



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 16, 2016

SUBJECT: Initial Study Application No. 7082 and Unclassified Conditional Use Permit Application No. 3525

Amend Unclassified Conditional Use Permit No. 2576 in order to allow one additional year to conduct aggregate mining operations authorized by Unclassified Conditional Use Permit No. 2576 on an approximately 601.62-acre project site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The approval of Unclassified Conditional Use Permit No. 2576 included a Condition of Approval that requires Unclassified Conditional Use Permit No. 2576 to become expired on September 10, 2016. If approved, Unclassified Conditional Use Permit Application No. 3525 will extend the life of the aggregate mining operation to September 10, 2017. Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7082, and approve Unclassified Conditional Use Permit No. 3525 with Findings and Conditions.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 865 feet northwest of the intersection of Copper Avenue and Friant Road (Sup. Dist. 2) (APNs 579-090-03S, 579-090-10T, 579-090-11T, 579-090-15S).

OWNERS: CalMat Company (579-090-03S, 15S)
San Joaquin River Conservancy (579-040-10T, 11T)

APPLICANT: Vulcan Materials Company

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7082; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3525 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Parcel Map
6. Site Plans
7. Applicant's Operational Statement
8. Mitigation Monitoring Program for Unclassified CUP No. 2576
9. Summary of Initial Study No. 7082
10. Draft Mitigated Negative Declaration prepared for Initial Study No. 7082

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the Fresno County General Plan San Joaquin River Corridor Overlay	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	<u>APN 579-090-03S:</u> 25.00 acres <u>APN 579-090-10T:</u> 310.19 acres <u>APN 579-090-11T:</u> 15.50 acres <u>APN 579-090-15S:</u> 250.93 acres	No change
Project Site	Aggregate mining operations authorized by Unclassified CUP No. 2576 (Unclassified CUP No. 2576 will expire on 9/10/2016)	Continue aggregate mining operations on an approximately 602-acre portion of the aggregate mining area authorized by Unclassified CUP No. 2576 until 9/10/2017

Criteria	Existing	Proposed
Structural Improvements	Two office buildings; computer control building; truck scale with scale house; laboratory; maintenance shop	No change
Nearest Residence	Approximately 390 feet south of APN 579-090-10T	No change
Surrounding Development	Farmland; seasonal wetlands with riparian habitat reclaimed from former aggregate mining operations northerly and southerly adjacent to the project site; residential subdivisions within the City of Fresno approximately 770 feet southeast of the project site; Friant Road (classified as a Scenic Drive) approximately 365 feet southeast of the project site	No change
Operational Features	See above "Project Site"	See above "Project Site"
Employees	Up to 36	No change
Customers	Approximately 160 per day, five days per week, year-round	No change
Traffic Trips	Approximately 320 one-way truck trips per day (160 round trips per day), five days per week, year-round Approximately 72 one-way employee trips per day (36 round trips per day), five days per week, year-round Approximately 10 one-way delivery trips per day for miscellaneous supplies (5 round trips per day), five days per week, year-round	No change other than mining operations proposed to occur after September 10, 2016 (expiration date for Unclassified CUP No. 2576) will generate approximately 160 one-way truck trips per day (80 round trips per day), five days per week, year-round
Lighting	Building exteriors	No change
Hours of Operation	7:00 a.m. until 6:00 p.m., Monday through Friday, year-round	No change

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

ENVIRONMENTAL ANALYSIS:

Unclassified Conditional Use Permit (CUP) No. 2576 was approved by the Planning Commission on July 25, 1996, and became effective on September 10, 1996, following certification of an Environmental Impact Report (EIR) prepared for the project.

Attached as Exhibit "8" is the Mitigation Monitoring Program summarizing all of the Mitigation Measures identified in the EIR certified for CUP No. 2576.

