



Inter Office Memo

DATE: June 16, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12575 - INITIAL STUDY APPLICATION NO. 7082 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3525

APPLICANT: Frank Costa/Vulcan Materials Company

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

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of June 16, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3525, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12575

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Borta, Chatha, Abrahamian, Egan, Eubanks, Mendes, Pagel and Woolf
	No:	None
	Absent:	Commissioner Lawson
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Manager
Development Services Division

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Attachments

EXHIBIT A

Initial Study Application No. 7082
Unclassified Conditional Use Permit Application No. 3525

- Staff:** The Fresno County Planning Commission considered the Staff Report dated June 16, 2016, and heard a summary presentation by staff.
- Applicant:** The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The proposed use is limited in scope to a continuation of existing approved mining and processing operations for one additional year.
 - The existing mining and processing operations were analyzed for environmental effects by an Environmental Impact Report (EIR) approved in 1996.
 - Reclamation of the project site has been on-going throughout the life of the use.
 - Reclamation Bonds are updated for the project site on an annual basis.
 - No changes to the existing approved Reclamation Plan are proposed with this application.
- Others:** No other individuals presented information in support of the application, and one individual expressed concerns regarding traffic and noise primarily in regard to continued use of existing access points along Old Friant Road and early morning loading of trucks.
- Correspondence:** No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

**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 (SJVUAFCD)	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/SJVUAFCD	As noted	
*3.	Air Quality	All access roads and gate entrances are paved.	Applicant	Applicant/SJVUAFCD	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/SJVUAFCD	As noted	
*5.	Air Quality	Chemical dust suppressants shall be used on unpaved roads on the project site.	Applicant	Applicant/SJVUAFCD	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/SJVUAFCD	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/SJVUAFCD	As noted	
*8.	Biological Resources	Existing valley oak woodland and mixed riparian forest 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.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)/California Department of Fish and Wildlife (CDFW)	As noted	

*9.	Biological Resources	<p>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.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*10.	Biological Resources	<p>Gravel pits shall be reclaimed for wildlife, including species known to occur or formerly occur on the site, not for human aesthetics.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*11.	Biological Resources	<p>Landscapes shall be created with vegetation variation using a variety of native species listed on Table B-4.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*12.	Biological Resources	<p>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.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*13.	Biological Resources	<p>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.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*14.	Biological Resources	<p>Upland habitat shall be provided for wildlife foraging.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*15.	Biological Resources	<p>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.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*16.	Biological Resources	<p>Snags or hawk perching poles shall be left or constructed in reclaimed areas to provide nesting, sitting, and foraging sites for birds.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*17.	Biological Resources	<p>Rocky-gravelly habitat (open gravel bar areas) shall be created to provide resting, roosting, and foraging areas for waterfowl.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*18.	Biological Resources	<p>The perennial species used for revegetation shall be only native woody species.</p>	Applicant	Applicant/PW&P/ CDFW	As noted
*19.	Biological	<p>Riparian pond banks shall be manually planted with the</p>	Applicant	Applicant/PW&P/ CDFW	As noted

	Resources	species listed in Table B-4 at a density of two to three trees per 150 feet of pond edge.		CDFW	
*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/PW&P/ CDFW	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/PW&P/ CDFW	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/PW&P/ CDFW	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/PW&P/ CDFW	As noted
*24.	Biological Resources	Fish shall not be introduced in some ponds to improve their wildlife value.	Applicant	Applicant/PW&P/ CDFW	As noted
*25.	Biological Resources	Because vertical and horizontal variations provide valuable microhabitats, pond banks shall not be smooth or uniform, but shall be varied as shown in the "good" and "best" examples on Figure F-2.	Applicant	Applicant/PW&P/ CDFW	As noted
*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/PW&P/ CDFW	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/PW&P/ CDFW	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/PW&P/ CDFW	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	Applicant	Applicant/PW&P/ CDFW	As noted

		depth.				
*30.	Biological Resources	High-water 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/PW&P/ CDFW	As noted	
*31.	Biological Resources	Shallow channels or culverts shall be created to permit the movement and control of water among ponds.	Applicant	Applicant/PW&P/ CDFW	As noted	
*32.	Biological Resources	Ponds shall be designed with expected and fluctuating water levels in mind.	Applicant	Applicant/PW&P/ CDFW	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/PW&P/ CDFW	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/PW&P/ CDFW	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/PW&P	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 County Historical Society or California State University, Fresno for preservation, research, and/or use in interpretive exhibits.	Applicant	Applicant/PW&P	As noted	
*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	Applicant	Applicant/PW&P	As noted	

		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.			
*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/PW&P	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/PW&P	As noted
*40.	Cultural Resources	CalMat shall allow sedge (<i>Carex spp.</i>) and native grasses [deergrass (<i>Muhlenbergia rigens</i>), bunchgrass (<i>Stipa pulchra</i>), sawgrass (<i>Cladium spp.</i>)] and other native plants [<i>Brodiaea spp.</i> , redbud (<i>Cercis occidentalis</i>), soaproot (<i>Chlorogalum pomeridianum</i>), rushes (<i>Juncus spp.</i>) milkweed (<i>Asclepias spp.</i>), 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/PW&P	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/PW&P	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 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.	Applicant	Applicant/PW&P	As noted

*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/PW&P	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/PW&P	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/PW&P	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/PW&P	As noted
*47.	Noise	The project shall comply with the Fresno County Noise Ordinance.	Applicant	Applicant/PW&P/ 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/PW&P/ 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.

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County of Fresno

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

July 5, 2016

Frank Costa
Vulcan Materials Company
11599 Old Friant Road
Fresno 93730

Dear Applicant:

Subject: Resolution No. 12575 - Initial Study Application No. 7082 and Unclassified
Conditional Use Permit Application No. 3525

On June 16, 2016, the Fresno County Planning Commission approved your application with
Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to 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 a
determination is made that substantial development has occurred. When circumstances
beyond the control of the Applicant do not permit compliance with this time limit, the
Commission may grant an extension not to exceed one additional year. Application for such
extension must be filed with the Department of Public Works and Planning before the expiration
of the Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at
dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure