



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 8, 2023

SUBJECT: Unclassified Conditional Use Permit Application No. 3755-A and 3755-B

Amend Unclassified Conditional Use Permit No. 3093 and related UCUP Nos. 367, 2032, 2209, 2241, 2235, and 3063, to extend the operational time limit for the existing aggregate (sand and gravel) operation, processing plants, and related currently permitted uses for an additional four years (extend expiration date from July 28, 2023 to July 28, 2027).

LOCATION: The Project includes the Plant Site and the Quarry Site as described below:

- **Plant Site (UCUP 3577-A):** located on approximately 122 acres on the west side of N. Friant Road 0.65-miles north of Willow Avenue, and approximately 1.5-miles north of the nearest boundary of the City of Fresno (APNs: 300-070-56S, 57S, 58S, 59S, and 60S) (13475 N. Friant Road) (Sup. Dist. 2).
- **Quarry Site (UCUP 3577-B):** located on approximately 354 acres on the west side of N. Friant Road at its intersection with Merrill Avenue, and approximately 2.0-miles north of CEMEX's current Plant Site (APNs 300-040-19, 300-040-20, 300-080-0IS, 300-250-12 and portion of 300-310-01) (13475 N. Friant Road) (Sup. Dist. 5).

APPLICANT: Pete LoCastro, Area Operations Manager, CEMEX

OWNER: CEMEX Construction Material Pacific , LLC

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

Dave Randall, Senior Planner
(559) 600-4050

RECOMMENDATION:

- 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 as provided for within the staff report and approve Unclassified Conditional Use Permit No. 3755-A and 3755-B, subject to the Conditions of Approval and Project Notes listed in Exhibit 1 for an additional operating time of one year; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

EXHIBITS:

1. Conditions of Approval
2. Location Map
3. Land Use Map
4. Zoning Map
5. Assessor Parcel Maps
6. Applicant Provided Maps
7. Plant and Quarry Site Plans
8. Operational Statement
9. Board of Supervisors Resolution - Unclassified Conditional Use Permit Nos. 2235, 2241, 3093, and 3094 including Conditions of Approval
10. Unclassified Conditional Use Permit Nos. 367, 2032, 3063, 3093, and 3094 Conditions of Approval (including Location Maps)
11. Correspondence in Opposition
12. Correspondence in Favor
13. Correspondence - Applicant Comments

Note: The 1987 EIR & Supplemental EIR are available at <https://www.fresnocountyca.gov/CEMEX>

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No Change
Parcel Size	Plant Site: 122-acres Quarry Site: 354-acres	No Change

Criteria	Existing	Proposed
Structural Improvements	<p>Plant Site: Aggregate processing facility, concrete plant, maintenance shops, parking, and road access</p> <p>Quarry Site: Approximately 35 acres of the parcel are currently excavated to an average depth of 65 Feet.</p>	No Change
Surrounding Development	Grazing, Orchard, Single-Family Residences, Park.	No Change
Operational Features	Sand and gravel extraction and processing (Sand and Gravel Mining Operation).	No Change
Employees	110	No Change
Customers	Maximum export of Material/Customers 225/day	No Change
Traffic Trips	<p>Interplant Truck Haul: 450 Other Trucks: 240 Total: 690</p> <p>690 (including trips between excavation and processing plant)</p>	No Change
Lighting	Hooded Lighting	No Change
Hours of Operation	<p>Plant Site:</p> <p>Excavation hours: 7:00 a.m. to 6:00 p.m., Monday through Friday</p> <p>Asphalt batch plant hours: 6:00 a.m. to 6:00 p.m. Monday through Friday</p> <p>Concrete batch plant hours:</p> <p>4:00 a.m. to 6:00 p.m. Monday through Friday (May through October)</p> <p>5:30 a.m. to 6:00 p.m. Monday through Friday (November through April); 7:00 a.m. to 1:00 p.m. Saturday (year-round)</p>	No Change

Criteria	Existing	Proposed
	<p data-bbox="581 262 740 296">Quarry Site:</p> <p data-bbox="581 327 1024 394">Excavation hours: 7:00 a.m. to 6:00 p.m., Monday through Friday</p> <p data-bbox="581 426 1040 493">Routine maintenance of excavation equipment:</p> <p data-bbox="581 525 987 592">7:00 a.m. to 8:00 p.m., Monday through Sunday</p> <p data-bbox="581 623 995 728">No change to existing permitted operational hours has been proposed.</p>	

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

Staff reviewed the discussion of violations alleged in comment letters received by the County. Staff investigation determined that no additional evidence of a facility violation exists regarding the land use permit and concludes that there is insufficient evidence of a violation to warrant code enforcement action. The San Joaquin Valley Air Pollution Control District provided County staff information regarding facility complaints which are further discussed in Finding 3. There is no indication from the Air District that the facility is currently operating out of compliance.

PUBLIC NOTICE:

Notice of this Public Hearing has been published in the Business Journal on May 26, 2023. Additionally notices were sent to all parties that have requested to be notified of these proceedings and approximately 513 property owners within one mile of the subject parcel as listed on the Assessor’s role. This exceeds the minimum notification requirements prescribed by the California Government Code and is consistent with County practices. It includes the identical list of parties to be noticed for a separate UCUP Application and EIR currently in process for an expanded use of the site.

PUBLIC COMMENT:

Nine letters of objection and four letters of support were received as of the date of preparation of this report. Opponents expressed concerns related to water quality, current EIR insufficiency, wildlife loss, air quality, health, safety, aesthetics, noise, property values, recreation limitations and transportation related to an extension of operations. Those in support of the project asserted the operation supports local jobs and provides a need for aggregate to the local community. Correspondence received as of the drafting of this staff report is attached as Exhibits 11, 12 and 13.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if the five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

CEMEX, (rock, sand, and gravel mining operation) and its predecessors-in-interest have been continuously mining for rock, sand, and gravel encompasses approximately 490.9-acre total aggregate within the unincorporated area of Fresno County, on two properties, Rockfield Quarry (Quarry) (operating since 1913) and the Plant Site (Site) (operating since 1924) at the existing location between North Friant Road and the San Joaquin River, between the northern city limits of the City of Fresno to the south and the unincorporated community of Friant to the north. These mining and processing operations have been in continuous operations at the two sites for over 109 years (1913-2023).

Current operations at Rockfield main quarry portion of the operations were approved under Unclassified Conditional Use Permits (UCUPs) 367, 2032, 3063, and 3093.

Current operations at Rockfield plant site and previous minor quarry portion were approved under several UCUPs:

- UCUP 367 was approved on October 6, 1960, by the Board of Supervisors. The approved permits included the five parcels that makes up the existing Quarry and Plant Site. The approval preceded the adoption of the California Environmental Quality Act in (CEQA) in 1970.
- In 1969, the Board of Supervisors adopted Zoning Ordinance Section 858 entitled “Regulations for the Development of Material Extraction Sites in all Districts” (formerly codified Section 857.1). Section 858 required submittal of an operational and rehabilitation plan to the County for an extraction site or a non-conforming extraction site within one year of the effective date of the ordinance change.
- UCUP 2032 was filed and approved on September 4, 1984, to allow for a rock, sand, and gravel extraction operation with an estimated expiration date of 15 years (1999).
In 1985, UCUP 367 was revised under the terms of a settlement with the County of Fresno limiting the processing plant, asphalt and concrete batch plant operations, and excavation activities to 20 years (2005).
- UCUP 2209 was approved by the Board of Supervisors on June 10, 1986, amending the hours of operation for the existing cement batch plant.
- UCUP No. 2235 was submitted in 1986 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 UCUP No. 367. An associated EIR was also prepared to consider and mitigate environmental impacts related to expansion of the mining operation.
- UCUP 2241 was filed in August 1986 to allow processing of the excavated material at the Plant Site. A supplemental draft EIR was prepared dated April 1987. UCUP 2235 and UCUP 2241, along with the Final and a Supplemental EIR were approved by the Board of Supervisors on July 28, 1987. (www.fresnocountyca.gov/CEMEX)
- UCUP 3063 and 3064 approved October 21, 2004 extended the permit for an additional 18 years to July 28, 2023; it was approved on October 21, 2004. UCUP 3064 was for the northern portion of the quarry, the excavation was completed and the land reclaimed in 2009.
- UCUP 3093 and 3094 proposed increasing the number of truckloads generated from the excavation site from 180 to 225. It was approved by the Board of Supervisors on

October 21, 2004. UCUP 3094, like UCUP 3064, was for the northern portion of the quarry, the excavation was completed and the land reclaimed in 2009.

Existing permitted and accessory uses at the Rockfield Quarry include, in addition to mining and reclamation: aggregate; asphalt, and ready-mix concrete processing; as well as ancillary uses such as aggregate stockpiling, sales, and equipment storage and maintenance.

This application UCUP 3755 identified as UCUP 3755-A to represent the plant site and UCUP 3755-B to represent the active mining area, proposes to extend existing operations only for an additional four years, until July 28, 2027. No changes are being proposed to area or operation of the mine and reclamation plan. All prior conditions of approval and mitigation measures for UCUP 3093 (and related permits) will apply.

On these two sites, there is a separate application currently in process for UCUP 3763 which proposes to expand the existing mining and processing operations at the plant and quarry sites and lengthen the operating period for a number of years. That project, which requires amendments to operator's current land use entitlements includes the preparation of an Environmental Impact Report (EIR), pursuant to CEQA, to address the entire existing and proposed expanded operations.

This separate application (UCUP 3763) includes the following two project life stages that are estimated to span 100 years:

Stage 1: Continue operations at both the Quarry Site and the Plant Site for up to 30 years.

Stage 2: Expansion to hard rock mining up to 600 feet in depth, and processing operations only at the Quarry Site for approximately 70 more years. The existing ready-mix concrete plant and hot-mix asphalt plant would be relocated from the Plant Site to the Quarry Site.

The current efforts on the preparation of the EIR for the application UCUP 3763 are not expected to conclude until after expiration of existing UCUPs 3063 and 3093 on July 28, 2023. This being the case, the current Application UCUP 3755 has been submitted.

ENVIRONMENTAL ANALYSIS:

In conjunction with applications for CUP 2235 and CUP 2241, a Final and Supplemental EIR and the CUPs were reviewed and approved by the Board of Supervisors on July 28, 1987. Subsequent entitlements have also relied on these documents. Staff has determined that the proposed unaltered extension of the existing operation does not present a significant material situation that warrants not using the previous adopted environmental documents for the project.

Comments have been received both supporting and questioning this reliance of the previous Final and Supplemental EIR and calling for new studies. A crucial point in considering the use of California Environmental Quality Act (CEQA) Section 15162 is that the determination of new impacts etc. must be based on "Substantial Evidence" not just assertions or conjecture. The base line for evaluating this Project is not the total impact of the existing use or prior entitlements, but how the proposed application to extend for a finite period the uses as currently permitted could alter the impacts on the environment. There has been no "substantial evidence" presented to indicate that the extension request would lead to an alternate conclusion under Section 15162.

The existing EIR will be utilized for the current proposal pursuant to Section 15162 of the CEQA. 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;**

Discussion: The Applicant is not proposing any changes to the operation, expansion of the mined area, or modifications to the existing operations, conditions of approval, or mitigations measures. Nevertheless, several comments in opposition to this project have identified what the commenter believes to be a change or revision to the project.

For example, the August 2020 analysis prepared by Dr. Penbera (Exh. 11) discusses what the author identifies as numerous changes. However, on closer review, Dr. Penbera confuses the issue by combining the proposed project discussed in this Staff Report with another project proposed by the Applicant, for an expansion of activities at the project site; these are two separate projects, neither of which is dependent on the other, for which the County is conducting separate environmental review.

In addition, the City of Fresno has also identified purported changes to the traffic generated by the project. In comment no. 1 of its March 1, 2023 letter (Exhibit 11), the City asserts that the truck trips and personal vehicle trips are undercounted. In comment 6 of its March 15, 2023 letter (Exhibit. 11), the City cites to additional personnel proposed under the proposed project. As discussed more fully in finding 2 below, Staff has not identified a violation of the existing CUPs in terms of traffic generated by the project, nor does the project propose additional trips. The City's assertions of increases are anecdotal and fail to raise substantial evidence of the purported changes, and do not identify how they will require "major revisions" to the existing EIR. The total truck trips remain the amount allowed under the 2004 CUP.

Conclusion: Staff believes that, because the Applicant has proposed no changes whatsoever to the project presently before the Commission, there can be no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects requiring substantial changes to the existing EIR due to substantial changes to the project. The commenters have failed to provide substantial evidence to the contrary.

- 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**

Discussion: Although conditions surrounding the mining operation continue to change as residential uses move into the area of the existing mine, there has been no significant exacerbation of conditions, and the conditions of approval and mitigation measures attached to the existing mine will remain an effective tool to keep significant environmental impacts from appearing or substantially increasing as a result of the proposed project.

Roadway and intersection modifications since 1987 and 2004 respectively have improved safety. Review of available traffic information and nearby traffic studies did not identify any increased traffic attributed to the Plant and Quarry sites. As discussed under Finding 2 below the traffic studies on this segment of the road indicate that it is operating at a level C and no hazards have been identified. In fact, based on the discussion in Finding 2 below, road

conditions have markedly improved since 1987. This rebuts the unsupported arguments included in the City of Fresno comment letters. (See Exhibit 11, 3/1/23 Letter, Nos. 1-4; see also Exhibit 11, 3/1/23 Letter, Nos. 4, 6.)

As discussed above, the August 2020 Dr. Penbera analysis (Exhibit 11), while it appears more scientific in nature, confuses this proposed project with another.

Other commenters raised concerns over increased impacts due to changed circumstances. Many of these comments consist of arguments or unsubstantiated anecdotes which do not introduce any evidence at all, let alone raise substantial evidence of a new or more significant environmental impact, which might call into question the existing EIR. (See, e.g., 2/27/23 McNally Letter (Exhibit 11) ["The Quarry is invasive to the surrounding wildlife, human life, and our geological treasure, the San Joaquin River"].)

Conclusion: There is not substantial evidence in the record of new significant environmental effects or a substantial increase in the severity of previously identified significant effects resulting from substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR.

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:

i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Discussion and Conclusion: Staff explained above that neither substantial changes to the project nor substantial changes to the circumstances under which the project was undertaken point to the inadequacy of the previous EIR. Similarly, there is no substantial evidence of "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" which shows that the project will "have one or more significant effects not discussed in the previous EIR." Nor does any commenter raise such an argument. To the contrary, staff believes that the proposed project will maintain the environmental baseline.

ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

Discussion and Conclusion: Staff explained above that neither substantial changes to the project nor substantial changes to the circumstances under which the project was undertaken point to the inadequacy of the previous EIR. Similarly, there is no substantial evidence of "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" which shows "significant effects previously examined will be substantially more severe than shown in the previous EIR." Nor does any commenter raise such an argument. To the contrary, staff believes that the proposed project will maintain the environmental baseline.

- iii. **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**

Discussion and Conclusion: Staff explained above that neither substantial changes to the project nor substantial changes to the circumstances under which the project was undertaken point to the inadequacy of the previous EIR. Similarly, there is no substantial evidence of “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” which shows “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.” Nor does any commenter raise such an argument. To the contrary, there were no mitigations measures proposed that were rejected and are now feasible, but were rejected by the application proponents.

- iv. **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.**

Discussion and Conclusion: Staff explained above that neither substantial changes to the project nor substantial changes to the circumstances under which the project was undertaken point to the inadequacy of the previous EIR. Similarly, there is no substantial evidence of “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” which shows “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.” Nor does any commenter raise such an argument. To the contrary, there have been no different mitigation measures proposed that would substantially reduce one or more significant effects on the environment, but were rejected by the application proponents.)

ANALYSIS/DISCUSSION OF CUP FINDINGS:

Finding 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.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Minimum building setbacks to property lines: Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	No Change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Parking	One parking space for every two employees	No Change	Yes
Lot Coverage	No requirements	No Change	Yes
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty feet of any dwelling or other building for human habitation.	No Change	Yes
Wall Requirements	Plant Site: UCUP 2235 COA#6-8 Landscape and noise attenuation berms along Friant Road Frontage. Quarry Site: UCUP 2032 COA# 9 Five-foot-high screening berm along Friant Road Frontage and a 15-foot-high screening berm along the south property line.	No Change	Yes
Septic Replacement Area	100 Percent Replacement	No Change	N/A
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No Change	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Although comments were received relating to the adequacy of the environmental document, there were no comments from reviewing agencies or departments specific to the adequacy of size and shape needed to accommodate the uses, and the adequacy of yards, spaces, walls and fences, parking, loading, landscaping, and other features, to adjust the uses with land and uses in the neighborhood. Some comments received acknowledged no objection to the additional operating time provided the mining operation continue to comply with existing conditions of approval.

Opposing Comments Regarding Site Adequacy:

The comments in opposition to the project were not specific to site adequacy.

Finding 1 Analysis:

The subject properties are on the west side of Friant Road, with the southernmost point approximately one mile north of the City of Fresno continue to operate within its current approved footprint without the need for additional stockpiling or parking area. All existing structures meet required setbacks from property lines and approved UCUPs permitted materials excavated from the quarry area to be processed at the existing plant site to the south.

Approximately 700 acres have been mined and reclaimed since commencement of mining activities in the area and are now under management and ownership of the State of California with approximately 105 of these acres being mined and reclaimed since approvals in 1987, which last expanded the mining footprint. Approximately 500 acres remain to be mined and subsequently reclaimed. It is estimated that a total of 12.9 million tons have been mined from the site, and average annual production has remained below the average production maximum of 1.4 million tons per year.

The approved reclamation plan identifies additional, future ponds and indicates portions of the site will also be 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. There were no adverse comments received specifically on the suitability of the site. Staff has no history of violations at the site or any identified deficits with the site related to the current permitted operations and has no basis to suspect that that situation would change as long as operations remain the same.

The current application proposes to permit continued excavation and processing activities for a limited period of time not to exceed four years. No other changes are proposed. Prior approval of the existing UCUPs, most recently UCUP Nos. 3093, 3094, 3063 and 3064 found the sites to be adequate for the proposed uses.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Because the current applications request is for a limited period of continued operation staff believes that Finding 1 can continue to be made.

Finding 2: ***That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

The California Department of Transportation, California Highway Patrol, and the Road Maintenance and operations Division of the County of Fresno's Department of Public Works and Planning reviewed the proposed extension of the UCUP's expiration date and did not state any concerns.

The City of Fresno indicated in a March 15, 2023 comment letter that the existing EIR is no longer adequate for the proposed project because substantial changes have occurred with

respect to the circumstances under which the project is undertaken. The City also notes changes in traffic on Friant Road, and the impacts on the City of Fresno, and that pedestrian and bicyclist volumes along the Friant Road corridor have increased due to Woodward Park and the trail facilities in the area.

The Transportation Planning Section of the Public Works and Planning Department indicated that there has not been a substantial change to existing operations at the plant and the quarry sites that warrant a Traffic Impact Analysis. The high traffic counts on Friant Road, south of Willow Avenue, noted by the City of Fresno's letter, dated March 1, 2023, are primarily due to approved city entitlements.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Opposing comments regarding adequacy of streets and highways:

Concerns about traffic volumes and increases in cycling activity along Friant Road were expressed by members of the public and the City of Fresno. The applicant has also submitted rebuttal comments on these subjects. (See Exhibits 11, 12 and 13).

Finding 2 Analysis:

The project Plant site takes public road access through two driveways on Friant Road. The northern most driveway allows access to the area of current mining operations. The southernmost driveway allows access to the asphalt and concrete batch plants and crushing 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 225.

The project Quarry 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 traveling from the area of excavation to the processing plant are limited through the existing use permits to a maximum of 225 round trips per day. No changes in the maximum number of truck trips are proposed. In accordance with conditions of approval of UCUP Nos. 367 and 2032, the applicant 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. UCUP No. 2241 also required that "traffic warning" signs be posted along Friant Road in both directions from the entrances to the sites.

The most recent traffic studies identify the section of road between the Quarry Site and the Plant Site as operating at a level C, which is within the Traffic standards set by the County. Further, no potentially significant traffic impacts related to the continued operation in daily truckloads were identified.

Overall, while residential and commercial development in the area has altered the nature of Friant Road, most notably by widening and signalization, there is no evidence that road conditions have deteriorated due to CEMEX's continued operation. Since 1987 a number of improvements have occurred to address development-related impacts within the City of Fresno including: widening of Friant Road south of its intersection with Willow Avenue, intersection signalization at Copper Avenue, Champlain Avenue, Fort Washington Road, Shepherd Avenue

and Audubon Drive (including an overpass over State Route 41), and significant interchange improvements at State Route 41 and Friant Road/Blackstone Avenue. From Friant Road northbound, there is now a left turn queuing lane for entry into the Quarry site. Exiting the quarry site onto Friant Road southbound, there is now a long acceleration/merge lane for trucks. There has not been a substantial increase in the severity of previously identified impacts, which would warrant a new study and potentially new mitigations. In fact, based on a Traffic Impact Study prepared for a different project (Friant Ranch Project) on October 28, 2009 by Peters Engineering Group, the segment of Friant Road from Road 206 to Willow Avenue was determined to be operating at an acceptable Operational Service level of "C."

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

The proposed continuation of the current operations would not sustain an existing deficit in levels of service on County Roads. Hence, the streets are adequate in width and pavement type to continue to carry the quantity and kind of traffic generated by the existing use and Finding 2 can be made.

Finding 3: **That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.**

Reviewing Agency/Department Comments:

The Development Engineering Section of the Public Works and Planning Department indicated no objection to the request of extending the operational time limit of an existing aggregate (sand and gravel) operation for additional years for the Unclassified UCUP 3755, provided that all previous Conditions of Approval shall remain in full force and effect and grading import/stockpiling of material (e.g., sand and gravel) should not be allowed within the flood zone as to not cause an impact to the determined area of flooding.

The Water and Natural Resources Division of the Public Works and Planning Department has determined that the mining operation is being conducted in compliance with SMARA, the County Ordinance, and conditions of approval.

Opposing comments regarding effects on neighboring Properties:

Concerns were expressed by the members of the public and the San Joaquin River Parkway and Conservation Trust, Inc. regarding water quality and quantity, loss of wildlife (potential listing of new species including the California Tiger Salamander, the reappearance of special status species such as Swainson's Hawk and Bald Eagle in the project vicinity) air quality from automobile and operational activities, being adverse to the health and safety of the community, insufficient aesthetics (landscaping berm inadequate to reduce both noise and unsightly appearances diminished property values resulting in the continued mining operation, recreation limitations and comments regarding a tangential EIR application currently being prepared pursuant to CEQA to address the entire proposed operation. Some of the concerns expressed were more relevant to the related but separate application and EIR that would expand the existing operation.

Concerns were raised in public comments (See Exhibit 11) about reports of dust issues and "numerous complaints to the Air Pollution Control District" County Staff has confirmed that both the Quarry and the Plant Sites have current Permits with the Air District. A search from the Air

District resulted in five records of complaints about dust that were investigated, and no violations were substantiated; and one complaint about a Non-certified phase I vapor recovery system on the fueling station resulted in a notice of violation being issued.

The applicant has submitted rebuttal comments on these subjects. (See Exhibit 13 Correspondence).

Finding 3 Analysis:

Within the County jurisdiction, development in the vicinity of the project site since the 1987 approval of UCUP Nos. 2235 and 2241 includes a 12-lot subdivision approved through Tentative Tract No. 4669 in 1994 located on the east side of Friant Road directly east from a portion of the subject property. Anticipated residential development within the City of Fresno has been well-documented with a combined total of 27,575 residential units forecasted between the Woodward Park Community Plan and Copper River Ranch. Copper River Ranch is also forecasted to be developed with 250,000 square feet of mixed-use office/commercial development. Since approval of UCUP 3093 in 2004 the development of the Copper River Ranch has expanded the city limits to within a mile of the existing processing plant. Overall, the intensification of development in this area and the resulting additional residents has increased the interaction between those residents and the existing surface mining and processing operation.

As indicated in the Environmental Determination Section above, other than the City of Fresno and San Joaquin River Parkway and Conservation Trust, staff did not receive comments or concerns from key reviewing agencies such as the San Joaquin Valley Air Pollution Control District, Caltrans or the California Regional Water Quality Control Board. The City concerns were primarily associated with traffic and have been discussed in more detail in Finding No. 2.

Concerns expressed by the general public attached to Exhibit 11 centered on a number of issues. As an example, concerns were expressed regarding impacts to biological resources. Staff notes that the limited extension of operation would not expand the area and depth of the project, and key resource and Trustee Agencies including the California Department of Fish and Wildlife and the United State Department of Fish and Wildlife did not comment on the proposal.

Concerns related to the health, safety, air quality from automobile and operational activities were reviewed by the Fresno County Water and Natural Resources Division, Road Maintenance and Operations Division, Transportation Division, and Department of Public Health, and Environmental Health Division of whom did not present concerns towards the continued limited operation of this project.

Concerns related to the aesthetics of the operation such as providing landscaping as an effective means to screen the view of the operation and the stockpiles from the roadway were previously addressed in prior UCUPs related to this project. The applicant will conform to the landscaping and noise attenuation mitigation measures and conditions of approval of which is meant to reduce excessive noise and provide a physical barrier shielding the operation from view.

The existing use was found to be compatible with the neighborhood when the project was approved in 1987, extended in 2003 and modified in 2004. Since 2004 increased urban development has occurred within the project vicinity with the development of Copper River Ranch, which, along with the construction of other residential and commercial developments to the south within the City of Fresno, has resulted in substantial improvements to roadway

widening, signalization, construction of sound walls and landscaping buffers, bike lanes, and grade-separated multi-use trail development. Staff does not believe the proposed additional time extension presents a compatibility issue and notes that no noise related complaints from operations have been received. Still, although increased development since 2004 has not triggered the need for additional environmental analysis for limited continued operations, continued urbanization is likely to occur within the City of Fresno which could result in potential future compatibility concerns. As such, staff is supportive of a limited extension of operating time for a period not to exceed one year but cannot support continued operations for the four-year period requested by the operator.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Based on the above information, with adherence to the Conditions of Approval and limitation on the maximum extended operating period of one year with operations to cease on July 28, 2024 (unless UCUP 3763 to expand operations is approved), staff believes the proposal will not have an adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy HS-B.1: <i>The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property.</i></p>	<p>The project proposal was reviewed by the Fresno County Fire Protection District who determined all previous mitigation measures, conditions of approval and regulatory requirements shall apply.</p>
<p>General Plan Policies OS-C.3 and C.5: <i>Reclamation of surface mines shall be consistent with the State Surfaces Mining and Reclamation Act (SMARA) as well as Ordinance provisions.</i></p>	<p>The subject properties are inspected annually by the County for compliance with SMARA, the County's Ordinance, and project conditions. The County Water and Natural Resources Division has determined that the mining operation is being conducted in compliance with SMARA, the Ordinance, and conditions of approval.</p>
<p>General Plan Policy LU-C.2: <i>Within the San Joaquin River Corridor Overlay, the County shall accommodate agricultural activities with incidental homesites, recreational uses, sand and gravel extraction, and wildlife habitat and open space areas.</i></p>	<p>The continued operation for a limited time period supports this policy.</p>
<p>General Plan Policy LU-C.6: <i>The County may allow the extraction of rock, sand, and gravel resources along the San Joaquin River consistent with the</i></p>	<p>The proposed extension of operating time is consistent with this Minerals Resources section policies of the Open Space and Conservation Element.</p>

Relevant Policies:	Consistency/Considerations:
<i>Minerals Resources section policies of the Open Space and Conservation Element.</i>	
<p>Goal OS-C <i>To conserve areas identified as containing significant mineral deposits and oil and gas resources for potential future use, while promoting the reasonable, safe, and orderly operation of mining and extraction activities within areas designated for such use, where environmental, aesthetic, and adjacent land use compatibility impacts can be adequately mitigated</i></p>	<p>The limited extension of mining operations is supported by this policy while conserving the extraction of a significant mineral deposit. As recommend by staff in Finding No. 3, additional operating time under this extension should not exceed two years to address issues of adjacent land use compatibility.</p>

Reviewing Agency Comments:

No adverse or unique comments specific to General Plan Policy were expressed by reviewing Agencies or Departments. The Resources, and Water and Natural Resources Divisions of, the Public Works and Planning Department, Fresno County Department of Public Health, Environmental Health Division, and Fresno County Fire Protection District have all affirmed the proposed continuation of operations as being consistent with the listed applicable County General Plan Policies above.

Opposing Comments Regarding General Plan Consistency:

There were no comments in opposition to the project that were specific to consistency with the General Plan.

Finding 4 Analysis:

The subject property is designated Agriculture in the General Plan and is located within the *San Joaquin River Corridor Overlay*, adjacent to the San Joaquin River. Land uses in the general area include a mixture of agricultural, single-family residential, and resource conservation lands and mineral extraction including sand and gravel. The existing sand and gravel extraction operations are considered compatible uses in areas designated Agriculture in the San Joaquin River Corridor Overlay.

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 for compliance with SMARA, the County's Ordinance, and conditions imposed through the Conditional Use Permit and Site Plan Review. The Water and Natural Resources Division of the County's Department of Public Works and Planning states that the mining operation is being conducted in compliance with SMARA, County 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 demand for aggregate in the Fresno region for the next 50 years was estimated by the California Department of Conservation in 2018 to be 6.1 million tons per year. The aggregate resources on the San Joaquin River, which has been the primary source of construction materials for almost all construction in the Fresno region, are almost depleted. The applicant's request to continue extraction activities is consistent with the economic policies of the General Plan, which place emphasis on coordination of economic development resources and business retention. Economic Development Policy ED-A.9 states that the County shall participate in regional business retention and expansion programs.