An Initial Study (IS) was prepared for the subject proposal (CUP Application No. 3525) by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA) to determine if the existing EIR is adequate for the proposed extension of time for mining operations pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 *et seq.* of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed to the project which require major revisions of the EIR.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- (c) New information which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

The Lead Agency (County of Fresno) may determine if a subsequent Mitigated Negative Declaration is appropriate. In this case, a determination to prepare a Mitigated Negative Declaration was made based upon the fact that Mitigation Measures were identified in the Initial Study prepared for the subject proposal (CUP Application No. 3525).

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 16, 2016

PUBLIC NOTICE:

Notices were sent to 254 property owners within 1,320 feet of the project site, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

The decision of the Planning Commission regarding an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Unclassified CUP Application No. 3525 proposes to amend Unclassified CUP No. 2576 in order to allow one additional year to conduct aggregate mining operations authorized by Unclassified CUP No. 2576, because the approval of Unclassified CUP No. 2576 included a Condition of Approval that requires Unclassified CUP No. 2576 to become expired on September 10, 2016. There is no expansion of the Unclassified CUP No. 2576 project site proposed with Unclassified

CUP Application No. 3525. If approved, Unclassified CUP No. 3525 will extend the life of the aggregate mining operations authorized by Unclassified CUP No. 2576 to September 10, 2017. Once mining operations permanently cease, the project site will be reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 2576. This requirement has been included as a Condition of Approval.

Unclassified Conditional Use Permit (CUP) No. 2576 was approved by the Planning Commission on July 25, 1996, and became effective on September 10, 1996, following certification of an Environmental Impact Report (EIR) prepared for the project. The approval of Unclassified CUP No. 2576 authorized the consolidation of existing contiguous aggregate mining operations previously approved by Unclassified CUP No. 380 (approved by Board of Supervisors on 1/31/1961 authorizing 372 acres of aggregate mining area), Unclassified CUP No. 839 (approved by Board of Supervisors on 1/31/1969 authorizing 313 acres of aggregate mining area), Unclassified CUP No. 1007 (approved by Board of Supervisors on 1/4/1972 authorizing additional time for aggregate mining operations allowed by Unclassified CUP No. 380), Unclassified CUP No. 1906 (approved by the Planning Commission on 9/9/1982 authorizing 325 acres of aggregate mining area), and Unclassified CUP No. 2328 (approved by Board of Supervisors on 6/7/1988 authorizing modification of aggregate mining operations allowed by Unclassified CUP No. 1906). Further, the approval of Unclassified CUP No. 2576 also authorized expansion of aggregate mining operations onto 100 acres of land northerly-adjacent to the Unclassified CUP No. 380 project site, and 42 acres of land southerly-adjacent to the Unclassified CUP No. 1906/Unclassified CUP No. 2328 project site.

On September 27, 1988, Unclassified CUP No. 2291 was approved by the Board of Supervisors authorizing an aggregate mining operation on approximately 55 acres of land southeasterly-adjacent to the Unclassified CUP No. 2576 project site. It is noted by staff that the 55-acre aggregate mining area authorized by Unclassified CUP No. 2291 has already been depleted and reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 2291.

On April 19, 2007, Unclassified CUP No. 3179 was approved by the Planning Commission amending Unclassified CUP No. 2576 in order to allow expansion of aggregate mining operations onto 107 acres of land southerly-adjacent to the Unclassified CUP No. 2576 project site. Further, the approval of Unclassified CUP No. 3179 also authorized an amendment to the Reclamation Plan approved for Unclassified CUP No. 2576. It is noted by staff that the 107-acre aggregate mining area authorized by Unclassified CUP No. 3179 has already been depleted and reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 3179.

Approximately 550 acres of the 1,152-acre aggregate mining area subject to Unclassified CUP No. 2576 has been depleted and reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 2576. As such, Unclassified CUP Application No. 3525 proposes to allow continued aggregate mining operations on an approximately 602-acre portion of the 1,152-acre aggregate mining area subject to Unclassified CUP No. 2576.

