



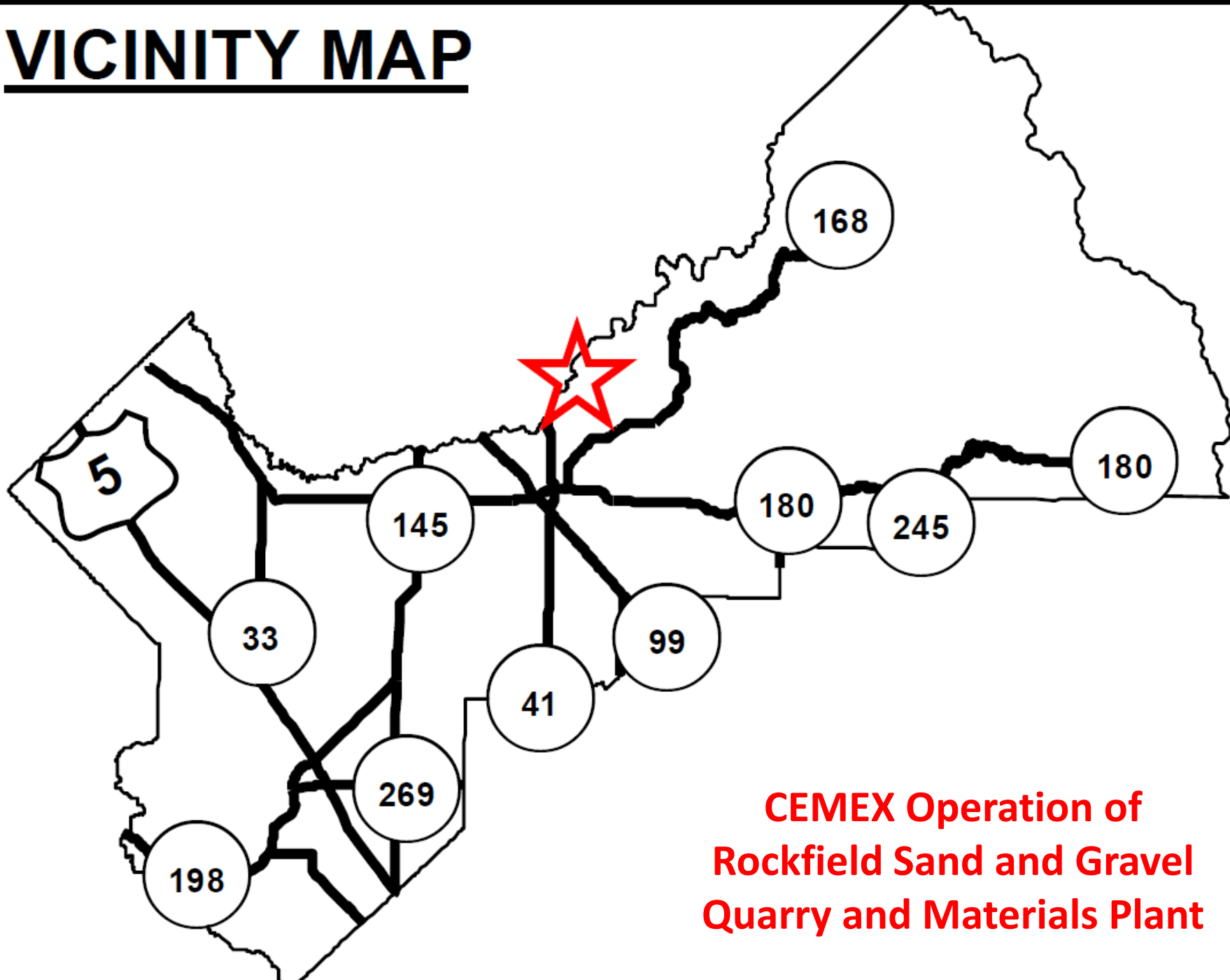
DEPARTMENT of PUBLIC WORKS and PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3755

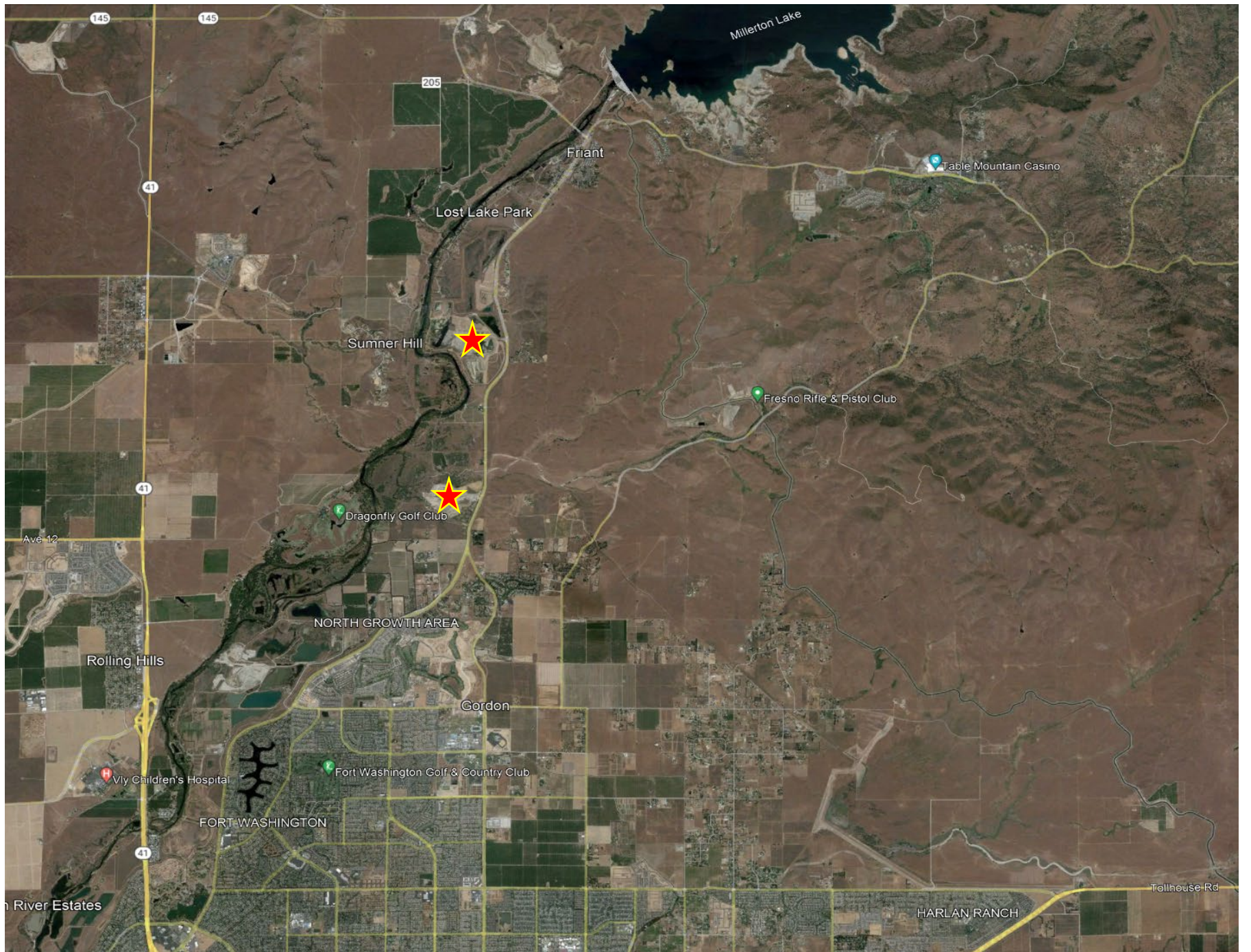
**Amendment to
CUP 3093 to Extend
Expiration Date 4 Years**