The Mineral Resources Section of the Open Space/Conservation Element of the General Plan identifies sand and gravel as a valuable economic resource to the County and encourages the development of mineral resources when conflict with surrounding land use and the natural environment can be minimized. It further identifies the San Joaquin River bottom area, including the project site, as one of three principal locations for sand and gravel resource extraction. Among its objectives and policies are the conservation of the resource, protection of existing or potential resource sites from incompatible uses in the surrounding area; new operations should be located adjacent to existing or worked out mining operations; and the requirement for the rehabilitation and reuse of the mining site after recovery of the resource. The proposed time extension for operation of the existing project is consistent with the goals and policies.

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. Further, Policies LU-C.2, 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 for compliance with SMARA, the County's Ordinance, and conditions imposed through the Conditional Use Permit and Site Plan Review. The County Resources Division has indicated 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.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 can be made based on a limitation of one additional year of operating time. 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, and 3093 approved in 1960, 1984, 1987, 2003, and 2004 respectively.

Finding 5: **That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.**

Finding 5 Analysis:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

Finding 5 can be made based on staff's analysis and with staff's recommended continued operating period to July 28, 2024. The conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

SUMMARY ANALYSIS and CONCLUSION:

The three major considerations associated with the proposed request include:

1. Does this extension to the expiration of the permits require any additional Environmental studies beyond what was previously adopted for the project?

As discussed in the Environmental Analysis section the proposed unaltered extension of the existing operation does not present a significant material situation that warrants not using the previous adopted environmental documents for the project. There are comments from the public and the City of Fresno that disagree with this determination and would want the project reviewed on a much broader scope, as is being done for the associated Application that looks at an expanded use of the facilities. However, there does not appear to be substantial evidence to support the assertions and warrant new studies for the limited scope of this application.

2. Can the five findings required by the Zoning Ordinance to approve a CUP be made?

Based on the factors cited in the analysis, the required Findings for granting the Unclassified Conditional Use Permit can be made, subject to the recommended conditions of approval.

3. Should the extended operation period be the full requested four years?

A clear basis for the entire four years of extended operations requested in the application is not apparent, approval of a lesser term, of one additional year would appear to be adequate as that should provide ample time for the associated UCUP 3763 and EIR to be completed and considered by the Planning Commission and Board of Supervisors, if necessary.

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.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3755\Staff Report\CUP 3755 Staff Report.docx

EXHIBIT 1

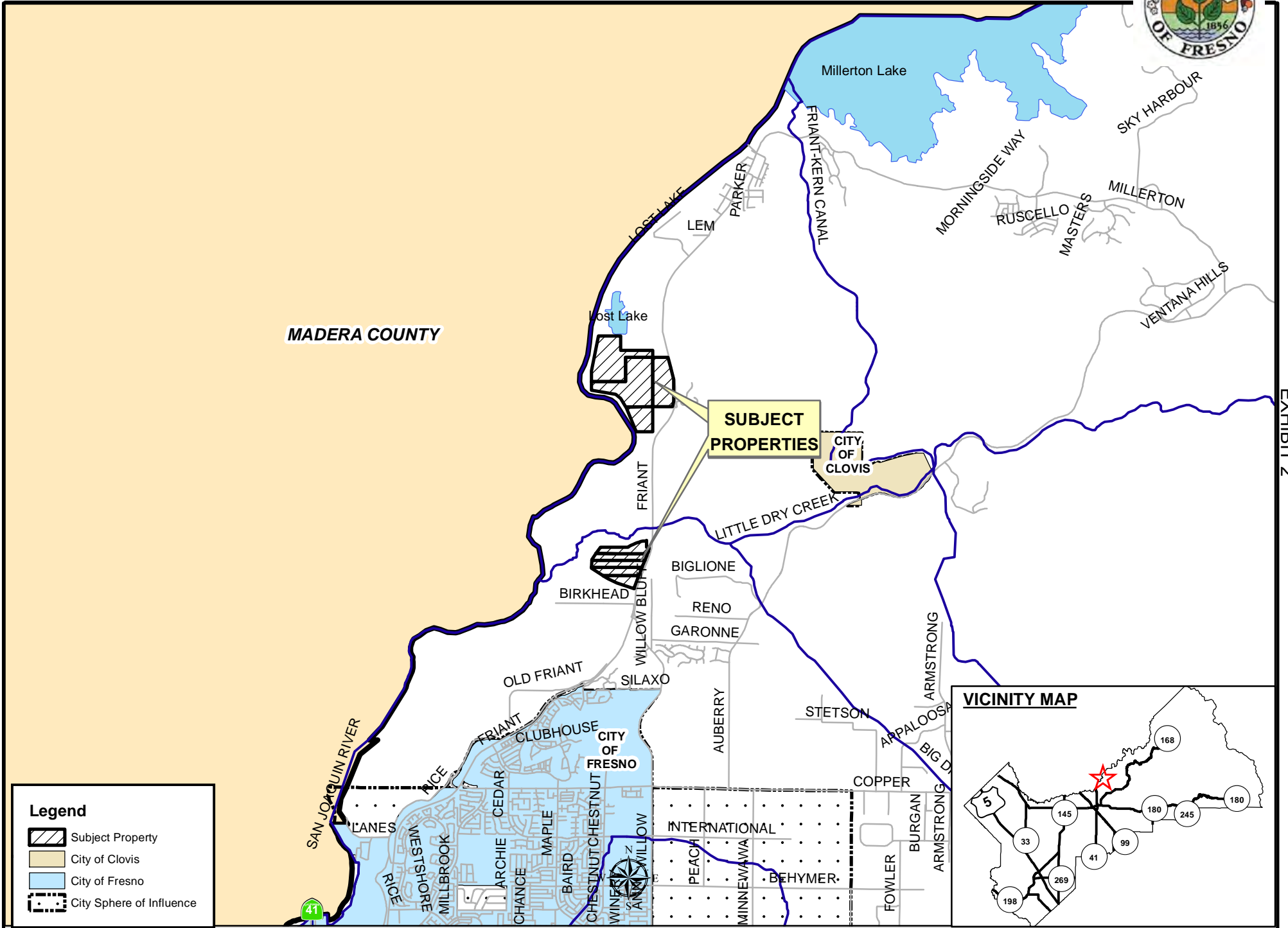
Unclassified Conditional Use Permit Application No. 3755-A & 3755-B

Conditions of Approval	
1.	The operation shall be in substantial accordance with the Site Plans, Elevations and Operational Statement as approved by the Commission.
2.	All conditions of Conditional Use Permit Nos. 367, 2032, 2209, 2235, 2241, 3063, and 3093 shall remain in full force and effect.
3.	The permits shall expire on July 28, 2025

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Grading import/stockpiling of material (e.g., sand and gravel) are prohibited within the flood zone as to not cause an impact to the determined area of flooding.

ER:jp
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3755\Staff Report\CUP 3755 Conditions of Approval.docx

EXHIBIT 2 LOCATION MAP







MADERA COUNTY

SUBJECT PROPERTIES

CITY OF CLOVIS

Legend

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

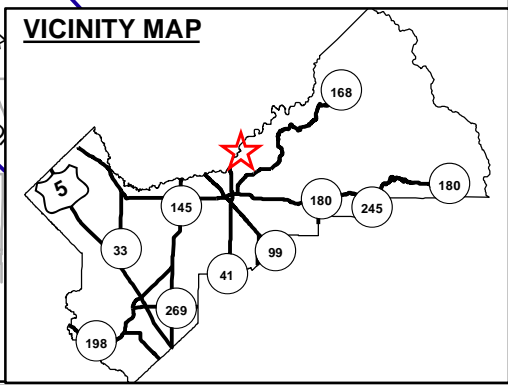
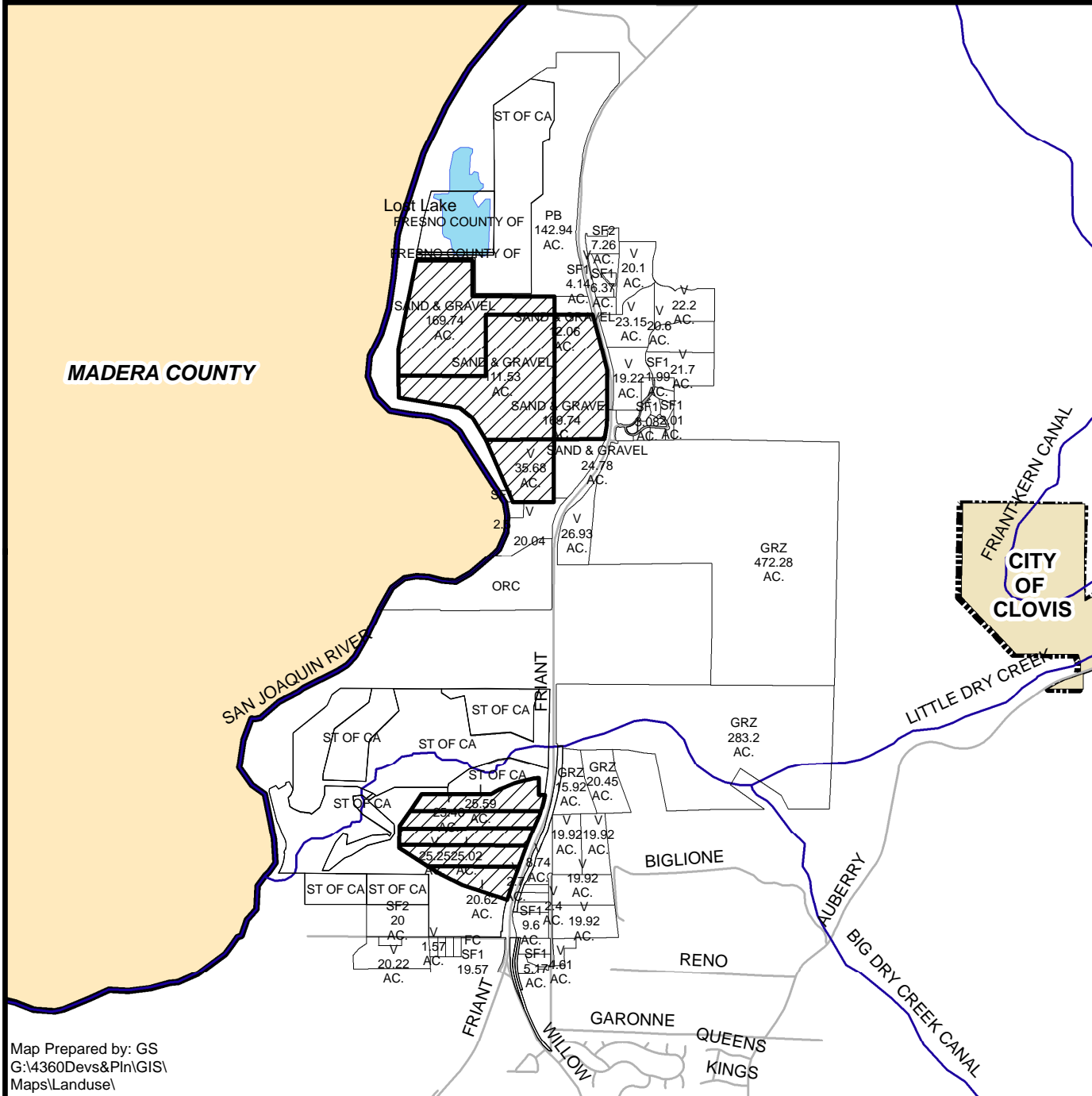


EXHIBIT 2

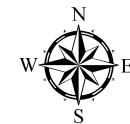
EXISTING LAND USE MAP



LEGEND	
FC	- FIELD CROP
GRZ	- GRAZING
I	- INDUSTRIAL
ORC	- ORCHARD
	PONDING BASIN
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

 Subject Property



0 800 1,600 3,200 4,800 6,400 Feet

Department of Public Works and Planning
Development Services Division

EXHIBIT 4 EXISTING ZONING MAP

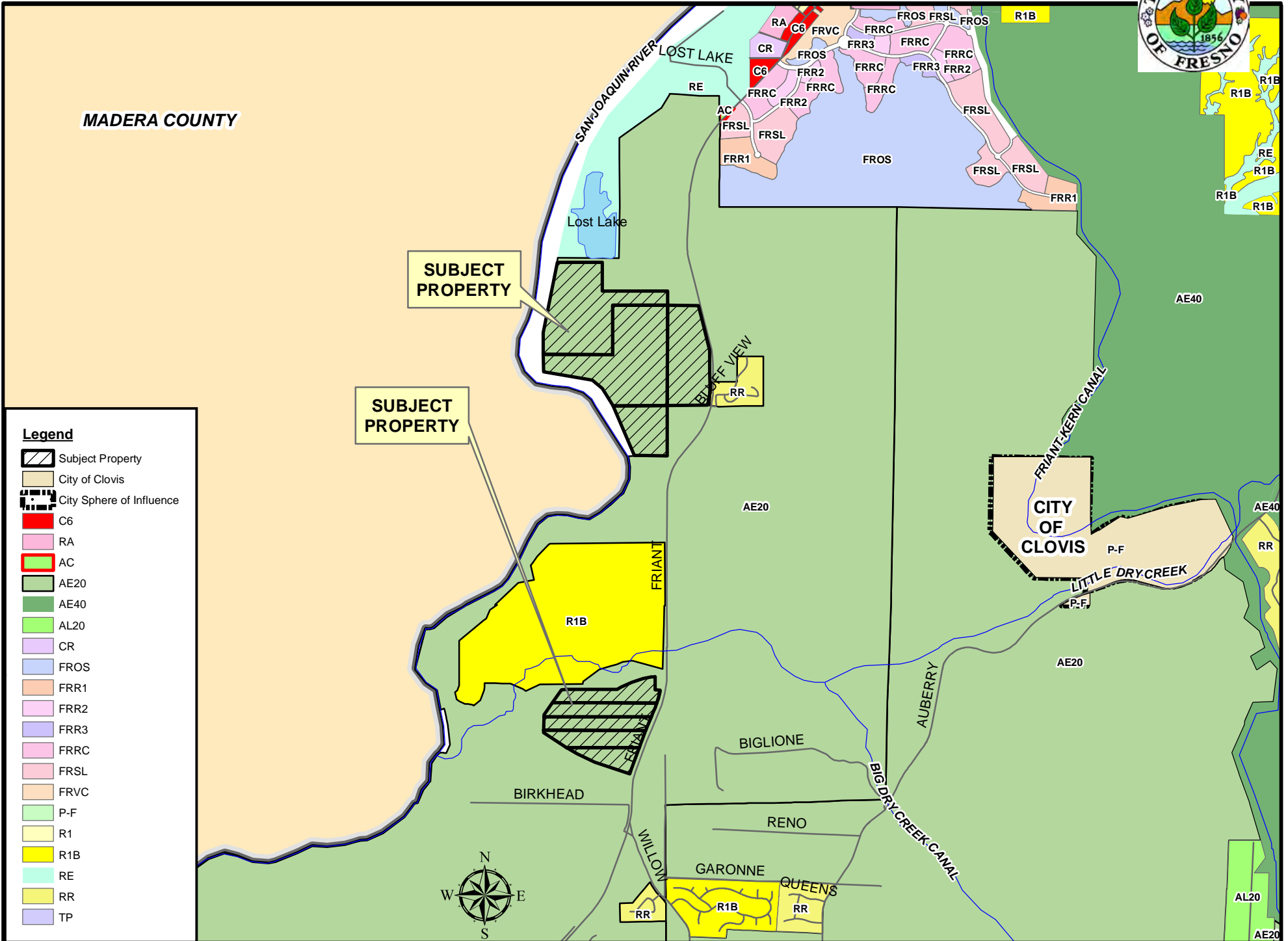


EXHIBIT 4

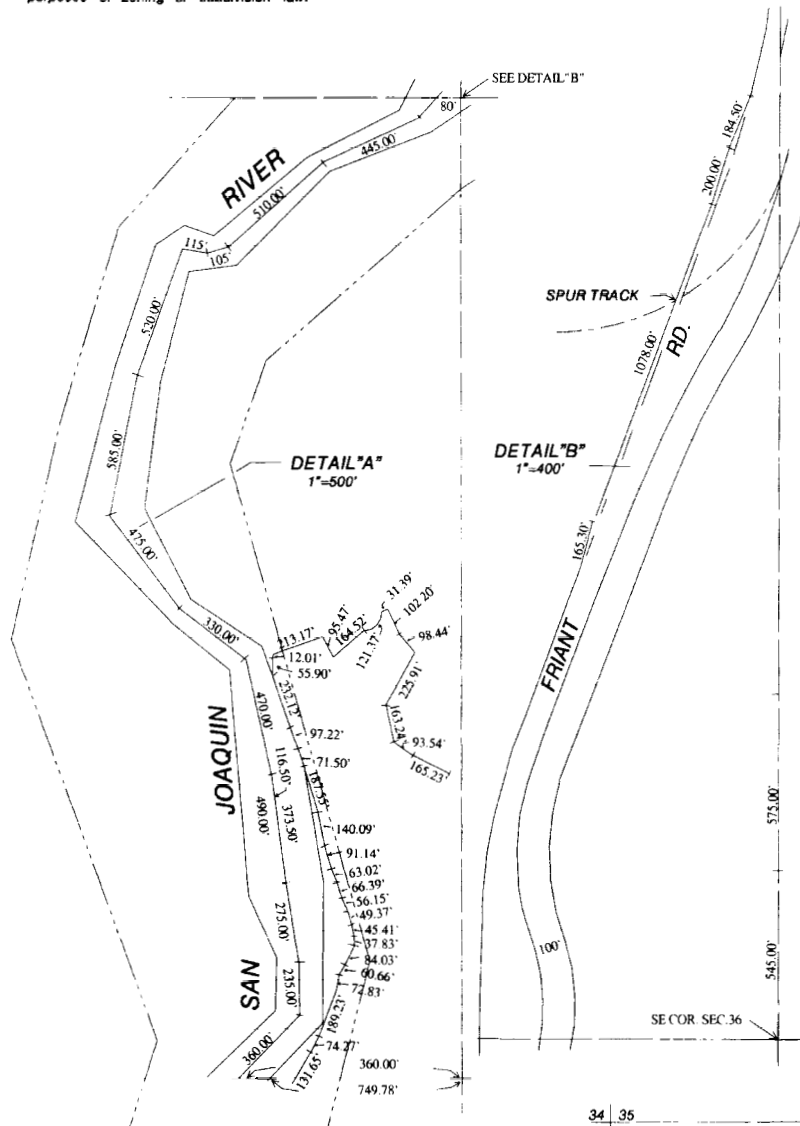
--- NOTE ---
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.

POR. SEC'S 35 & 36, T.11 S., R.20 E. AND POR. SEC. 31, T.11 S., R.21 E., M.D.B. & M.

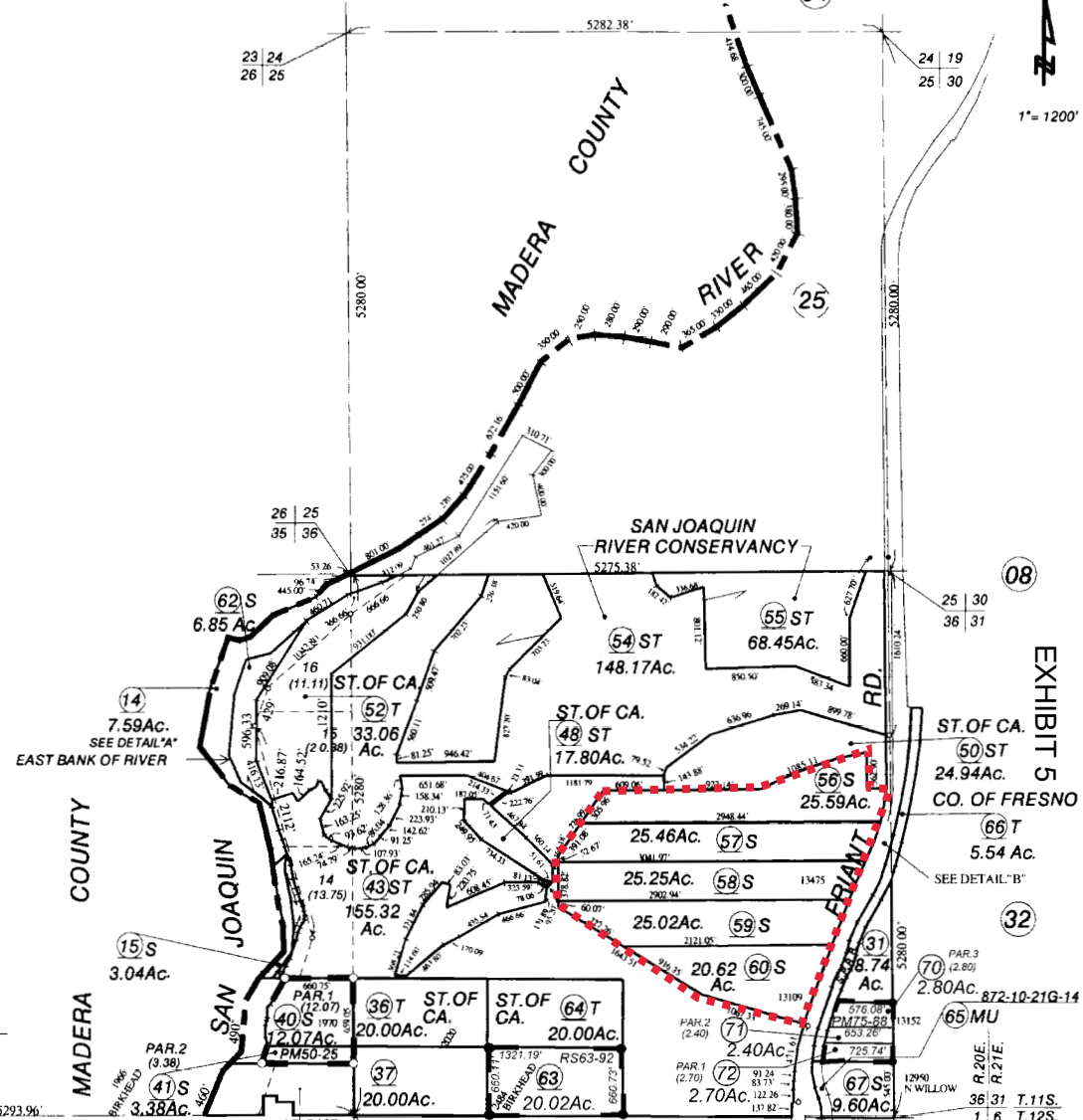
Tax Rate Area
 76-071

300-07

EXHIBIT 5



Agricultural Preserve
 Parcel Map No. 7340, Bk.75 - Pgs. 25&26
 Parcel Map No. 8198, Bk.75,- Pgs.88&89
 Record of Survey - Bk.63, Pg.92



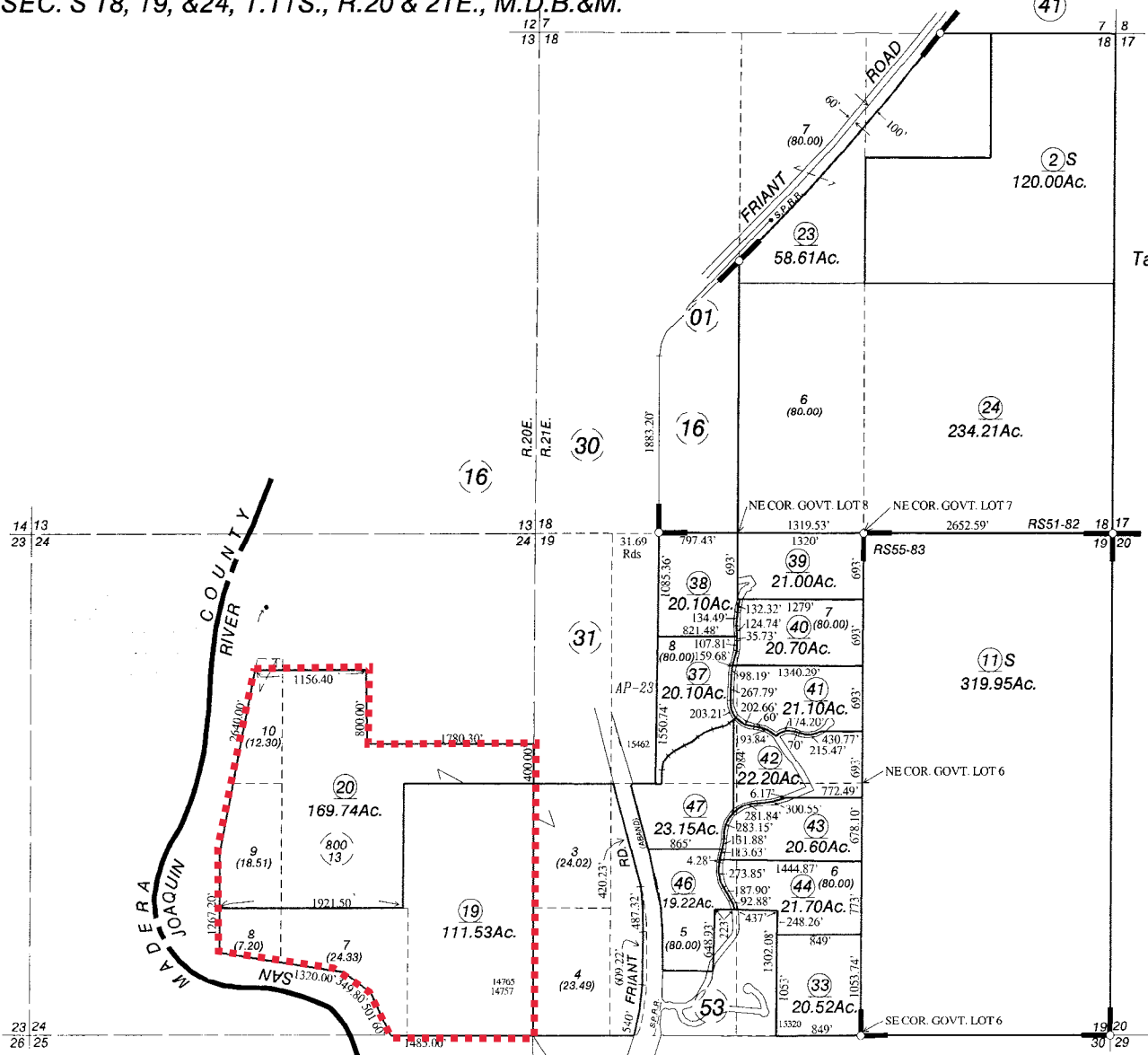
NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

Bk. 300 - Pg. 07
 Assessor's Map Bk. 300 - Pg. 07
 County of Fresno, Calif.

1" = 1200'

EXHIBIT 5

--- NOTE ---
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.



Tax Rate Area
 76-068
 76-086

Agricultural Preserve
 Record of Survey - Bk. 51, Pgs. 82-88
 Record of Survey - Bk. 55, Pgs. 83-90

Assessor's Map Bk. 300 - Pg. 04
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.



EXHIBIT 5 PAGE 2

-NOTE-

This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision. law.

SUBDIVIDED LAND & POR. SEC'S. 25, 26 & 30, T.11 S., R.20 & 21 E., M.D.B.& M.

Tax Rate Area 76 068

300-25

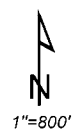
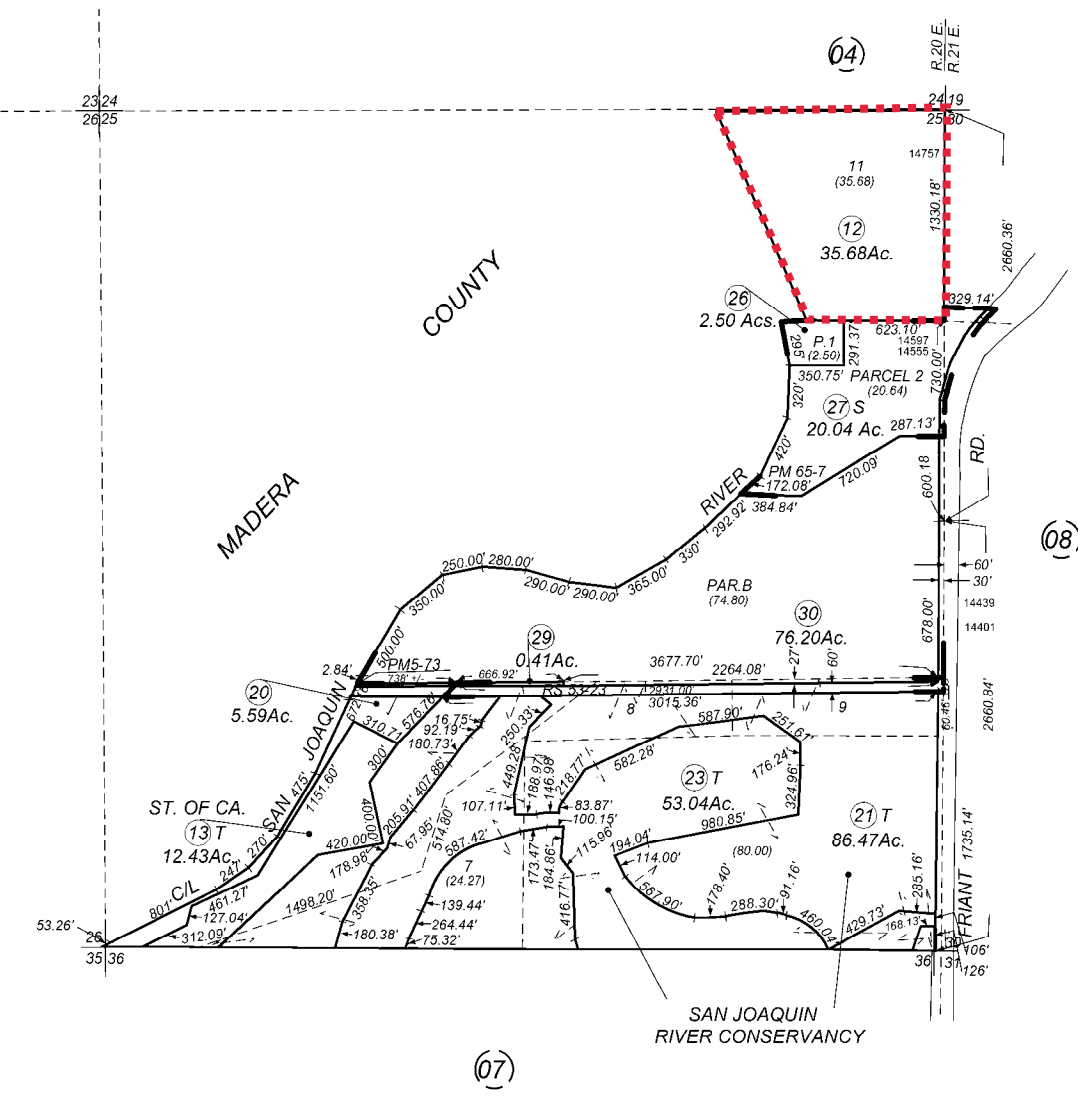


EXHIBIT 5 PAGE 4



Parcel Map No. 1175 - Bk.5, Pg.73
Parcel Map No. 7939 - Bk.65, Pgs.7-9
Record of Survey - Bk. 53, Pg. 23

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.300 - Pg.25
County of Fresno, Calif.