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	Front: 35 feet Side: 20 feet Rear: 20 feet	APN 579-090-10T <u>(location of structural improvements):</u> Front (southeast property line): 150 feet Side (east property line): 257 feet Side (north property line): 1,300 feet Side (south property line): 1,200 feet Rear (northwest property line): 4,200 feet Rear (west property line): 4,926 feet	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	No change	Yes
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The existing improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

Analysis:

Staff review of the Site Plans demonstrates that the existing operation satisfies the minimum building setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Further, no concerns regarding project site adequacy were expressed by any reviewing agency. As such, staff believes the project site will continue to be adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can 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.*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Old Friant Road: Excellent condition	No change
Direct Access to Public Road	Yes	Old Friant Road	No change
Road ADT		Old Friant Road: 1,400	Less than significant change
Road Classification		Old Friant Road: Local	No change
Road Width		Old Friant Road: 60-foot total existing right-of-way	No change
Road Surface		Old Friant Road: Paved (pavement width: 26.8 feet)	No change
Traffic Trips		Approximately 320 one-way truck trips per day (160 round trips per day), five days per week, year-round Approximately 72 one-way employee trips per day (36 round trips per day), five days per week, year-round Approximately 10 one-way	No change other than mining operations proposed to occur after September 10, 2016 (expiration date for Unclassified CUP No. 2576) will generate approximately 160 one-way truck trips per day (80 round trips per day), five days per week, year-

		Existing Conditions	Proposed Operation
		delivery trips per day for miscellaneous supplies (5 round trips per day), five days per week, year-round	round
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	None required

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

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Old Friant Road is a County-maintained road which is classified as Local. The minimum total width for a Local right-of-way is 60 feet. Old Friant Road has a total existing right-of-way of 60 feet at the project site.

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

Analysis:

Access to the project site is provided by Old Friant Road via an existing private access easement, and no additional site access points are being proposed. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Old Friant Road is County-maintained and classified as Local, which requires a minimum total right-of-way of 60 feet. As Old Friant Road has a total existing right-of-way of 60 feet at the project site, no additional right-of-way is required for the subject proposal.

Considering the existing nature of the project site access in conjunction with the fact that no additional site access routes are being proposed, the surrounding streets serving the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	5.93 acres	High-intensity park (San Joaquin River Parkway and Conservation Trust)	AE-20	None
	60.69 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
	9.32 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
	7.29 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
South	30.00 acres	Single-family residence orchard	AE-20	Approximately 390 feet south of APN 579-090- 10T
	42.60 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
East	28.90 acres	Field crops	AE-20	None
	20.00 acres	High-intensity park (San Joaquin River Parkway and Conservation Trust)	AE-20	None
	4.78 acres	Vacant	AE-20	None
	31.71 acres	Vacant	AE-20	None
Northwest	40.00 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
	36.00 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None
West	16.38 acres	Reclaimed seasonal wetlands and riparian habitat	AE-20	None

Reviewing Agency/Department Comments:

California Department of Conservation, Office of Mine Reclamation: No concerns with the proposal.

California Department of Conservation, Division of Land Resource Protection: No concerns with the proposal.

City of Fresno Public Works Department: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Portions of the project site are located in Flood Zone X and Flood Zone AE which are subject to the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This requirement has been included as a mandatory Project Note.

Fresno County Department of Agriculture (Agricultural Commissioner's Office): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: Within 30 days of the occurrence of any of the following events, the mining operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The mining operation must also certify that a review of the HMBP has been conducted at least once every three years, that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health. Additionally, all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes. These requirements have been included as mandatory Project Notes.

Fresno County Fire Protection District (Fire District): No concerns with the proposal.

Fresno County Sheriff's Department: No concerns with the proposal.

Fresno Metropolitan Flood Control District (FMFCD): Storm water and drainage at the project site shall continue to be regulated by the Applicant's existing Storm Water Pollution Prevention Plan (SWPPP) which was prepared for the existing mining operation in compliance with the California General Permit for Stormwater Discharges Associated with Industrial Activities issued by the State Water Resources Control Board. This requirement has been included as a Condition of Approval.

