



County of Fresno

Department of Public Works and Planning
Andrew E. Richter, Interim Director

November 22, 2004

RMC Pacific Materials
6601 Koll Center Parkway
Pleasanton, CA 94566

SUBJECT: RESOLUTION NO. 11848 - INITIAL STUDY APPLICATION NO. 5169,
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NOS.
3093 AND 3094

On October 21, 2004, the Fresno County Planning Commission approved with conditions you Classified Conditional Use Permit applications. 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.

The approval of this project will expire two years from the date of approval unless substantial development has occurred.

Very truly yours,

Lew Pond, Planning & Resource Analyst
Development Services Division

LP:lb
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Enclosure

C: Mr. Warren Ball
Mr. Richard D. Welton

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893
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Inter Office Memo

DATE: October 21, 2004

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11848 - INITIAL STUDY APPLICATION NO. 5169,
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NOS.
3093 AND 3094

APPLICANT: RMC Pacific Materials, Inc.

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3093

REQUEST: Amend Unclassified Conditional Use Permit Nos. 367, 2032, 2241, and 3063 to increase the daily mining and processing of sand and gravel materials for existing mining and processing operations resulting in an increase in the maximum daily allowable truckloads from 180 trucks per day to 225 trucks per day.

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 NO. 3094

REQUEST: Amend Unclassified Conditional Use Permit No. 2235 and 3064 to increase the daily mining and processing of sand and gravel materials for existing mining and processing operations resulting in an increase in the maximum daily allowable truckloads from 180 trucks per day to 225 trucks per day.

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).

EXHIBIT "A"

Initial Study Application No. 5169
Classified Conditional Use Permit Application Nos. 3093 and 3094

Staff: The Fresno County Planning Commission considered the Staff Report dated October 21, 2004, and heard a summary presentation by staff. Staff responded to the Commission's questions related to increased traffic impacts to Friant Road and road improvements that have been made to Friant Road by the applicant.

Applicant: The applicant and the applicant's representatives concurred with the Staff Report and the recommended conditions. They described the project and indicated that regional demand for sand and gravel necessitates this application.

The Project Plant Manager spoke in support of the application and offered the following information:

- New electric conveyor systems have allowed us to retire diesel powered front-end loaders, and the batch plant will soon be replaced with an electric driven system.
- Best practices are utilized in reducing potential dust. Materials are pre-watered prior to loading and haul roads are also routinely watered. Disturbed slopes are hydro-seeded to mitigate dust impacts.

Others: One individual presented information in opposition to the application. He indicated that the existing extraction operations have caused dust impacts to his property. He also indicated that the increased traffic would compound current traffic problems along Friant Road.

Correspondence: Two letters were presented in opposition of the application.

EXHIBIT "B"

Conditions of Approval
Initial Study Application No. 5169
Classified Conditional Use Permit Application Nos. 3093 and 3094

1. All conditions of Conditional Use Permit Nos. 367, 2032, 2235, 2241, 3063, and 3064 shall remain in full force and effect except as modified by the condition below.
2. The maximum number of daily truckloads generated from the excavation sites shall not exceed 225 and the processing operation shall be limited to 225 truckloads per day.

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County of Fresno

Department of Public Works and Planning
Andrew E. Richter, Interim Director

Planning Commission Staff Report Agenda Item No. 6 October 21, 2004

SUBJECT: Initial Study Application No. 5169
Unclassified Conditional Use Permit Nos. 3093 and 3094

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3093

REQUEST: Amend Unclassified Conditional Use Permit Nos. 367, 2032, 2241, and 3063 to increase the daily mining and processing of sand and gravel materials for existing mining and processing operations resulting in an increase in the maximum daily allowable truckloads from 180 trucks per day to 225 trucks per day.

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 NO. 3094

REQUEST: Amend Unclassified Conditional Use Permit No. 2235 and 3064 to increase the daily mining and processing of sand and gravel materials for existing mining and processing operations resulting in an increase in the maximum daily allowable truckloads from 180 trucks per day to 225 trucks per day.

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.

DEVELOPMENT SERVICES DIVISION

**STAFF CONTACT: Low Pond, Planning & Resource Analyst
(559) 262-4321**

**Rick Ballantyne, Senior Staff Analyst
(559) 262-4241**

RECOMMENDATION:

Approve Unclassified Conditional Use Permit Nos. 3093 and 3094 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

ENVIRONMENTAL DETERMINATION

Conditional Use Permit Nos. 2235 and 2241 were approved in 1987 by the Board of Supervisors to allow expanded mining and processing activity on the subject properties. An Environmental Impact Report (EIR) was prepared for these projects and the Board considered and certified the EIR in compliance with the California Environmental Quality Act (CEQA).

Section 15162 of the CEQA Guidelines states:

*When 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 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. 5169) was prepared for the project under the provision of CEQA to determine if the existing EIR is adequate for the proposed increase in the current daily limit on excavation and processing activities. A summary of the *Initial Study* is attached as Exhibit 8.

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 that were not addressed as significant effects in the EIR, or that 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.

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 54 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 (CUP) Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 9). 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.

It should be noted that these CUPs are linked because RMC Pacific Materials, Inc mining and processing operations are located at different sites. Historically, the County has processed multiple CUPs to cover both extraction and processing operations. Staff has combined both CUP applications so that they may be considered by the Commission together.