VICINITY MAP



**CEMEX Operation of
Rockfield Sand and Gravel
Quarry and Materials Plant**



145

145

205

41

41

Ave 12

Rolling Hills

Vly Children's Hospital

FORT WASHINGTON

n River Estates

Millerton Lake

Friant

Lost Lake Park

Table Mountain Casino

Summer Hill

Dragonfly Golf Club

NORTH GROWTH AREA

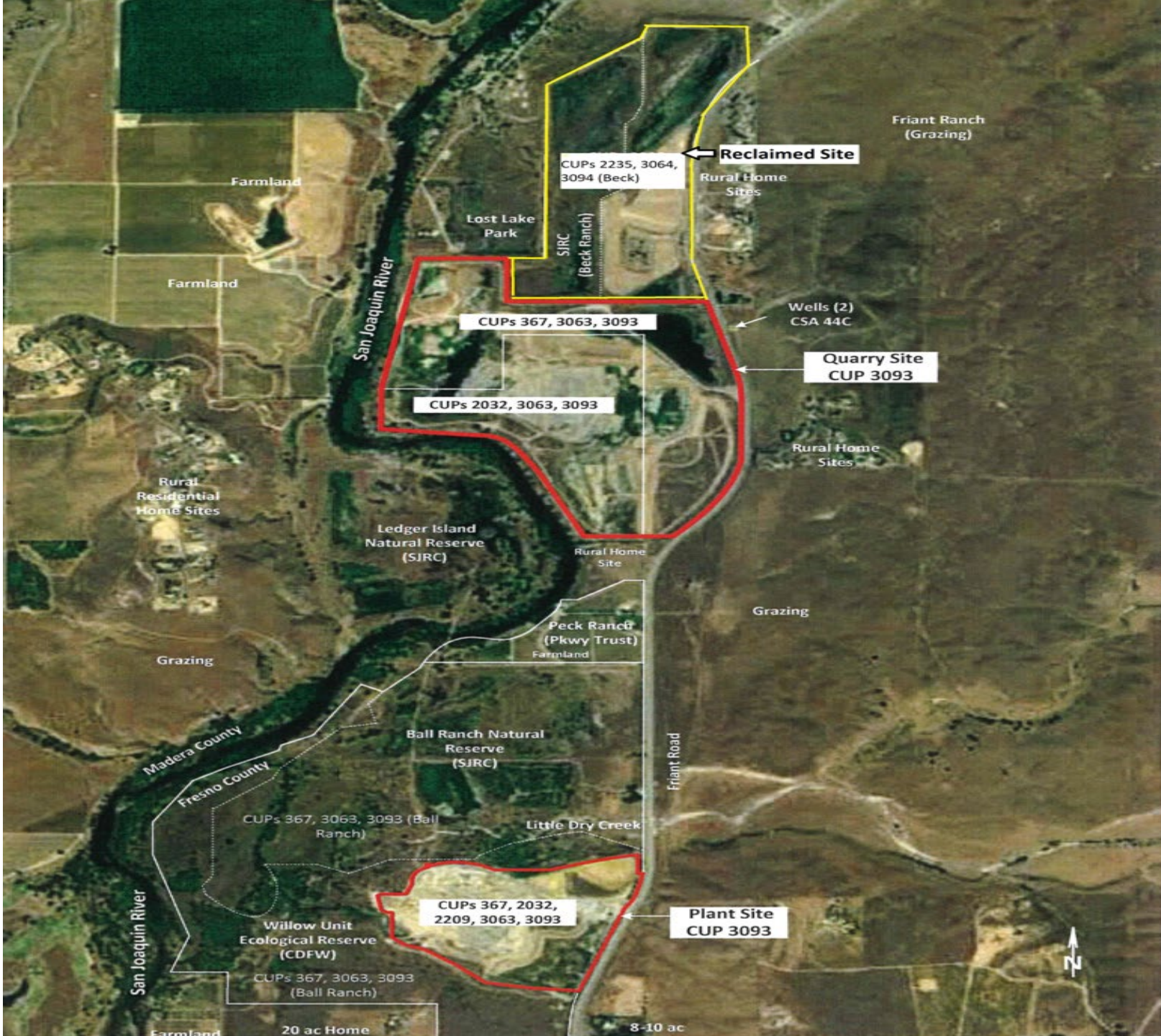
Gordon

Fort Washington Golf & Country Club

Fresno Rifle & Pistol Club

HARLAN RANCH

Tollhouse Rd



Friant Ranch (Grazing)