Resources Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

San Joaquin Valley Unified Air Pollution Control District (Air District): No concerns with the proposal.

State Water Resource Control Board, Division of Drinking Water (SWRCB, DDW): The existing mining operation should have been regulated as a Non-Transient Non-Community Water System since CUP No. 2576 was approved in 1996; however, the existing mining operation has not obtained a domestic water supply permit from the Division of Drinking Water. As such, the existing mining operation should be required to obtain a domestic water supply permit from the SWRCB, DDW to ensure the quality of water delivered to users meets State drinking water standards for the remaining duration of the use.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the project site is not located in a designated water-short area.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

Properties to the north of the project site are comprised of seasonal wetlands with riparian habitat that were reclaimed from former aggregate mining operations. Properties to the south of the project site are comprised of farmland and seasonal wetlands with riparian habitat that were reclaimed from former aggregate mining operations. Properties to the east of the project site are comprised of residential subdivisions within the City of Fresno; however, these residential subdivisions are separated from the project site by two public roads (Friant Road and Old Friant Road), and the nearest residence in said residential subdivisions is located approximately 770 feet southeast of the project site. Properties to the west of the project site are comprised of farmland, and the San Joaquin River abuts approximately 1,010 feet of the western boundary of the project site.

Friant Road, which is located in proximity to the eastern boundary of the project site, is identified as a Scenic Drive in the Fresno County General Plan. Policy OS-L.3 of the Plan typically requires intensive land use proposals to be developed with a 200-foot natural open space area adjacent to the Scenic Drive. However, Policy OS-L.3 also allows this 200-foot natural open space setback requirement to be modified in instances where any one of the following conditions exists: 1) topographic or vegetative characteristics preclude the 200-foot setback; 2) topographic or vegetative characteristics provide visual screening of buildings and parking areas from the Scenic Drive; 3) property dimensions preclude the 200-foot setback; or 4) the proposed development involves expansion of an existing facility or expansion of an existing concentration of uses. In this instance, the project site is set back at least 365 feet northwest of the Friant Road right-of-way. Further, Unclassified CUP Application No. 3525 entails a proposal to allow additional processing time for an existing aggregate mining operation.

According to the State Water Resource Control Board, Division of Drinking Water, the approval of CUP No. 2576 should have included a requirement for the mining operation to obtain State domestic water supply permits for the water wells utilized at the project site. With regard to this issue, it should be noted that mining operations have been conducted at the project site since Unclassified CUP No. 380 was approved by the Board of Supervisors on January 31, 1961. Further, this proposal is limited in scope, as it proposes to allow one additional year of aggregate mining operations at the project site. Considering the operational history of the existing mining operation in conjunction with the limited scope of the subject proposal, staff does not believe the Applicant should be required to obtain State domestic water supply permits for the proposed final year of operations.

Based on the above information and with adherence to the recommended Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this proposal and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-C.6: County may allow the 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 of the General Plan.	The approximately 602-acre project site that is subject to Unclassified CUP Application No. 3525 is designated Agriculture in the Fresno County General Plan, and is located within the Fresno County General Plan San Joaquin River Corridor Overlay, which allows the extraction of rock, sand, and gravel resources. Further, sand and gravel (aggregate) mining is allowed in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District by means of an Unclassified Conditional Use Permit.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impacts on other water users in the County, and water sustainability.	This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns with the proposal. Further, the project site is not located in a designated water-short area.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

Unclassified CUP Application No. 3525 proposes to amend Unclassified CUP No. 2576 in order to allow one additional year to conduct aggregate mining operations authorized by Unclassified CUP No. 2576 because the approval of Unclassified CUP No. 2576 included a Condition of Approval that requires Unclassified CUP No. 2576 to become expired on September 10, 2016. If approved, Unclassified CUP No. 3525 will extend the life of the aggregate mining operations authorized by Unclassified CUP No. 2576 to September 10, 2017. Once mining operations permanently cease, the project site will be reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 2576. This requirement has been included as a Condition of Approval.