EXHIBITS:

1. Location Map
2. Existing Land Use Maps
3. Existing Zoning Map
4. Site Plan (Previously approved site plan, with aerial photos)
5. Operational Statement
6. Board of Supervisors Resolution - Unclassified Conditional Use Permit Nos. 2235 and 2241, including Conditions of Approval
7. Unclassified Conditional Use Permit Nos. 367, 2032, 3063 and 3064 Conditions of Approval (including Location Maps)
8. Initial Study No. 5169
9. Required Findings Necessary for the Granting of a Conditional Use Permit
10. Correspondence

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

- Project Location – CUP 3093: 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 (
- Project Location – CUP 3094 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
- 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)

REGIONAL JOBS INITIATIVE:

On December 3, 2003, the Board of Supervisors adopted a joint resolution of the Fresno City Council, the Clovis City Council, and the Board of Supervisors declaring their commitment to work collaboratively towards the goals of the Regional Jobs Initiative (RJI).

The mission of the RJI is to develop short-term and long-term comprehensive strategies aimed at creating 25,000 to 30,000 net new jobs within five years at an average salary of \$29,500, and to diversify the Fresno regional economy, and establish a foundation for sustainable growth to combat chronic double-digit unemployment.

The subject application, if approved, would allow acceleration in the mining and processing activities of an existing sand and gravel operation. The existing employment level of 51-full time staff would be maintained and no additional new employees would be required as a result of future expansion. It is expected that increased levels of sand and gravel materials will support expanded activities in the

housing and building sectors of the economy. Sand and gravel commodities will greatly support the local building sector as well as provide needed materials for new road construction and reconstruction activities.

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 sand and gravel excavation and processing operations including washing, screening, and grading. The permit also included a batch plant. These uses were 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 approximate 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. This would modify previous conditions which had limited processing of materials to those excavated on properties approved through CUP 367 and 2032.

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 limited the life of the mining operation to 18 years from the date of approval, causing the CUPs to expire on July 28, 2005. **Conditions of approval also limit the mining and processing to 180 truckloads per day.**

CUP Nos. 3063 and 3064 were filed in 2003, requesting an 18-year time extension for CUP Nos. 367, 2032, 2235, and 2241. The Planning Commission approved these applications on September 25, 2003, extending the time limits on the existing mining and processing operation to 2023.

CUP Nos. 3093 and 3094 propose to increase the daily limit on mining and processing from 180 truckloads per day to 225. No other changes are proposed.

A copy of the Board of Supervisors Resolution for Unclassified Conditional Use Permit Nos. 2235 and 2241 and copies of conditions of approval of Unclassified

Conditional Use Permit Nos. 367, 2032, 3063 and 3064 are attached as Exhibits 6 and 7 respectively.

PROJECT DESCRIPTION / OPERATIONAL STATEMENT SUMMARY:

Listed below are key features of the project based on information contained in the applicant's Site Plan and Operational Statement (Exhibits 4 and 5).

Proposed Use:

- To increase the maximum daily truckloads from 180 trucks per day to 225 trucks per day.

Project Site:

- Conditional Use Permit No. 3093: Approximately 465 acres
- Conditional Use Permit No. 3094: 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

ANALYSIS / DISCUSSION:

Finding 1: Adequacy of the Site

The applicant indicates that average annual mining production for the last 15 years has been 760,00 tons and that a total of 12.9 million tons has been mined from the site. 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.

The current applications propose only that the limit on excavation and processing activities be increased from 180 truckloads per day to 225. No other changes are proposed. Approval of the existing CUPs for the operations required that the site be found to be adequate for the proposed uses. Because the current applications request an acceleration, but not expansion, of the mining operations, staff believes that Finding 1 can continue to be made.

Finding 2: Adequacy of Streets and Highways

The project site takes public road access through two driveways on Friant Road. The northern most driveway allows access to the area of current mining operations. Trucks loaded with excavated material travel from the northern driveway a distance of approximately two miles on Friant Road to the southern driveway access to the processing plant. The existing permits limit the number of daily truck trips of excavated material to 180. The current applications request that this limit be increased to 225, for a total of approximately 112 trips per day each way.

In accordance with conditions of approval of CUP Nos. 367 and 2032, the applicant has dedicated additional right-of-way to the western side of Friant Road and has constructed acceleration and deceleration lanes to reduce potential traffic impacts on Friant Road. These lanes accommodate trucks entering Friant Road and accelerating from the northern point of access and as well as slowing down to enter the southern access point. CUP No. 2241 also required that "traffic warning" signs be posted along Friant Road in both directions from the entrances to the sites.

This proposal was reviewed by the Fresno County Department of Public Works and Planning Design, Development Engineering, and Maintenance and Operations Divisions. No potentially significant traffic impacts related to the proposed increase in daily truckloads were identified. Staff therefore believes that Finding 2 can be made.

Finding 3: Adverse Effects Upon Surrounding Properties

As stated above in the *Background Section*, a mining operation has been located on the project site since 1924. 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 one-quarter inch size and smaller is further processed to recover residual 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.

Conditional Use Permit Nos. 367, 2032, 2235 and 2241, limit excavation and processing to 180 truckloads per day. Approval of this request will increase this limit to 225 truckloads. 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. This subdivision is located on the east side of Friant Road across the road 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 increase in mining and processing presents a compatibility issue, as the mining operation was present at the time of approval of the Tract No. 4669. 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.

As indicated in the Environmental Determination Section above, an Initial Study was prepared for the project under the provision of CEQA to determine if the existing EIR is adequate for the proposed increase in the current limit on excavation and processing activities. The Department of Community Health, Environmental Health Division (Health Department) and the San Joaquin Valley Air Pollution Control District (Air District), indicated that they could not comment upon the environmental determination until additional information was provided.

The concerns from the Air District centered on potential air emissions from increased mining activities, increased processing of mined material, and increased truck trips. In response to these concerns, the applicant submitted additional information related to (1.) future operations at the excavation site if the application is approved, and (2.) recent and planned changes to the existing operation that have the effect of reducing air quality impacts associated with the use. This information has been included in the Operational Statement, Exhibit 5, for the subject project.

