acceleration lane by a distance of ten feet to the west.  
  
Note: Approximately 1,000 feet of the acceleration lane may be on-site.
25. Additional right-of-way for Friant Road shall be dedicated to the County as determined by the Site Plan Review approval.
26. A stop sign shall be installed at the processing plant access driveway on Friant Road to control traffic leaving the plant in a northerly direction.
27. A 200-foot, southbound deceleration lane shall be constructed at the entrance to the processing plant.
28. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of Public Works.
29. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.

NOTES:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 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.





SOURCE: BROWN & BUNTIN, 1981

<p>LONE STAR PROCESSING PLANT SUPPLEMENTAL EIR</p>	<p>LOCATION MAP</p>	<p>FIG. 1</p>
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## **EXHIBIT 7**

### **Required Findings Necessary for the Granting of a Conditional Use Permit**

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