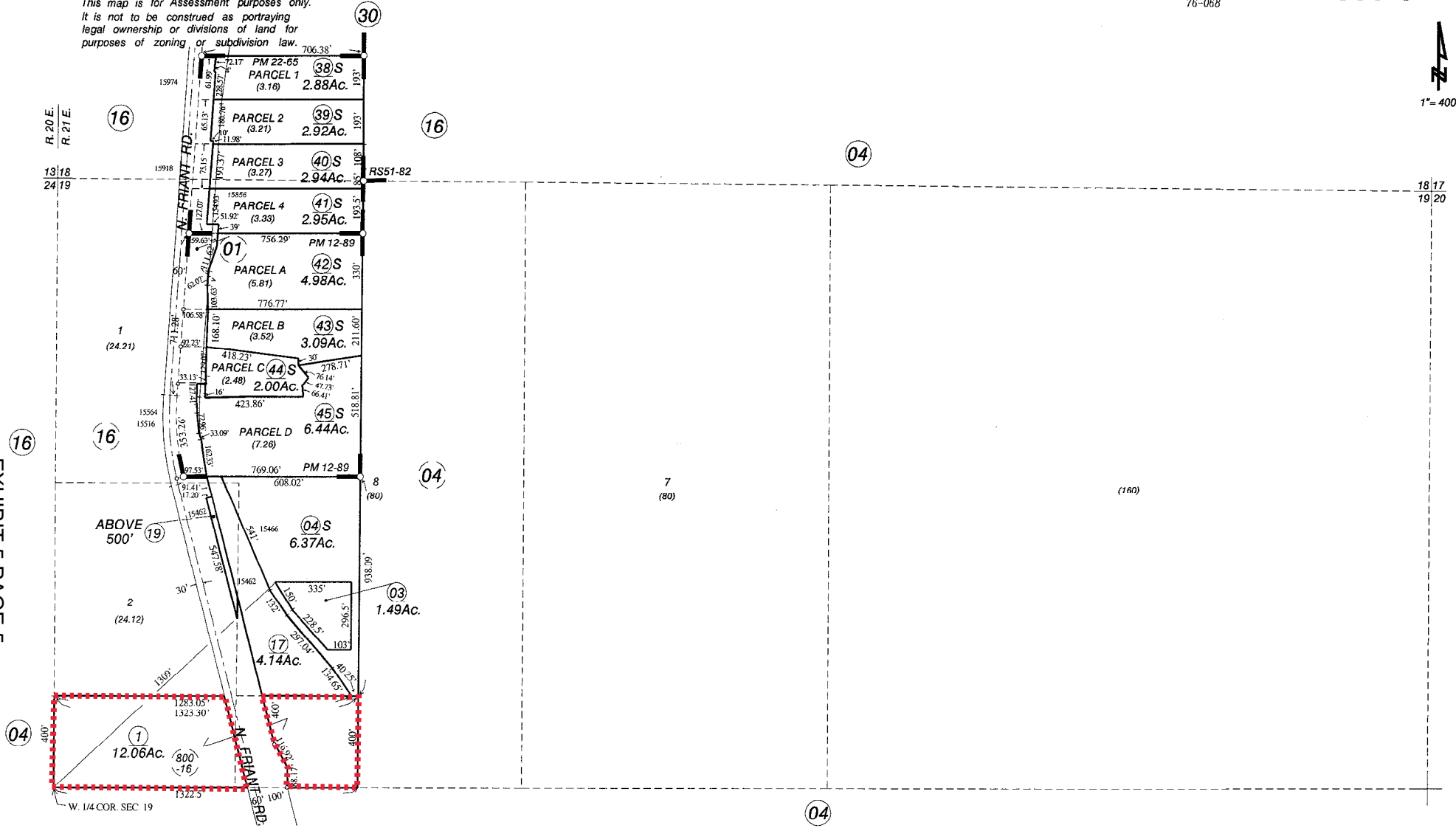
10/24/2017

--- NOTE ---

This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.



EXHIBIT 5 PAGE 5



Parcel Map No. 1877 - Bk. 12, Pg.89
Parcel Map No. 3049 - Bk. 22, Pg. 65
Record of Survey - Bk. 51, Pgs. 82-88

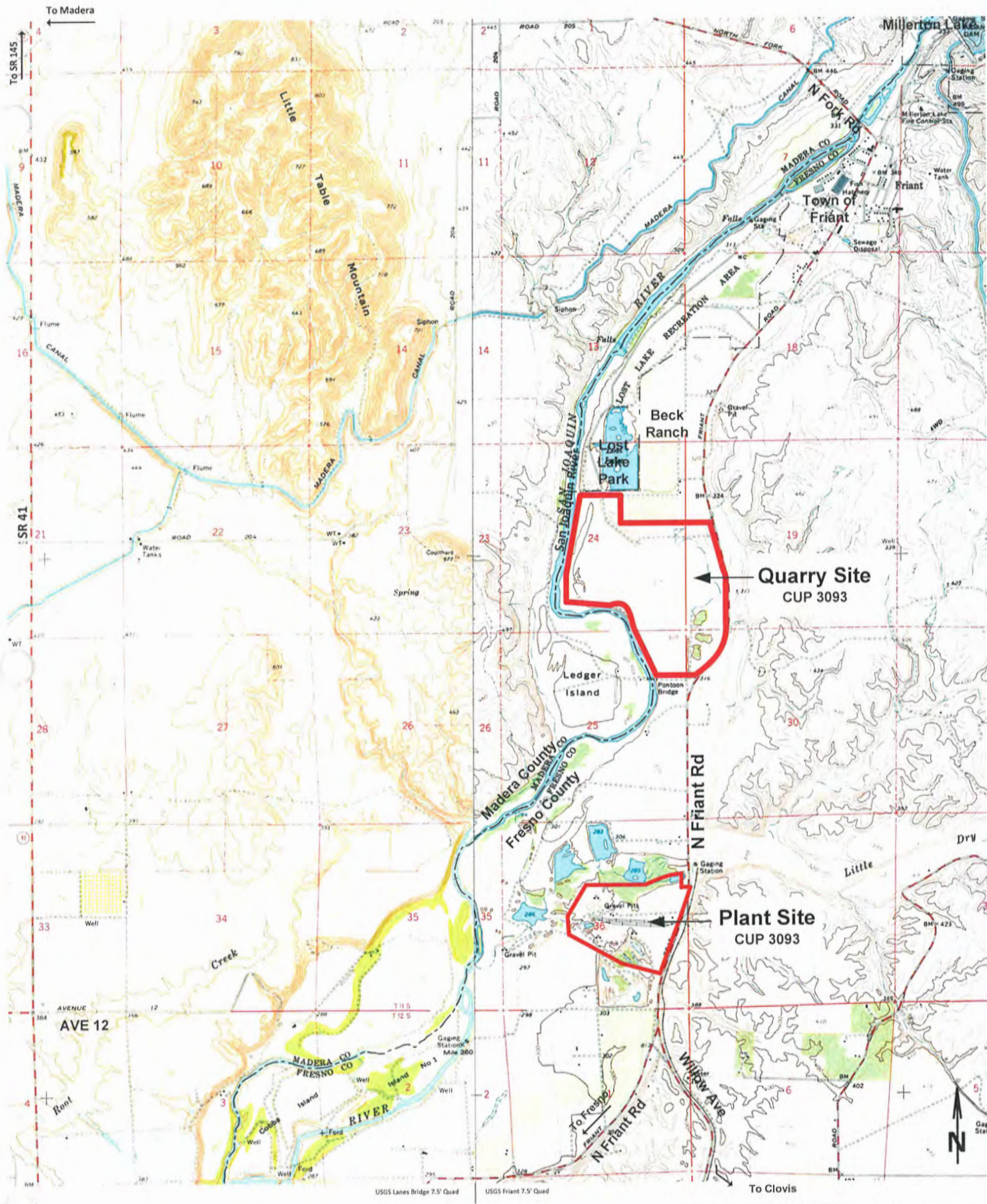
Assessor's Map Bk.300 - Pg. 31
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.



EXHIBIT 6

No.	Title
A	Location Map
B	Existing CUPs/Vicinity Land Use
C	PLANT SITE Existing Conditions
D	QUARRY SITE Existing Conditions
E	PLANT SITE – Existing Site Plan
F	QUARRY SITE – Existing Site Plan
G	Existing Conditions Photos



CEMEX Rockfield
CUP 3093 Time Limit Extension
 Friant Road, Fresno County
 Exhibit A
 Location Map



Google Aerial 4-21-21



Google Aerial 4-12-22

- Legend:
- Property Boundary
 - Paved Road
 - Unpaved Haul Road



0' 150' 300'
Approx. Scale 1" = 300'
Based on 24" x 36" Format

CEMEX Rockfield
CUP 3093 Time Limit Extension
Exhibit C
PLANT SITE
Existing Conditions Aerial Photo



Google Aerial 4-12-22

Legend:
 ——— Property Boundary
 = = = Paved Road



0' 300' 600'
 Approx. Scale 1" = 600',
 Based on 24" x 36" Format

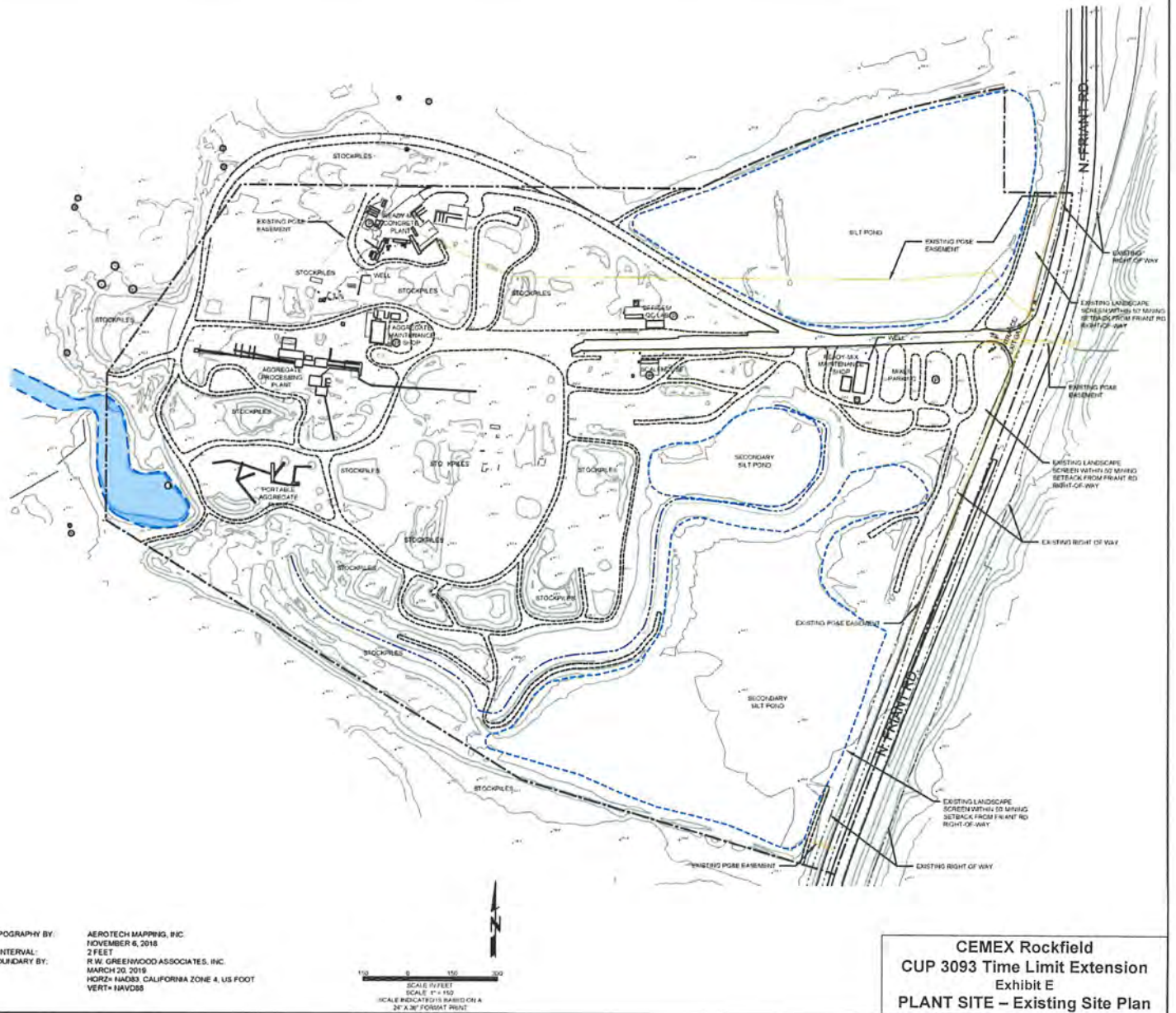
CEMEX Rockfield
 CUP 3093 Time Limit Extension
 Exhibit D
 QUARRY SITE
 Existing Conditions Aerial Photo

LEGEND

- — — — — PROPERTY BOUNDARY
- — — — — EXISTING CUP 3093
- — — — — EXISTING ACCESS ROADS
- — — — — EXISTING TOPOGRAPHY
- — — — — INGRESS/EGRESS
- — — — — EXISTING FENCE
- — — — — WASHWATER CONVEYANCE DITCH
- SEPTIC SYSTEM
- RIVER PUMP
- — — — — SALT POND FOOTPRINT (TYP.)
- — — — — SAN JOAQUIN RIVER DELIVERY DITCH
- — — — — EXISTING PACIFIC GAS & ELECTRIC (PG&E) EASEMENT
- — — — — EXISTING RIGHT OF WAY
- PARKING

NOTES

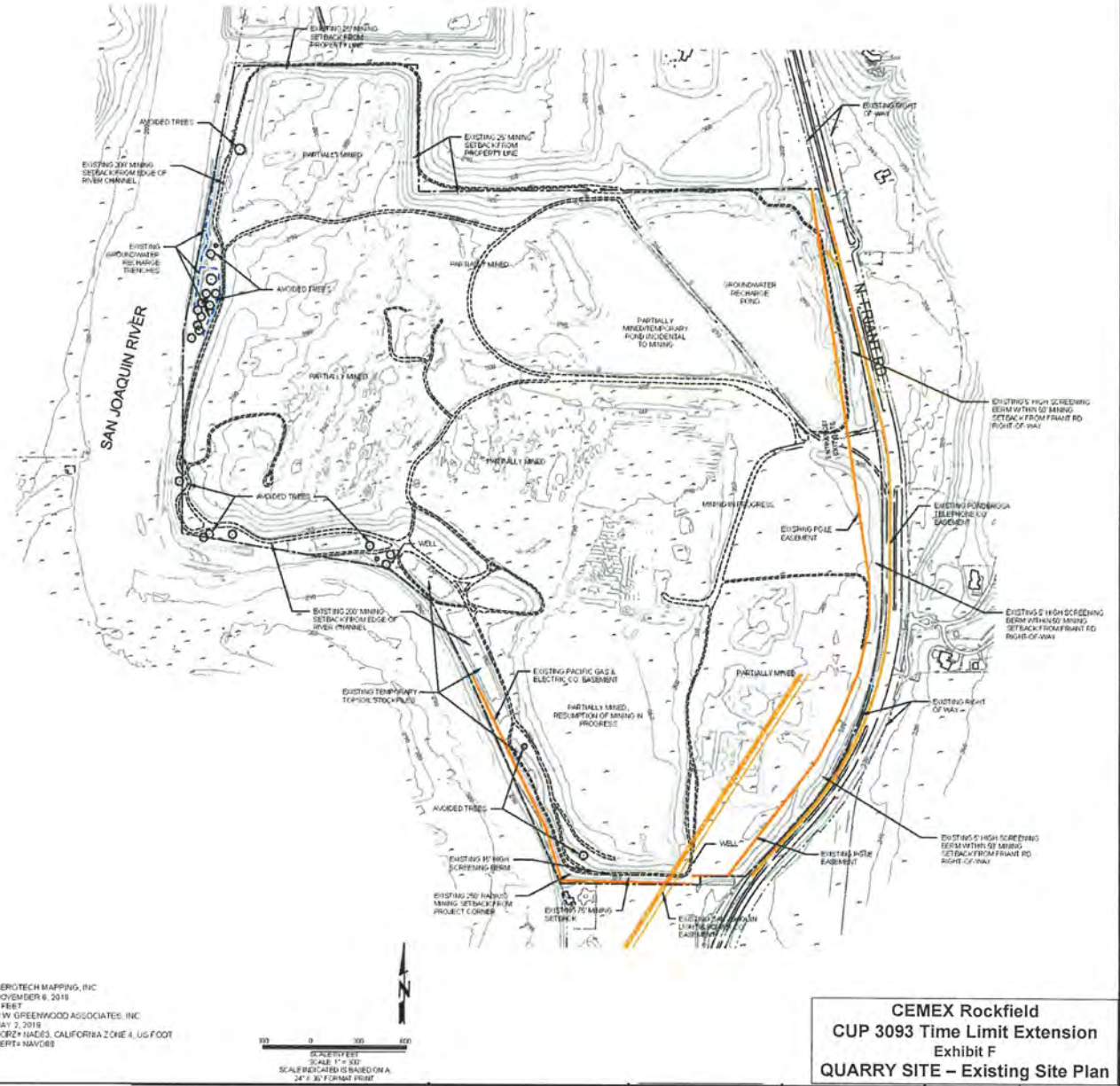
1. DISTURBED AREAS AS SHOWN OUTSIDE OF THE PROPERTY BOUNDARY WILL BE RECLAIMED IN ACCORDANCE WITH THE CUP 3093 AREA 8 RECLAMATION PLAN.



CEMEX Rockfield
CUP 3093 Time Limit Extension
 Exhibit E
PLANT SITE – Existing Site Plan

Source: Sesse Consulting 2019; Modified by Buada Associates in 2022

- LEGEND**
- PROPERTY BOUNDARY (352.4 ACRES)
 - EXISTING CUP 3093
 - EXISTING ACCESS ROADS
 - EXISTING TOPOGRAPHY
 - INGRESSEMENTS
 - GROUNDWATER RECHARGE TRENCHES
 - EXISTING EASEMENT (AS LABELED)
 - EXISTING RIGHT OF WAY
 - PRESERVED TREE



AERIAL TOPOGRAPHY BY: AEROTECH MAPPING, INC.
 NOVEMBER 6, 2018
 CONTOUR INTERVAL: 2 FEET
 SURVEY BOUNDARY BY: R.W. GREENWOOD ASSOCIATES, INC.
 MAY 2, 2018
 DATUM: NAD83, CALIFORNIA ZONE 4, US FOOT
 VERT: NAVD83

SCALE: 1" = 50'
 SCALE INDICATED IS BASED ON A
 24" x 36" FORMAT PRINT

Source: Geospe Consulting 2019; Modified by Buada Associates in 2022



Photo 1: Plant Site Entrance – View from Friant Road on the East



Photo 2: Plant Site Landscape Screen – View from Friant Road on the East



Photo 3: Plant Site – View from Willow Unit Ecological Reserve on the North



Photo 4: Plant Site – View from Willow Unit Ecological Reserve on the South



Photo 5: Plant Site – View from Willow Unit Ecological Reserve on the West



Photo 6: Wildlife Habitat Council Conservation Certification



Photo 7: Quarry Site _ Entrance & Screening Berm – View from Friant Road on the East



Photo 8: Quarry Site – View from Lost Lake County Park on the North



Photo 9: Quarry Site – View from South



Photo 10: Quarry Site – View from Madera Bluffs on the West



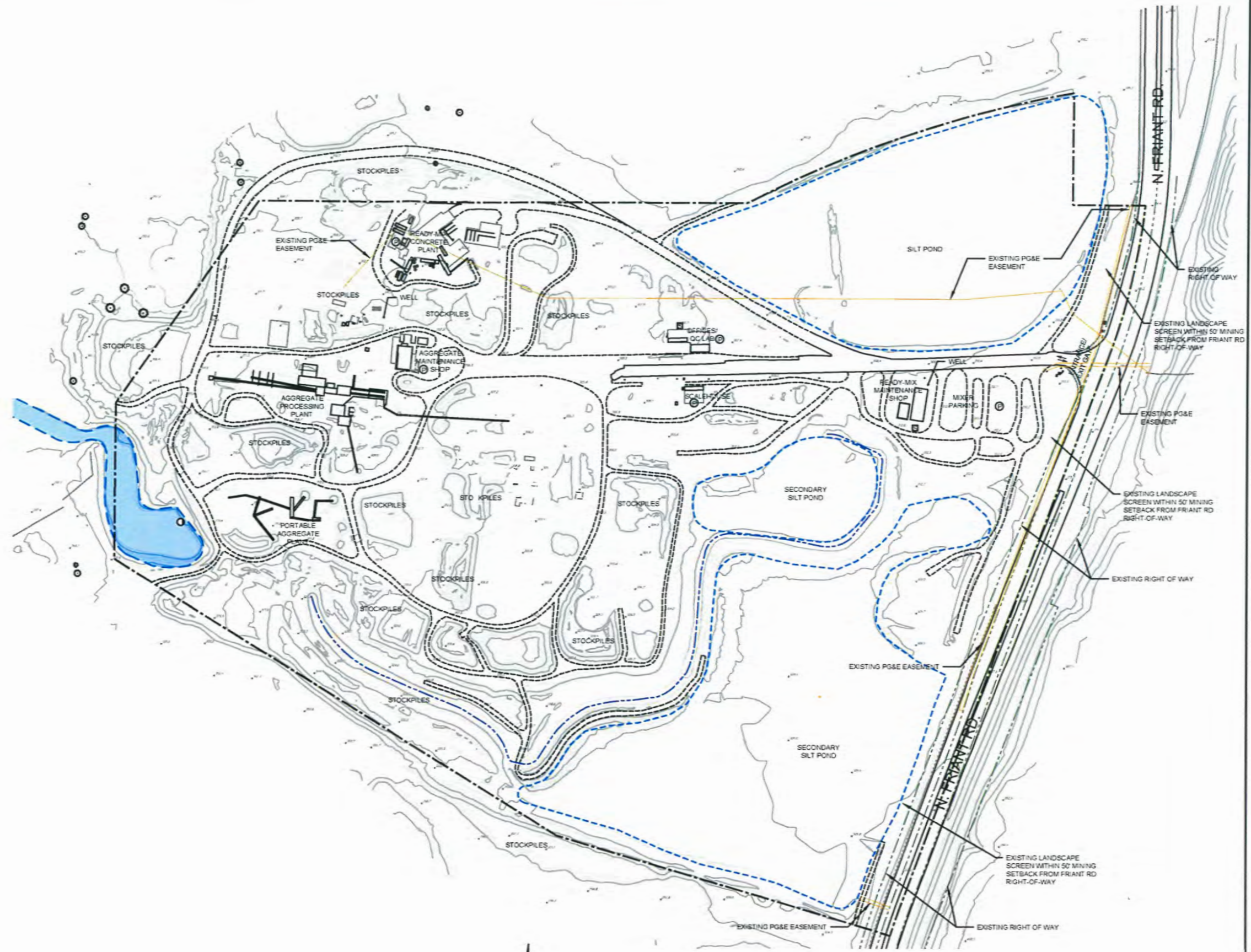
Photo 11: Quarry Site – View from San Joaquin River on the West

LEGEND

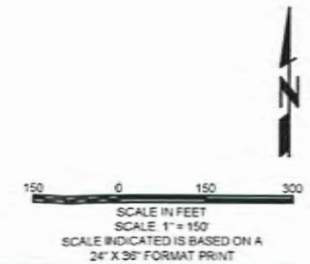
- PROPERTY BOUNDARY EXISTING CUP 3093
- ==== EXISTING ACCESS ROADS
- EXISTING TOPOGRAPHY
- == INGRESS/EGRESS
- EXISTING FENCE
- WASHWATER CONVEYANCE DITCH
- SEPTIC SYSTEM
- RIVER PUMP
- SILT POND FOOTPRINT (TYP.)
- SAN JOAQUIN RIVER DELIVERY DITCH
- EXISTING PACIFIC GAS & ELECTRIC (PG&E) EASEMENT
- EXISTING RIGHT OF WAY
- ⊙ PARKING

NOTES

1. DISTURBED AREAS AS SHOWN OUTSIDE OF THE PROPERTY BOUNDARY WILL BE RECLAIMED IN ACCORDANCE WITH THE CUP 367 'AREA B' RECLAMATION PLAN.



AERIAL TOPOGRAPHY BY: AEROTECH MAPPING, INC.
 CONTOUR INTERVAL: NOVEMBER 6, 2018
 SURVEY BOUNDARY BY: R.W. GREENWOOD ASSOCIATES, INC.
 DATUM: MARCH 20, 2019
 HORIZ= NAD83, CALIFORNIA ZONE 4, US FOOT
 VERT= NAVD88



CEMEX Rockfield
CUP 3093 Time Limit Extension
Exhibit E
PLANT SITE – Existing Site Plan

Source: Sespe Consulting 2019; Modified by Buada Associates in 2022

LEGEND

-  PROPERTY BOUNDARY (352.4 ACRES)
EXISTING CUP 3093
-  EXISTING ACCESS ROADS
-  EXISTING TOPOGRAPHY
-  INGRESS/EGRESS
-  GROUNDWATER RECHARGE TRENCHES
-  EXISTING EASEMENT (AS LABELED)
-  EXISTING RIGHT OF WAY
-  PRESERVED TREE



AERIAL TOPOGRAPHY BY: AEROTECH MAPPING, INC.
NOVEMBER 6, 2018
CONTOUR INTERVAL: 2 FEET
SURVEY BOUNDARY BY: R.W. GREENWOOD ASSOCIATES, INC.
MAY 2, 2019
DATUM: HORIZ= NAD83, CALIFORNIA ZONE 4, US FOOT
VERT= NAVD88



CEMEX Rockfield
CUP 3093 Time Limit Extension
Exhibit F
QUARRY SITE – Existing Site Plan

**PROJECT DESCRIPTION/OPERATIONAL STATEMENT
CEMEX ROCKFIELD CUP 3093 TIME LIMIT EXTENSION**

This Project Description/Operational Statement has been prepared for the CEMEX Rockfield CUP 3093 Time Limit Extension in response to the questions posed in the Fresno County Operational Statement Checklist.

Applicant/Operator:

Pete LoCastro, Area Operations Manager
CEMEX Construction Materials Pacific, LLC
- Rockfield Quarry
13475 N Friant Road
Fresno, Ca 93636
559-287-7912
pete.locastro@cemex.com

Representative:

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

Site Addresses: 13475 (Plant Site) & 14765 (Quarry Site) North Friant Road, Fresno, CA 93636

1. Purpose and Scope

CEMEX Construction Materials Pacific, LLC (CEMEX) operates the 109-year Rockfield Quarry (CA Mine ID #91-10-0014) under Conditional Use Permit (CUP) 3093 and other related permits. CEMEX proposes to extend CUP 3093 until July 28, 2027 (an additional four years) due to delays in preparing the environmental impact report (“EIR”) for CEMEX’s proposed Rockfield Modification Project.

Three years ago, CEMEX submitted CUP Applications No. 3666 and No. 3667 on December 6, 2019 for the Rockfield Modification Project to allow modification of their existing aggregate mining and processing operations. However, the County will not complete an environmental impact report for the Rockfield Modification Project before CUP 3093 expires.

CUP 3093 (and related permits, see background below) will expire on July 28, 2023. CEMEX has the right to operate past this expiration date until final action is completed on the Rockfield Modification Project application and EIR. CEMEX seeks to confirm this right by submitting an application that is separate from the Rockfield Modification Project. This separate application (the Project) proposes to only extend operations for an additional four years, which represents an approximately 5 percent increase in the mine’s 109-year life. All other aspects of existing operations will remain the same during the four-year extension period.

No changes are being proposed to the mine and reclamation plan and there will be no expansion of use beyond that currently existing. The conditions of approval (COA) for CUP 3093 (and related permits) will continue in effect for this Project. The project involves ongoing operations or a continuation of past activity, the established levels of a particular use and the physical impacts thereof are considered to be part of the existing environmental baseline. The same environmental impacts for the Project would occur as compared to existing operations, i.e. the CEQA baseline.

The Rockfield Quarry mining and processing operations are located on two properties between North Friant Road and the San Joaquin River in Fresno County; the Plant Site and the Quarry Site as described below (Exhibit A *Location Map*, Exhibit B *Existing CUPS/Vicinity Land Use*):

- Plant Site: CEMEX’s current Plant Site operations are located on approx. 122 acres owned by CEMEX Construction Materials Pacific, LLC (APNs 300-070-56S, 57S, 58S, 59S, & 60S), approx.

1.5 miles north of the City of Fresno and approx. 0.7 mile north of the intersection of N Willow Avenue and N Friant Road (including portions of Section 36 of T11N/R21E MDB&M).