With respect to the proposed expansion, the applicant indicates that no new equipment will be used and that there will be less idle time with the existing equipment. In addition, the excavation site will be expanded in the southerly and westerly direction, reducing the potential of emission impacts to nearby rural residential uses.

Past and future changes in the operation include the installation of electric-powered conveyor systems to move material during processing, allowing for the elimination of two diesel-powered front-end loaders and a stockpile truck. One of the conveyors has already been installed and the other will be installed in the near future at the time of planned replacement of the concrete batch plant. A Site Plan Review application was previously filed with the County in relation to the batch

plant replacement, and the applicant indicates that the new plant should be in operation within one year.

The Air District reviewed this information and indicated that with incorporation of the above operational changes, as reflected in the revised Operational Statement, approval of the applications would not result in a substantial change in the existing project and that the existing EIR is adequate.

The Health Department requested additional information related to possible noise impacts. On the basis of this information, it was concluded that the applications, if approved, would not constitute a substantial change to the existing project and that the previously prepared EIR is adequate.

Comments received from other agencies did not express concerns with the subject applications. Agencies indicating no concern included the California Department of Conservation and the San Joaquin River Conservancy. The County Geologist indicated no concern with the application in his role as the Local Enforcement Officer of the State Surface Mining and Reclamation Act (SMARA).

Based upon the above considerations, staff believes that Finding 3 can be made.

Finding 4: General Plan Consistency:

The subject property is located adjacent to the San Joaquin River. Land uses in the general area include a mixture of agricultural, single-family residential, and resource conservation lands.

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.

Policies OS-C.3 and OS-C.5 of the General Plan require the operation and reclamation of surface mines to 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.

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 increase 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 existing mining use was found to be consistent with the General Plan through Conditional Use Permit Nos. 367, 2032, 2235, 2241, 3063, and 3064, approved in 1960, 1984, 1987, and 2003, respectively. The current proposal seeks to increase the limit on excavation and processing from 180 truckloads per day to 225.

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

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. 3093 and 3094 be approved.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Determine that in accordance with Section 15162 of CEQA that the project is not subject to preparation of a supplemental EIR and the previously prepared EIR may be used for consideration of this proposal.
- Adopt findings as set forth within the staff report and approve Unclassified Conditional Use Permit No. 3093 and 3094 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, 2241, 3063, and 3064 shall remain in full force and effect except as modified by the condition below (see attached Exhibits 6 and 7)
2. The maximum number of daily truckloads generated from the excavation sites shall not exceed 225 and the processing operation shall be limited to 225 truckloads per day.

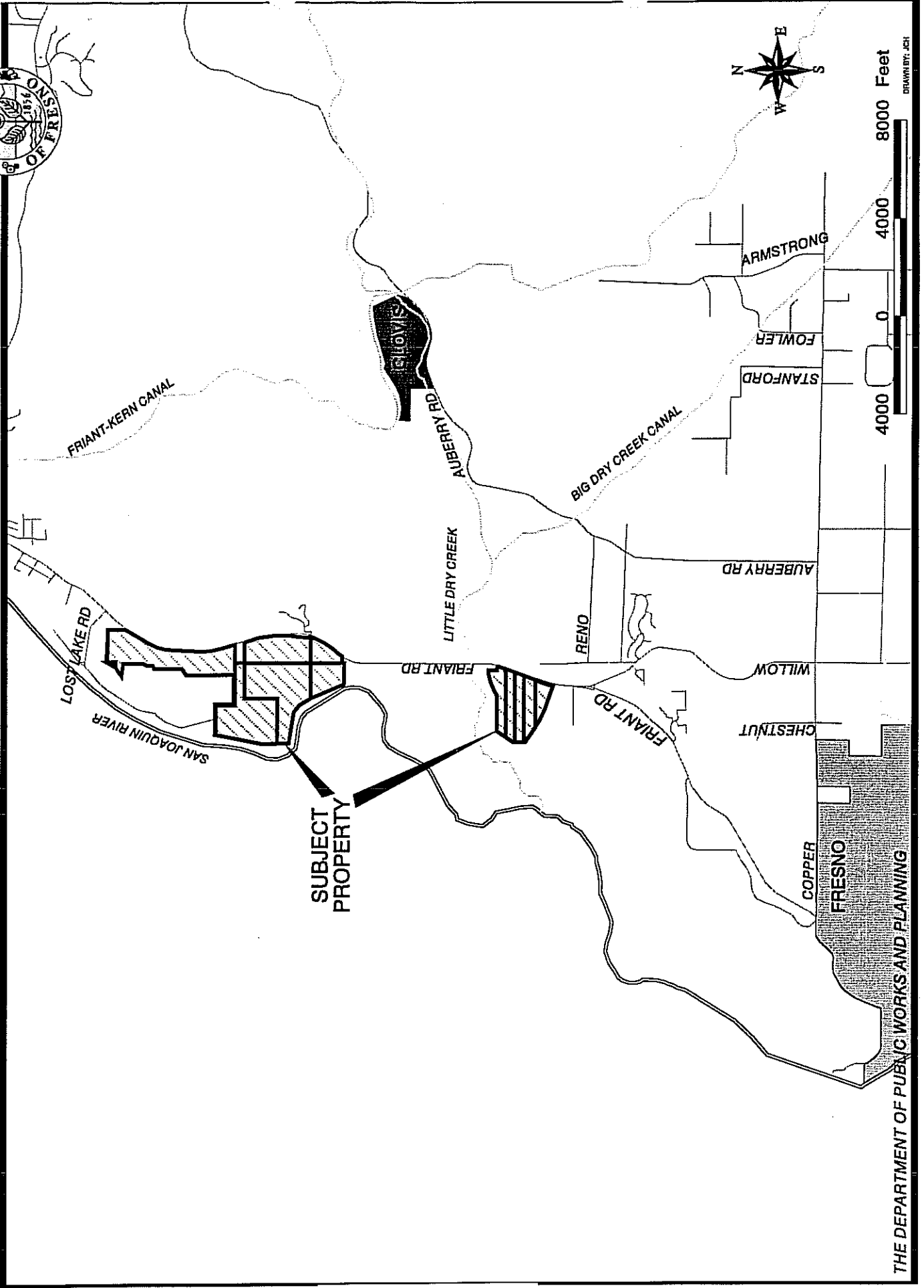
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LOCATION MAP