Reclaimed Site

CUPs 2235, 3064, 3094 (Beck)

Rural Home Sites

Farmland

Lost Lake Park

SJRC (Beck Ranch)

Farmland

CUPs 367, 3063, 3093

Wells (2) CSA 44C

Quarry Site CUP 3093

CUPs 2032, 3063, 3093

Rural Home Sites

Rural Residential Home Sites

Ledger Island Natural Reserve (SJRC)

Rural Home Site

Grazing

Peck Ranch (Pkwy Trust) Farmland

Grazing

Madera County
Fresno County

Ball Ranch Natural Reserve (SJRC)

Friant Road

CUPs 367, 3063, 3093 (Ball Ranch)

Little Dry Creek

CUPs 367, 2032, 2209, 3063, 3093

Plant Site CUP 3093

Willow Unit Ecological Reserve (CDFW)

CUPs 367, 3063, 3093 (Ball Ranch)

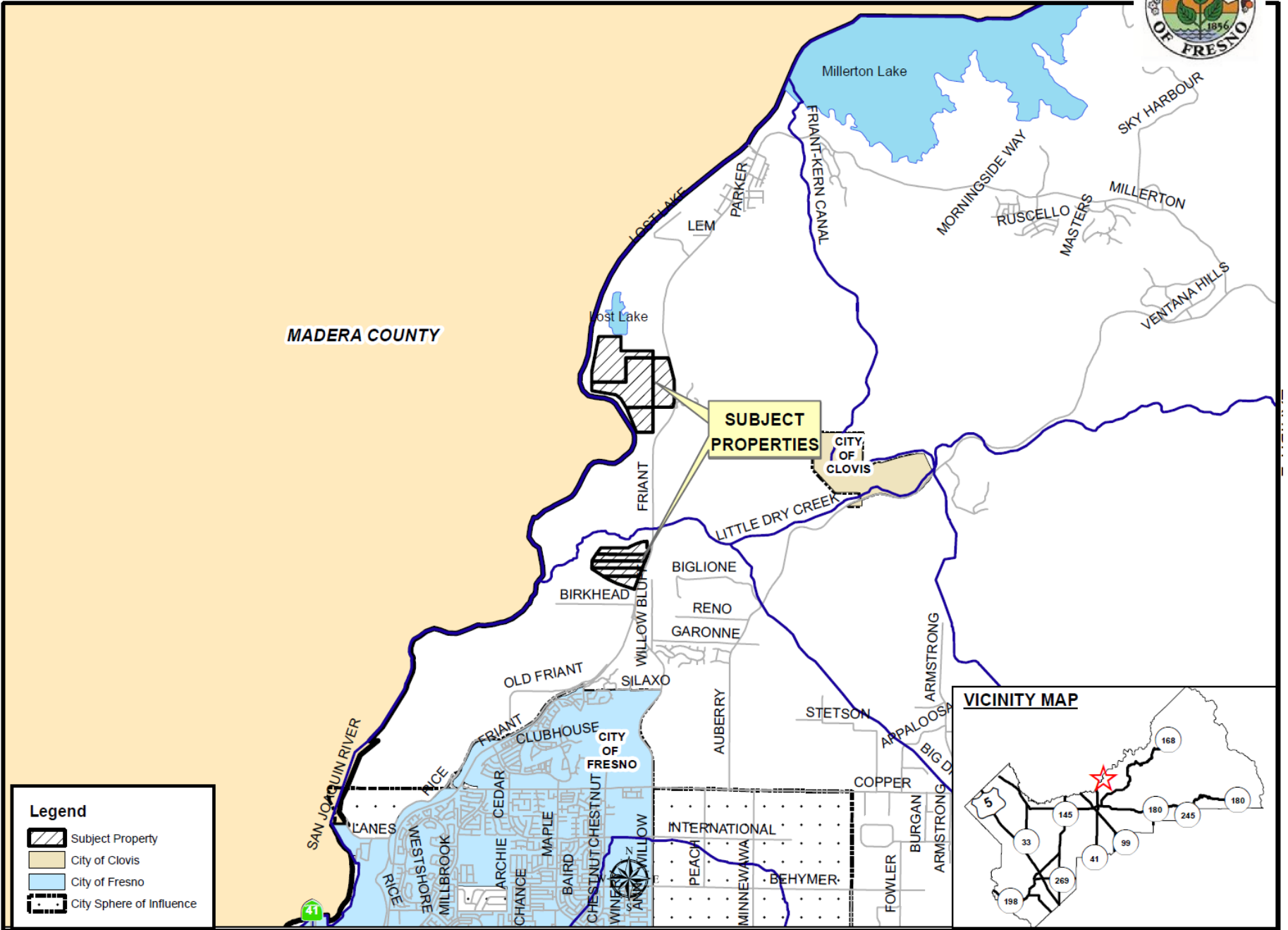
Farmland

20 ac Home





8-10 ac

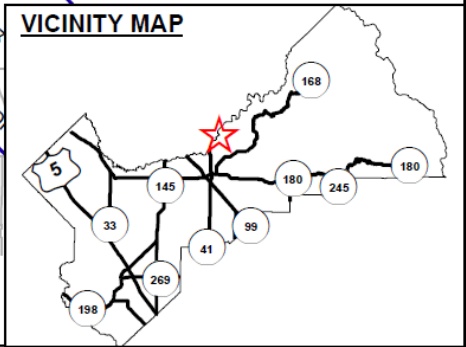


LOCATION MAP

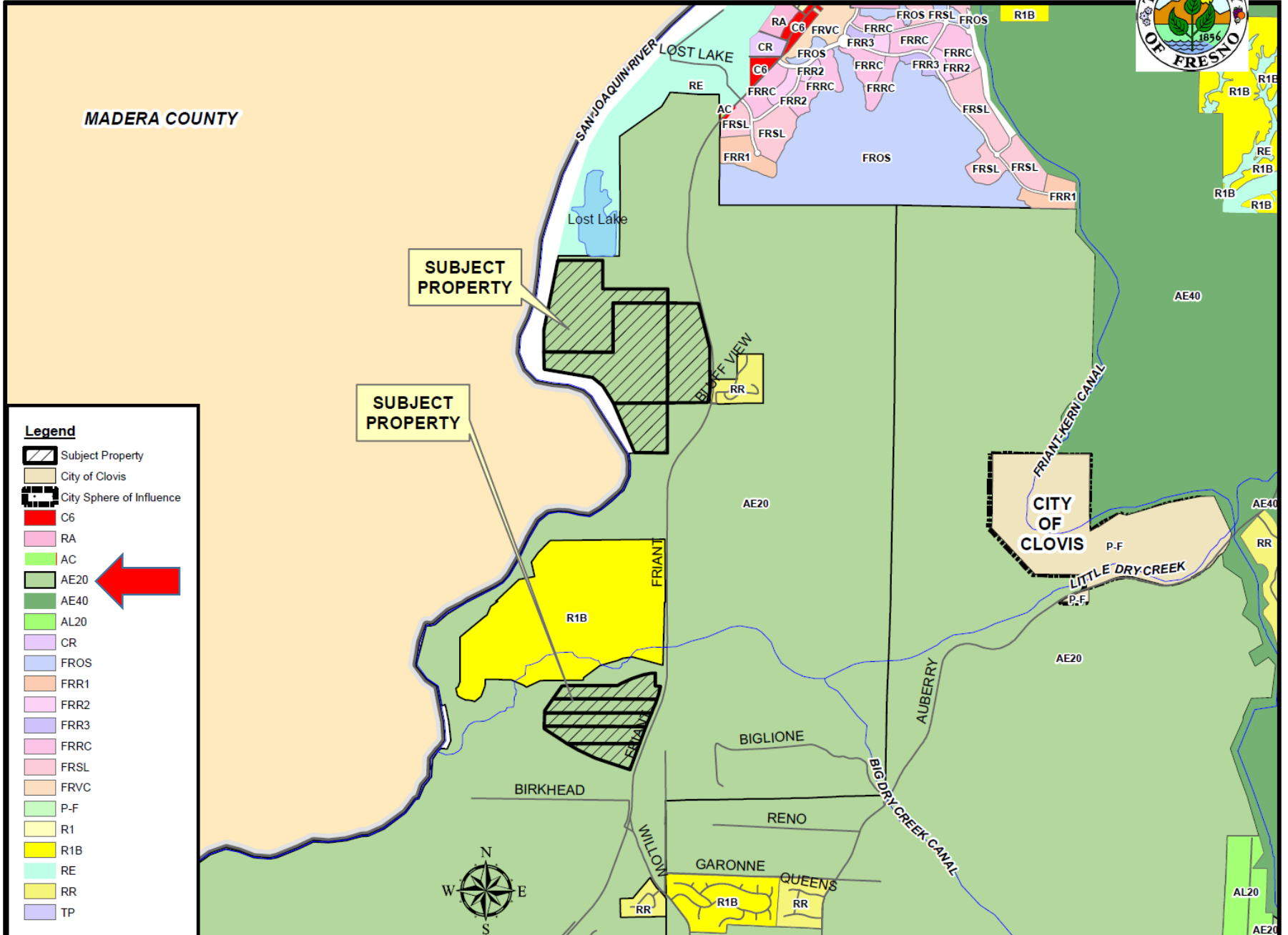


Legend

-  Subject Property
-  City of Clovis
-  City of Fresno
-  City Sphere of Influence



EXISTING ZONING MAP



Legend

- Subject Property
- City of Clovis
- City Sphere of Influence
- C6
- RA
- AC
- AE20
- AE40
- AL20
- CR
- FROS
- FRR1
- FRR2
- FRR3
- FRRC
- FRSL
- FRVC
- P-F
- R1
- R1B
- RE
- RR
- TP

Red Arrow: Points to the AE20 zoning district in the legend.

Separate CUP Application 3666 is

- For the same site
- From the same applicant
- For an expansion of the existing use and the addition of hard rock mining to a depth of 600 feet
- A new EIR is being prepared for the application

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The application before the Commission does not indicate any predilection towards approval or denial of the other application.

Separate CUP Application 3666 is

- For the same site
- From the same applicant
- For an expansion of the existing use and the addition of hard rock mining to a depth of 600 feet
- A new EIR is being prepared for the application

The application before the Commission does not indicate any predilection towards approval or denial of the other application.