- **Quarry Site:** CEMEX's current Quarry Site is located on approx. 354 acres on the west side of N. Friant Road owned by RMC Pacific Materials, LLC, a wholly-owned subsidiary of CEMEX (APNs 300-040-19 & 20, 300-080-01S, 300-250-12 & portion of 300-310-01) approx. 1.1 miles north of CEMEX's current Plant Site and approx. 1.5 miles south of the town of Friant (including portions of Sections 24 and 25 of T11N/R20E MDB&M and Sections 19 and 30 of T11N/R21E MDB&M).

Background

Mining first occurred at the Quarry Site in 1913 through the 1920's. Aggregate mining resumed in the 1980's. Mining and processing operations have been located on the Plant Site since 1924. Together mining and processing operations have been continuous at the two sites for 109 years (1913-2022). (Exhibit C PLANT SITE Existing Conditions Aerial Photo, Exhibit D QUARRY SITE Existing Conditions Aerial Photo)

CEMEX's current Plant Site operates under several Conditional Use Permits (CUPs) 367, 3063, 2032, 2209, and 3093. The CUPs allow aggregate mining of the alluvial deposit; plant operations including an aggregate processing plant, a ready-mix concrete plant, a hot-mix asphalt plant and related supportive facilities; and the processing of raw aggregate mined from CEMEX's current Quarry Site. A portable plant is brought in periodically to recycle come-back concrete (unused concrete in mixer truck upon return to plant) into crushed miscellaneous base (CMB). Aggregate from the alluvial deposit has been partially mined from portions of the Plant Site. The entire Plant Site is disturbed by historical and current mining and processing operations with the exception of required setbacks from Friant Road (Exhibit E PLANT SITE – Site Plan).

At the Quarry Site, aggregate mining of the alluvial deposit has been permitted by Fresno County since 1960 under CUP 367. There has been active mining at the Quarry Site since the 1980's under several CUPs (367, 2032, 3063, and 3093). Since there are no plant operations permitted at the Quarry Site, the CUPs allow the interplant haul of approximately 1.4 million tons per year (MT/yr) of raw aggregate via Friant Road approximately 1.1 miles south to the Plant Site for processing. Most of the Quarry Site has been partially mined and is entirely disturbed by the current and historical mining operations with the exception of required setbacks from the San Joaquin River and Friant Road (Exhibit F QUARRY SITE – Site Plan).

2. Operational Time Limits

The permitted hours of operation under the existing CUPs are shown on Table 1.

Table 1
Existing Permitted Hours of Operations

Activity	Typical Hours and Days
Plant Site	
Excavation (CUP 2209)	6:00 a.m. to 6:00 p.m., Monday through Friday
Asphalt Batch Plant (CUP 2209)	6:00 a.m. to 6:00 p.m., Monday through Friday
Concrete Batch Plant (CUP 2209)	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)
In the event of any emergency as determined by a governmental body or agency, excavation and processing may proceed as needed notwithstanding the aforesaid. (CUP 367 Area B, CUP 2209)	
Quarry Site	
Excavation (CUP 367 Area A; CUP 2032)	7:00 a.m. to 6:00 p.m., Monday through Friday
Routine maintenance of excavation equipment (CUP 367 Area A; CUP 2032)	7:00 a.m. to 8:00 p.m., Monday through Sunday

No changes to the existing permitted operational hours are proposed.

3. Number of Customers or Visitors

The existing CUPs permit an interplant haul of up to 225 truckloads per day (or 450 truck trips per day) of raw mined aggregate weekdays via the approx. 1.1-mile route on Friant Road between the Quarry Site and the Plant Site. The aggregate plant currently mines up to 1.4 MT of aggregate per year to produce construction material products for the Fresno Region.

The existing vehicle trips (one-way trips) are shown on Table 2.

Table 2
Existing Trip¹ Generation

Description	Employees	Interplant Truck Haul	All Other Trucks	Total Annual Average Daily Truck Trips
Existing	110	450	240	690

¹ One-way trips

No changes to the existing number of customers or visitors are proposed.

4. Number of Employees

There are currently 55, full-time employees at the Rockfield facility. In addition, there are 22 employees at CEMEX's concrete plant in South Fresno, which is supplied with aggregate products produced at the Plant Site, and 15 employees at CEMEX's administrative office in Fresno.

No changes to the existing number employees are proposed.

5. Service and Delivery Vehicles

See Section 3, Table 2.

No changes to the existing number of service and delivery vehicle are proposed.

6. Access to Site

Access to the Plant Site and Quarry Site is from Friant Road designated in the Fresno County General Plan as an expressway (Exhibits E & F). Friant Road is a four-lane divided road with a speed limit of 65 mile per hour (mph) in the vicinity of the Plant Site and the Quarry Site. There are existing southbound acceleration lanes and northbound left-hand turn pockets, as required by the current CUPs, adequate to handle truck traffic at both the Plant Site and Quarry Site access roads respectively, with appropriate traffic warning signs.

No changes are proposed for access to both sites.

7. Parking

At the Plant Site, on-site parking exists for employees, customers, service/delivery vehicles and concrete mixers (Exhibit E).

No on-site parking exists at the Quarry Site (Exhibit F).

No changes to the existing parking are proposed.

8. Goods Sold On-Site or Produced On-Site

As discussed in Section 1, up to 1.4 MT/yr of mined aggregate is mined from the Quarry Site and trucked to the Plant Site for processing via an interplant haul on Friant Road.

At the Plant Site, processing of up to 1.4 MT/yr of mined aggregate from the Quarry Site is allowed under the existing CUPs. Annual sales of ready-mix concrete have been up to 189,500 cubic yards. Annual sales of asphalt have been up to 230,800 tons. Annual sales of CMB have been up to 25,000 tons.

At the Quarry Site, up to 1.4 million tons MT/y of aggregate is allowed to be mined under the existing CUPs.

No changes to the existing volume of aggregate mined or material processed are proposed.

9. Equipment

At the Plant Site, existing equipment and supporting facilities for the existing aggregate plant includes equipment such as: front-end loaders; water truck; conveyors; screens; screening towers; crushers, washers; sand cyclones; sand screws; sand/aggregate truck loadout bins; pollution control equipment; dewatering equipment and tanks; recycle water pumps; computer control tower; a maintenance shop; quality control lab; fuel tanks; and other accessory equipment and buildings.

Existing equipment and supporting facilities for the ready-mix concrete plant includes equipment such as: front-end loaders; concrete mixer trucks; ground aggregate storage bins; conveyors; batch plant; cement silos; pollution control equipment; storage buildings; mixer truck maintenance shop; batch office; and other accessory equipment.

Equipment for the diesel powered, portable recycle plant used periodically includes equipment such as: front-end loaders, crushers, screens and conveyors

Aggregate products produced at the site are hauled off-site by trucking firms. CEMEX concrete mixer trucks, haul ready-mix concrete. In addition, other concrete companies purchase ready-mix concrete and transport it in their own trucks. Trucking firms import cement, fuel and construction materials needed to supply the ready-mix concrete plant.

At the Quarry Site there is currently no processing equipment and there are no buildings.

No changes to the existing equipment are proposed.

10. Supplies or Materials Used or Stored

At the Plant Site construction aggregates produced by the aggregate processing plant are stockpiled on-site. Cement and additives for use in producing ready-mix concrete are delivered and stored in cement silos and containers respectively at the concrete plant. Diesel fuel for use by mobile equipment is delivered and stored in a tank in containment. Gasoline for use by the plant pickup trucks is delivered and stored in a tank in containment. Products needed to service the mobile equipment such as gear and lube oil, transmission fluid and various other products are delivered and stored at or near the maintenance shops. Wastes from the facility are stored in designated containers adjacent to the shop in the containment area and/or within the shops are recycled or disposed of in accordance with local, state and federal safety regulations. All materials are stored in accordance with a Hazardous Materials Business Plan (Haz Mat Plan) and a Spill Prevention Control and Countermeasure Plan (SPCC).

At the Quarry Site, there is currently no processing equipment and no materials are stored on-site.

No changes to the existing supplies or materials stored are proposed.

11. Appearance, Noise, Glare, Dust or Odor

At the Plant Site, in accordance with the current CUP conditions, there is an existing landscaped screen along the Friant Road frontage (Exhibit G). The landscaped screen will remain for the Project.

At the Quarry Site, in accordance with the current CUP conditions, there is an existing, minimum five (5) foot high screening berm along the Friant Road frontage (Exhibit G) and an existing minimum fifteen (15) foot high screening berm along the south property line extending from the southwest corner of the site to approx. 475 feet from the Friant Road right-of-way.

At the Plant Site, as described in Section 2, operations occur primarily during daylight hours. There is existing outdoor lighting required to provide a safe operating environment during the time of year when daylight hours are shorter or for any nighttime operations. There are existing safety alarms on the moving equipment such as conveyors on the plants. All mobile equipment is equipped with backup alarms.

At the Quarry Site, as described in Section 2 above, operations occur primarily during daylight hours. There is no lighting currently on-site. All mobile equipment is equipped with backup alarms.

At the Plant Site, the aggregate plant and ready-mix plant have current Permits to Operate (PTO) from SJVAPCD. The portable recycle plant brought in periodically to recycle concrete operates under a portable PTO.

The facility complies with the SJVAPCD Regulation VIII, "Fugitive PM10 Prohibition". A water truck is used to control dust on the facility's unpaved and paved roads. A street sweeper is used to control dust and track out at the plant entrance.

At the Quarry Site, the operation complies with the SJVAPCD Regulation VIII. A water truck is used to control dust on the facility's unpaved and paved roads. A street sweeper is used to control dust and track out at the quarry entrance.

CEMEX's Area Manager, Pete LoCastro, has worked at the Rockfield Site since 1997. He does not recall receiving any odor complaints from the SJVAPCD.

No changes to the existing appearance, noise glare, dust or odor are proposed.

12. Solid or Liquid Wastes

At the Plant Site, domestic sewage is handled by conventional septic systems and serviced as necessary by commercial septic services. Solid waste, e.g., parts packaging, paper, etc., is deposited in dumpsters for pickup and disposal by Ponderosa Solid Waste company.

At the Quarry Site, there are currently no septic systems. Domestic sewage is disposed of by portable toilets and serviced regularly by a commercial portable toilet service. No solid waste is currently generated and there is no solid waste pickup.

No changes to the existing volume or handling of solid or liquid wastes are proposed.

13. Estimated Volume of Water Used

At the Plant Site the San Joaquin River is located approx. 0.6 miles to the west. CEMEX has water rights to use river water for industrial purposes in connection with the processing of rock, sand and gravel. Water is diverted from the river to the Plant Site via a delivery ditch and the water then is used to wash the aggregate. After processing and cleaning the aggregate, water with fines washed from the aggregate is sent to the silt ponds where the silts and fines are settled out. Water from the silt ponds is then recycled back to the plant as process water and water from the river water ditch is added as necessary. The water trucks also use water recycled from the silt ponds to control dust on the haul roads at the Plant Site. In addition, the silt ponds serve as a source of recharge to the groundwater. The existing consumptive use of river water is an estimated 295 acre-feet per year (af/y). CEMEX operates its silt ponds in accordance with Order No. 90-083 Waste Discharge Requirements (WDR) from the Regional Water Quality Control Board (RWQCB).

There are two (2) groundwater wells at the Plant Site. In addition, four (4) groundwater monitoring wells have been installed on the perimeter of the property. Groundwater levels range from 10-30 feet below ground surface (bgs). Approx. 35-af/y (rounded) of groundwater from on-site wells is consumed by the ready-mix concrete operations (35-af/y) and for domestic use (1-af/y), i.e., toilets, washing hands, etc. Bottled water is the drinking water source. The Department of Water Resources Control Board, Division of Drinking Water has determined a non-transient, non-community water system permit is not required.

At the Quarry Site, the San Joaquin River is located along the west side of the site. No surface water from the river is used at the site. Drinking water is not available on-site. There are two (2) groundwater wells on site. Both are inactive. In addition, fourteen (14) groundwater monitoring wells have been installed around the property. Groundwater levels range from 15-40 feet bgs.

Groundwater and surface runoff from rainfall accumulates in ponded pits created from historic and current mining and is pumped out to accommodate mining operations. Water is used by water trucks for dust control and is pumped to the existing groundwater recharge pond in the northeast corner of the site or is pumped to existing groundwater recharge trenches along the western boundary of the site. Existing total consumptive use is estimated to be 440 af/y.

No changes to the existing volume of water used are proposed.

14. Advertising

Existing company identification signs are located at the entrance roads to both the Plant Site and the Quarry Site in accordance with County signage regulations.

No changes to the existing company identification signs are proposed.

15. Existing or New Buildings

See Section 9 above.

No changes to the existing buildings or addition of new buildings are proposed.

16. Buildings or Portion of Buildings Used in the Operation

See Section 9 above.

No changes to the existing use of the existing buildings or portions of buildings are proposed.

17. Outdoor Lighting or Outdoor Sound Amplification System

See Section 11 above.

No changes to the existing outdoor lighting or sound systems are proposed.

18. Landscaping or Fencing

At the Plant Site, in accordance with the current CUP conditions there is an existing landscaped screen along the Friant Road frontage (Exhibit G). The landscaped screen will remain for the Project.

At the Quarry Site, in accordance with the current CUP conditions, there is an existing, minimum five (5) foot high screening berm along the Friant Road frontage (Exhibit G) and an existing minimum fifteen (15) foot high screening berm along the south property line extending from the southwest corner of the site to approx. 475 feet from the Friant Road right-of-way.

At the Plant Site, the perimeter of the property along Friant Road is fenced with four (4) foot high, barbed wire ranch fencing.

At the Quarry Site, the perimeter of the property along Friant Road, the southern property line and the west property line is fenced with four (4) foot high, barbed wire ranch fencing. The north property line between Lost Lake Park and the Quarry Site is fenced with six (6) foot high chain-link fencing.

No changes to the existing landscaping or fencing are proposed.

PLANNING COMMISSION OF THE COUNTY OF FRESNO

APPLICATION FOR CONDITIONAL USE PERMIT

I, Pacific Cement & Aggregates, Inc., the owner or lessee of the property described below, hereby request a permit for the following: _____

Excavating and processing of Sand, Gravel and Crushed Gravel including - washing - screening and grading facilities, ~~and~~ batching plant, and appurtenant facilities.

The zoning regulation under which this permit is sought is Section 853-B-4 of the Fresno County Ordinance Code. The property is zoned A-1 District.

THE PROPERTY INVOLVED IN THIS APPLICATION is situated at Southern Pacific R.R., Rockfield Station, located between Pinedale and Friant. The legal description is: See attached sheets

Sections 35 & 36, Township 11 South, Range 20 East M.D.B. & M.
Sections 24 " 11 South, " 20 East M.D.B. & M.
Section 19 & 30, Township 11 South, Range 21 East M.D.B. & M.

The property is now used for Processing of Sand, Gravel and Crushed Gravel and batching Plant.

OWNER'S DECLARATION

I, John F. Gray, District Opr. Mgr., declare that I am the owner/^{or}(lessee), or the authorized representative of the owner/^{or}(lessee), of the property involved in this application; that I have read the application; and that the statements made therein and in any attached documents are in all respects true and correct to the best of my knowledge, information and belief. The foregoing declaration is made under penalty of perjury.

Pacific Cement & Aggregates, Inc. P.O. Box 552, Fresno AM 8-6161, Fresno
(Owner or Lessee) (Mailing Address) (Phone)

ATTACH A PLOT PLAN OF THE PROPERTY AND ANY PROPOSED DEVELOPMENT

OFFICE USE ONLY	Application No <u>367</u> Date Rec'd <u>8/16/60</u> Hearing Date <u>9/22/60</u>
	Rec'd By <u>Jack Schoop</u> Amount \$ <u>50.00</u> Receipt No <u>5359</u>
	Formally Accepted By <u>J. Schoop</u> Date <u>8/31/60</u>

COMPROMISE, SETTLEMENT AND MUTUAL RELEASE

This Agreement is entered into this 8th day of January, 1985, at Fresno, California, by and between LONE STAR INDUSTRIES, INC., a corporation ("Lone Star") and the COUNTY OF FRESNO ("County").

Lone Star has filed suit (the "Suit") and is pursuing the same against County in the Superior Court of the State of California in and for the County of Fresno, Action No. 311755-3. Subject to the following terms and conditions, Lone Star and County (the "Parties") now desire to, and hereby do, enter into a complete settlement of the Suit and release each other from any and all liability arising from said Suit and the facts pleaded therein.

NOW, THEREFORE, the parties agree as follows:

1. Lone Star is a corporation organized under the laws of the State of Delaware, authorized to do business and doing business in the State of California.
2. County is a political subdivision of the State of California, created and existing under and by virtue of the laws of the State of California.
3. Lone Star operates a sand, gravel and related materials extraction and processing business in the County of Fresno, which business is known as "Rockfield." Lone Star owns a portion of the real property upon which the business is operated and it leases the balance. Rockfield

has been in use since approximately 1924 and consists of sand and gravel quarries and a processing facility.

4. Among other permits issued to Lone Star by the County is a certain use permit numbered 367 (the "Use Permit") which permit applies to five (5) parcels of real property at Rockfield, which parcels are more particularly described in the Use Permit (a copy of which is attached hereto, marked as Exhibit 1 and incorporated herein by reference). The parcels are identified as being parcels A, B, E, F and G. Lone Star's processing facilities are located on parcels A and B (the "Southern Parcels"). Lone Star has extracted sand and gravel from the Southern Parcels and now desires to extract sand and gravel from parcels E, F and G (the "Northern Parcels").

5. The Suit was filed because a dispute had arisen between Lone Star and County over whether or not the Use Permit was valid and subsisting or had been terminated by operation of law. Conditioned upon the satisfaction of all of the terms and conditions set forth in paragraph 6 infra, County agrees that the Use Permit has not been terminated, is valid and subsisting and that Lone Star may therefor continue its operations now underway on the Southern Parcels and as permitted in the Use Permit and may commence extraction operations on the Northern Parcels.

6. County has requested that Lone Star limit and condition its use under the Use Permit as provided in

Exhibit 2 attached hereto and incorporated herein (the "Conditions") and that such Conditions be deemed to be part of the Use Permit as though made by amendment thereto. The Conditions require the execution of a recordable agreement between the Parties, the possible dedication of right of way, and plan submittals by Lone Star to the County; the completion of such requirements and the approval by County thereof is a condition subsequent to the effectiveness of this Agreement. Subject to such condition subsequent, Lone Star hereby agrees to the County's request and Conditions and specifically agrees to be bound by them and further agrees that Use Permit 367 shall be deemed amended by such Conditions.

Should the condition subsequent not be timely satisfied, this Agreement shall be of no further force and effect and Lone Star may pursue the Suit. Prior to any such failure of the condition subsequent, if at all, all applicable statutes of limitation including, without limitation, Code of Civil Procedure § 583, shall be tolled.

The condition subsequent shall be satisfied, if at all, within ninety days from the date hereof or such later date as the Parties may agree to in writing.

Notwithstanding the above, the Parties hereto will use all due diligence to accomplish the satisfaction of the condition subsequent.

FRESNO COUNTY PLANNING COMMISSION
Room 102 - Hall of Records Annex
FRESNO, CALIFORNIA
AM 8-6011

October 20, 1960

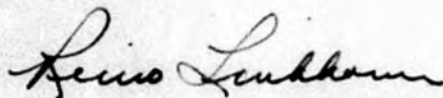
Board of Supervisors
County of Fresno

Gentlemen:

Attached hereto is a copy of Resolution No. **2178** recording the action of the Fresno County Planning Commission in recommending approval of Conditional Use Permit No. **367** upon application of **Pacific Cement and Aggregates, Inc.**

In accordance with Section 873-E-4 of the Zoning Division of the Fresno County Ordinance Code final decision on this matter is the responsibility of the Board of Supervisors.

Sincerely,



REINO LUUKKONEN
Director of Planning

RL: **ea**

Attach: Notices (6)
Resolutions (6)
Property List

cc: **Pacific Cement & Aggregates, Inc.**
John F. Gray, District Operator Manager
P. O. Box 532
Fresno, California

FRESNO COUNTY PLANNING COMMISSION
RESOLUTION NO. 2178

Conditional Use Permit Application No. 367 (Approved)

WHEREAS, the Fresno County Planning Commission did, on 22 September and 6 October 1960, conduct public hearings to consider the following application:

Applicant: Pacific Cement and Aggregates, Inc. Filed on: 16 August 1960

Request: Excavating and processing of sand, gravel and crushed gravel including washing-screening and grading facilities, batching plant and appurtenant facilities.

Location: Southern Pacific Railroad Rockfield Station between Piedale and Friant

Property Description: See legal description attached hereto and made a part hereof.

Present Zoning: A-1 (Agricultural) District

and established existence of the following circumstances:

1. The application covers two sites totaling 300 acres on the San Joaquin River four miles south of Friant. The existing land use in the area is predominantly agricultural with five separate gravel removal operations and some recreational use of the river valley.
2. The applicant has been in operation at the site for several decades and expects to be in operation some 75 more years, based on estimated gravel resources. Existing development is confined to the southerly 530 acre parcel; the northerly site is to be developed concurrently only if demand outstrips the capacity of the existing plant. The removal of gravel requires a conditional use permit under both Ord. 322 and the present zoning code. The staff explained the removal of gravel itself is a nonconforming right but the augmentation of the physical plant necessitates a conditional use permit for the entire plant.
3. The staff reported a plan of future reuse of the property is required for a conditional use permit; while no plan has been submitted by the applicant, the necessity of preserving the San Joaquin River valley for future reuse is evident because it is one of the few recreational and scenic resources immediately available to the Fresno metropolitan area. The County Public Works Department also requested such a plan to prevent development of wasteland. The staff suggested that redevelopment plans be required as a condition for the permit.
4. Representatives of the applicant further reviewed the existing and proposed operation. Two abutting owners complained about existing steep cuts adjacent to their property lines and a third expressed concern about ultimate development of the gravel site adjacent to his property.


5. The Commission determined that a field trip would be necessary to more adequately assess the problems and possible solutions and the hearing was continued to October 6, 1960.
6. At the October 6 hearing, following the Commission's field trip to the P.C.A. property, the Commission again discussed the need for controls assuring future redevelopment of the property. The owners of the property asserted they intended to reclaim the land for farming but did not wish to be legally committed to such action. The applicant and owners also protested the expense entailed when similar operators along the San Joaquin River were not yet required to observe the same conditions. After considerable discussion, the Commission determined the applicant and the property owners should work with the planning staff and the permit should be approved subject to the drafting of the necessary agreements and redevelopment plans.

NOW, THEREFORE, BE IT RESOLVED that Conditional Use Permit Application No. 367 be recommended for approval by the Board of Supervisors, subject to the following conditions:

1. That the applicant and the owners of the subject property develop a plan for orderly development of the property by stages.
2. That a margin of land be provided on the periphery of the property sufficient to prevent hazard to abutting properties, subject to approval of the Fresno County Public Works Department.
3. That a written agreement be evolved fixing the responsibility for redevelopment of the property for future use.

The foregoing resolution was approved by the Fresno County Planning Commission upon motion by Commissioner Mann, seconded by Commissioner McNulty.

VOTING: YES: Commissioners Mann, McNulty, Forkner, Preuss
NO: None
Absent: Commissioners Barr, Har, O'Neal


REINO LIUKKONEN
Director of Planning-Secretary
Fresno County Planning Commission

DATED: 6 October 1960
RES: 2178
CU: 367
JS:ea:seb

Copy

FRESNO COUNTY PLANNING COMMISSION
RESOLUTION NO. 2178

Conditional Use Permit Application No. 367 (Approved)

WHEREAS, the Fresno County Planning Commission did, on 22 September and 6 October 1960, conduct public hearings to consider the following application:

Applicant: Pacific Cement and Aggregates, Inc. Filed on: 16 August 1960

Request: Excavating and processing of sand, gravel and crushed gravel including washing-screening and grading facilities, batching plant and appurtenant facilities.

Location: Southern Pacific Railroad Rockfield Station between Pinedale and Friant

Property Description: See legal description attached hereto and made a part hereof.

Present Zoning: A-1 (Agricultural) District

and established existence of the following circumstances:

1. The application covers two sites totaling 300 acres on the San Joaquin River four miles south of Friant. The existing land use in the area is predominantly agricultural with five separate gravel removal operations and some recreational use of the river valley.
2. The applicant has been in operation at the site for several decades and expects to be in operation some 75 more years, based on estimated gravel resources. Existing development is confined to the southerly 530 acre parcel; the northerly site is to be developed concurrently only if demand outstrips the capacity of the existing plant. The removal of gravel requires a conditional use permit under both Ord. 322 and the present zoning code. The staff explained the removal of gravel itself is a nonconforming right but the augmentation of the physical plant necessitates a conditional use permit for the entire operation.
3. The staff reported a plan of future reuse of the property is required for a conditional use permit; while no plan has been submitted by the applicant, the necessity of preserving the San Joaquin River valley for future reuse is evident because it is one of the few recreational and scenic resources immediately available to the Fresno Metropolitan area. The County Public Works Department also requested such a plan to prevent development of wasteland. The staff suggested that redevelopment plans be required as a condition for the permit.
4. Representatives of the applicant further reviewed the existing and proposed operation. Two abutting owners complained about existing steep cuts adjacent to their property lines and a third expressed concern about ultimate development of the gravel site adjacent to his property.

Summary of Investigations

Re:

Pacific Cement & Aggregate C.U.P. Applic.

Background

The Planning Commission has ~~recommended approval of the application~~ recommended approval of the application subject to development of a redevelopment plan for the gravel site and the completion of an agreement assigning responsibility for such redevelopment. The staff was instructed to work with the applicant and the ~~owners~~^{owners} of the property, represented by Ike and Willis Ball, to achieve the necessary agreements.

Staff Investigation

Prior to meeting with the applicant and owners, alternative methods of redevelopment and their apparent feasibility were explored:

a. Leveling (to flood, farm pasture, etc.)

PCA had stated previously that the cost of leveling would be excessive in relation to the return and would eat up all profits. On the other hand, ~~the Ball~~ Ike Ball had stated the family intends to level the land and use it agriculturally when it is returned to the owners.

Brude Butler of the Public Works Department prepared an estimate of leveling costs based on rough data I furnished him. Based on 25⁰ high "ridges" of overburden on 75-foot centers, stretching 300-400-foot long, Public Works estimated the cost of rough grading would be about \$2,070 per acre as a "high estimate."

b. Sanitary Land Fill

If feasible, ~~sanitary land fill~~^{sanitary land fill} appeared a desirable method of restoring useable grade on a self-amortizing basis.

Joe Reich of County Sanitation advised that such operation was feasible if there was no water. Inasmuch as there is water on the site, only inorganic material could be disposed of on such a site because of the possibility of contaminating the water table.

John Choeles of Public Works (in charge of refuse disposal program) reported that a disposal site in this area would be highly desirable and would fit into county dump program. The exclusion of organic material would not pose a serious problem. He felt there would be a great deal of non-organic material which could be disposed of in such an operation.

c. Public Acquisition

Hal Tokmakian advised that public acquisition and redevelopment of such sites would be feasible if total cost were in neighborhood of \$1500 to \$2000 per acre. As he envisioned it, various parcels

in the river valley could be acquired ^{with} ~~the~~ use easements opening abutting land for riding and hiking trails, etc.

d. Leave "as-is"

PCA insists this is basically all that is economically feasible (except that normal "dressing up" and slope requirements are acceptable) and all that lease agreement calls for. Like and Willis Ball had argued that the land gradually "restored" itself through erosion and weathering, and that as far as they were concerned, it was "useable" inasmuch as they run cattle on old "worked" areas.

e. Future Public Development Programs in River Valley

The Recreation Plan has not advanced sufficiently to determine County policy re: use of San Joaquin River valley for public recreation purposes. It is, however, apparent to the staff and to the Commission that the river valley is a prime scenic, recreational and open space resource for the Fresno metro area.

The largest question mark looming above any proposals for specific improvements in the river valley are the various check-dam proposals which are intended to raise the water level to pre-Friant Dam levels and the state proposal to build a larger dam at the narrows near the Sante Fe RR crossing, backing water to a point immediately above Rank's Island.

These various proposals, none of which are certain but one of which apparently will be implemented, seriously challenge the feasibility of ~~some~~ expensive "redevelopment" or development projects in the valley floor. ~~which might have been~~ Of course, expenses incurred needlessly probably would be recouped through damages but this would raise the public cost of doing the dam project.

f. Equity of Redevelopment Requirements

PCA had argued that redevelopment requirements would put the company at an economic disadvantage in relation to other operators in the San Joaquin river valley. The company argued the requirement should be imposed on all operators or none because the margin of profit is so small the cost thereof would price a single operator out of the market.

While other existing operators in the valley floor would come under the same requirements if they sought to expand their plants, it appears evident to ~~the~~ ^r that the smaller plants are unlikely to expand their plants (P.C.A., as apparently the largest operator, is actually making a small improvement and this probably is not typical or to be expected from other operators). Therefore, it seemed fairly safe to assume ~~that~~ ^{that} the requirements would be attached to PCA alone, *even*

over the long run.

County Counsel Bob Wash and the courts generally state that ~~nonconforming~~ nonconforming gravel ~~removal~~ removal rights extend to all of the land controlled and expected to be used for gravel removal at the time the use became nonconforming. The land need not have been stripped or in any way prepared for mining. ~~Wash~~ Wash states that while the right to remove the gravel may not be disturbed, the public agency may impose controls as to how the gravel is removed. It is implied the controls may not be so ~~more~~ restrictive as to make removal of gravel in effect impossible.

Meeting with Applicant and Owners

Meeting was held 1 P.M. October 19 in the Planning Department. Attending were John Gray, *Mr. Pearson, and Mr. Hampton* for P.C.A. and Ike and Willis Ball.

a. Zoning Technicalities

Mr. Pearson raised a technical point to the effect that the garage building and the sacking plant which have been the principal subjects of this application are, in fact, not connected with the gravel removal process but are part of the concrete batching process which ~~was~~ formerly was operated at an M-3 site in Fresno before a fire destroyed the operation last Spring.