CUP 3093



THE DEPARTMENT OF PUBLIC WORKS AND PLANNING

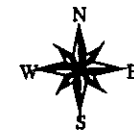
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EXISTING LAND USE MAP

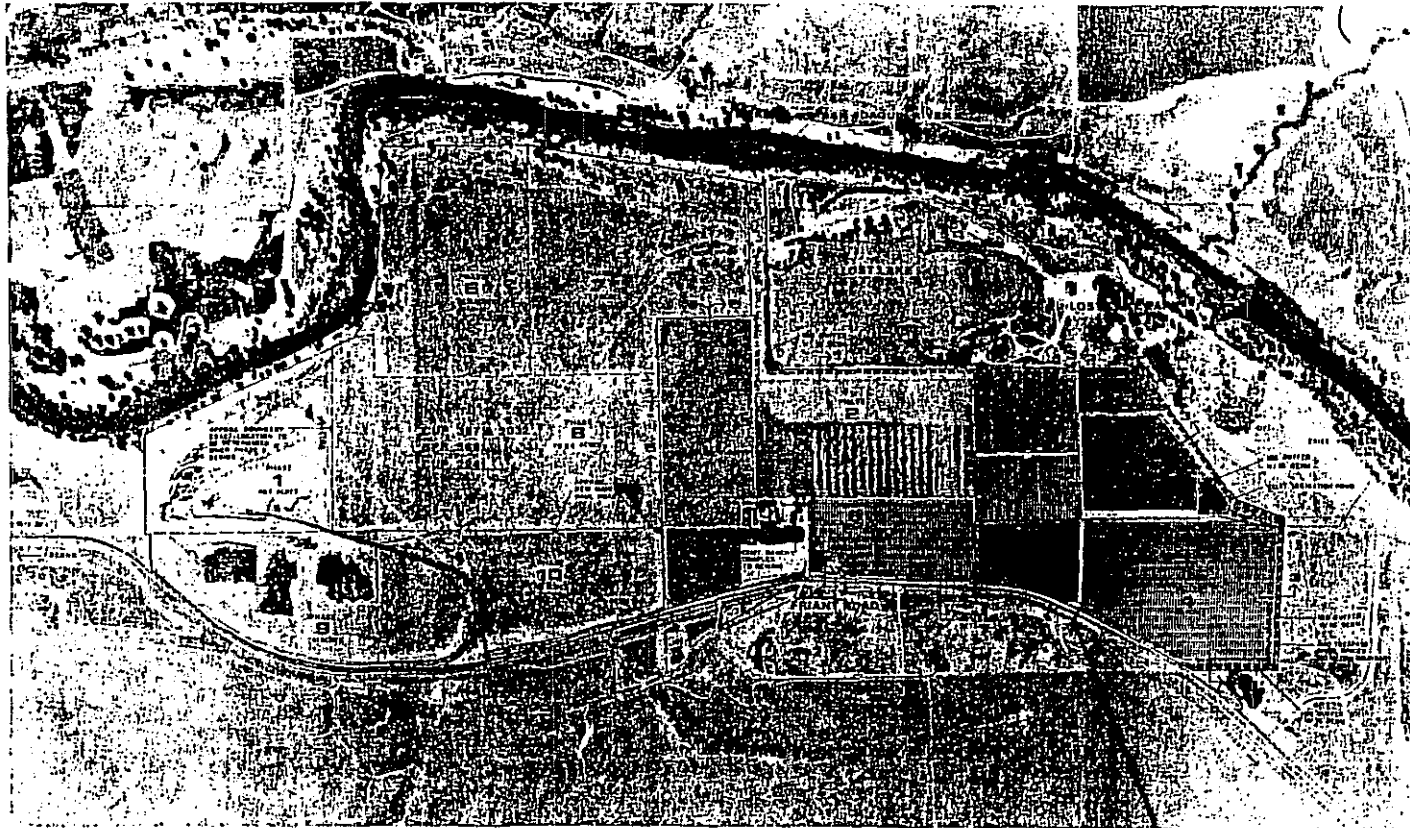


Legend	
FC	FIELD CROP
GRZ	GRAZING
I	INDUSTRIAL
ORC	ORCHARD
REC	RECREATION
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

 Subject Property



300 0 300 Feet



- LEGEND:**
- PROPERTY LINE
 - MASTER LINE BUFFER SETBACK LINE
 - SETBACK 10' HIGH
 - SETBACK 10' HIGH
 - 4 BARBED WIRE FENCE ON P1
 - 3' STRAIGHT
 - EXIST. AC R/W LINE
 - NEW PVC WATER LINE

- NOTES:**
- 1. ADEQUATE TOPSOIL TO BE STOCKPILED FOR SITE REHABILITATION
 - SEE CONDITION NO. OF CUP 2235

AREA OF CURRENT LANDSCAPING IMPLEMENTATION (3/28/94)

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.