The project site is located within the Fresno County General Plan San Joaquin River Corridor Overlay, which allows the extraction of rock, sand, and gravel resources, per General Plan Policy LU-C.6.

Based on the above information, the proposal to allow continued aggregate mining operations at the project site is consistent with the General Plan. Applicable policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3525, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7082; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3525, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; 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 No. 3525; 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.

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**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application No. 3525
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Air Quality	Water sprays are utilized for dust control at the aggregate plants.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*2.	Air Quality	Water trucks are used to water unpaved haul roads on a regular basis, utilizing about 127,000 gallons of water per day.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*3.	Air Quality	All access roads and gate entrances are paved.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*4.	Air Quality	Prior to removal of overburden (soil) for stockpiling during excavation of aggregate, the area is irrigated or sprayed by water trucks if overburden removal occurs during the dry season.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*5.	Air Quality	Chemical dust suppressants shall be used on unpaved roads on the project site.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*6.	Air Quality	Stripping of overburden and removal of aggregate above the groundwater level should be scheduled during the winter months when soil moisture is greatest.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*7.	Air Quality	CalMat shall comply with San Joaquin Valley Unified Air Pollution Control District Regulation VIII or submit an Alternative Compliance Plan pursuant to the regulation.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*8.	Biological	Existing valley oak woodland and mixed riparian forest	Applicant	Applicant/Fresno	As noted

	Resources	habitats shall be avoided during mining. The boundaries of these areas shall be flagged in the field prior to mining to assist in compliance monitoring.		County Department of Public Works and Planning/California Department of Fish and Wildlife	
*9.	Biological Resources	Mining operations be set back from the drip line of mature native trees a distance equal to one and one-half times the length of the drip line as measured from the trunk of the tree. Mature trees are defined as trees which exceed 20 years estimated age. Native trees are defined as the following types of trees: valley oak, sycamore, ash, cottonwood, willow and alder. The setbacks shall be flagged in the field prior to mining to assist in compliance monitoring.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*10.	Biological Resources	Gravel pits shall be reclaimed for wildlife, including species known to occur or formerly occur on the site, not for human aesthetics.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*11.	Biological Resources	Landscapes shall be created with vegetation variation using a variety of native species listed on Table B-4.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*12.	Biological Resources	Landscapes shall be created with microclimate variation, including warm, protected and cool, exposed areas for birds and wildlife. This effect can be attained by planting or topographic designs.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*13.	Biological Resources	Landscapes shall be designed at a scale appropriate for wildlife. For example, because of our size (six feet tall) we may space bushes 20 feet apart. Considering a six-inch bird and hence its smaller scale, a more suitable and usable spacing would be ten feet between bushes.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish	As noted

				and Wildlife	
*14.	Biological Resources	Upland habitat shall be provided for wildlife foraging.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*15.	Biological Resources	Revegetation of areas to upland habitat shall include a variety of native food sources, such as small grains, sunflowers, or corn, to provide a food supply and increase wildlife use.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*16.	Biological Resources	Snags or hawk perching poles shall be left or constructed in reclaimed areas to provide nesting, sitting, and foraging sites for birds.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*17.	Biological Resources	Rocky-gravelly habitat (open gravel bar areas) shall be created to provide resting, roosting, and foraging areas for waterfowl.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*18.	Biological Resources	The perennial species used for revegetation shall be only native woody species.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*19.	Biological Resources	Riparian pond banks shall be manually planted with the species listed in Table B-4 at a density of two to three trees per 150 feet of pond edge.	Applicant	Applicant/Fresno County Department of Public Works and	As noted