Release of Draft EIR for public review and comment will not occur for three months or longer.

Notices & Comments

Noticed: **513 Notices** sent to property owners within One-Mile and all parties requesting notices.

Published: Public Notice of meeting published in Business Journal on May 26, 2023

Received: **4** Letters of **Support**
9 Letters of **Objection**

Additional Material

Correspondences not previously included with the Staff Report and received by 8:30 AM this morning, has been provided to the Commission as you arrived, and copies are available on the back table.

Staff Presentation will Cover:

- Scope of the Application
- Existing operations in place
 - History of Entitlements
- Nature of Hearing and basis for decisions
 - CUP - Quasi Judicial determination
 - CEQA – Determination of compliance
- CEQA Section 15162 (a)
 - Subsection 1-3
- CUP Required Findings 1-5
- Recommendations

Application No. CUP 3755:

**Proposes to amends CUP 3093
and related previous entitlements**

Application No. CUP 3755:

Proposes to amends CUP 3093
and related previous entitlements

To extend the operational time limit

From: July 28, 2023

To: July 28, 2027

Application No. CUP 3755:

Proposes to amends CUP 3093
and related previous entitlements

To extend the operational time limit

From: July 28, 2023

To: July 28, 2027

**With no expansion or changes to the exiting
operations and permits. All other previous
conditions of approval apply**

- **Located on two properties**
- **490.9-acres total**
- **Continuous operations at the two sites for over 109 years (1913-2023)**
- **Rockfield Quarry has been operating since 1913**
- **The Plant Site has been operating since 1924**

CUP 367

Approved on October 6, 1960

There were no environmental documents required for the project as it was prior to the adoption of the California Environmental Quality Act in (CEQA) in 1970.