SHEET 3 OF 7
SUBMITTED JULY 31 2002 SPR 5903


AUGUST 28, 1987

DATE: 8/28/87
 DRAWN BY: J. BECK
 CHECKED BY: S. BECK
 PROJECT: LONE STAR INDUSTRIES INC. & STEPHEN M. BECK
 SHEET NO. 1
 MASTER SITE PLAN
 EXHIBIT 4
 PERMITS NO'S 367, 2032 AND 2235
 ENGINEER: STEPHEN M. BECK, No. 21797, State of Texas

RICHARD D. WELTON P.E.

2285 Ashlan Avenue
 Clovis, California 93611
 Business Phone or Fax
 (209) 292-3620
 Home (209) 292-7463

To: Lew Pond
 Planning & Resource Analyst
 Fresno County Public Works & Planning Department

From: 
 Richard D. Welton
 RMC Pacific Materials

Date: October 11, 2002

Subject: Revised Operational Statement, CUP's 3093 and 3094
 Dear Mr. Pond,

Included herewith for the subject project is a revised Operational Statement.

This is a proposal to increase by 45 roundtrips per day; the number of trucks hauling unprocessed sand and gravel from our excavation pit area to our processing plant, at 13475 Friant Road. This plant has been operating since 1927. The operation is currently governed under your CUP's 3063, 3064, 367, 2032, 2235, and 2241, also SPR 5903 and 5651 and only allows up to 180 roundtrips per day. This has been adequate since 1987, however it currently is out-dated for today's market demand.

The haul distance on Friant Road is less than two miles. RMC Pacific Materials had previously constructed, to County standards, acceleration, deceleration lanes and left-turn pockets at both the entrances and exits to the pit area and plant area. These facilities provide a safe and smooth transition for trucks entering and leaving both sites without causing delays to existing traffic on Friant Road.

The permitted hours of operation for the pit and plant will remain the same. If the request is approved, the actual hours of operation will increase, however they will be within the permitted time allowed by current permit conditions.

The trucks hauling the materials are contract haulers, and they will probably add 4-6 trucks, including drivers to haul the materials. The plant will then be able to produce another up to 45 loads of product, such as Ready-Mix Concrete, Asphalt Concrete, Base Rock, and other products per day for the Fresno, Clovis area. Producing and selling these products from the Rockfield Plant will save substantial travel time, reduce air pollution, and save costs as compared to hauling these products from the Coalinga area and other more distant permitted sites such as Merced County, which is currently occurring. A copy of the "Analysis of Estimated Air Pollution Resulting From Excessive Truck Travel", dated March 27, 2003, prepared by Richard D. Welton, P.E., is included to provide one example of the additional impacts.

RMC Pacific Materials currently is unable to furnish materials to current consumers, including other processing plants, and know these consumers are able to purchase them from Coalinga and other generally more distance locations. Existing producers generally consider their production records as proprietary, so RMC Pacific materials can't provide an accurate overall analysis of the County-wide impacts. However, the County Staff may have access to information on public projects which they do along with the Cities and CalTrans which would allow them to more accurately assess these impacts.

RMC Pacific Materials currently has about 48 employees, and may have to add 3-4 additional employees. Adequate parking is available on gravel surfaced parking areas, which is treated for dust control.

Processing the added materials will require using some additional water. During the peak period they pump an estimated 2,100,000 gallons per day, and this would increase by an estimated 270,000 gallons per day. However, the vast majority of the water is recycled and reused from their holding ponds. These ponds also return water to the underground aquifer through percolation.

The buildings, lighting, fencing, and landscaping will remain the same and require no changes.

In addition, we are including supplemental information relevant to air emissions factors that we provided in separate letters dated September 9 and 16, 2004, that we are now incorporating in the Operational Statement as follows;

From the September 9, 2004 letter;

Excavation Site;

1. All equipment will remain the same. No additional equipment will be added. The diesel equipment includes the following;

Model	Model	Capacity	Engine Horse Power
Hitachi	EX-750 Excavator	6 Yd.	475 H.P. @ Idle
Catapillar	633D Scraper	34 Yd.	450 H.P. @ Idle
Catapillar	12G Grader	N/A	135 H.P. @ Idle
Catapillar	D-8H Dozer	N/A	270 H.P. @ Idle
P. Built	Water Truck	3800 Gallon	250 H.P. @ Idle

2.

The existing excavator has adequate capacity to load the additional trucks, the proposed increase will make for more efficient equipment use, thereby reducing idling time, and reducing excessive emissions during idling times. The existing motor grader and water truck are used to maintain haul roads. They also are adequate for the proposed increase and will reduce their idling time during maintenance of the roadways, thereby reducing excessive emissions during idling times.

As rock and sand are excavated the large diesel dozer and self-loading scraper work on reclamation of the site. This includes replacing top soil in the excavated areas. This equipment will be the same, and due to the increased efficiency will also have less idle time and thus less emissions.

2. The current excavation areas are on the north end of APN 300-160-51 and progressing southerly on the west side of Friant Road. On the eastside and adjacent to Friant Road are some fifteen rural residential lots with eight homes, and one under construction along a distance of about 0.8 of a mile. The nearest residence is about 310 feet from the excavation area. One is about 380 feet, the rest are over 600 feet. The homes are also on an elevated bluff area above the excavation area. At the completion of excavation on this parcel in three or four years, the excavation will proceed westerly toward the river in parcels APN's 300-040-19, providing greater distances to the homes. The distance and elevation differences serve to mitigate impacts of th diesel emissions. As the excavation moves southerly, the haul distance shall become shorter and thus the travel and emissions will be less.