				Planning/California Department of Fish and Wildlife	
*20.	Biological Resources	The tree planting densities in Mitigation Measure F.4.(j) shall be maintained, but planted trees shall be clustered to increase wildlife and aesthetic values.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*21.	Biological Resources	The riparian tree and shrub species listed in Table B-4 shall be obtained from local sources and from seed and cuttings gathered in the immediate vicinity.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*22.	Biological Resources	The upland areas away from a permanent water supply shall be revegetated with the species listed in Table B-4 to prevent erosion.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*23.	Biological Resources	If ponds are stocked with fish, the fish shall be native to the area to prevent new species from entering the San Joaquin River.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*24.	Biological Resources	Fish shall not be introduced in some ponds to improve their wildlife value.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*25.	Biological Resources	Because vertical and horizontal variations provide valuable microhabitats, pond banks shall not be smooth or uniform, but	Applicant	Applicant/Fresno County Department	As noted

		shall be varied as shown in the “good” and “best” examples on Figure F-2.		of Public Works and Planning/California Department of Fish and Wildlife	
*26.	Biological Resources	At least 10 to 20 percent of the project’s total new shoreline shall be gently sloping (a minimum slope of 1:10). Some steep banks will also be created (no steeper than 2:1 horizontal: vertical).	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*27.	Biological Resources	To increase productivity, vegetation shall be allowed to grow in the dry bottom of the pond for a year or two, where possible, before it is filled with water.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*28.	Biological Resources	Some undulating shorelines with numerous points, coves, and bays shall be created. Landscapes shall be designed with irregular-shaped edges. Landscapes with long stretches of straight or uniform edges shall be avoided.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*29.	Biological Resources	Variable shallow water areas (averaging less than one meter in depth) shall be created comprising 10 to 20 percent of the project’s total water surface area to provide suitable growing areas for aquatic vegetation and foraging areas for waterfowl. It is recognized that there are seasonal fluctuations in water depth.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*30.	Biological Resources	Highwater islands which comprise at least 10 percent of the total water surface area shall be created to provide various water depths. The islands provide safe resting and roosting areas for waterfowl and valuable habitat for fish.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted

*31.	Biological Resources	Shallow channels or culverts shall be created to permit the movement and control of water among ponds.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*32.	Biological Resources	Ponds shall be designed with expected and fluctuating water levels in mind.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*33.	Biological Resources	Undulating pond bottoms with underwater reefs and islands shall be contoured, where necessary, to provide valuable fish foraging, rearing, resting, and nesting habitat. Smooth or uniform pond bottoms shall be avoided.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*34.	Biological Resources	Limited amounts of logs, boulders, cement pipes, culverts, or rubble can be added to ponds to provide valuable fish foraging, rearing, hiding and nesting habitat. Emphasis shall be placed on providing natural materials, such as logs and boulders, whenever possible. Rubber tires shall not be used for this purpose because they release unwanted chemicals into the water.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*35.	Cultural Resources	All employees, contractors, and subcontractors for the project shall be informed in writing of the possibility that cultural resources may be discovered during project activities. If any cultural or paleontological materials are uncovered during project activities, work in the area or any area reasonably suspected to overlie adjacent remains shall be halted until professional cultural resources evaluation and/or data recovery excavation can be planned and implemented. Appropriate measures to protect remains from accidents, looting, and vandalism shall be implemented immediately.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*36.	Cultural Resources	After they have been professionally recorded in their place of discovery, archaeological materials shall be transferred to an appropriate regional repository such as the Fresno City and	Applicant	Applicant/Fresno County Department of Public Works	As noted