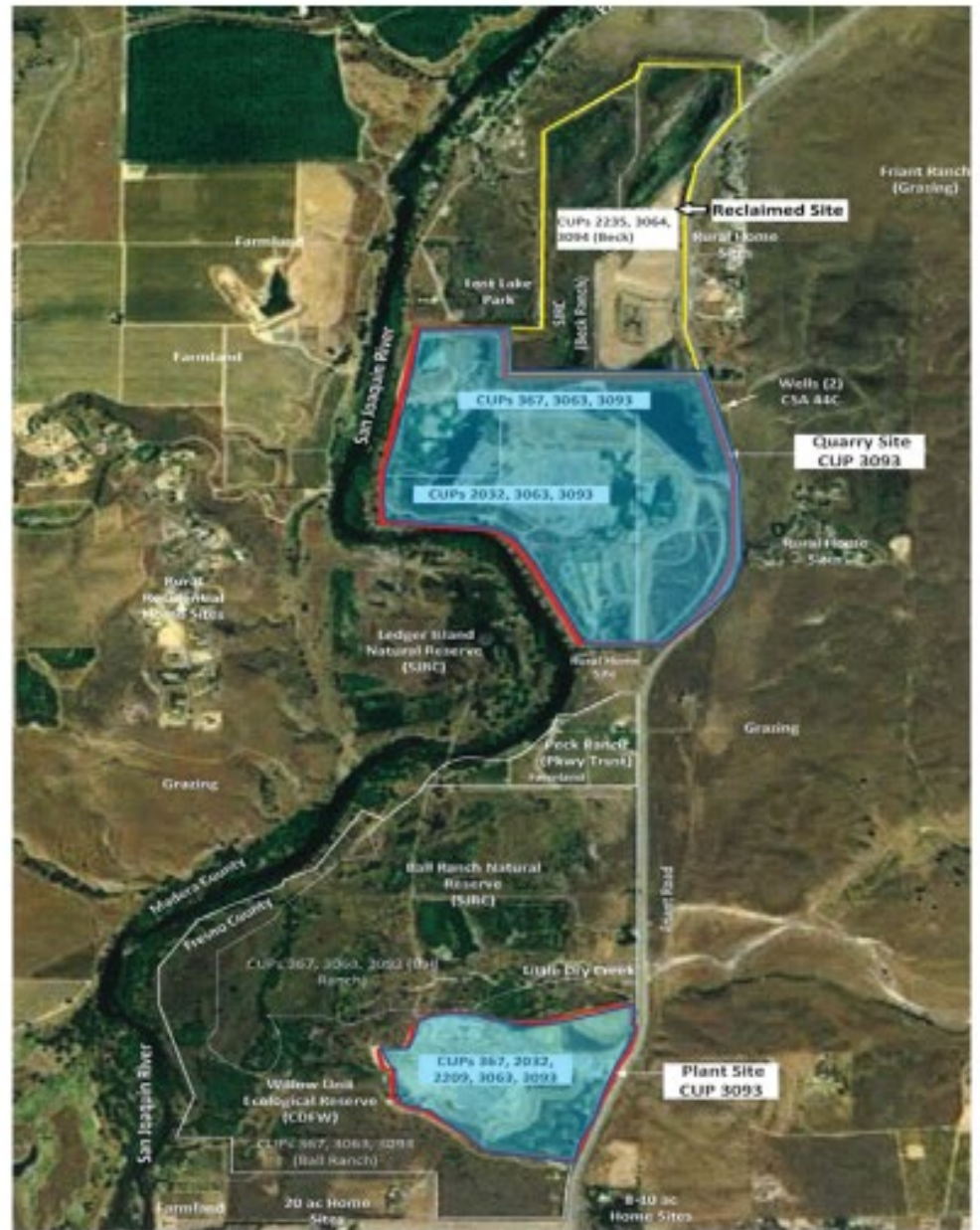


CUP 2032

Approved September 4, 1984

Allow rock, sand, and gravel extraction

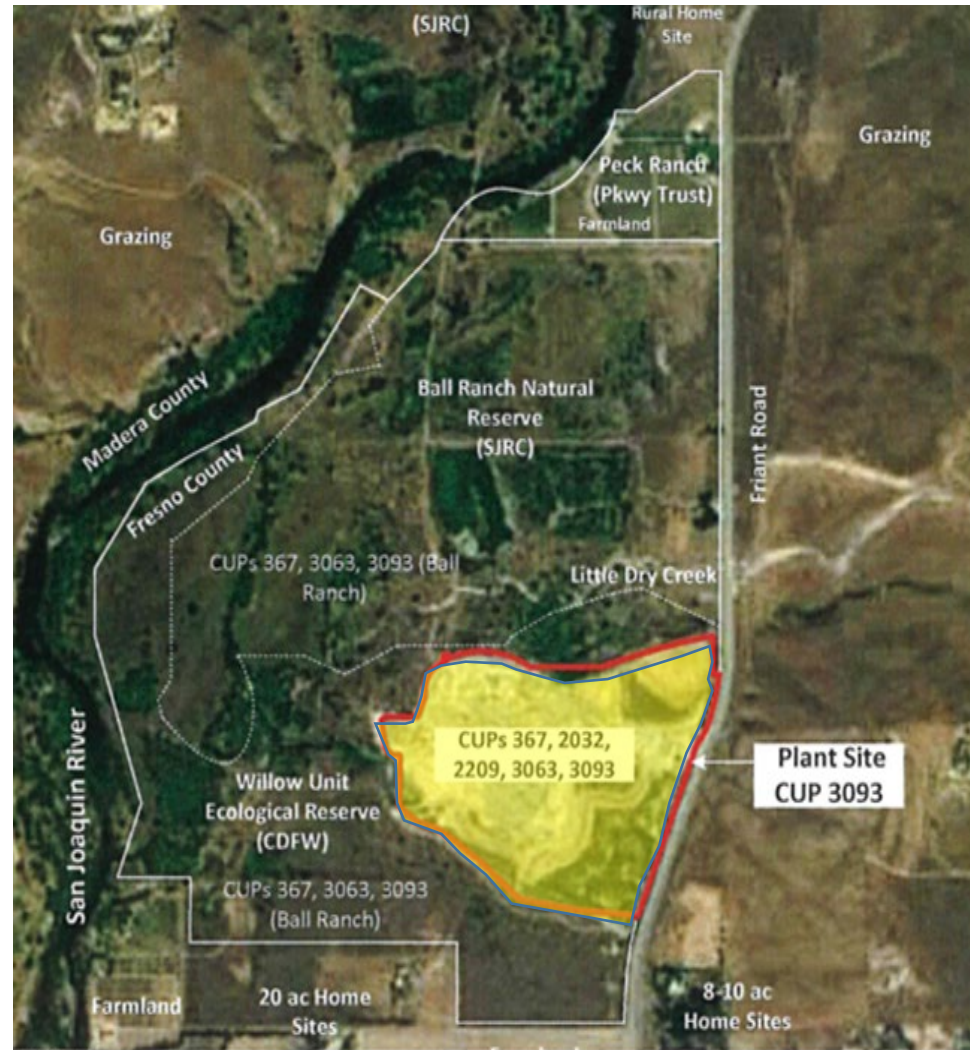
Expires 1999



CUP 2209

Approved June 10, 1986

Amended the Hours of operation of Cement Batch Plant

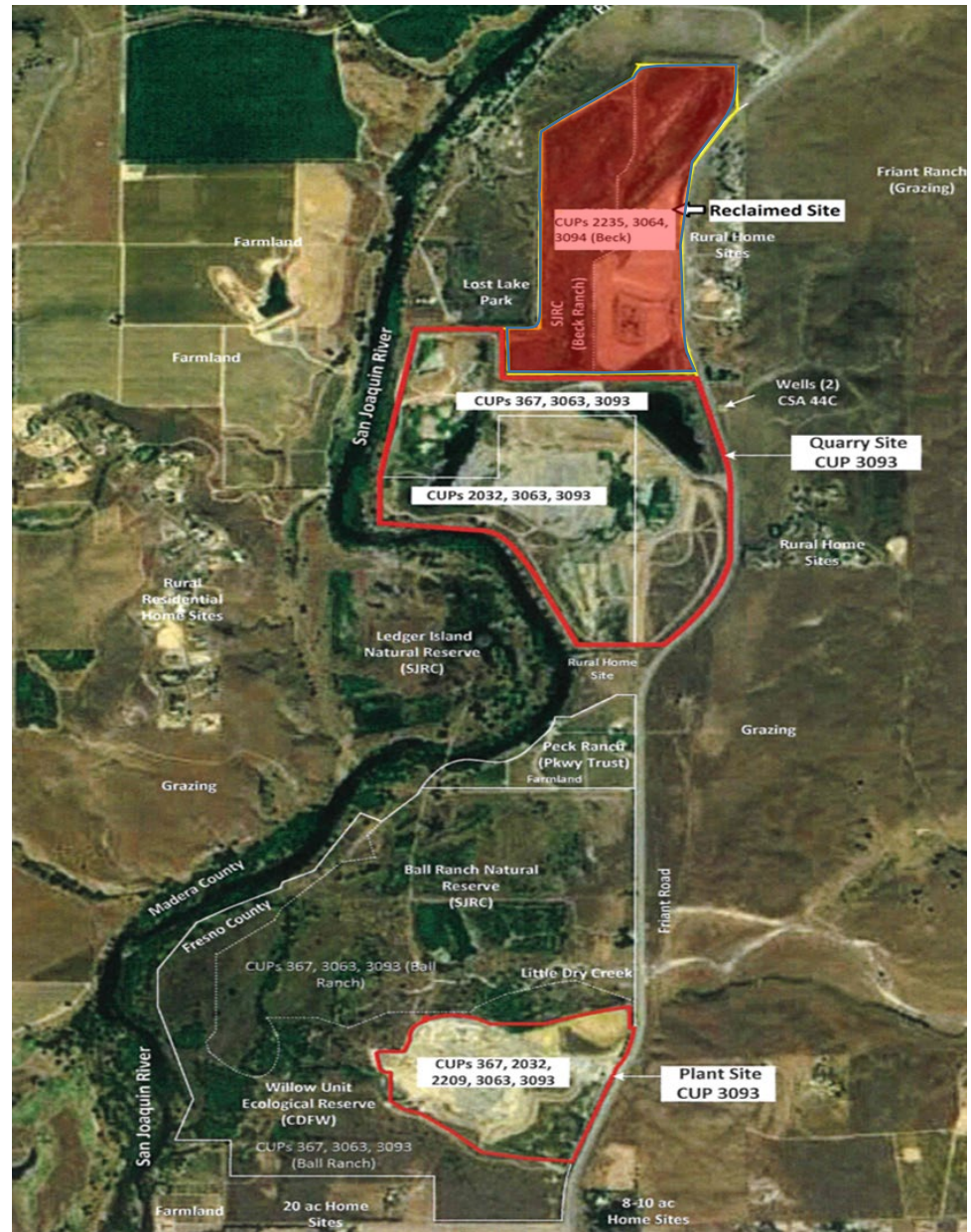


CUP 2235

Approved on
July 28, 1987
along with CUP 2241

Allowed excavation of 251
Acres north of CUP 367

Included Environmental
Impact Report



CUP 2241

Approved on
July 28, 1987

Allowed processing
of excavated
material at Plant
Site

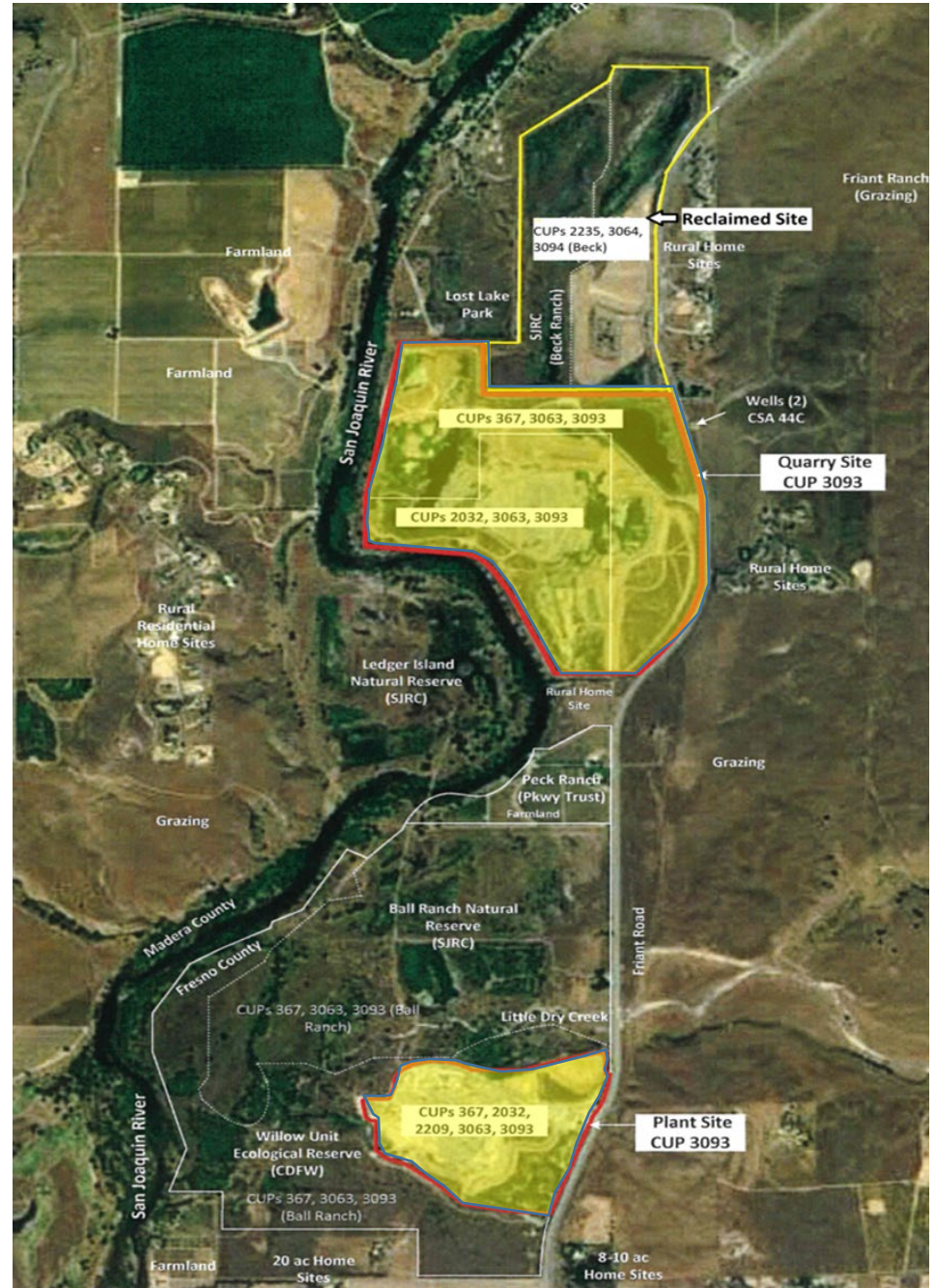
Included
Supplemental EIR



CUP 3063 & 3064

Approved on
September 25, 2003

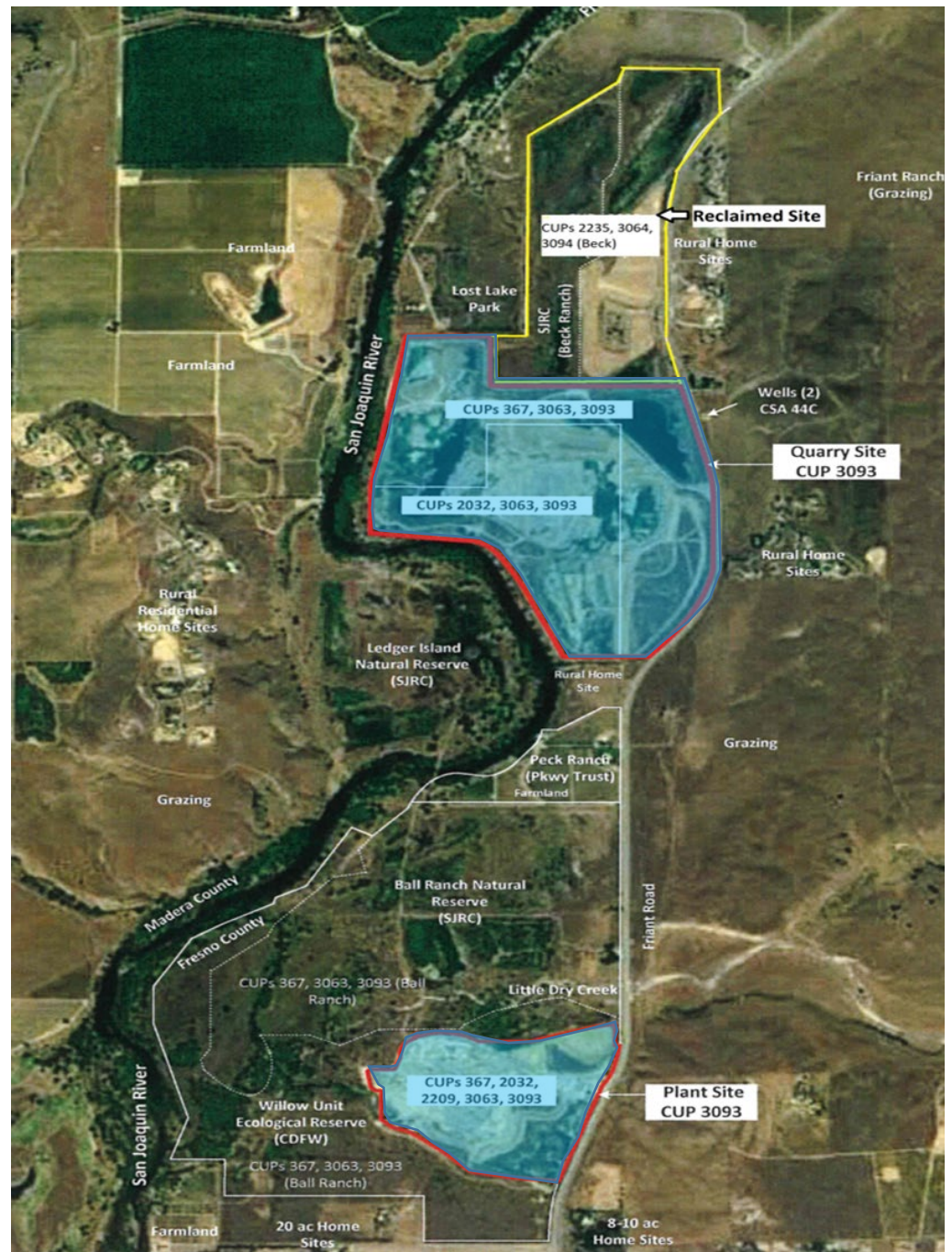
Extended the permit to
July 28, 2023



CUP 3093 & 3094

Approved October 21, 2004

Increased the number of truckloads allowed from the site per day from 180 to 225



Unclassified Conditional Use Permit Application No. 3755

CUP – Required Finding in Zoning Ordinance

CEQA – Determination of Compliance

Unclassified Conditional Use Permit Application No. 3755

CUP - Determinations

- Not legislative
- Based on Ability to make required Findings

Unclassified Conditional Use Permit Application No. 3755

CUP - Quasi Judicial Determination

- Not legislative
- Based on Ability to make mandated Findings

CEQA – Determination of Compliance

- Discretionary Approvals are Projects
- Exemptions
 - Initial Studies
 - Environmental Impact Reports

Unclassified Conditional Use Permit Application No. 3755

CUP - Quasi Judicial Determination

- Not legislative
- Based on Ability to make mandated Findings