Plant Operations;

1. No additional plant equipment will be needed for processing and loading the the rock and sand products. In all cases idling time of the diesel loaders, motor graders, and water trucks will be reduced, thereby reducing excessive emissions during idling time.
2. Recently a system of conveyor belts, using electric drive motors, stockpiles and hoppers were installed for planned increases in production, reduced energy consumption, and reduced air emissions. The conveyor system replaced a 525 horsepower, 9CY Diesel Frontend Loader and on-half time for a 380 horse power Diesel Stockpile Truck. Replacing diesel engines with the electric conveyor system significantly reduces diesel air emissions.
3. The existing Concrete Batch Plant is planned to be replaced with a more efficient plant and will include a Conveyor Feed System which will eliminate another large diesel loader. The new plant will operate more efficiently through the use of electric motors and reduce emissions.

From the September 16, 2004 letter, further detailed information was provided as follows;

1. The seventy cement trucks were purchased for a subsidiary of RMC Pacific Materials, which is American Transit Mix, Inc. The purchase was for all of their operations from Bakersfield to Modesto. Twenty of the trucks were replaced at Rockfield and their ages were: three at 1985, three at 1986, eight at 1988, and six at 1989. These used trucks will be sold in Nevada and taken out of California.
2. The 525 horsepower 9CY Loader that was eliminated, operated 2400 hours per year, and the stock pile truck was reduced from 2400 hours to 1400 hours per year, a reduction of 1000 hours. This stock pile truck is an International PH-100 Haul Truck, rated at 280 horsepower at idle, rather than 380 horsepower, as indicated in our September 9, 2004 letter.
3. The water truck that was eliminated was a diesel Peterbuilt, rated at 250 horsepower at idle and operated 2000 hours per year on average.
4. RMC Pacific Materials / American Transit Mix, Inc., plans to replace the Concrete Batch Plant as it is worn out and in need of a complete replacement. The replacement plans include installing a Conveyor Feed System directly from the Screening Plant. The conveyor system will replace a full time Cat 966 Front Loader 6CY, approximately 255 horsepower at idle, eliminating 2000 hours of operating time. Also approximately 1000 hours per year will be eliminated for the International Haul Truck, which has 280 horsepower at idle.

An application has previously been filed with the County to replace the Concrete Batch Plant. An amended Site Plan is currently being processed with the County. When the amended Site Plan is approved American Transit Mix, Inc., will order the new plant. Delivery and installation of the plant and conveyor system will take six to nine months. American Transit Mix, Inc., is committed to having the new Concrete Batch Plant in operation in less than a year.

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 Radice, 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, Radice, 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
1856X

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 Beck, and)
UNCLASSIFIED CONDITIONAL USE)
PERMIT APPLICATION NO. 2241)
Lone Star Industries)

RESOLUTION MAKING FINDINGS
AND APPROVING CONDITIONAL USE
PERMIT APPLICATIONS

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

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

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

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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,

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

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

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

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

25 BE IT FURTHER RESOLVED that this Board do hereby make the
26 findings for the subject conditional use permit applications
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.

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

The Lone Star processing plant site is located within the San Joaquin River Bottom Area and is overlooked by the river bluffs on either side of the San Joaquin River. The processing plant site is adjacent to two large previously mined open-space areas to the north and west, agriculture to the south, and grazing to the east across Friant Road.

As noted in the Environmental Analysis Section, the Supplemental Environmental Impact Report prepared for the project identified several potential impacts related to mineral resources, water, air quality, noise, traffic and circulation, and aesthetics. Numerous conditions have been developed to address these concerns. If operated subject to these conditions, the processing plant operation will not have any adverse impacts.

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 cut 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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21 RB:uz

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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

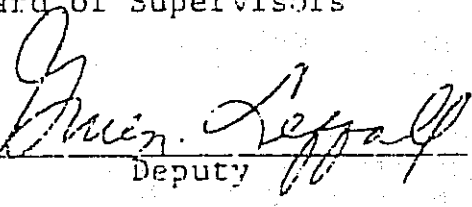
6 ABSTAINED: Supervisor Levy

7 ABSENT: None

8
9
10 
11 CHAIRPERSON, Board of Supervisors

12 ATTEST:

13 SHARI GREENWOOD, Clerk
14 Board of Supervisors

15 
16 By Shari Greenwood
17 Deputy

18
19
20
21 File #7512

22 Agenda #5a

23 Resolution No 87-510
24
25
26
27

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 1 as shown on the plan, to a point that will completely screen the plant site from Lost Lake Park users.

7. A 50-foot setback shall be maintained on the common boundary with Friant Road. Existing trees within the 50-foot setback shall remain, and additional landscaping shall be provided at such a time to ensure that the site is totally screened from the motoring public when Phase 4 commences. The landscaping plan and planting schedule 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.

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.

RB:uz
1976K

EXHIBIT 7

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" 7

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.