		County Historical Society or California State University, Fresno for preservation, research, and/or use in interpretive exhibits.		and Planning	
*37.	Cultural Resources	If human remains are discovered, the Fresno County Coroner shall be notified immediately. The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are determined to be Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*38.	Cultural Resources	An appropriate archaeologist and Native American Advisor shall conduct at least annual monitoring checks of the project area to ensure impacts to cultural resources are minimized. Said consultant(s) shall be provided by CalMat and shall report directly to the Fresno County Department of Public Works and Planning and the Southern San Joaquin Valley Information Center.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*39.	Cultural Resources	If other “ancient decomposed trees” are found during mining, CalMat shall notify the County to allow them to be examined in place by a paleo-botany specialist to determine age, classification, and probable circumstances of deposition. Findings shall be communicated to the research community so any implications regarding paleontological and archaeological resources may be discerned.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*40.	Cultural Resources	CalMat shall allow sedge (<i>Carex</i> spp.) and native grasses [deergrass (<i>Muhlenbergia rigens</i>), bunchgrass (<i>Stipa pulchra</i>), sawgrass (<i>Cladium</i> spp.)] and other native plants [<i>Brodiaea</i> spp., redbud (<i>Cercis occidentalis</i>), soaproot (<i>Chlorogalum pomeridianum</i>), rushes (<i>Juncus</i> spp.) milkweed (<i>Asclepias</i> spp.), tule (<i>Scirpus acutus</i>)] to be added to the revegetation program by Native Americans, at no cost to CalMat, and shall minimize the use of introduced annual grasses that crowd out native seedlings.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*41.	Cultural Resources	CalMat shall coordinate its reclamation plans with Fresno County and the San Joaquin River Parkway and Conservation Trust to minimize damage to the historic setting of the Riverview Ranch and Cassidy’s Ferry/Ft. Washington sites.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*42.	Cultural Resources	Most of Rank Island is owned by the State Wildlife Conservation Board and is managed by the California Department of Fish and Wildlife (CDFW). Native Americans	Applicant	Applicant/Fresno County Department of Public Works	As noted

		will need to obtain permission from CDFW to gain access to the island. Persons wishing to access any areas on island being mined or reclaimed must: notify CalMat in advance, use the existing easement to the island, visit the island during non-working hours and grant a waiver of liability to CalMat.		and Planning	
*43.	Hazards and Hazardous Materials	If removal of electrical transformers or demolition of site facilities is proposed or becomes necessary, the possible presence of hazardous materials shall be evaluated on a case-by-case basis by a qualified independent consultant and remedial action, if required, shall be undertaken in accordance with applicable regulations.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*44.	Hazards and Hazardous Materials	CalMat operations will continue to follow applicable regulations; CalMat shall provide flood protection barriers at the locations shown on Figures O-1 and O-2 in Appendix 4 of the EIR certified for Unclassified CUP No. 2576.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*45.	Hazards and Hazardous Materials	To prevent waste stockpiling, regular waste disposal practices, as outlined in the Business Plan and associated waste disposal documentation, shall continue to be performed.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*46.	Hydrology and Water Quality	CalMat shall adhere to the pollution control practices set forth in Section 3.2.10 of the Surface Mining and Reclamation Plan.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted
*47.	Noise	The project shall comply with the Fresno County Noise Ordinance.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Department of Public Health	As noted
*48.	Noise	Except for the Rank Island mining phases, mining shall occur after 7:00am.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Department of Public Health	As noted

Conditions of Approval	
1.	The subject mining operation shall be conducted in accordance with the Site Plans and Operational Statement approved by the Planning Commission for Unclassified CUP No. 3525.
2.	The life of this land use permit (Unclassified CUP No. 3525) shall expire on September 10, 2017.
3.	Once mining operations associated with Unclassified CUP No. 3525 permanently cease, the project site shall be reclaimed in accordance with the Reclamation Plan approved for Unclassified CUP No. 2576.
4.	Storm water and drainage at the project site shall continue to be regulated by the Applicant's existing Storm Water Pollution Prevention Plan (SWPPP) which was prepared for the existing mining operation in compliance with the California General Permit for Stormwater Discharges Associated with Industrial Activities issued by the State Water Resources Control Board.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Portions of the project site are located in Flood Zone X and Flood Zone AE which are subject to the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
2.	Within 30 days of the occurrence of any of the following events, the mining operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The mining operation must also certify that a review of the HMBP has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health.
3.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.