I
~~Mr. Pearson~~ conceded that the batching plant could be considered a separate process from the gravel removal. ~~I~~ I found concrete ready-mix is an M-3 use or an M-2 use with Director Review and Approval. I advised Mr. Pearson M zoning would probably not be favorably considered in the valley floor, that the use itself was not obnoxious in this location, and that the ~~process~~ *best practice* would ~~be~~ be application to amend the ordinance to allow such use by C.U.P. (on basis that such batch plants often are allied with gravel pits which are not necessarily in desirable M-3 locations).

b. Leveling

The feasibility of leveling was discussed, with ~~emphasis~~ emphasis upon cost thereof. Ike Ball said they could afford to level the property because they own their own bulldozer and could do it on an "as-can" basis; he and P.C.A. representatives asserted neither could afford to level on a regular and comprehensive basis.

In weighing the estimated cost of \$2,070 per acre, ~~Mr. Pearson~~ I asked for information on the yield from the property and the extent of the impact of leveling costs upon gravel costs. Mr. Pearson ~~stated~~ stated that the firm only clears about \$2000 per acre after taxes. Mr. Gray stated about six acres a year are mined, making an annual profit on the property after taxes of only \$12,000.

I was frankly incredulous that P.C.A. could be satisfied with a \$12,000 annual return upon the property. Mr. Pearson stoutly defended the figure as illustrative of the extremely small margin of profit involved. He stated that P.C.A.'s widespread operations net less than \$2,000,000 per year, including the return from a multi-million dollar cement processing plant in the Bay Area.

INSERT

Mr. Pearson stated, however, that redevelopment requirements would be acceptable if applied to all gravel operators in the area simultaneously. The cost could then be included in the price of gravel without putting one firm at a price disadvantage compared to another. One unmentioned implication, however, is that smaller operators would perhaps be forced out of business; it was mentioned that the smaller operators now reportedly are barely breaking even as it is.

W. Sanitary Land Fill

PCA felt this would not be within their province. The Balls accepted this as a possibility. I also pointed out that this could only be a partial solution inasmuch as ~~by this treatment~~ this treatment would accommodate only a part of the property, because of the limitation as to type of refuse which could be disposed of on this site.

d. Public Acquisition

The Balls stated they considered their property "useable" in any event and would not be interested in selling it.

e. Leave "as-is"

Both parties reasserted their previous arguments. Willis Ball further documented previous charges that the County itself leaves areas in as bad condition by exhibiting photos alleged to be the Dry Creek drainage ditch cut by the county. The photos showed a then-dry ditch about ten feet deep which was severely eroded, leaving steep banks and quite an unsightly appearance. Lost Lake and Avocado Lake were also cited again as examples of poor public practice, although I pointed out that the County would have no control over federal undertakings.

f. Future Public Development Programs in River Valley

In addition to the projects disclosed in the staff investigation, Ike Ball described additional canals and pump stations which are to be constructed on or near their property under the Feather River Project. Ike Ball also insisted that the State major dam and lake proposal was virtually certain and that claims were being paid to prepare for the project.

Mr. Pearson stated that if the latter project is selected, the accessible gravel supply in this wide area would be limited to a very small area, ~~near the dam~~ (If the water level backs up to a point above Rank's Island just below the Balls' property, every ~~site~~ gravel site above the Sante Fe crossing except P.C.A.'s would be eliminated.)

I called attention to a booklet entitled "The Zoning Problem and Its Significance to the Sand and Gravel Producer," by Vincent P. Ahearn, Jr., of the National Sand and Gravel Association. I particularly cited pp. 28 and 29 wherein Ahearn suggests

that zoning authorities may require extensive redevelopment. Mr. Pearson objected that Ahearn would not put himself in such a position and such requirements are most applicable in crowded Eastern U.S. I replied the San Joaquin developments are actually in the metro area now and meet such ^{crowded} criteria.

Conclusions and Recommendations

~~_____~~ In the matter of redeveloping gravel sites for future reuse, I concluded that:

a. The pending public development programs in the San Joaquin River valley pose great uncertainties as to future use of the valley floor.

b. There is considerable uncertainty over what types of redevelopment are feasible from either economic or engineering points of view.

c. There is sufficient ~~_____~~ uncertainty about the cost of ~~_____~~ redevelopment vis-a-vis the profitability of gravel mining operations as to make it ~~_____~~ unreasonable to impose such requirements upon a single operator, ~~_____~~ unilaterally. *UNILATERAL*

d. Investigation disclosed that P.C.A. is not actually expanding its gravel removal plant and there is little or no ~~_____~~ likelihood that it will do so. By the same token there is little or no likelihood that any of the other existing gravel operators in the San Joaquin River valley will expand their gravel removal plant and thus subject themselves to Conditional Use Permit control. It therefore seems unfair to impose extensive redevelopment controls upon P.C.A. ~~_____~~ while there is little likelihood its competitors will have to assume similar expenses.

e. ~~_____~~ The interest of the Fresno metro area in the scenic and recreational resources of the San Joaquin River valley is great but solution of the problem necessitates a comprehensive analysis and ~~_____~~ equitable redevelopment programs.

I therefore recommend that development ~~_____~~ schedules and redevelopment not be imposed upon P.C.A. unilaterally at this time, but that such requirements be imposed upon all operators on the valley floor as part of a comprehensive program ^{where} such can be developed. P.C.A. agrees to abide by any requirement which is imposed upon San Joaquin River valley operators generally.

B. In ~~that~~ ^{the} matter of conditions to be imposed upon P.C.A. at this time, I ~~recommend~~ recommend:

- a. That ~~slopes~~ slopes no steeper than 2:1 be ~~allowed~~ ^{left} in any ~~excavated~~ pit which is excavated to a water-producing depth or which is liable to fill or be filled with water.
- b. That slopes no steeper than 1:1 be allowed in pits not liable to be filled with water, and that such ~~pit~~ pit banks be ~~backfilled~~ backfilled to a 2:1 slope ~~if~~ if water is found to collect therein.
- c. That no pit bank encroach to within ~~less~~ less than fifty feet of any property other than the parcel of land being so used unless the written consent of the owner in fee of such property is first secured.
- d. That a greater setback from abutting properties be maintained if, in the judgement of a competent ~~engineer~~ ^{engineer}, the greater setback is required to prevent excessive drainage ^{and} and lowering of the water table under such abutting properties.
- e. That the first one hundred feet of the access road onto Friant Road be surfaced with permanent AC paving, ~~and~~
- f. That private truck roads on the premises be kept wetted while being used unless oiled or hard surfaced.

That the water table of abutting properties not be lowered by action of the applicant or its assigns.

c. In the matter of obtaining building permits for the sacking ~~and~~ plant and garage, Mr. Pearson stated P.C.A. would await the outcome of Board action on the C.U.P.; if ~~approved~~ approved with conditions similar to the above and acceptable to P.C.A., the building permits would then be approved. (I advised Mr. Pearson we would treat the concrete batching operation as part of the "appurtenant facilities" to the gravel removal ~~operation~~ operation rather than treat them as separate zoning problem unless P.C.A. elected to have this done.)

If the C.U.P. includes the redevelopment requirements which P.C.A. feels are unacceptable at this time, it will withdraw the application and apply for separate consideration of the concrete batching zoning which they would be entitled to do. In that event, they would seek advance approval of the building permits by submitting a letter agreeing to comply with ~~the~~ requirements for the concrete batching permit (a course P.C.A. would naturally like to avoid.).

6

Brown
June 18

County Counsel

Floyd R.B. Viau
County Counsel

June 18, 1984

Board of Supervisors
Hall of Records
Fresno, California 93721

RE: Lone Star Industries, Inc., vs. County of Fresno

Dear Mr. Chairman and Members of the Board of Supervisors:

The purpose of this letter is to inform you of litigation that has been initiated by Lone Star Industries, Inc., against the County of Fresno. Lone Star has filed a Complaint for Declaratory Relief in which it has asked the Superior Court to rule that it has a valid Conditional Use Permit to continue operating an existing rock, sand, and gravel plant and to begin mining several parcels of property in the San Joaquin river bottom near the community of Friant.

*File to
Hansick
Stam
&
Fick
Ream*

The background of this dispute is as follows. Lone Star Industries' predecessor, Pacific Cement and Aggregates, has operated a sand and gravel extraction and processing business known as "Rockfield" in the San Joaquin river bottom for a number of decades. Over the years, the County issued various Conditional Use Permits to the company. One such permit was CUP 367 which was granted by the Board of Supervisors in 1960 and which covers several large parcels of property including the property on which the existing rock, sand, and gravel plant is located.

In 1969, after extensive discussion and public hearings in which the rock, sand, and gravel industry participated, the Board of Supervisors adopted Zoning Ordinance Section 858 entitled "Regulations for the Development of Material Extraction Sites in all District" (formerly codified as Section 857.1). Among other requirements, Section 858 required any person having an approved Conditional Use Permit for an extraction site or a non-conforming extraction site use on the effective date of the section to submit an operational and rehabilitation plan to the County within one year. The section also provides that any non-conforming use of a material extraction operation shall be discontinued ten years after the effective date of the section. Staff has read the section to mean that if a rehabilitation plan for an extraction site was not filed within the one year period beginning in 1969, that the site would become non-conforming and would amortize and

Assistants: Max E. Robinson, James B. Witerman
Chief Deputy: Thomas J. Riggs
Senior Deputies: J. Wesley Merritt, John E. Slutter

Deputies: E. Marshall Hodgkins III, Philip M. Jay, Jeffery L. Kuhn,
Vincent J. McGraw, Lucretia Hoke Parks, Michael E. Smith,
Nancy I. Smith, Paul Edmond Stephan, Pamela A. Stone,
Georgia L. York

June 18, 1984

become an illegal use at the end of ten years. Therefore, any such site for which a plan was not submitted would have amortized and lost its legal status in 1979.

In 1969, Pacific Cement and Aggregates submitted operational and rehabilitation plans for extraction sites covered by three CUP's near their plant. The company did not submit a plan, though, for the site and operations covered by CUP 367.

The absence of an operational and rehabilitation plan for CUP 367 came to your staff's attention in the latter part of 1983 when staff was reviewing Lone Star's application for a new CUP to cover additional extraction sites in the same general vicinity. Staff of the Resources and Development Department and the office of County Counsel determined that CUP 367 terminated by operation of law in 1979 and consequently that Lone Star lacks the legal right to mine any of the properties covered or to operate its rock, sand, and gravel plant. After being so advised, Lone Star decided to file its lawsuit.

Lone Star, of course, contends that Conditional Use Permit 367 is valid for a variety of reasons.

We will keep you advised of the progress of the litigation. Please contact us if you have any questions concerning it.

Very truly yours,

FLOYD R. B. VIAU
County Counsel


By THOMAS J. RIGGS
Chief Deputy County Counsel

TJR:dcn

cc: Bruce Spaulding
✓ Jerry Swan

8904J

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 Lene Star Industries, Inc. proposing to allow rock, sand, and gravel excavated from the above referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue (13475 Friant Road) (SUP. DIST.: 2) (APN 300-040-18; 300-070-04, 05, 10, 12, 14, 15, 25; 300-080-01; 300-250-07, 08, 09, 10, 11, 12; 300-310-01).

PLANNING COMMISSION ACTION:

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

ADMINISTRATIVE OFFICE REVIEW Ed Parker Page 1 of 2
BOARD ACTION: DATE July 28, 1987 APPROVED AS RECOMMENDED _____ OTHER X

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

UNANIMOUS _____ ANDREEN No. CONRAD Aye KOLIGIAN Aye LEVY abstained RAMACHER Aye

526

Yes: Commissioners Radics, Stephens, Breemer

No: Commissioners Furgurson, Lingo, McCrummen


Absent: Commissioners Cruff, Orosco, Quist

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

VOTING: Yes: Commissioners Lingo, Furgurson, McCrummen

No: Commissioners Breemer, Radics, Stephens

Absent: Commissioners Cruff, Orosco, Quist


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

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

PDW:RB:uz
1856K

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

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

RESOLUTION MAKING FINDINGS
AND APPROVING CONDITIONAL USE
PERMIT APPLICATIONS

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

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

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

///
///

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

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

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

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

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

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

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

28 ///

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

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

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

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

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

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

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

28 ///

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

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

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

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

25 BE IT FURTHER RESOLVED that this Board does hereby make
26 findings for the subject conditions particularly set forth below:
27

28 ///

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

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

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

28 ///

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

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

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.

20
21 RB:uz

22 1976K
23
24
25
26
27
28

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 
17 Deputy

18
19
20
21 File #7512

22 Agenda #5a

23 Resolution No 87-310
24
25
26
27
28

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

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

29. Boundaries of the property adjacent to Lost Lake Park shall be posted with "no trespass" signs spaced every 150 feet.

NOTES:

1. All operations and rehabilitation activities shall conform to the Development and Rehabilitation Standards, and Special Conditions subsection of Section 858 of the Zoning Ordinance, as specified on Attachment "A".
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.
3. A reclamation plan for the Surface Mining and Reclamation Act must be submitted to the California Division of Mines and Geology.

Attachment "A"

Unclassified Conditional Use Permit Application No. 2235

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

858-C:

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

858-E:

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

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

EXHIBIT "B"

Conditions of Approval

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

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

RB:uz
1976K

EXHIBIT "6"

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 367

Conditions for Area "A"

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

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

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

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

11. Additional right-of-way for Friant Road shall be dedicated to the County as determined by the Site Plan Review approval.
12. Stockpiling of material shall not be allowed within 200 feet of Friant Road or that portion of the north property line adjoining Lost Lake Park unless Permittee screens any such closer stockpiling with approved landscaping so that it is not visible from Friant Road and the north property line of Lost Lake Park.
13. A dust palliative shall be applied to all haul roads as frequently as necessary to control dust. Dust palliatives may include road oil, water, magnesium chloride, or other proven materials.
14. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
15. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
16. The Permittee shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the Permittee.
17. A drip irrigation system or its equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.

18. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall specify proposed phasing and show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Final slopes above the seasonal lowest water line shall be 3:1 or flatter, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
19. Each phase must be rehabilitated in accordance with the rehabilitation plan within one year after initiation of the subsequent phase. The berm on the north property line shall be retained until rehabilitation of entire site is completed.
20. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the Permittee shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel if corrective action is not taken by the operator within 24 hours of notification by the County.
21. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems.
22. An archaeological survey shall be conducted prior to excavation.
23. All equipment shall be equipped with mufflers to minimize noise generation.
24. Prior to excavation, a Site Plan Review Application shall have been submitted to and approved by the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
25. Structural design of all improved public roads shall be in accordance with County standards and approved by the Director of Public Works.
26. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.

NOTES:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.

Conditions for Area "B"

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

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

Notes:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.

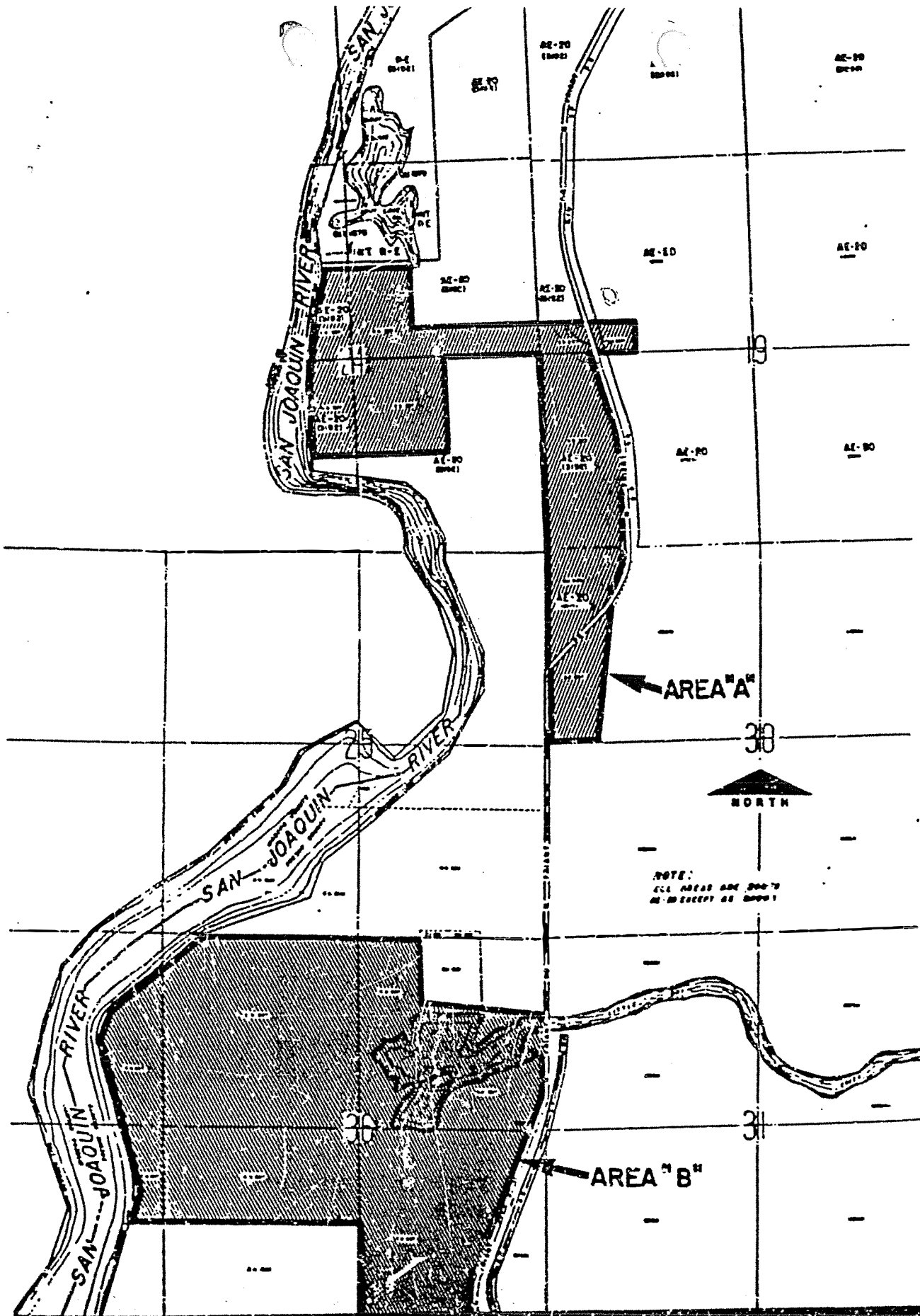


EXHIBIT "B"

Unclassified Conditional Use Permit No. 2032

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

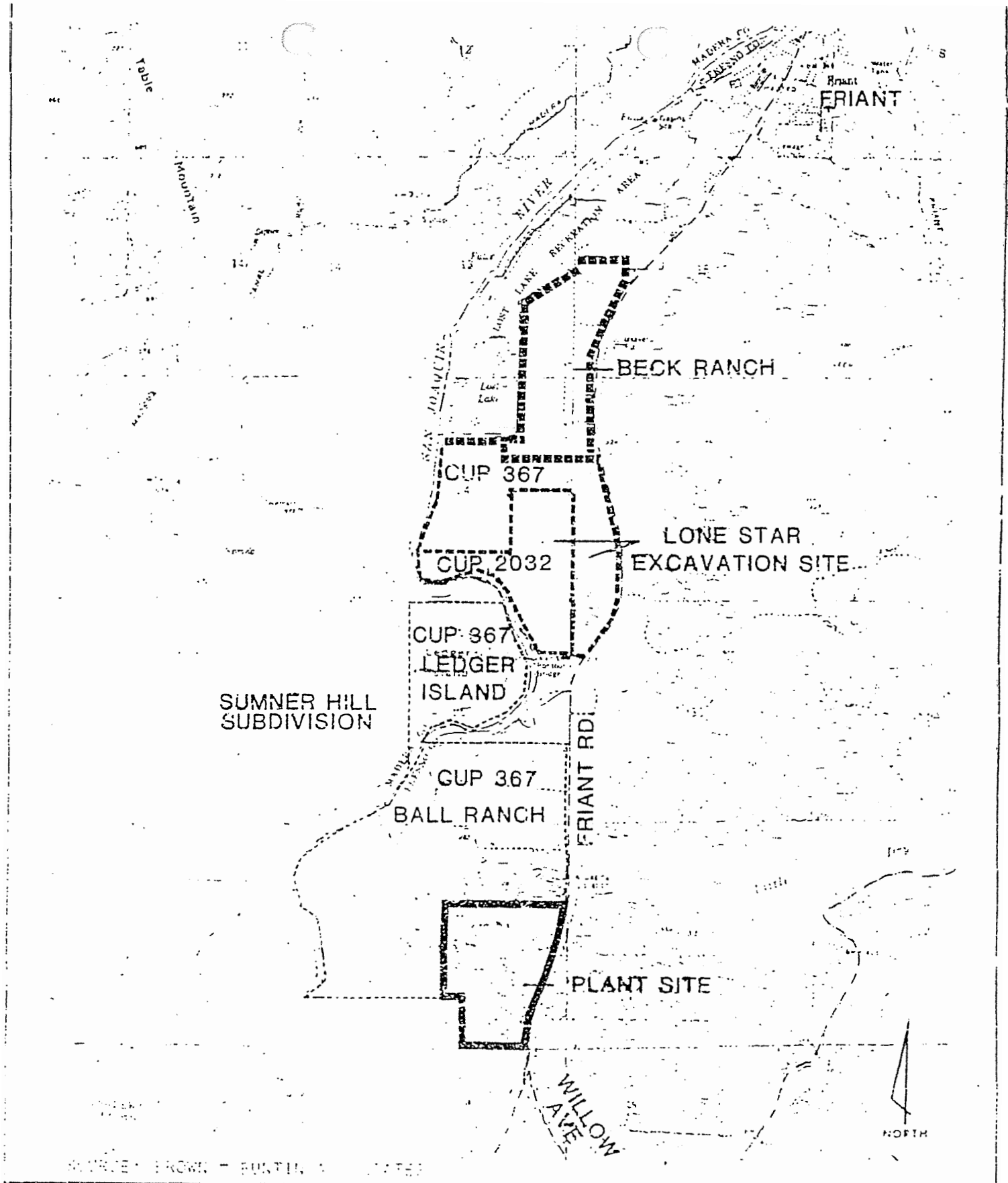
10. The applicant shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the applicant.
11. A 50-foot wide setback shall be provided from the Friant Road right-of-way line which will be established by the Site Plan Review. A berm and/or landscaping consisting of trees and shrubs shall be provided within the setback area to effectively screen the extraction site from Friant Road. The Director of the Resources and Development Department may allow the width of the berm or landscaped area to be less than 50 feet if effective screening can be demonstrated.
12. A drip irrigation system or its equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.
13. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be 3:1 or less, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
14. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems. Corrective measures shall be taken to eliminate the stagnant condition of the pond adjacent to the plant site.
15. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation shall not be disturbed.
16. An archaeological survey shall be conducted prior to excavation.
17. All equipment shall be equipped with mufflers to minimize noise generation.
18. Each phase must be rehabilitated in accordance with the rehabilitation plan within one year after initiation of the subsequent phase. The berm on the south property line shall be retained until rehabilitation of entire site is completed.
19. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the applicant shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel if corrective action is not taken by the operator within 24 hours of notification by the County.

20. Any areas of significant riparian vegetation within the site shall be preserved. Extraction shall be prohibited in these areas.
21. Prior to excavation, a Site Plan Review Application shall have been submitted to and approved by the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
22. A single, two-way driveway access shall be allowed on Friant Road at a point approximately 1,400 feet north of the south boundary of Section 19, Township 11 South, Range 26 East. The connection to Friant Road shall be designed with a free right-turn minimum design radius of 30 mph.
23. A 150-foot, left-turn storage lane shall be constructed on Friant Road at the entrance to the extraction site.
24. A 2,500-foot acceleration lane, 14 feet in width, shall be constructed on Friant Road to accommodate trucks leaving the extraction site. The existing five-foot wide southbound bike lane shall be relocated and separated from the acceleration lane by a distance of ten feet to the west.

Note: Approximately 1,000 feet of the acceleration lane may be on-site.
25. Additional right-of-way for Friant Road shall be dedicated to the County as determined by the Site Plan Review approval.
26. A stop sign shall be installed at the processing plant access driveway on Friant Road to control traffic leaving the plant in a northerly direction.
27. A 200-foot, southbound deceleration lane shall be constructed at the entrance to the processing plant.
28. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of Public Works.
29. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.

NOTES:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.



SOURCE: BROWN - BUSTIL & PARTNER

<p>LONE STAR PROCESSING PLANT SUPPLEMENTAL EIR</p>	<p>LOCATION MAP</p>	<p>FIG. 1</p>
--	---------------------	-------------------



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.

LP:lb
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3000-3099\3093 & 3094\reso.doc

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.

LP:lb
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3000-3099\3093 & 3094\reso.doc



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,

Andrew Richter
Low Pond, Planning & Resource Analyst
Development Services Division

LP:lb
G:\4360Devs&Plan\PROJSEC\PROJDOCS\CUP\3000-3099\3093 & 3094\reso.doc

Enclosure

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

EXHIBIT 10

ATTACHMENTS

No. Title
A Existing CUPs Conditions of Approval

<u>CUP No.</u>	<u>Approval Date</u>
3093	10-21-04
3063	9-25-03
2209	6-10-86
Settlement Agreement	1-1-85
CUP 367	
2032	6-7-84
367	11-7-60

RESOLUTION NO. 11848
October 21, 2004

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.

RESOLUTION NO.: 11776
September 25, 2003

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.

RESOLUTION 9746
June 10, 1986

Conditions of Approval CUP 2209
Modifying Condition No. 2 of prior CUP 367

All operations shall be limited to workdays during the hours of 6:00 a.m. to 6:00 p.m., except as follows: (a) the cement plant may begin operations at 4:00 a.m. weekdays from May to October, and 5:30 a.m. November to April provided there shall be no delivery of bulk cement before 6:00 a.m. The cement plant may also operate from 7:00 a.m. to 1:00 p.m. on Saturdays year-around. (b) In the event of any emergency as determined by an governmental body or agency, excavation and processing may proceed as needed notwithstanding the aforesaid.

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

SETTLEMENT AGREEMENT 84-547
CUP 367 January 1, 1985

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.

8. 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"

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

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

Notes:

1. ~~The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.~~
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.

EXHIBIT "B"

Unclassified Conditional Use Permit No. 2032

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

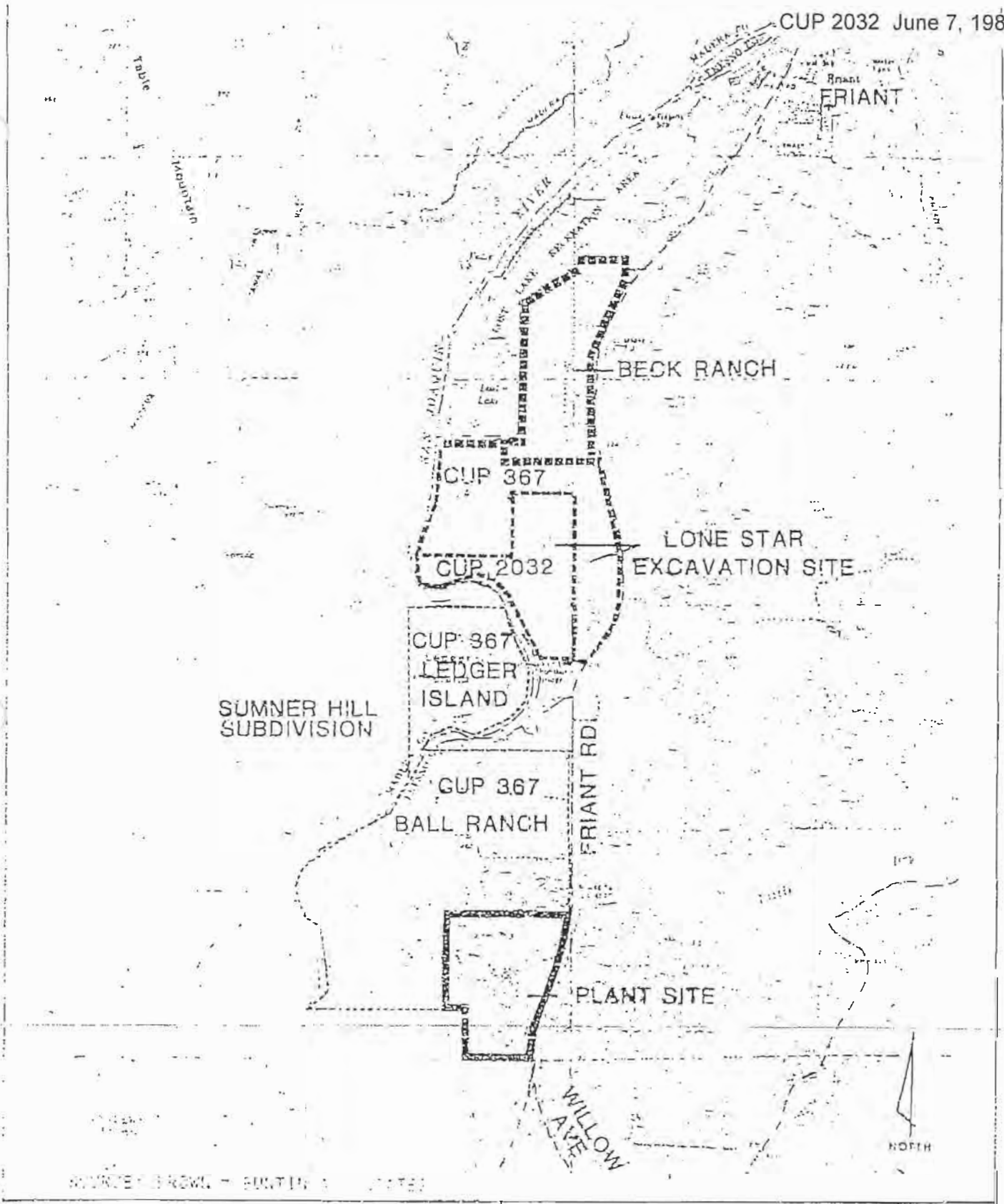
10. The applicant shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the applicant.
11. A 50-foot wide setback shall be provided from the Friant Road right-of-way line which will be established by the Site Plan Review. A berm and/or landscaping consisting of trees and shrubs shall be provided within the setback area to effectively screen the extraction site from Friant Road. The Director of the Resources and Development Department may allow the width of the berm or landscaped area to be less than 50 feet if effective screening can be demonstrated.
12. A drip irrigation system or its equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.
13. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be 3:1 or less, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
14. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems. Corrective measures shall be taken to eliminate the stagnant condition of the pond adjacent to the plant site.
15. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation shall not be disturbed.
16. An archaeological survey shall be conducted prior to excavation.
17. All equipment shall be equipped with mufflers to minimize noise generation.
18. Each phase must be ~~rehabilitated in accordance with the rehabilitation~~ plan within one year after initiation of the subsequent phase. The berm on the south property line shall be retained until rehabilitation of entire site is completed.
19. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the applicant shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel if corrective action is not taken by the operator within 24 hours of notification by the County.