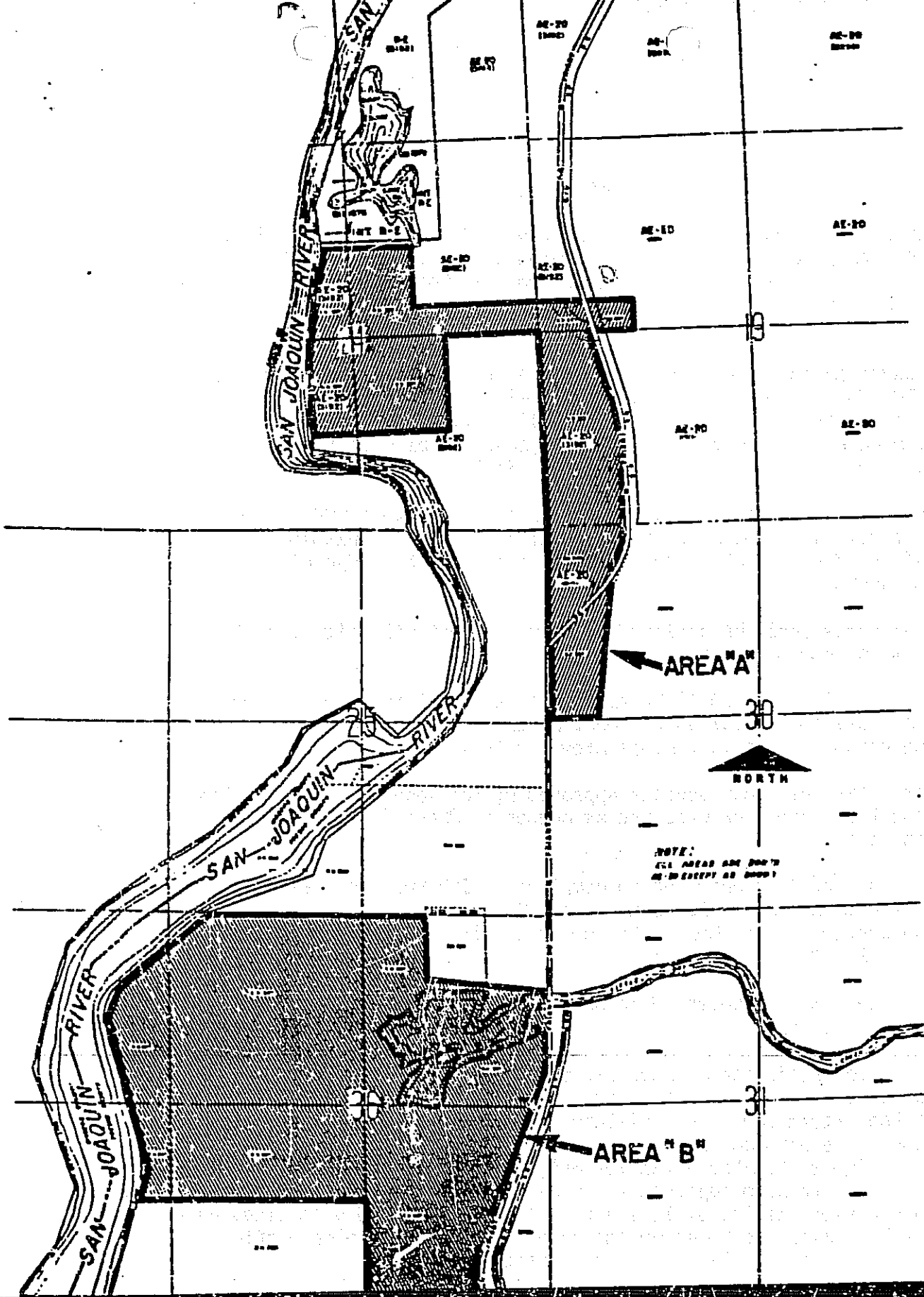


EXHIBIT "B"

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.

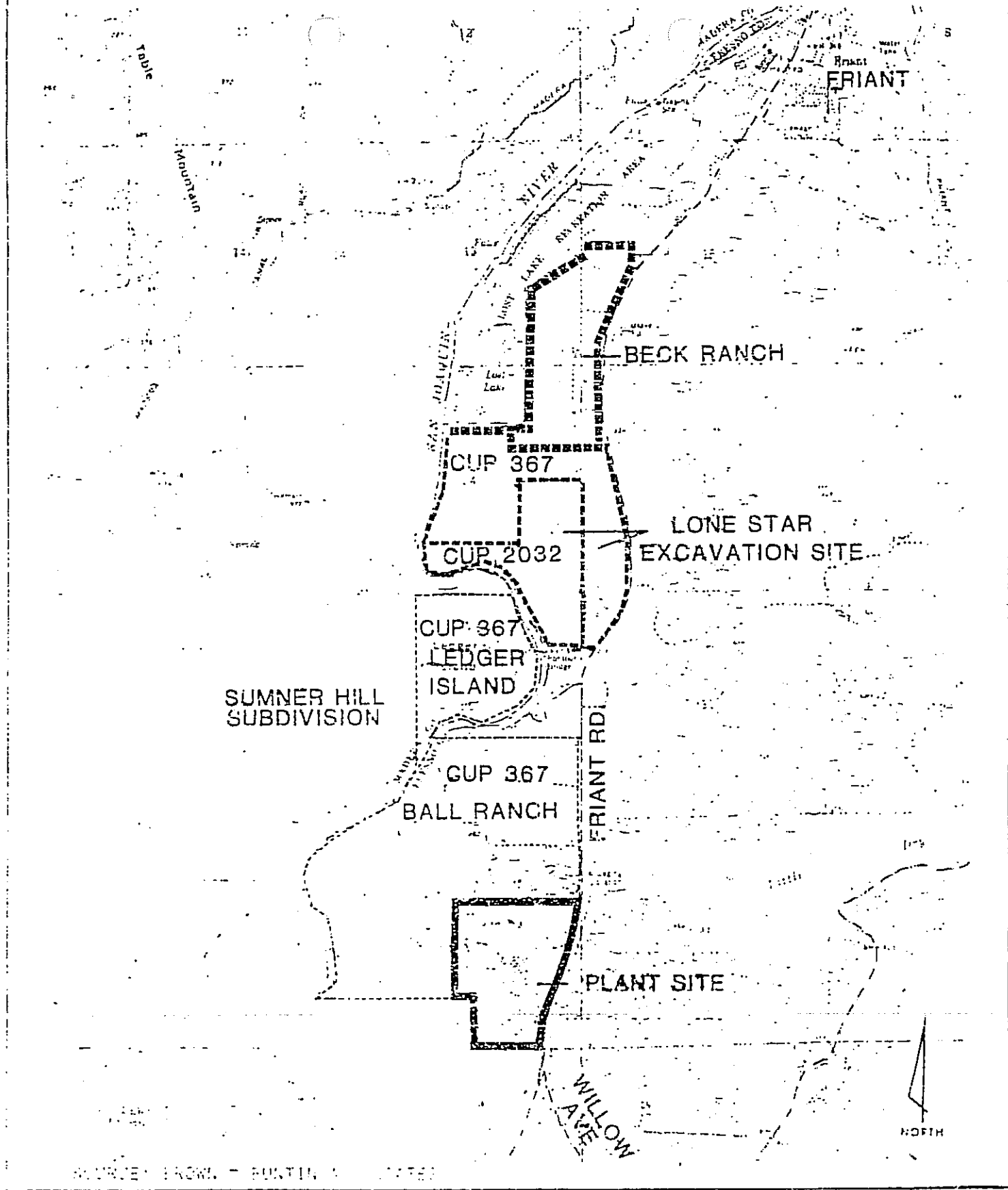
- 0. The applicant shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the applicant.
- 1. 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 - BURTIN & PARTNER