CEQA – Determination of Compliance

- Discretionary Approvals are Projects
- Exemptions - **Section 15162 (a)**
 - Initial Studies
 - Environmental Impact Reports

CEQA Guidelines **Section 15162 (a)**

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:

CEQA Guidelines **Section 15162 (a)**

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Substantial Evidence VS Fair Argument

CEQA Guidelines **Section 15162 (a)**

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;**

CEQA Guidelines **Section 15162 (a)**

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:

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

CEQA Guidelines **Section 15162 (a)**

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:

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:

CEQA Guidelines **Section 15162 (a)**

On the basis of substantial evidence:

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;

CEQA Guidelines **Section 15162 (a)**

On the basis of substantial evidence:

3. New information of substantial importance,
...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;

CEQA Guidelines **Section 15162 (a)**

On the basis of substantial evidence:

3. New information of substantial importance,
...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

CEQA Guidelines **Section 15162 (a)**

On the basis of substantial evidence:

- (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;
- (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.

Findings	Description	Findings Met
1	Parcel's size and shape adequate	YES
2	Site can accommodate negligible traffic increase	YES
3	No adverse effect on surrounding neighborhood	YES
4	Consistent with General Plan	YES
5	Condition necessary for public health, safety, and general welfare	YES

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1	Parcel's size and shape adequate	YES

No comments received on site's size and shape

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No comments received on site's size and shape

2	Site can accommodate negligible traffic increase	YES
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No identified service issue or hazard identified

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No comments received on site's size and shape		
2	Site can accommodate negligible traffic increase	YES
No identified service issue or hazard identified		
3	No adverse effect on surrounding neighborhood	YES

Public Concerns:

- Dust and Air Quality
- Noise
- Aesthetics
- Biological Resources
- Traffic and Safety
- Water

Findings	Description	Findings Met
1	Parcel's size and shape adequate	YES
No comments received on site's size and shape		
2	Site can accommodate negligible traffic increase	YES
No identified service issue or hazard identified		
3	No adverse effect on surrounding neighborhood	YES
Public Concerns		
4	Consistent with General Plan	YES
No conflicts identified		

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1	Parcel's size and shape adequate	YES
No comments received on site's size and shape		
2	Site can accommodate negligible traffic increase	YES
No identified service issue or hazard identified		
3	No adverse effect on surrounding neighborhood	YES
Public Concerns		
4	Consistent with General Plan	YES
No Conflicts Identified		
5	Condition necessary for public health, safety, and general welfare	YES

Recommended Additional Condition of Approval

“The Applicant/Appellant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of UCUP No. 3755 and provide security in an amount determined by the County for any such legal costs incurred. The agreement and payment of security shall be due unless the litigation period has expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.”

PLANNING COMMISSION MOTIONS:

Recommended Motion: (Approval Action – One Year Extension)

- 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.
- Move to determine the required Findings can be made within the staff report and approve Unclassified Conditional Use Permit No. 3755 subject to the Conditions of Approval and Project Notes listed in Exhibit 1 with a maximum extended operating period of one additional year to cease on July 28, 2024; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion: (Approval Action – Four Year Extension)

- 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.
- Move to determine the required Findings can be made within the staff report and approve Unclassified Conditional Use Permit No. 3755 subject to the Conditions of Approval and Project Notes listed in Exhibit 1 with a maximum extended operating period of four additional years to cease on July 28, 2027; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion: (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3755 and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