20. Any areas of significant riparian vegetation within the site shall be preserved. Extraction shall be prohibited in these areas.
21. Prior to excavation, a Site Plan Review Application shall have been submitted to and approved by the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
22. A single, two-way driveway access shall be allowed on Friant Road at a point approximately 1,400 feet north of the south boundary of Section 19, Township 11 South, Range 26 East. The connection to Friant Road shall be designed with a free right-turn minimum design radius of 30 mph.
23. A 150-foot, left-turn storage lane shall be constructed on Friant Road at the entrance to the extraction site.
24. A 2,500-foot acceleration lane, 14 feet in width, shall be constructed on Friant Road to accommodate trucks leaving the extraction site. The existing five-foot wide southbound bike lane shall be relocated and separated from the acceleration lane by a distance of ten feet to the west.

Note: Approximately 1,000 feet of the acceleration lane may be on-site.
25. Additional right-of-way for Friant Road shall be dedicated to the County as determined by the Site Plan Review approval.
26. A stop sign shall be installed at the processing plant access driveway on Friant Road to control traffic leaving the plant in a northerly direction.
27. A 200-foot, southbound deceleration lane shall be constructed at the entrance to the processing plant.
28. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of Public Works.
29. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.

NOTES:

1. ~~The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.~~
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.



SOURCE: DRAWING - BUILT IN 1983

LONE STAR
 PROCESSING PLANT
 SUPPLEMENTAL EIR

LOCATION MAP

FIG.
 1

Conditions of Approval CUP 367

1. That the applicant and the owners of the subject property develop a plan for the orderly development of the property by stages.
2. That a margin of land be provided on the periphery of the property sufficient to prevent hazard to abutting properties, subject to approval of the Fresno County Public Works director.
3. Southern and western boundaries to be fenced except along the river.
4. Norther area approved, subject to examination of methods of operation at a future date.

EXHIBIT 11

From: [Catherine McNally](#)
To: [Racusin, Elliot](#)
Cc: [District 4](#); [District 3](#); [District 1](#); [District 2](#); [District 5](#)
Subject: For the love of Fresno County and our River....please make the right decision.
Date: Monday, February 27, 2023 7:46:15 PM
Attachments: [C.C.McNally.FresnoCountyLetter.pdf](#)
Importance: High

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr. Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

I am writing to strongly oppose this catastrophic project's continuation, extension, or any expansion thereof, high or low. I live and work from home in the River View Ranch community directly across the street from the CEMEX quarry site along Friant. The Quarry is invasive to the surrounding wildlife, human life, and our geological treasure, the San Joaquin River.

Fresno County has the information required to reject this application. You have clear evidence, invaluable community input, stacks of unanswered complaints, and mounds of intellectual reasoning to prevent this from going any further.

We, the public, have done our part in providing you with this data. Please, offer us the same transparency by honestly listening to our input on this critical and obvious decision.

Sincerely,

A Fresno County TaxPayer,
Catherine C. McNally

ATTN: ELLIOT RACUSIN, PLANNER,
Development Services and Capital Projects Division
Fresno County Department of Public Works and Planning,
2220 Tulare Street, Sixth Floor, Fresno, CA 93721
(559) 600-4245 | eracusin@fresnocountyca.gov

CATHERINE CROCKETT CURRY MCNALLY
15310 BLUFF VIEW AVENUE | FRIANT, CA 93626
559.978.1816 | CATCURRYDESIGN@GMAIL.COM

FEBRUARY 27, 2023

ATTN: ELLIOT RACUSIN, PLANNER,
Development Services and Capital Projects Division
Fresno County Department of Public Works and Planning,
2220 Tulare Street, Sixth Floor, Fresno, CA 93721
(559) 600-4245 | eracusin@fresnocountyca.gov

Dear Mr. Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

I am writing to strongly oppose this catastrophic project's continuation, extension, or any expansion thereof, high or low. I live and work from home in the River View Ranch community directly across the street from the CEMEX quarry site along Friant.

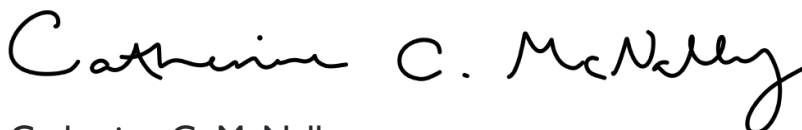
The Quarry is invasive to the surrounding wildlife, human life, and our geological treasure, the San Joaquin River.

Fresno County has the information required to reject this application.

You have clear evidence, invaluable community input, stacks of unanswered complaints, and mounds of intellectual reasoning to prevent this from going any further.

We, the public, have done our part in providing you with this data. Please, offer us the same transparency by honestly listening to our input on this critical and obvious decision.

Sincerely,
A Fresno County TaxPayer,



Catherine C. McNally

CATHERINE CROCKETT CURRY MCNALLY
15310 BLUFF VIEW AVENUE | FRIANT, CA 93626
559.978.1816 | CATCURRYDESIGN@GMAIL.COM

FEBRUARY 27, 2023

ATTN: ELLIOT RACUSIN, PLANNER,
Development Services and Capital Projects Division
Fresno County Department of Public Works and Planning,
2220 Tulare Street, Sixth Floor, Fresno, CA 93721
(559) 600-4245 | eracusin@fresnocountyca.gov

Dear Mr. Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

I am writing to strongly oppose this catastrophic project's continuation, extension, or any expansion thereof, high or low. I live and work from home in the River View Ranch community directly across the street from the CEMEX quarry site along Friant.

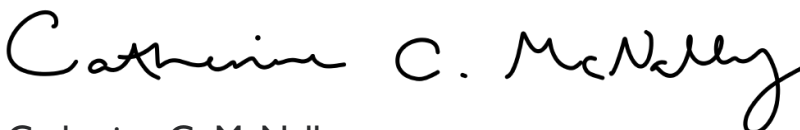
The Quarry is invasive to the surrounding wildlife, human life, and our geological treasure, the San Joaquin River.

Fresno County has the information required to reject this application.

You have clear evidence, invaluable community input, stacks of unanswered complaints, and mounds of intellectual reasoning to prevent this from going any further.

We, the public, have done our part in providing you with this data. Please, offer us the same transparency by honestly listening to our input on this critical and obvious decision.

Sincerely,
A Fresno County TaxPayer,



Catherine C. McNally

Analysis of Cemex Proposed extension of its current surface operations and its current plant at Willow and Friant, and Cemex proposed blasting and expanded Quarry mining operations along Friant and the San Joaquin River.

This analysis was prepared by Dr. Joseph Penbera, Chairman of The California Energy Investment Center, former dean of the Craig School of Business, and a Director Emeritus of the San Joaquin River Parkway.

The following information has been prepared to better inform the public, and various stakeholders, including organizations, officials, agencies, and the media, about the key issues and the threat that the Cemex project poses to the quality of life in the Fresno region. As The Fresno Bee put it so succinctly: “We’ve arrived at the moment when the community must stomp down its collective foot and tell those who want to continue stripping California’s second longest river and pillaging her for profit, ‘That’s enough.’” (Columnist Marek Warszawski, June 28, 2020)

What Cemex Wants: International conglomerate, Cemex, has submitted a project description to the Fresno County Department of Public Works and Planning for what it calls a “Modification” of its Existing Rockfield mining operations as part of the CEQA process. The project description is available by contacting: Chrissy Monfette, Planner, at 559-600-4245, or by email at cmonfette@fresnocountyca.gov, or through this link: <https://www.co.fresno.ca.us/departments/public-works-and-planning/divisions-of-public-works-and-planning/development-services-and-capital-projects/planning-and-land-use/environmental-impact-reports/cemex-rockfield-expansion>
Project Description: <https://www.co.fresno.ca.us/home/showdocument?id=45062>

Cemex claims that this is an “extension” of its current *aggregate surface mining operations* and its current plant at Willow and Friant; in fact, it is not. Cemex wants to obtain a conditional use permit for 100 years which would permit it to blast a 600 foot deep, 110 acre hole in the land in the San Joaquin River bottom for *hard rock mining* at what it is calling a “quarry site”, and to move all of its operations and with it a massive amount of buildings and equipment to that site. Cemex wants to more than double rock production to 3 million metric tons annually and double the amount of direct and collateral truck trips, and do all of this within 200 feet of the San Joaquin River and within 50 feet of Friant Road (the current plan is more than ¼ mile from the road) which is both the main artery along the River Parkway and also facilitates the growth and development of communities above and below the Friant Dam at Millerton Lake. Operations would go on for 17 hours per day. Cemex has retained consultants to tell a story which, essentially, masks this project not as a major new undertaking, but as just an extension, and to make claims that there are no substantial adverse impacts on habitat, people, visual effects, air quality, pollution, noise, safety, planning, quality of life, property, or anyone or anything for that matter.

The Community is the Underdog. On June 24, 2020, just a few days prior to The Fresno Bee’s plea to “leave the poor San Joaquin river alone”, a Zoom meeting was held by the County to seek input into the scope of the CEQA. If you are interested in hearing the public comments, you need to request the recording from Ms. Monfette because, so far, the County has not posted a link. Also, you cannot obtain copies of the technical studies that Cemex cites in the project description; these studies are going through third party review and will not be made available until there is a draft Report. Most concerning is the timetable for the release of that Report, forwarding to the Planning Commission, and a vote by the County Board of Supervisors. All of this is proposed to occur in less than one year, *or as early as June 2021*. In the midst of a pandemic and obvious limits on the public meeting, the project seems to be on a fast-track despite it being a wrong idea, in the wrong place, and at the wrong time.

Initial Public Reaction: During the CEQA scoping zoom call, many very serious concerns were voiced about the effects of the Cemex proposal; there was a virtual total absence of public support for it. Community groups have been meeting to review the implications of the project and to organize opposition. Some of the public comments which capture the general reaction to the project include that it is a “monstrous abomination”, a prospective “man-made natural disaster”, a “new nightmare for Fresno”, and “contrary to everything that the River Parkway and the community wants to do.”

Attached is picture of the quarry site and some key bullet points relating to evaluating the Cemex project. There is a lot at stake. Please be moved to act. Think about resources and contacts that you may have. Resolve to help defeat this. And please join a BE WARY OF THE QUARRY community action group as they form and are made public.

Cemex Quarry Impacts

The attached Map is a representation of the quarry location. You will note that the quarrying site is smack in the midst of the San Joaquin River Parkway (SJR), a 23-mile stretch of land along the San Joaquin river which is the 3rd longest river in California. The SJRP incorporates core values of preservation and public stewardship of various natural habits, public parks, and open space and its creation is the result of decades of dedicated efforts by community volunteers, enlightened state, local and Federal officials, and through the investment of millions of dollars of public and private funds. The SJRP professional staff and board of directors work diligently towards educating and involving the public through events held at the Hallowell Center (about 3 miles from the quarry site), and in public buildings and in private homes. Among the Parkway major goals that will be inhibited by the Cemex project is finishing a continuous trail so that various points along the river bottom can be experienced.

There is little doubt that the river and the Parkway together represent the region’s greatest and most recognizable local natural asset and a common means of bringing together people from all walks of life. For example, during the pandemic, many people have used the beauty of the Parkway as a respite. Bicyclists often comment about how much they enjoy the “nature ride” on Friant Road from Woodward Park to Millerton Lake. Families spend time at Lost Lake Park which borders the proposed quarry operations. As you will see on the Map, the quarry site is only 200 feet from the river itself. It impacts the peace and serenity of the bordering Ledger Island Nature Reserve and the Beck Ranch Nature Reserve, as well as adjacent and proximate ag land and private homes which were built on large parcels in order to preserve the open space quality of the land on both sides of the river.

Concerns. Here is a brief list concerns that can be viewed as talking points about the Cemex project.

- **Impairment of the peace and tranquility and visual quality of the river bottom.** The project will disturb riparian wildlife habitat for many decades. Currently, there are many species of animals that migrate throughout the river bottom which would be impacted by bringing, essentially, all of Cemex’s operations to a quarry site and turning 349 acres of open space into a major industrial site. Here is just a short list of the equipment and other things that will mar the landscape: bull dozers, loaders, haulers, excavators, haul trucks, water trucks, conveyors, screens, screening towers, crushers, washers, soil cyclones, tanks, sheds, elevators, light poles, pumps, dumpsters, maintenance sheds, fuel tanks, silos, burners/dryers, and graders. Visualizing these things on the site Map if Cemex gets its way creates a very ugly picture.

- Air quality will be degraded from air pollutants, and greenhouse gas emissions will increase.** Fresno has one of the worst air qualities in the nation, and one of the highest incidences of asthma and lung disease. We also have one of the highest incidences of children with breathing problems. Preserving the river bottom and keeping it free from industrial development – especially industries which create dust and other collateral pollutants from operations – preserves the river as a biome which helps produce more oxygen which, in turn, helps reduce our body’s stress caused by “bad air days”. Think of the river bottom as producing fresh air. Some of Cemex’s claims regarding the project having “no substantial” effect on air quality and noise from the blasting effects are nothing more than advocacy statements. For example, it is disingenuous for Cemex to suggest that increasing the number of annual average daily truck trips from 690 to 1076 does not add pollution to the air. This truck trip count does not even include what Cemex failed to quantify in terms of other trucks bringing in “imported” concrete and asphalt, or visitors vehicles coming in to buy direct, or supplier vehicles. Internal dirt roads are a mere 50 feet from Friant road and throw up dust clouds over berms that are just five feet in height. Dust from crushing operations create dust clouds. Operating heavy equipment for many hours increases pollution. Pushing operating times so that excavating can go on for 13 hours per day (6 am to 7 pm) and trucking for 17 hours per day (4 am to 9pm) (or even later for suppliers) and from a plant much closer the road increases the number of pollutants. Cemex can only make these types of claims by defining “no substantial” through applying ill-defined technical, geographical and population parameters, or proposing that it “mitigates” adverse effects as the project “progresses”. The problem with these limitations is that nature doesn’t strictly observe them, particularly with respect to open air mining. Dust and emissions drift and this is why we see pollution trails in the sky. Right now, despite its claims otherwise, dust clouds form along the internal roads, drift on to and across Friant Road and are blown into residences by winds which routinely blow across open space.
- When the economic benefits of the quarry are weighed against the costs, it is easy to determine that this project is all about money-- money for a foreign conglomerate and not for the people of the region.** Other than some supply purchases that may be made locally and a small stated increase in employment (from 92 to 97 people), there is no significant **direct** economic benefit to Fresno County at least in proportion to the amount of revenues and profits generated. Cemex refers to a certain “multiplier” effect, yet economic theory and practice posits that for the multiplier effects to actually occur the revenues should flow through the region. In this case, revenues do not stay in the region, but, instead, flow back to Cemex operations outside of the U.S. and as foreign profits. Any tax contribution from property and other taxes collected pales in comparison to the amount of revenue to be generated. There are also economic offsets to be considered as they relate to health effects, safety issues, road damage, and diminished property values and related loss of property tax revenues, as well as costs relating to monitoring operations and dealing with violations, and the valuation of risk associated with not having the resources to reclaim the land should Cemex not have the interest or wherewithal to restore the land after 100 years. One of the silliest scenarios suggested by Cemex is that the project falls under some business “retention” guidelines. Aggregate mining is enormously profitable. The idea that Cemex would abandon aggregate mining if it does not get to do deep hard rock mining and cannot move its plant is patently ridiculous and contradicts its own discussion of demand. Their demand assumption is based on a 50-year projection, albeit from an unidentified source. Cemex would be foolish to abandon its current operations entirely. It clearly has aggregate to mine using surface operations. The thing driving the horrendous over-

reach into deep pit mining and moving the entire operation is a form of extreme economic benefit commonly known as greed.

- **Cemex quarry operations will pose serious safety hazards.** Dust clouds on Friant road rise above the mere five-foot berm between Friant road. Dirt trails on the roads and the rocks that come from the Cemex trucks hit cars and windshields. In its project description, Cemex touts that Friant road from Copper to Friant was widened from 2004 to 2008 and, thus, it increased its truck trips. But this road was not improved for the exclusive use of Cemex. The road was widened to account for significant population growth, access to the Friant dam, and for various other purposes. There are now many more users of Friant road than there were in 2008, including from many more existing and planned new homes, more Millerton Lake users, more casino patrons (and still more to come when the major Table Mountain Casino development is completed), many more people using Friant as an artery to reach the 168 incline, more bicyclists than at any time in the past, and the like—all of which suggests that *the tonnage and truck load trips that would occur at the quarry site should be capped well below that which Cemex proposes*. Some planners might reasonably argue that Cemex’s current truck trips should be decreased, and that the current plant operations should be reviewed and an extension of the current permit beyond 2023 denied as industrial operations in the river bottom are incompatible with the growth and development of the region as it exists.
- **Water quality, hydrology, and water use will be impacted.** Cemex has already dug two wells on the quarry site as well as 14 so-called monitoring wells. 90% of the wash water used in rock processing will be sent to silt ponds. The total water consumption will increase significantly (by at least two to three times current use) and to an estimated 240 acres feet of water. As the hard rock mining pit gets deeper and deeper, it will most certainly fill up with water because current wells are proximate to the river and riparian areas and locate water at relatively shallow depths. The quarry 600 foot deep pit will be dug in 50 foot deep steps, and ultimately to depths where flooding is routine. Strata fracturing can affect water quality. Also, since water in California is gold, there is nothing preventing Cemex from selling water derived from the pit, or depleting the aquifer. In any event, there is estimated net loss of water because 10% of the water is lost by processing or product water retention. If significant amounts of water are drained from that section of the river bottom, local residences and ag land nearby could be without water making the properties uninhabitable and leaving them vulnerable to fire either by lack of water or from reduced water pressure. The silt ponds are an additional hazard because of the proximity to the river. Silt ponds leak and berm holding areas break.
- **Light and glare and noise pollution will also have wide-ranging effects.** Lights at the quarry site will be on and visible from both Madera and Fresno homes above the quarry site virtually all night and every night and for many miles. These lights will be very visible and totally change the peaceful night sky and a serene setting. The noise from excavating will start at 6 am and not end until 7 pm; trucking noise will start at 4 am and not end until 9 pm. There will be lights on quarry trucks as well as third-party trucks making supply deliveries at “nighttime”. Given the extent of roads and operations, even directed light will necessarily be visible. Cemex overreaches when it comes to increasing operating hours and truck trips, but seriously understates the effects. For example, Cemex’s hired expert states that despite all of the equipment and activity there would be no “substantial” degrading of the existing visual character. Yet another expert states that noise “could exceed applicable noise standards”, but fails to acknowledge the

fundamental activities that makes mitigation in open air mining difficult. And, as to what appears to be made as a side comment, Cemex wants permission to use “drop ball and hydraulic breaker” crushing methods if the hard rock resists quieter methods. Nowhere in the comment relating to the noise study is that method discussed. Currently, the light and noise from the plant near Willow and Friant is fronted by a high hilltop and with no residences immediately facing the plant, and residences to the east shielded by the hilltop. There is no such shielding at the quarry site; residences on both side of the river will look directly down into the quarry. Some residences are within mere yards of the site and will not only have to deal with noise and light and dust pollution, but also with the prospect of diminished value of their home.

- **Other concerns.** Several other major concerns have been voiced. One includes the potential impact of blasting within just a few miles of **Friant Dam**. The dam may have already exceeded the timetable for repairs or retrofitting. If there is a serious breach of the dam, either from blasting or seismic disturbance, the quarry would produce an enormous debris field which would have devastating effects on people and property as water proceeds toward Fresno. The liabilities in this regard would be enormous.
- **The current zoning and associated limits** with regard to the current use permit are defined as follows: “surface mining operations and related activities are permitted in the AC=20 district subject to a CUP (conditional use permit).” This land is, essentially, ag land. What is around it is reasonably purposed for the development of the parkway and ag use. There is nothing in the zoning implying or encouraging industrial use.
- **The quarry proposal represents a very costly and dangerous legacy for future generations to deal with.** The project encompasses 100 years. Reclamation by Cemex occurs only after the operations are completed. Additionally, while the project “progresses”, there is nothing in the CEQA process that creates a nexus between Cemex’s many claims and promises and the consequences of unprovable claims and broken promises. The inappropriateness of a massive new industrial plant site in the river bottom and hard rock deep pit mining is obvious, even to young people. Future generations will have to deal with the consequences of a bad decision made now. This is not the legacy that we should be leaving.



February 22, 2023

Mr. Elliot Racusin,
Planner, Development Services and Capital Projects Division,
Fresno county Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721'559-600-4245 Email: eracusin@fresnocountyca.gov

Re: Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027

This letter is in response to the comment period relating to above referenced matter, hereby referred to as the Cemex requested extension or the Extension. As a brief background, I am the Chairman of the California Energy Investment Center which has projects located in several parts of the State, including Fresno County, and Chairman of PenberaParis which has provided forecasts, reports, and studies to local, State, and Federal agencies, and international organizations. I served as Dean of The Craig School of Business at CSU, Fresno, and as a Senior Fulbright Scholar, and conducted regional economic studies for virtually all counties of the Central Valley and the first comprehensive statistical abstract. I have been a resident of Fresno County for more than 30 years, raised my children here, and reside in River View, the community directly across from the Quarry site along Friant Road.

In my opinion, and I can assure you that of many other people, both the request for extension of the Cemex current Plant Site and the request for the Quarry site should be summarily denied. As I will explain, it can be reasonably argued that the proposed extensions should not even be under consideration. The Plant Site was originally proposed to have a limited life; it has been extended before and to a period exceeding 100 years. When an industrial site approval carries with it a statement of an end time, this expectation should not be ignored; in fact, it should take precedent. As to the Quarry site, this was proposed by Cemex years ago. There was to be an attendant EIR: to my knowledge, it has never been completed. Yet Cemex has been pre-emptively developing the site in negatively impactful ways. In response to Cemex's consultants representations, I provided detailed, written counter points to each of the claims made by Cemex relating to noise pollution, air pollution, water contamination, traffic, among others, and a review of the purposefulness of the River Parkway such that no industrial site should exist in the river bottom. *I have attached the analysis to this letter.*

I have reviewed the entire 57-package of materials related to the extension request. I appreciate that the focus is around ascertaining the significant effects and aspects of mitigation. However, among other things, the EIR for the Quarry review process was to determine the significant effects of mining operations and a new plant site there; one has to wonder how that EIR will relate to the extension and if the Quarry EIR will be forthcoming. But, to be frank, I think there could well be interventions by the State and Federal governments and legal action if this is not clarified.

Conditions over the last 100 years ago, or even 40 years ago, have changed so significantly that it seems neither desirable nor realistically plausible to approve the extension and then try to mitigate the effects on the environment. Even the suggestion of the possibility that the County would not find substantial evidence of effects since the establishment of the Rockfield Quarry in 1913 (the previously approved conditional permit) would make the County look ridiculous; I don't want my government to appear that way. Common sense would suggest that the proposed extended conditional use permit (CUP) should be viewed as a long-shot since things have markedly changed over the last 110 years in big ways. Just about every single factor associated with environmental impact has changed: a significant population increase, significant residential development, significant changes in air quality, significant increases in traffic, significant changes in water resources, and, of course, the impacts on the purposeful planning and development of the Parkway as a protected, environmental corridor.

But there are things that have occurred which cause me and others to think that not only are the extensions not long-shots, but that they are already in motion. By allowing Cemex to develop the Quarry site over the last 2 years, and remembering that the EIR reporting was to have already been done, and by the County not issuing even one interim report, the entire process seems very cloudy, if not dark. Cemex has, for example, built high dirt domes around the property, including along Friant Road. I am in receipt of an email from local residents that the dust and dirt has significantly increased over the past year and that diesel fume exhaust from trucks is evident. They have made numerous complaints to the Air Pollution Control District. The activity is relocated directly across the street in front of our community. An inspector stood in the residents back yard and observed the diesel emissions, and although he validated their concerns, he implied that he didn't have the authority to do anything to correct the situation. I can also tell you that sediment in the water has markedly increased as the topography of the Quarry site has changed.

Was it reasonable for 10-foot piles of dirt—un-landscaped and without irrigation – to be piled along Friant Road? What happens if Cemex convinces the staff that it can mitigate impacts: does the public have to wait four years to challenge this? And if there is no enforcement, what's the value of proposed mitigation if there is no regular monitoring, no timely sanctions and no financial reserve contributed by Cemex? I respectfully ask that the County staff consider these questions as well as the larger one of what should be done to have the kind of river parkway that our citizens will use, admire, and deserve. That is what professional public planning should be all about.

Finally, let's not think that Cemex and the County does not have other options than a 4-year extension. In my opinion, Cemex could be given one year for the purpose of ending the Willow Friant plant site while the County completes the EIR on the Quarry site. You will note that there is earth products industrial activity now going on along 145, away from any river and residential development. If Cemex wants to act responsibly, it has options to move the existing plant site and forego trying to push it on to the Quarry site as that part of their plan will have tremendous opposition. In the meantime, it would be good to see the County take citizen concerns more seriously by sending inspectors out to the Quarry site that do have the power of enforcement, including, for example, to stop operations when pollution is evident.

Sincerely,

Joseph J. Penbera, Ph.D.

From: [James R Durando](#)
To: [Racusin, Elliot](#)
Subject: CEMEX PROJECT
Date: Sunday, February 26, 2023 8:58:44 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

To Mr. Elliot Racusin,

We live only about 150 feet from the edge of the Cemex property. We have lived in this home for 40 years. We have seen much growth in the Friant over these years. We were very disappointed with Fresno County giving the community no written notification of Cemex's planned 4 year extension. This would seem to be hiding from the public your ulterior motives. Please respond to the lack of written notification to area residents and your justification for this move.

I would hope you would understand our alarm when a 600 foot open hard rock pit mine with blasting, crusher and the processing operations processing is planned for our neighborhood.

This area is a small valley bordered by hills. The water and air pollution will be increased due to the topography of the basin. It will trap particulate created by the industrial plant and its operations. Currently we experience air pollution from dust and sound pollution from the current operations. If a 600 foot mine is allowed what will happen to our domestic wells? Who will be responsible to migrate losses of potable water, and lowering of the water table?

The dig has continued to operate outside of the start and end times. When this was brought to the county's attention two years ago Cemex stopped only for a few short weeks, then started right back to working outside of the permitted hours of operation. Is this the kind of deceptive operation that we want to allow to continue in Fresno County? Cemex's history of violations at other US plants confirms they ignore regulations and environmental safeguards. In their proposal two years ago they requested a 17 hour period of operation. Is this consistent with a residential neighborhood?

I believe the Public deserves to read the current environmental studies that have been done. These must not be sponsored or paid for by Cemex as they were in the original plan we were able to read two years ago. The evaluations must and should to be conducted by independently qualified companies. It is unconscionable on the county's part to not see the need for the independent and proper studies to safeguard the health and safety of the public and the San Joaquin River.

Cemex is currently digging steep walled pits, and dumping ragged mud barriers that will hide their activities. Cemex appears to be steaming ahead with their plans as if

they all ready know they are being approved. The current plant area has polluted soil, a quick look by a novice will tell you nothing grows there.

Cemex is a Mexican international corporation with numerous violations both environmental and operational in other US locations. Elevated Cadmium levels in domestic wells already exists near the current plant. The current CUP allowed for only surface extraction of sand and gravel, the permit ends June of 2023. By my observation remediation of soil or rehabilitation to previously mined surfaces has not been done. Feel free to visit the sites for your own confirmations for the lack of remediation as is currently required the current CUP. Just another point that Cemex has no plans to follow current regulations. Does the next four year phase allowing for blasting and rock extraction at this site? No plan for the four year extension has been made publicly available to read. How can this be?

The planning commission over the last 40 years have allowed for residential homes on this corridor. How is a industrial plant of this magnitude even being considered for a residential area? Would the commission personnel or County Supervisors allow this in their neighborhoods?

I did a quick look at studies for home values near open pit mining. Scientific studies show the home values within one mile of an open a pit mine declining 30%. How much will the value of our homes decrease that are only a few hundred feet away? Since the county zoning allowed residential homes and now has switched its priorities who's responsibility will it be to compensate the unknowing and innocent residents who built their homes here for this monetary loss? Cemex? This must be in writing and legally binding in any plan.

The current CUP allowed for only surface extraction of sand and gravel, not hard rock mining and blasting. The Beck Ranch Project of 1986 adjacent to the current project asked for the processing facilities on the Beck site also. This was denied. The current Cemex permit ends June of 2023. Please stop this gross invasion of an industrial plant in a residential area on the scenic and beautiful Friant byway.

I would appreciate responses to my questions and written notification of future plans in a timely manner.