LONE STAR
PROCESSING PLANT
SUPPLEMENTAL EIR

LOCATION MAP

FIG.
1

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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EXHIBIT 8

Initial Study Attachment Initial Study Application No. 5169 Unclassified Conditional Use Permit Application Nos. 3093 & 3094 (RMC Materials Inc.)

An Environmental Impact Report (EIR), certified by the Board of Supervisors on July 28, 1987, considered potential environmental effects of the mineral extraction operation and associated traffic. The current proposal seeks to increase the current limit on the number of truckloads of rock, sand and gravel excavated from and processed on the site from 180 daily truckloads to 225. The project was routed for comment in accordance with Section 15162 of the California Environmental Quality Act, with a statement that the existing EIR will be utilized for the current proposal unless reviewers identify additional issues pursuant to this section. Section 15162 of CEQA states that no subsequent Environmental Impact Report or Negative Declaration shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Initial Study has been prepared to determine if the existing EIR is adequate for the proposed project or whether any of the three events noted above have taken place, necessitating preparation of a new or supplemental EIR.

The following discussion is based upon comments received during the Initial Study process.

1. *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

The Department of Community Health, Environmental Health Division (Health Department) and the San Joaquin Valley Air Pollution Control District (Air District) both indicated that additional information was needed to determine if Event 1 has occurred.

The concerns from the Air District centered on potential emissions from increased mining activities, increased processing of mined material, and increased truck trips. In response to these concerns, the applicant submitted additional information related to (1.) Future operations at the excavation site if the application is approved, and (2.) recent and planned changes to the existing operation that have the effect of reducing air quality impacts associated with the use. This information has been included in a revised Operational Statement for the subject project. With respect to the proposed expansion, the applicant indicates that no new equipment will be used and that there will be less idle time with the existing equipment. In addition, the excavation site will be expanded in the southerly and westerly direction, reducing the potential of emission impacts to nearby rural residential uses. Past and future changes in the operation include the installation of electric-powered conveyor systems to move material during processing, allowing for the elimination of two diesel-powered front end loaders and a stock pile truck. One of the conveyors has already been installed and the other will be installed in the near future at the time of planned replacement of the concrete batch plant. A Site Plan Review application has already been filed with the County in relation to the batch plant replacement and the applicant indicates that the new plant should be in operation within one year. The Air District reviewed this information and indicated that incorporation of the above operational changes, as reflected in the revised Operational Statement, Event 1 will not occur if the project is approved.

The Health Department requested additional information related to possible noise impacts. On the basis of this information, it was concluded that the increment of increase in noise due to the project would not be significant and that Event 1 will not occur.

2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

No reviewers indicated that this event has occurred.

3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (a) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (b) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (d) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (d) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No reviewers indicated that this event has occurred.

Conclusion

Based upon the comments received, staff has concluded that none of the events specified in Section 15162 of CEQA have occurred, and therefore that the previous EIR prepared for the project is adequate for the proposed project. No new or supplemental EIR need be prepared.

EXHIBIT 9

Required Findings Necessary for the Granting of a Conditional Use Permit Application

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.

LP:lb

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880 E. Fir Ave
Fresno, CA. 93720
October 14, 2004

County of Fresno
Dept. of Public Works and Planning
Andrew E. Richter, Interim Director

Dear Mr. Richter:

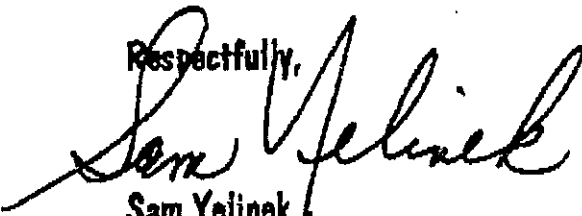
This letter is in response to the notice I received relating to the public hearing on the Initial Study Application No. 5169 and Unclassified Conditional Use Permit Application Nos. 3093 and 3094 filed by the RMC Pacific Materials Inc.

As a local resident it is critical that an EIR be conducted. The area in question has been an environmental issue for many years and once again we see that industry is going to exacerbate air quality and deadly traffic conditions. Fresno has some of the worst air in California and the increased mining and processing will continue to contribute to the high particulate matter we breathe. In addition, this traffic corridor known as Friant Road is one the deadliest in Fresno County with a high accident and fatality rate. As a gateway to several recreational areas and casinos, 225 trucks doing a round-trip to the city and returning to the Friant area would be a deadly decision.

Despite earlier efforts by this industry to ameliorate traffic issues, the success has been minimal and the air quality improvement has been a dismal failure.

Please have the above issues reviewed carefully in the EIR.

Respectfully,


Sam Yelinek