Diane Durando
15462 N Friant Road.
559 676-0190

From: [Jim Durando](#)
To: [Racusin, Elliot](#); [District 5](#); [District 4](#); [District 3](#); [District 2](#); [District 1](#)
Subject: Lack of Notification to Stakeholders/Residents adjacent to Cemex Rockfield Project
Date: Monday, February 27, 2023 5:27:40 PM
Attachments: [Cemex Rockfield February 27, 2020.docx](#)

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Re: Non-Notification of Stakeholders/Cemex CUP Extension-Rockfield

To: Elliot Racusin, Planner
Development Services and Capital Projects Division
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno CA 93721

As a Stakeholder in the Cemex Proposed Rockfield Quarry Modification Project and the modifications requested on both the EIR 7763 and the Unclassified Conditional Use Permits Applications 3666 and 3667 I find it unthinkable that notification was not made to inform me, or the other stakeholders/residents adjacent to the site. My property in less than 200 feet from the project. That document was received by CEQA on June 5, 2020. Why weren't we notified?

Your recent notification that was sent out omitted all of the residents along Friant Road adjacent to the proposed "new" project which will include hard rock extraction, processing, and transporting it off the site. The proposed project is nothing like the current CUP was written for. This is a major project and a novel approach to extend the mining of a piece of property since the majority of the sand and gravel has been extracted as the current CUP nears expiration. The new CUP needs to be written for the actual methods and problems relative to them, not the document that is decades old.

Major concerns were shared in the summer of 2020 and mostly centered on the following items.

Air Quality-from disturbed particulate, particulate creating during processing, airborne blasting contaminants, and engine exhaust emissions. Health impacts from these exposures

will occur.

Water Table impact-who is responsible if water table levels drop due to the mining? Will bonds be held to compensate stakeholders if their wells fail, or there is contamination of the water table?

Property Value-These houses have been here for years and it is documented that a mine as is proposed will lower property values/

Aesthetic Impact-Noise, Light, Water, and Air pollution impacts will create a less desirable living environment.

We were being kept informed on the project through the summer of 2020 and then all communication from your office ceased. Cemex has been prepping the site for the last two years with visual barriers of earth piled up on the east side of the property, as if they are certain that it will be approved.

I'm disappointed that you did not include the nearby residents of both Fresno and Madera counties in a timely manner as is most likely required by law. In the spring and summer of 2020, we were given opportunities to raise question and concerns and those were sent to your office. Have those concerns and questions been addressed by someone at your end, shared with others, or just ignored? We never were given a response by anyone as to those concerns.

I hope that more transparency and timely communications are forthcoming from this point forward. Please take this seriously as it will have lasting significant impacts for generations to come.

Sincerely,

Jim Durando

15462 N. Friant Road

Friant CA 93626

Kevin and Marisa Ploog
15150 Mesa View Avenue
Friant, CA 93626
559-900-4234

February 22, 2023

Mr. Elliot Racusin, Planner
Development Services and Capital Projects Division,
Fresno county Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Dear Mr. Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

My husband and I reside in the River View Ranch community directly across from the Quarry site along Friant Road mined by CEMEX. We would like to express our **absolute opposition** to the CEMEX contract extension.

Approximately three years ago public comment was solicited for a separate contract submitted by CEMEX to extend operations and an EIR was initiated. We have not been notified of the status of progress on this EIR but expect that Fresno County has failed to complete the process as of the date of this letter.

We experience the impact of CEMEX's daily operations and have experienced significant negative impact of their operations over the last several years. Increased noise and air pollution from high levels of dust and diesel fumes from equipment are among our observations. We have made numerous complaints to the San Joaquin Valley Air Pollution Control District (SJVAPCD) since the activity has relocated directly across the street in front of our community. CEMEX claims in the attached application that they have not received ANY complaints from the SJVAPCD; this is emphatically inaccurate and an outright lie!

We have repeatedly shared our concerns regarding excessive dust in the air and high levels of diesel emissions expelled from their equipment that have been substantial over the past year. We actually had an inspector stand in our back yard and observe the diesel emissions we were concerned about. Unfortunately, while he validated our observations, he implied he had no authority to enforce our concerns. We also have significant concerns regarding the potential impact of CEMEX's mining on our existing water tables.

In reviewing the proposed extended conditional use permit (CUP) it 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 record, ..." that

- there are no new significant environmental effects or substantial increase in the severity of previously identified significant effects, or
- there is no new information of substantial importance, which was not known and could not be known at the time the previous EIR was certified including:

- one or more significant effects not discussed in the previous EIR or Neg. Dec.
- Significant effect previously examined will be substantially more severe than shown in the previous EIR

Mining operations have occurred at the Rockfield Quarry since at least 1913 with the current active contract commencing in the 1980's. This is more than 110 years of mining operations over the quarry's lifetime. To suggest that no significant changes in environmental impact have taken place over the last 40+ years, since the completion of the last EIR, seems in and of itself ludicrous. I can name numerous environmental changes. This property was in the middle of nowhere when operations first began, it is now extremely populated. There are certainly remarkable changes due to urban sprawl including significant increase in traffic on Friant, dependency on existing water, and direct impact on the noise and air quality are among the first that come to mind. When no-one lived around the quarry, there was little to no direct human impact; increase population and traffic alone is a significant change.

We would also like to impress upon you that to the best of our knowledge, there is no monitoring of CEMEX's operations to hold them accountable to the operational commitments they agreed to in their original contract. We have observed their operations commencing prior to the 7:00 am start times. The 5' berms they note in their application were only recently put in place; there was little to no concern about meeting this requirement until they knew they would be applying to extend their agreement. Traffic mitigation issues are completely obsolete; we routinely observe traffic incidents on Friant, some of which have included trucks operated by CEMEX.

The formerly approved agreement included a commitment mine and rehabilitate excavation areas within one-year after the completion of excavation. However, CEMEX operates across the entire span of the quarry ensuring that they never "complete" excavation and thus never rehabilitating the mined area of the quarry. The mining area has so become so expansive and has substantially degraded the natural landscape. There was a commitment to build a 50-foot-wide berm with groundcover, shrubs and trees. This proposed landscaping was intended to provide further screening from their unsightly activity; but all we see are piles of dirt eroding from recent rainfall, and of course the mining pit!

We also wish to point out that the request for public comment was not extended to those most directly impacted by CEMEX's operations; most of which who have attended public meetings regarding the existing contract proposal that still has a pending EIR

We respectfully request that you strongly consider our concerns outlined in this letter and not simply rubber stamp the approval of this contract extension. If the county requires additional time to complete the work of the previous EIR an extension of time not to exceed one year would be more appropriate. A four-year extension suggests passive support by the county of a the new contract currently pending EIR. We expect the county to do its due diligence in competing the requirements in a timely manner; four years is not considered timely.

Respectfully,

Kevin and Marisa Ploog

From: [Leslie Iskenderian](#)
To: [Racusin, Elliot](#)
Subject: CEMEX Cont. Mining near San Joaquin River
Date: Thursday, February 23, 2023 12:45:24 PM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

As a Clovis resident, I sure resent the fact that ongoing practices that have a negative environmental impact continue to be permitted to take place. I believe in balance of human residence and nature- but with all the desk pounding taking place about going green, saving water, mandating electric cars, banning gaseverything, even stoves..... we permit the gravel mining along the beautiful San Joaquin River????!!!!!!

This is a serious disruption to the wildlife, water quality and conservation practices of that area. I am really disgusted with the "almighty dollar" driving decisions that cause permanent damage/harm then the residents of the area have to repair or live with the consequences. STOP ALREADY!! If we continue to divert water from the valley to the Bay and L.A. area, starve our residents/farmers of the water- why are we continuing to encourage more growth in this area if we do not have the water to support it?

Stop shoving GO Green restrictions on us when something of THIS magnitude is being done that is so disruptive and even damaging!!!

L.

Surjit And Kanwal Singh

15320 Mesa view

Friant, CA 93626

February 24,2023

Mr. Elliot Racusin , Planner

Development Services and Capital Projects Division

Fresno County Department of Public Works and Planning

2220 Tulare Street,6th Floor

Fresno,CA 93721

Dear Mr., Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093-Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

My husband and I reside in the River View Ranch community since 2006. We bought this house with our hard-earned money and enjoying every bit of it in this pretty neighborhood. We have not been notified of the status of progress on this EIR but expect that Fresno County has failed to complete the process as of the date of this letter. We experience the impact of CEMEX's daily operations and have experienced significant negative impact of their operations over the last several years. Increased noise and air pollution from high levels of dust and diesel fumes from equipment are among our observations the past year.

This property was in the middle of nowhere when operations first began, it is now extremely populated. There are certainly remarkable changes due to urban sprawl including significant increase in traffic on Friant, dependency on existing water, and direct impact on the noise and air quality are among the first that come to mind. When no-one lived around the quarry, there was little to no direct human impact; increase population and traffic alone is a significant change. We would also like to impress upon you that to the best of our knowledge, there is no monitoring of CEMEX's operations to hold them accountable to the operational commitments they agreed to in their original contract. We have observed their operations commencing prior to the 7:00 am start times Please stop this, We bought this house because it is healthy environment, but due to this it not healthy anymore.

Respectfully

Surjit And Kanwal Singh

From: [Warner, Venus](#)
To: [Racusin, Elliot](#)
Subject: Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093- Extension
Date: Wednesday, March 1, 2023 4:15:38 PM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Venus Warner
15264 Mesa View Ave
Friant, CA 93626

02/27/2023

Mr. Elliot Racusin, Planner
Development Services and Capital Projects Division,
Fresno County Department of Public Works and Planning
2220 Tulare St, 6th Floor
Fresno, CA 93721

Dear Mr. Racusin,

This letter is in response to the public comment period relating to the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341; Amendment of Unclassified Conditional Use Permit 3093- Extension of 4 Years to July 28, 2027, hereby referred to as the CEMEX Extension.

I live with my husband, our daughter, and my mother in the River View Ranch community that is directly across from the CEMEX Quarry site alongside Friant Road, in Fresno County. **We are all absolutely opposed to the proposed 4-year extension of this quarry site and mine, as well as the 100-year extension CEMEX proposed over a year ago!**

When my husband and I bought our home 3 years ago we were under the impression that all quarry operations at this site would cease in early 2023. We have yet to see this happen! Had we known that such ludicrous proposals to extend quarry and mining operations by possibly 4-100 years and also dig/blast 600 feet down for raw material, directly across from our "new home" would be entertained by CEMEX, Fresno City and County Officials we would have thought differently about buying a home in this area of Fresno County.

Since moving to this community 3 years ago, my family and I as well as our neighborhood friends have repeatedly shared the following concerns regarding the Quarry site adjacent to

our homes via phone calls, emails and Zoom call/meetings when asked to do so, though our chance to respond is always given last minute and the timeframe to respond is very limited, usually about two weeks to respond. I will do my best to address each of my concerns on how deep quarry mining could impact the following:

1. **We oppose the 4-year extension, due to CEMEX not being able to provide a current EIR.**

1. This vital document, the EIR, should be current and available for us to review before the 4-year extension is passed, so we can know how our quality of life may be affected, due to the drastic eradication CEMEX is proposing on our environment.

2. **We oppose the 100-year extension, due to CEMEX not being able to provide a current EIR.**

3. **What are Cemex's specific guidelines for Hard Rock Mining for this specific quarry site?**

1. How can I receive a copy of these guidelines?
2. When can I receive a copy of these guidelines?

4. **Water Quality**

1. Since my family and I moved to this neighborhood 3 years ago, we have already experienced significant water issues, low pressure to no pressure (no water), significant amounts of sand and tiny pebbles in the water lines. Fresno County is aware of these issues because they are who we are to call when something goes wrong, which it has!
2. There has never been deep quarry mining near any part of the San Joaquin River, per a recent article in The Fresno Bee.
3. How is Cemex going to assure us that the aquifer water levels will not be significantly reduced or depleted altogether for my neighborhood, the surrounding homes and housing developments within a few miles away (Friant, Fresno & Madera), due to quarry dewatering and rock removal at the Quarry site?

i. **Note:** The only homes that were notified of the possible CUP for the deep quarry mining were only within 1 mile from the quarry site, and only on Fresno County's side, not Madera County. This is appalling, because the homes and agricultural businesses on the Madera County side also rely on water and good water at that!

4. How is Cemex going to assure my neighborhood, the surrounding homes and housing developments within a few miles that our water quality will not be contaminated?

i. Note: See above note.

5. Does Cemex have a plan to provide an alternative water supply to property owners in the surrounding communities (Friant, Fresno and Madera) whose wells will be significantly impacted, due to Cemex blasting a 600-foot deep mine?

6. Does Cemex know if there will be Temperature Changes in the ground water?
 - i. How often will Cemex or a third party be monitoring the Temperature Changes in the ground water?
 - ii. Has Cemex conducted research (EIR) on the effects of Temperature Changes to the ecosystem and aquatic life in and around the San Joaquin River? Is Cemex prepared financially to continue the use of the thermal impact monitoring at the quarry site after the project ends in 100 years? Will the surrounding communities (Friant, Fresno and Madera) be notified if Temperature Changes occur? Who will be notified if Temperature Changes occur? How will the surrounding communities (Friant, Fresno and Madera) be notified if Temperature Changes do occur?
7. Does Cemex know what the possible affects deep quarry mining might have on the ground-water flow paths for the San Joaquin River. How do they plan to monitor any possible changes in the ground-water flow path? How often will they monitor any possible changes in the ground-water flow path? Will they use Dye Tracing to monitor any changes? Is Dye Tracing safe or unsafe for humans, the ecosystem, aquatic life, and other wildlife such as deer, birds, coyotes, foxes, rabbits, squirrels, lizards, and snakes? Will the surrounding communities (Friant, Fresno and Madera) be notified if Dye Tracing needs to be used to monitor the ground-water flow path? Who will be notified if there are changes to the ground-water flow path? How will the surrounding communities (Friant, Fresno and Madera) be notified?
8. How is Cemex already handling stagnation on ground water in the “reclaimed ponds”?
 - i. Is stagnated ground water good for wildlife because we know it’s not for humans?
9. Blasting at the quarry site could cause increases in turbidity levels. Is Cemex going to monitor the turbidity levels and how often? Will the surrounding communities (Friant, Fresno and Madera) be notified if the turbidity levels increase or decrease? What Turbidity Levels are considered safe by the State and local governments? What Turbidity Levels are considered unsafe by the State and local governments? How will the surrounding communities (Friant, Fresno and Madera) be notified of the safe or unsafe Turbidity Levels?

5. Air Quality

1. What are safe and unsafe air quality measurements for Fresno and Madera Counties?
 - i. Can we receive information on the safe and unsafe air quality measurements for Fresno and Madera Counties?

2. Good Safe air quality is important no matter who you are or where you live, but especially to those that live with severe respiratory diseases.
3. Nine out of ten people now breathe polluted air, which kills 7 million people every year, per the World Health Organization (WHO)*.
 - i. *The health effects of air pollution are serious – one third of deaths from stroke, lung cancer and heart disease are due to air pollution.
4. The winds in our area typically come in on a southwesterly route, so any dust, dirt, or debris will typically be pushed into the path of our neighborhood (homes). How is Cemex going to mitigate the air pollution that could be caused by this quarry site?
5. Has Cemex completed a neutral study on air quality for this area and the adverse impacts on humans near the proposed quarry and for the type of work they are proposing to do such as; deep mine blasting, an asphalt plant, crushing of large rocks into smaller gravel or pebbles, bringing in reclaimed cement to break it up, and all transportation vehicles and heavy equipment that might be used to bring the material to the surface?
 - i. If Cemex did complete a neutral study on air quality for this area for the type of work they are proposing, then who reviewed this possible report? What were their findings? Were/will any of the surrounding communities (Friant, Fresno & Madera) be notified of this possible air quality report?
6. There is a proposed residential Retirement Community for 5,000 residents called Friant Ranch that will be within a mile or two of this proposed quarry site, they are currently being challenged, due to questions of impact to air quality in this area?
 - i. Since the proposed Friant Ranch Retirement Community is being challenged due to their possible impacts on this areas air quality, the County of Fresno and Cemex both need to take serious looks at the potential impacts that the deep mining quarry will have on our areas air quality.
1. If health issues do arise for people that live in the surrounding communities (Friant, Fresno & Madera) from the proposed deep mining quarry, then how does Cemex plan to compensate those people and within what time frame?
8. Does Cemex have any proposed plans to monitor the air quality that might cause unwanted air pollution from the type of work they are proposing such as deep mine blasting, an asphalt plant, crushing of large rocks into smaller gravel or pebbles, bringing in reclaimed cement to break it up, and all transportation vehicles and heavy equipment that might be used to bring the material to the surface?

9. Does Cemex plan to monitor the air quality at this quarry site and the surrounding communities (Friant, Fresno & Madera)?
 - i. How long will Cemex have the air quality monitored for?
 - ii. How many proposed monitoring locations will there be?
 - iii. Where are the proposed locations for the air quality monitoring?
 - iv. Will the surrounding communities (Friant, Fresno & Madera) be notified of the air quality monitoring by Cemex or a neutral party, the proposed monitoring locations and how many locations there will possibly be?
10. Has Cemex conducted a study on how air quality might affect and wildlife, either aquatic or on land?
 - i. If the wildlife, aquatic or on land, is affected by the air quality due to the deep mining quarry, what is Cemex's proposal to help the wildlife that has been affected? And how do they plan to prevent health defects to any live beings in the future?

6.Aesthetics

1. There will be significant negative aesthetic to my neighborhood, my home, my neighbor's homes and let us not forget the San Joaquin River if this quarry site is able to dig a 600-foot-deep hole! Talk about a devastating scar that will never go away.
2. Due to a significant number of houses in and around, meaning high on the hills that can already see the proposed quarry site,
3. The terrain, topography, wildlife, vegetation, and ecosystem will all be drastically changed if there is a 600-foot-deep hole in the ground.
4. The wind in our area typically impacts come in on a Southwesterly route, so any dust, dirt, or debris will typically be pushed in the path of our neighborhood. How is Cemex going to mitigate the air pollution that could be caused by this quarry site?
5. There is no barrier of large enough trees to stop the view of a possible 600-foot-deep hole.

7.Property Values

1. How will deep quarry mining impact the surrounding communities (Friant, Fresno & Madera) property values?
2. Is Cemex willing to make the property owners of all the surrounding communities (Friant, Fresno and Madera) whole, if their property values drop below a certain percent in a reasonable Real Estate Market, due to the deep quarry mining?
3. We live in an HOA Community, our home prices are all independent of one another, but they are closely related in upkeep and value, our home prices could significantly drop in value, due to this possible deep quarry mining site.

8.Noise Pollution

1. We can hear the dumping of gravel into the large gravel trucks from at least 3 of four bedrooms (Master bedroom, our daughter’s room, and our son’s room) in our home.
 1. How does Cemex plan to mitigate this noise.
2. We can hear the dumping of gravel into the large gravel trucks from our back yard and our front yard.
 1. How does Cemex plan to mitigate this noise.
3. What are the Typical Sound Levels Measured in the Environment and for this type of Industry that will be blasting, transportation of the “materials” from one site or area to the next, idling of trucks before “work actually starts”?
4. How loud will the blasting be at the quarry site?
5. How is Cemex going to mitigate the Noise Levels at nighttime, since the quarry site will be in operation 17 hours a day and people react to nighttime noise exposures as though they were twice as loud as daytime exposures.
6. How will Cemex mitigate the noise from blasting, heavy equipment and additional gravel trucks that is being used at the quarry site or coming to and from the quarry site?
7. Has Cemex conducted a study on how noise pollution might affect and wildlife, either aquatic or on land?
8. Some people are sensitive to Vibration Noise, how will Cemex address this issue for any of the people in the surrounding communities (Friant, Fresno and Madera)?

9.Recreation

1. What types of environmental impacts could this deep quarry mining have on Recreation along the San Joaquin River, Lost Lake, Millerton Lake, and let us not forget the front and back yards of all the surrounding communities (Friant, Fresno and Madera)?
2. Has anyone from Cemex talked to anyone with the San Joaquin River Parkway about Cemex wanting to blast a 600-foot-deep hole next to the river and two lakes?
3. Could possible blasting at the quarry site cause any or significant damage to Friant Dam?
4. Will Cemex pay for a third-party inspection of Friant Dam, due to possible blasting?
5. How often will Friant Dam need to be inspected, due to possible blasting?
6. Will the surrounding communities (Friant, Fresno and Madera) be notified of the third-party inspection of Friant Dam?
7. How will the surrounding communities (Friant, Fresno and Madera) be

- notified of the third-party inspections and how often?
8. What would be considered safe or unsafe damage to Friant Dam, due to possible blasting?
 9. What possible impacts could ground-water flow paths have on the San Joaquin River?
 10. Could the blasting at the quarry site cause Headward erosion in the San Joaquin River?
 11. If Headward erosion is a possibility for the San Joaquin River, how does Cemex plan to stop this?

10. Wildlife Preservation

1. What possible impacts could changes to ground-water flow paths have on the wildlife?
2. Has Cemex conducted a study on how air quality might affect and wildlife, either aquatic or on land?
 1. If the wildlife, aquatic or on land, is affected by the air quality due to the deep mining quarry, what is Cemex's proposal to help the wildlife that has been affected? And how do they plan to prevent health defects to any live beings in the future?
3. Has Cemex conducted a study on how noise pollution might affect and wildlife, either aquatic or on land?
4. Has Cemex already handling stagnation on ground water in the "reclaimed ponds"?
 1. Is stagnated ground water good for wildlife?

11. Transportation/Heavy Equipment

1. Has Cemex conducted a study on how air quality might be affected, due to additional transportation and the added heavy equipment used to source the materials.
2. How will Cemex mitigate additional gravel truck noises and heavy equipment noises that they will make at the quarry site or bring to and from the quarry site?
3. There will be extra wear and tear on at least a 2 mile stretch of Friant Road from all the additional hauls from the large gravel trucks and private vehicles that will enter this possible quarry site. Will Cemex be responsible for the extra upkeep of Friant Road?
4. Since January 2020 there has already been at least 3-4 crashes or gravel spills (gravel and large river rocks) all over Friant Road, due to the large gravel trucks traveling from one site to the next. What is Cemex doing to make sure their drivers are taking every driving safety precaution they can to prevent future crashes or spills?

12. Safety Issues and Miscellaneous (Fly Rock Travel, Flooding, Earthquakes)

1. There are a number of homes within a mile or two of the quarry site, since they are planning on blasting, what kinds of proper planning and protection is Cemex willing to put in place so NO property damage or human casualties occur to these surrounding areas, due to Flyrock?
2. Our neighborhood already has erosion issues for a few homes, if there is blasting at the quarry site, what types of impacts could the blasting have on these erosion issues? If it is found that the blasting caused additional erosion issues, how will Cemex remedy these issues.
3. If there is damage done to Friant Dam, due to the blasting, how fast is Cemex going to take to fix it? Will the surrounding communities (Friant, Fresno and Madera) be notified of any damages to the Friant Dame, due to the blasting? How fast will we be notified? How will we be notified?
4. Will Cemex conduct seismic testing or monitoring, due to possible blasting and being in such close proximity of Friant Dam? How often will Cemex conduct monitoring of the Friant Dam for any damages that might have been caused due to possible blasting?
5. Could there be any possible chance of flooding, due to possible blasting at the quarry site?
 1. If a flood is found to be caused by Cemex and their blasting, how do they plan to compensate those flood victims?
6. Will there be an impact to the Surface Air Temperature, due to the deep quarry mining?

Again, I am absolutely opposed to the 4-year extension request by CEMEX. All work should be stopped at the Quarry site along Friant Road until a current EIR is produced and provided to all residents and community members that can and will be affected by the mining being proposed at the site.

It's disturbing and very disappointing that the request for public comment was not extended to those most directly impacted by all CEMEX operations. At this point in time, any extension approval would be outrageous since we have yet to see the proposed EIR from over a year ago. Why is that? Could it be that the destruction and devastation done to the environment would not allow for a good report within the EIR, which in turn could completely halt all work at the quarry site.

I respectfully request that you strongly consider my/our concerns before any contract extension is approved especially since there happens to be a pending EIR. Please understand, my husband and I are not against big business, nor do we want to stand in the way of progress, if progress is in the best interest of all

people not just a select few. Our expectation regarding the proposed 4-year extension is that Fresno County officials **will Not** approve it until all party's involved, local residence too, receive the pending EIR. We are expecting that all state and local offices do the proper due diligence before anything is approved.

Thank you for your time and crucial consideration into the health and wellbeing of human lives, our wildlife, and our environment.

Best Regards,

Venus Warner
River View Ranch Resident
Friant, CA

Venus Warner
Enhanced Communications Manager
Venus.Warner@lpl.com



7447 N First St #203, Fresno, CA 93720
Phone (559) 436-4717
www.warnerwealth.com

Connect:  

Gary A. Warner, CFP®, CRC® is a registered representative with, and securities offered through LPL Financial, Member [FINRA/SIPC](#). Investment advice offered through Strategic Wealth Advisors Group, LLC, a registered investment advisor. Strategic Wealth Advisors Group, LLC. and Warner Wealth Strategies are separate entities from LPL Financial.

The information contained in this e-mail message is being transmitted to and is intended for the use of only the individual(s) to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please immediately delete.

2600 Fresno Street, Third Floor, Room 3043
Fresno, California 93721-3604
(559) 621-8003

Jennifer K. Clark, AICP
Director

March 1, 2023

Elliot Racusin, Planner, Department of Public Works and Planning
Development Services and Capital Projects, Fresno County
2220 Tulare St., 6th Floor
Fresno, CA 93721

**RE: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555**

Traffic Operations and Planning staff has reviewed the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341 to extend the operational time limit for the CEMEX Plant and Quarry Sites (project) on Friant Road in the County of Fresno. The extension would be from July 28, 2023 to July 28, 2027. The Beck Ranch Sand and Gravel Permit CU 2235, EA 3157 Draft Environmental Impact Report (EIR) was also provided as part of the application and used for the environmental assessment.

The City has determined that the existing EIR is no longer adequate for the proposed project because substantial changes have occurred with respect to the circumstances under which the project is undertaken. These changes will require major revisions of the previous EIR. While the City has requested an additional two weeks to provide additional comments, our initial cursory review has identified the following:

1. The current application does not appear to be consistent with the project operations description included in the July 1986 EIR. In the 1986 EIR, a total of 272 trips have been identified, including 260 truck trips and 12 automobile trips. The current application has identified the existing trip generation for the Project to be 690 truck trips and 110 employee trips
2. The 1986 EIR used a cumulative year of 2006 for traffic volumes and identified an annual daily traffic (ADT) volume of 9,770 on Friant Road, south of Willow Avenue.

- Count data collected by the City of Fresno in 2021 shows an ADT volumes of approximately 64,500 along Friant Road, north of Audubon Drive. The ADT north of Champlain Drive was approximately 22,000 in 2019.
3. The 1986 EIR fails to analyze the impact of traffic generated by the Project on facilities within the City of Fresno.
 4. Pedestrian and bicyclist volumes along the Friant Road corridor have increased due to Woodward Park and the trail facilities in the area. The increased volumes of pedestrian and bicyclists increases the probability of serious and/or fatal collisions with pedestrians and bicyclists. There have been multiple pedestrian and bicyclist fatalities along Friant Road in the last five (5) years. The increase in pedestrian and bicyclist volumes is new information not available and/or not addressed in the 1986 EIR.

If you have any further questions regarding this matter, please contact Jennifer Clark at (559) 621-8003 or jennifer.clark@fresno.gov or Jill Gormley at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jennifer Clark

Cc: Georgeanne White, City Manager
Scott Mozier, Director, Public Works
Jill Gormley, Traffic Operations & Planning Manager
Kristi Costa, Senior Deputy City Attorney

NOTE: Please type or write legibly in ink.

APPLICATION NO: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555

QUESTIONNAIRE:

Based upon your review of the attached project information, please address the following questions and information.

(Check one)

- 1. _____ The proposed project is within the scope of the existing EIR. The project will have no additional significant environmental effects and no new mitigation measures are required.
- 2. The existing EIR is no longer adequate for the proposed project because one or more of the following events as specified in the Environmental Quality Act Section 15162 have occurred:

(Check all that apply. In addition, please indicate the basis for your selection and identify any additional information that should be required.)

- (a) _____ 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;
- (b) 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
- (c) _____ 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:
 - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - 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
 - 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.

Check here if you need a copy of the environmental determination

Signature J. J. Chik
Date 3/1/2023

Agency City of Fresno
Phone 559-621-8001

Please provide your project comments (not related to the EIR) on a separate sheet of paper.

XX: G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3700-3799\3755\Routing\CUP 3755 Routing Ltr -Updated with Additional Routing.doc

2600 Fresno Street, Third Floor, Room 3043
Fresno, California 93721-3604
(559) 621-8003

Jennifer K. Clark, AICP
Director

March 15, 2023

Elliot Racusin, Planner, Department of Public Works and Planning
Development Services and Capital Projects, Fresno County
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555

Dear Mr. Racusin:

Thank you for the opportunity to provide additional comments on the above referenced matter.

The City of Fresno does not find the use of a Subsequent Environmental Impact Report to be appropriate for the extension of the referenced Beck Ranch Sand and Gravel Permit CU 2235, EA 3157 Draft Environmental Impact Report (DRAFT EIR EA 3157). In addition to the prior letter (attached), the following comments are provided.

1. No Final EIR for noticed EA 3157 was provided to the responsible agencies notified. Only Draft EIR EA 3157 was included in the noticing packet.
2. The current application is not fully located within the boundaries of the Draft EIR EA 3157 provided with the notice.

The notice specifically calls out the use of Environmental Review 3157. Draft EIR EA 3157 was provided with the packet, no Final EIR was provided to the responsible agencies noticed. The draft was considered for approval in July 1986. This Draft EIR EA 3157 covered only the property listed as the "Beck Ranch Sand and Gravel Permit".

Prior entitlement referenced as CU 367 appears to cover quarry property immediately adjacent to the south of the Beck Ranch property and additional property for a plant site further south on Friant Road. CU 367 was approved in 1960 and predated CEQA. Additional land was added to the area and a Supplement to the Draft EIR EA 3157 was completed in April 1987 (Supplemental EIR EA 3174) for CU 2241 for the processing plant. However, there is no clear map showing the legal boundaries of either Draft EIR EA 3157 or Supplemental EIR EA 3174.

The extension of time is requested for both the plant site and quarry site. The Draft EIR EA 3157 covers only the Beck Ranch property. According to the map in the application packet, time extension application CUP 3093 is outside of the noticed Draft EIR EA 3157 and cannot be found to be consistent with the use of a subsequent Environmental Impact Report.

3. The subsequent CUPs 3063/3064 which were approved September 25, 2003 extended the permits through July 28, 2023. There is no attached record of environmental review which allows for the extension of time beyond the horizon year shown in either Draft EIR EA 3157 or Supplemental EIR EA 3174.

4. The subsequent CUPs 3093/3094 which were approved on October 21, 2004 expanded the maximum number of daily truckloads to 225 truckloads per day from the excavation sites and 225 truckloads per day from the processing operation. There is no attached record of environmental review which analyzed the additional gravel truck volumes shown in either Draft EIR EA 3157 or Supplemental EIR EA 3174.

5. The current application for a time extension is beyond the horizon year listed in the Draft EIR EA 3157 and Supplemental EIR EA 3174 provided with the notice.

6. The current application for a time extension lists employees at 110 which is beyond the scope of both the Draft EIR EA 3157 and Supplemental EIR EA 3174 provided with the notice.

If you have any further questions regarding this matter, please contact Jennifer Clark at (559) 621-8003 or jennifer.clark@fresno.gov or Jill Gormley at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jennifer Clark
Director Planning & Development

Attachment: Letter Dated 3/1/2023

cc: Georgeanne White, City Manager
Scott Mozier, Director, Public Works
Jill Gormley, Traffic Operations & Planning Manager
Kristi Costa, Senior Deputy City Attorney

2600 Fresno Street, Third Floor, Room 3043
Fresno, California 93721-3604
(559) 621-8003

Jennifer K. Clark, AICP
Director

March 1, 2023

Elliot Racusin, Planner, Department of Public Works and Planning
Development Services and Capital Projects, Fresno County
2220 Tulare St., 6th Floor
Fresno, CA 93721

**RE: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555**

Traffic Operations and Planning staff has reviewed the Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341 to extend the operational time limit for the CEMEX Plant and Quarry Sites (project) on Friant Road in the County of Fresno. The extension would be from July 28, 2023 to July 28, 2027. The Beck Ranch Sand and Gravel Permit CU 2235, EA 3157 Draft Environmental Impact Report (EIR) was also provided as part of the application and used for the environmental assessment.

The City has determined that the existing EIR is no longer adequate for the proposed project because substantial changes have occurred with respect to the circumstances under which the project is undertaken. These changes will require major revisions of the previous EIR. While the City has requested an additional two weeks to provide additional comments, our initial cursory review has identified the following:

1. The current application does not appear to be consistent with the project operations description included in the July 1986 EIR. In the 1986 EIR, a total of 272 trips have been identified, including 260 truck trips and 12 automobile trips. The current application has identified the existing trip generation for the Project to be 690 truck trips and 110 employee trips
2. The 1986 EIR used a cumulative year of 2006 for traffic volumes and identified an annual daily traffic (ADT) volume of 9,770 on Friant Road, south of Willow Avenue.

Count data collected by the City of Fresno in 2021 shows an ADT volumes of approximately 64,500 along Friant Road, north of Audubon Drive. The ADT north of Champlain Drive was approximately 22,000 in 2019.

3. The 1986 EIR fails to analyze the impact of traffic generated by the Project on facilities within the City of Fresno.
4. Pedestrian and bicyclist volumes along the Friant Road corridor have increased due to Woodward Park and the trail facilities in the area. The increased volumes of pedestrian and bicyclists increases the probability of serious and/or fatal collisions with pedestrians and bicyclists. There have been multiple pedestrian and bicyclist fatalities along Friant Road in the last five (5) years. The increase in pedestrian and bicyclist volumes is new information not available and/or not addressed in the 1986 EIR.

If you have any further questions regarding this matter, please contact Jennifer Clark at (559) 621-8003 or jennifer.clark@fresno.gov or Jill Gormley at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jennifer Clark

Cc: Georgeanne White, City Manager
Scott Mozier, Director, Public Works
Jill Gormley, Traffic Operations & Planning Manager
Kristi Costa, Senior Deputy City Attorney

NOTE: Please type or write legibly in ink.

APPLICATION NO: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555

QUESTIONNAIRE:

Based upon your review of the attached project information, please address the following questions and information.

(Check one)

1. _____ The proposed project is within the scope of the existing EIR. The project will have no additional significant environmental effects and no new mitigation measures are required.
2. The existing EIR is no longer adequate for the proposed project because one or more of the following events as specified in the Environmental Quality Act Section 15162 have occurred:

(Check all that apply. In addition, please indicate the basis for your selection and identify any additional information that should be required.)

- (a) _____ 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;
- (b) 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
- (c) _____ 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:
- The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - 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
 - 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.

Check here if you need a copy of the environmental determination .

Signature *J. J. Chih*

Agency City of Fresno

Date 3/1/2023

Phone 559-621-8001

Please provide your project comments (not related to the EIR) on a separate sheet of paper.
XX: G:\4380Devs&Plan\PROJ\SECI\PROJ\DOCS\CUP\3700-3799\3755\Routing\CUP 3755 Routing Ltr -Updated with Additional Routing.doc



San Joaquin River
Parkway and
Conservation Trust, Inc.

February 21, 2023

Elliot Racusin, Planner
Development Services and Capital Projects Division
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Submitted by email to: eracusin@fresnocountyca.gov

**BOARD OF
DIRECTORS**

Julia O’Kane
President

Anna Wattenbarger
Vice President

Eric Kurtz
Treasurer

Lyn Peters
Secretary

Coke Hallowell
Chairman of the Board

Susan Anderson
Bart Bohn
Vicki Crow

Debbie Doerksen
George Folsom
Rodney Grant
Thomas Harmon
Wilma Hashimoto
Jeanette Ishii

Gene Kallsen M.D.
Elise Moir
Samuel Molina
Angel Moreno

Edward B. Morgan
Carol Ann Moses
Irene Romero

Marcia Sablan M.D.
T’Shaka Touré
Lisa Woolf

Fennemore Dowling LLP
Christopher A. Brown
General Counsel

Sharon Weaver
Executive Director

RE: CEMEX Unclassified CUP App No. 3755 and Preliminary
Environmental Review No. 8341

Dear Mr. Racusin:

The San Joaquin River Parkway and Conservation Trust, Inc. appreciates the opportunity to comment on the application to amend CEMEX’s existing mining operation for 4 years while the County continues preparing the EIR for the Rockfield Expansion Project.

Our interest in the project, and the basis for our comments, is the location of the project site in the environmentally sensitive river bottom immediately adjacent to Lost Lake Park and other properties conserved for the benefit of people and wildlife including the Beck property, Ledger Island, Ball Ranch, the Willow Unit of the San Joaquin River Ecological Reserve, and Sumner Peck Ranch.

On the attached Preliminary Environmental Review Questionnaire we have checked 2 – the EIR is no longer adequate for the proposed project because one or more of the following events as specified in Environmental Quality Act 15162 has occurred – the project will have one or more significant effects not discussed in the previous EIR or negative declaration.

More importantly, the EIR referenced and linked in the County’s notice of this extension is actually for a different project site where mining was completed more than 10 years ago; that site is now owned by the State of California as part of the San Joaquin River Parkway. Please see graphics from the referenced EIR attached showing the Beck property, which is north of the quarry site discussed in this application. The site mentioned in the application



CREATING AND PROTECTING THE SAN JOAQUIN RIVER PARKWAY

11605 Old Friant Road • Fresno, California 93730-9701 • 559.248.8480 • www.riverparkway.org



is labeled on the graphic as the Lone Star excavation site, but the County did not reference or attach any environmental documents related to that operation. We contrast these maps from the EIR with the location map from the CUP application (attached).

Assuming that there is an existing EIR for the Lone Star Site (Quarry Site), the County needs to re-circulate the CUP notice referencing the proper document.

Besides this basic inadequacy of the County's notice and reference information, there are numerous changes that have taken place since the original EIR was certified which could qualify as significant effects under the Environmental Quality Act. These include the listing of new species including the California Tiger Salamander, the reappearance of special status species such as Swainson's Hawk and Bald Eagle in the project vicinity, and substantial residential development near the site which has changed traffic counts on Friant Road.


It is impossible to determine whether the original EIR for the project evaluated or mitigated for any of these impacts since the County failed to reference the correct document. If the existing mining operation was never evaluated in an EIR, the County should require CEMEX to cease operations until Environmental Impacts can be properly evaluated.

Finally, the application for extension states numerous times that there will be no changes to the operations at the quarry site. In fact there have been significant changes to the site over the past year involving the stockpiling of raw materials along the south edge of the site, which is prohibited by the current use permit. Perhaps the project proponents would state that the piles on the south end of the site are the construction of the 15 foot unvegetated berm described as a mitigation measure for the operation. If that is the case, we are left to wonder why the quarry was allowed to operate for 20+ years without completing one of its most basic mitigation requirements. We believe that current reclamation standards would require vegetation of the berm to reduce or eliminate soil erosion, and suggest that such a measure is included in any future approvals.

We look forward to receiving a revised notice with environmental documents that apply to the operation in question.

Thank you for your consideration of these comments. Please contact me at (559) 248-8480 extension 105 or sweaver@riverparkway.org if you have questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon Weaver", with a stylized flourish extending to the right.

Sharon Weaver
Executive Director

NOTE: Please type or write legibly in ink.

APPLICATION NO: PRELIMINARY ENVIRONMENTAL REVIEW NO. 8341 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NOS. 3555

QUESTIONNAIRE:

Based upon your review of the attached project information, please address the following questions and information.

(Check one)

1. _____ The proposed project is within the scope of the existing EIR. The project will have no additional significant environmental effects and no new mitigation measures are required.

2. The existing EIR is no longer adequate for the proposed project because one or more of the following events as specified in the Environmental Quality Act Section 15162 have occurred:

(Check all that apply. In addition, please indicate the basis for your selection and identify any additional information that should be required.)

(a) _____ 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;

(b) _____ 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

(c) 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:

- The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- 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
- 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.

Check here if you need a copy of the environmental determination .

Signature 

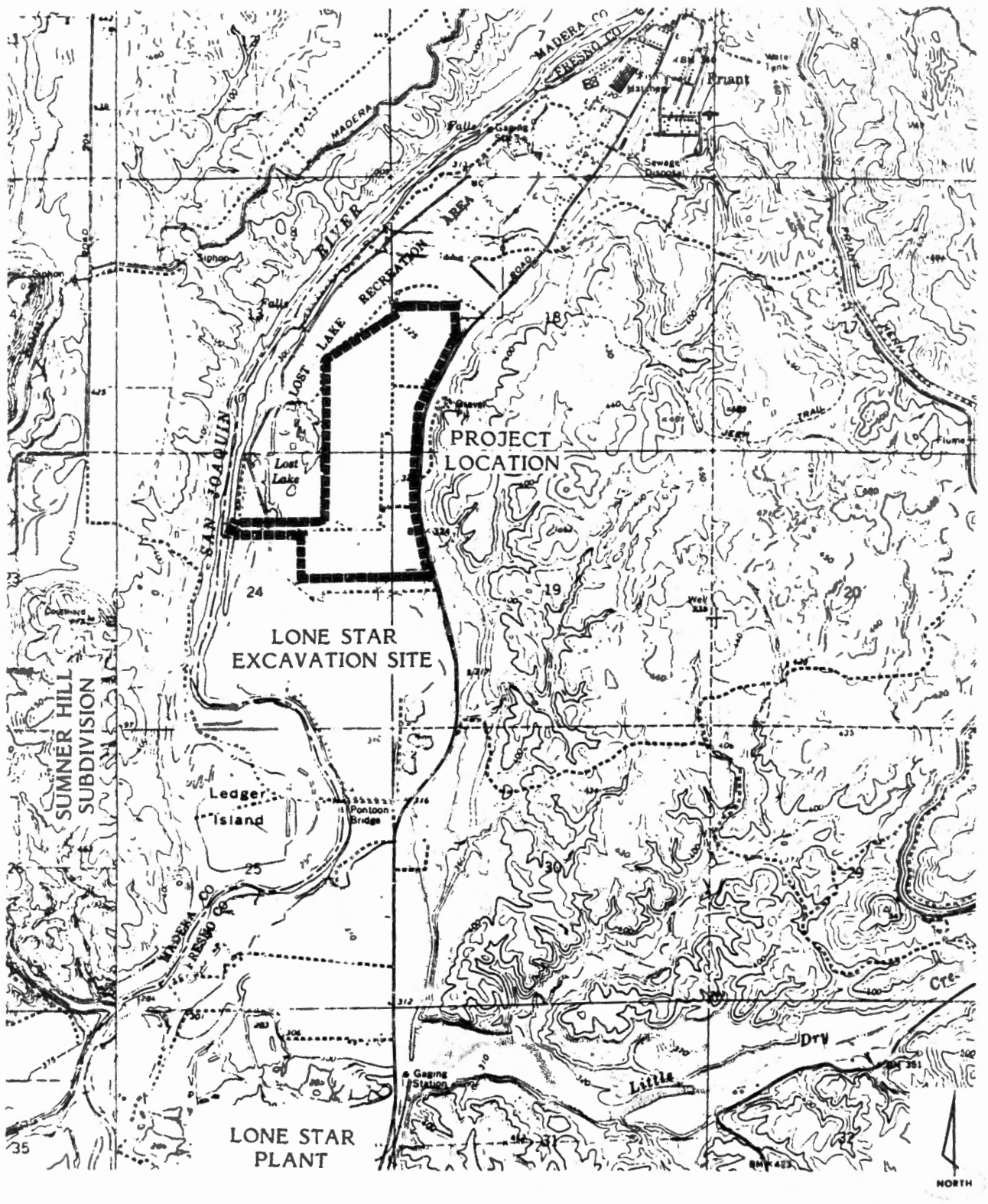
Agency San Joaquin River Parkway & Conservation Trust, Inc.

Date 2/22/23

Phone (559) 248-8480 x105

Please provide your project comments (not related to the EIR) on a separate sheet of paper.

XX: G:\M360Devs&Pin\PROJ\SEC\PROJ\DOCS\CUP\3700-3799\3755\Routing\CUP 3755 Routing Ltr -Updated with Additional Routing.doc

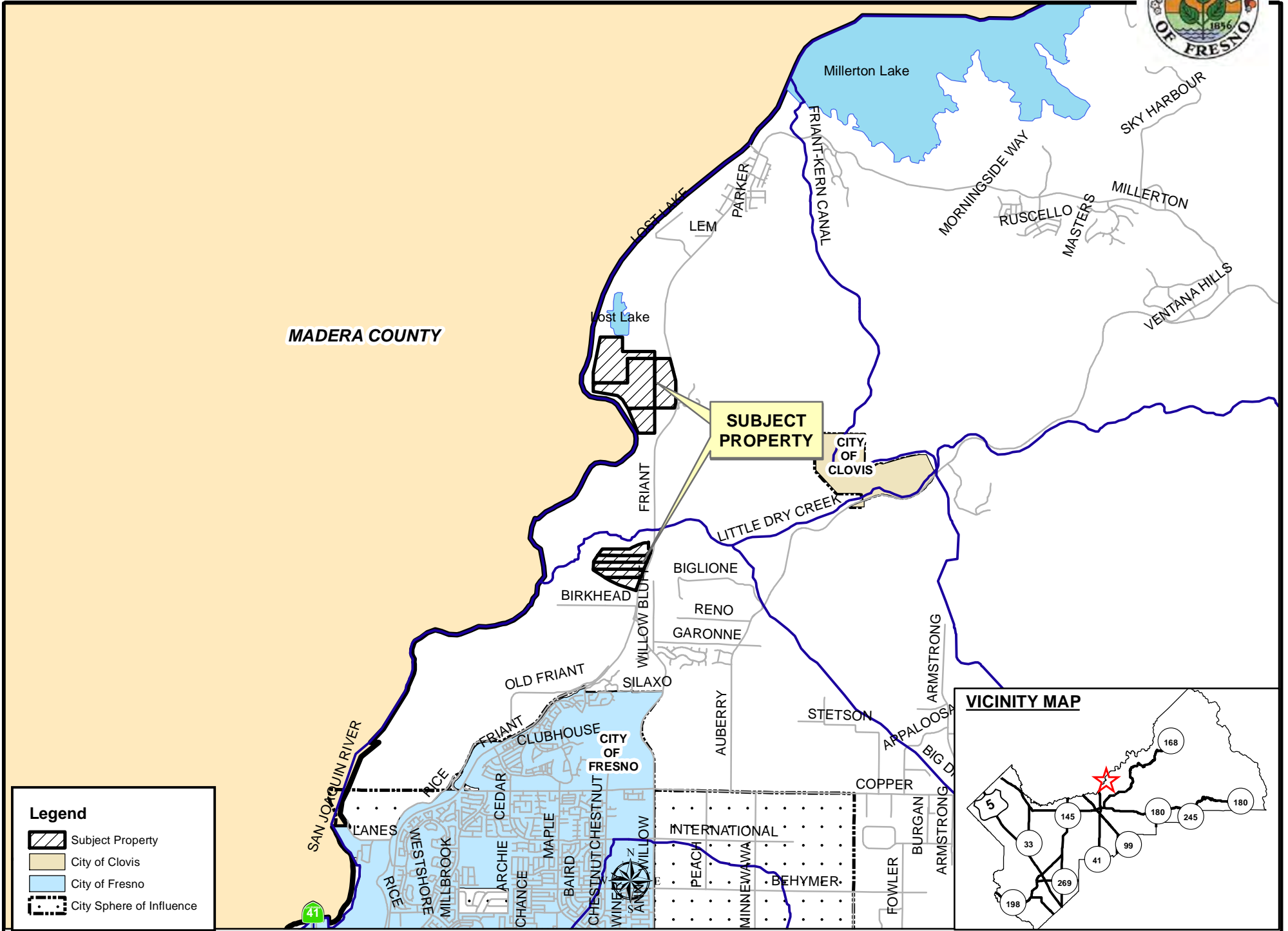


**BECK RANCH
SAND AND GRAVEL PERMIT
ENVIRONMENTAL IMPACT REPORT**

**PROJECT SITE
AND TOPOGRAPHIC MAP**

**FIG.
2**

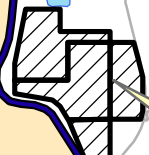
LOCATION MAP







MADERA COUNTY

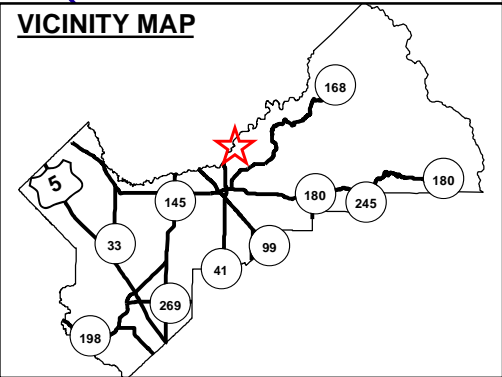
SUBJECT PROPERTY

CITY OF CLOVIS



Legend

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





Patrick G. Mitchell
 pmitchell@mitchellchadwick.com
 916-462-8887
 916-788-0290 Fax

March 1, 2023

VIA EMAIL ONLY: eracusin@fresnocountyca.gov

Elliot Racusin
 Planner
 Fresno County Development Services and Capital Projects Division
 2220 Tulare Street, Sixth Floor
 Fresno, California 93721

Re: Rockfield Quarry CUP Extension – Comment on CEQA Approach

Dear Mr. Racusin:

I represent CEMEX Construction Materials Pacific, LLC (“CEMEX”) regarding CEMEX’s proposal to extend the conditional use permit (“CUP”) for the Rockfield Quarry until July 28, 2027 (the “Extension Project”).¹ I am writing this letter in response to the County’s February 14, 2023 request for comments regarding review of the Extension Project under CEQA Guidelines Section 15162.

The County should not prepare a subsequent EIR for the Extension Project because there is no cognizable CEQA impact that would be analyzed under Section 15162. Notably, Section 15162 requires an analysis of any *new significant* impacts or a *substantial increase in the severity* of previously identified significant effects.² Here, CEMEX proposes to extend operations for an additional four years but all aspects of existing operations will remain the same during the four-year extension. Accordingly, the Extension Project creates no additional environmental impacts as compared to the baseline (existing operations).³

As explained in my letter, dated December 7, 2022 (included in CEMEX’s application for the Extension Project), the County can rely on the “common sense” exemption that applies to

¹ Unclassified Conditional Use Permit Application No. 3755 & Preliminary Environmental Review No. 8341.

² See 14 CCR § 15162(a)(1)-(3) (subsequent EIR only required for substantial changes resulting in a new significant environmental impact or a substantial increase in the severity of previously identified significant effects).

³ “Where a project involves ongoing operations or a continuation of past activity, the established levels of a particular use and the physical impacts thereof are considered to be part of the existing environmental baseline.” (*North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 872 (citations omitted).)

{00061401;1 }

projects with no potential to cause a significant environmental impact.⁴ Additionally, the County can rely on the Class 1 Existing Facilities categorical exemption because extending the Rockfield Quarry CUP does not expand an existing use.⁵

Determining the level of environmental review is not a political decision. Instead, the level of environmental review must be based on the legal standards set forth in CEQA, which as discussed above clearly establish that the County should not prepare a subsequent EIR for the Extension Project.

Sincerely yours,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

cc: Will Kettler, Fresno County Planning
Chris Motta, Fresno County Planning

⁴ 14 CCR § 15061, subd. (b)(3).

⁵ *Id.* § 15301.



LIUNA! LOCAL 294

Feel the Power

JAMES HAMMOND
Business Manager
Secretary-Treasurer

JAMES CANTU
President

GARY BEINTKER
Vice-President

JEFF FEAGIN
Recording Secretary

CHRIS SULLIVAN
Executive Board

GARY DEAVER
Executive Board

JOSE HERNANDEZ
Executive Board

Elliot Racusin
Planner
Fresno County Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
eracusin@fresnocountyca.gov

Re: February 14, 2023 Request for Comments on CUP Extension for the Rockfield Quarry

Dear Mr. Racusin:

I am writing on behalf of LIUNA Local 294 to support CEMEX's application to extend its conditional use permit for the Rockfield Quarry. The County should not be considering a subsequent environmental impact report for this application under CEQA Guidelines Section 15162 as stated in the County's February 14, 2023 request for comments on this application. Section 15162 simply does not apply because CEMEX's continued operation of the Rockfield Quarry will create no new impacts to the environment. All impacts will remain the same as the impacts from existing operations.

The Rockfield Quarry supports local jobs and provides a much-needed local source of aggregate. Without local sources of aggregate, local construction projects will need to import aggregate from mine sites located much farther away in other counties. Therefore, extending the conditional use permit will actually reduce traffic on our roads and reduce air pollution by avoiding the need to import aggregate from other counties.

To keep local jobs and avoid increased environmental impacts, LIUNA Local 294 urges the County to approve CEMEX's application to extend its conditional use permit for the Rockfield Quarry.

Sincerely,

James Hammond
Business Manager

5431 East Hedges
Fresno, CA 93727
(559) 255-3019 Office
(559) 255-7898 Fax

1621 N. Dinuba Blvd.
Visalia, CA 93291
(559) 734-9426 Office
(559) 734-2510 Fax

*Affiliated with the Laborers' International Union of North America serving
Fresno, Madera, Tulare and King Counties*

Elliot Racusin
Planner
Fresno County Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
eracusin@fresnocountyca.gov

Re: February 14, 2023 Request for Comments on CUP Extension for the Rockfield Quarry

Dear Mr. Racusin:

I am writing on behalf of the Associated Builders and Contractors of Northern California to support CEMEX's application to extend its conditional use permit for the Rockfield Quarry. The County should not be considering a subsequent environmental impact report for this application under CEQA Guidelines Section 15162 as stated in the County's February 14, 2023 request for comments on this application. Section 15162 simply does not apply because CEMEX's continued operation of the Rockfield Quarry will create no new impacts to the environment. All impacts will remain the same as the impacts from existing operations.

The Rockfield Quarry supports local jobs and provides a much-needed local source of aggregate. Without local sources of aggregate, local construction projects will need to import aggregate from mine sites located much farther away in other counties. Therefore, extending the conditional use permit will actually reduce traffic on our roads and reduce air pollution by avoiding the need to import aggregate from other counties.

To keep local jobs and avoid increased environmental impacts, Associated Builders and Contractors of Northern California urges the County to approve CEMEX's application to extend its conditional use permit for the Rockfield Quarry.

Sincerely,

Matthew Estipona
Director of Government and Community Engagement
Associated Builders and Contractors, Northern California Chapter



GENERAL TEAMSTERS UNION

LOCAL NO. 431

Packinghouse Employees, Warehousemen, Drivers & Helpers, Dried Fruit, & Nut Packers & Dehydrators;
Fresno and Madera Counties, California
Affiliated with the International Brotherhood of Teamsters

Peter Núñez
President

Steve Sharp
Secretary-Treasurer

Fred Willshaw
Vice President

Renee Wilson
Recording Secretary

Trustees:
Cliff Amende
Rod Hollett
Mike Pratt

Business Representatives:
Chris Garlick
Juzan Mejia
Mike Pratt

Michelle Mineni
Office Manager

Cruz Turner
Titan Operator

Mel Gonzalez
Administrative Assistant

Elliot Racusin
Planner
Fresno County Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
eracusin@fresnocountyca.gov

Re: February 14, 2023 Request for Comments on CUP Extension for the Rockfield Quarry

Dear Mr. Racusin:

I am writing on behalf of General Teamsters Union Local 431 to support CEMEX's application to extend its conditional use permit for the Rockfield Quarry. The County should not be considering a subsequent environmental impact report for this application under CEQA Guidelines Section 15162 as stated in the County's February 14, 2023 request for comments on this application. Section 15162 simply does not apply because CEMEX's continued operation of the Rockfield Quarry will create no new impacts to the environment. All impacts will remain the same as the impacts from existing operations.

The Rockfield Quarry supports local jobs and provides a much-needed local source of aggregate. Without local sources of aggregate, local construction projects will need to import aggregate from mine sites located much farther away in other counties. Therefore, extending the conditional use permit will actually reduce traffic on our roads and reduce air pollution by avoiding the need to import aggregate from other counties.

To keep local jobs and avoid increased environmental impacts, General Teamsters Union Local 431 urges the County to approve CEMEX's application to extend its conditional use permit for the Rockfield Quarry.

Sincerely,

Michael Pratt
Business Agent
Teamsters Local 431]



EXHIBIT 13
BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559-269-1376
e-mail: jcbuada@buada.com

March 29, 2023

Elliot Racusin
Development Services
Fresno County Public Works and Planning
2220 Tulare St, Street Level
Fresno, Ca 93721

Via email: eracusin@fresnocountyca.gov

RE: CEMEX Addendum to Responses to Comments on CUP 3755 Application & Preliminary Environmental Assessment 8341 (the “Extension Project”)

The following is an addendum (see *italicized* text) to CEMEX’s responses to comments previously submitted March 16, 2023.

A. Organization Comments

Comment: No EIR exists for the Quarry Site (CUPs 367 & 2032). (S. Weaver, Parkway Trust)

Based on the following history of the Plant Site and Quarry Site, operations either predate CEQA or were analyzed in other CEQA documents:

- 1960 - CUP 367 approved (north and east sides of Quarry Site and Plant Site). Predated CEQA (*adopted 1970*) and were and are vested operations under SMARA (*Surface Mining and Reclamation Act of 1975*).
- 1985 - CUP 2032 approved by Board of Supervisors (southwest area of Quarry Site). An EIR was not required.
- 1987 – CUP 2235 (Beck) & CUP 2241 (Plant Site) approved with certified EIR allowing material from Beck site (north of Quarry Site) to be transported through CUP 367 entrance/exit to Friant Road and processed at Plant Site. Required Site Plan Review (SPR) updating reclamation plans for CUPs 367 and 2032 at the Quarry Site and CUP 367 at Plant Site.
- 1987 - SPR 5903: Updated Reclamation Plans for CUPs 367 and 2032 at the Quarry Site and CUP 367 at Plant Site.
- Subsequent CUPs to amend CUPs 367 & 2032 included Initial Studies (IS) that determined the previous EIR was sufficient and no supplemental EIR required.
- 2003 - CUP 3063 approved for 18-year extension to 2023 for CUPs 367 & 2032 at the Quarry Site and CUP 367 at Plant Site. The IS determined the previous EIR was sufficient and no supplemental EIR required.
- 2004 - CUP 3093 approved for CUPs 367 & 2032 at the Quarry Site and CUP 367 at Plant Site to increase truckloads by 25% from 180/day to 225/day. The IS determined the previous EIR was sufficient and no supplemental EIR was required.

In comparing the previously approved 18-year extension and the previous approved 25% increase in truckloads where there was a change in the existing environment and no supplemental EIR was

Elliot Racusin
March 29, 2023
Page 2

required for either, extending the Rockfield for an additional four years in this case results in no change to the existing environment and preparing an EIR would not be appropriate under CEQA.

If you have any questions or need any additional information, please contact me by email at jcbuada@buada.com or by phone at 559-269-1376.

Sincerely,



John C. Buada
President

Cc: David Randall, Development Services
Chris Motta, Development Services
Will Kettler, Development Services
Pat Mitchell, Mitchell Chadwick
Michael Sherman, Mitchell Chadwick
Pete LoCastro, CEMEX
Christine Jones, CEMEX