



## Inter Office Memo

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DATE: November 17, 2022  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: Resolution No. 12972 - Initial Study No. 7878, and Unclassified Conditional Use Permit Application No. 3681

APPLICANT/  
OWNER: Cold Spring Granite Company

REQUEST: Amend Unclassified Conditional Use Permit (UCUP) No. 2928 to allow continued surface mining operations (granite quarry) and associated facilities for an additional 50 years (until January 18, 2071). The project site comprises two contiguous parcels totaling 142 acres in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast side of Tollhouse Road (State Route 168) at its intersection with Newmark Road approximately 10 miles northeast of the City of Clovis (APN: 150-141-33 & 35) (14147 Tollhouse Road) (Sup. Dist. 1).

### PLANNING COMMISSION ACTION:

At its hearing on November 17, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Zante and seconded by Vice Chair Hill 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 No. 3681, subject to the Conditions listed in Exhibit B.

This motion approved on the following votes:

VOTING: Yes: Commissioners Zante, Hill, Abrahamian, Arabian, Carver, and Woolf  
No: None  
Absent: Commissioners Chatha and Ewell  
Abstain: None

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

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services and Capital Projects Division

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Notes:           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 Conditional Use Permit.

Attachments

## EXHIBIT A

Initial Study No. 7878  
Unclassified Conditional Use Permit Application No. 3681

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 17, 2022 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 subject quarry operation was started by the Alexander family who purchased the site from previous owner in 1964.
  - The current operator has 22 different quarry sites located in five different states and in Canada.
  - The Academy Avenue site has 65 employees.
  - The operator is a value-based dimensional stone business; they take out ground granite or limestone blocks and turn them into slabs, slabs into pieces and pieces into projects.
  - The market they serve is residential, memorials, and monuments; they are also involved in diamond tooling and making quarry by-products.
  - Our previous time limit for quarry operations has been for 20 to 25 years and we are hopeful to continue mining operations for the next 50 years.
  - The operator will cease quarry operations if yields become less and the operating cost become too high.
  - Upon closure of quarry operations, the operator will bring the site back to its near original condition through the implementation of the approved Reclamation Plan.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No new correspondence was presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

Mitigation Monitoring and Reporting Program  
 Initial Study No. 7878  
 Unclassified Conditional Use Permit No. 3681

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed as not to shine toward adjacent properties and public streets.	Operator	Operator/Fresno County Department of Public Works and Planning (PWP)	Ongoing; for duration of the project
2.	Biological Resources	A minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the project site, unless a qualified biologist shall conduct protocol-level surveys for California Tiger Salamander (CTS) in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is required to occur well in advance of beginning the surveys and prior to any planned vegetation or ground-disturbing activities. The protocol-level survey includes a 100-foot buffer around the project area in all areas of wetland and upland habitat that could support CTS. Potential or known breeding habitat within and/or adjacent to the project site shall be delineated with a minimum 250-foot no-disturbance buffer	Operator	Operator/California Department of Fish and Wildlife (CDFW)	As noted

EXHIBIT B

		<p>These surveys are required to be repeated any time the disturbance area of the project expands or there is the potential to eliminate small mammal burrows.</p> <p>Alternatively, the applicant can assume presence of CTS within the project site and obtain an ITP from CDFW in accordance with Fish and Game Code section 2081 subdivision (b).</p> <p>If through surveys it is determined that CTS are occupying or have the potential to occupy the project site, consultation with CDFW is warranted to determine if the project can avoid take. If take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities to comply with California Endangered Species Act. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b).</p>			
3.	Cultural Resources	<p>In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.</p>	Operator	Operator/PWP / Fresno County Sheriff's Office	As noted
<b>Conditions of Approval</b>					
1.	Development and operation of the use shall be in conformance with the site plan, cross sections, operational statement, and Reclamation Plan approved by the Commission.				

2.	All mining operations within the project boundary defined by Unclassified Conditional Use Permit No. 3681 shall cease fifty (50) years starting January 18, 2021 and ending January 18, 2071.
3.	Rehabilitation of the site shall be completed within one-year after excavation ceases and shall include removal of all equipment and structures.
4.	All conditions of approval under Unclassified Conditional Use Permit Nos. 2928 and 2477 shall remain in full force and effect.
5.	The conditions of this permit (CUP No. 3681) shall supersede the conditions of prior Unclassified Conditional Use Permit Nos. 2477 and 2928 in any areas where the three overlap.
6.	The Conditional Use Permit approval shall be conditioned upon acceptance of Financial Assurances by the Fresno County Department of Public Works and Planning defined in Ordinance Section 858. G. <u>Financial Assurances</u> .
7.	To ensure that reclamation shall proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.

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

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	<p>Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan and site map through the Environmental Health Division of Fresno County's Department of Public Health (<a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> or <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a>):</p> <ul style="list-style-type: none"> <li>• There is a 100 percent or more increase in the quantities of a previously disclosed material</li> <li>• The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.</li> <li>• Changes to building structures and/or hazardous materials/wastes storage areas.</li> </ul> <p>The business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency.</p>

Notes	
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.
4.	Any underground storage tank found during mining activities shall require Underground Storage Tank Removal Permit from the Fresno County Health Department Environmental Health Division.
5.	To protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. Permits shall be obtained to destroy water well(s) from Fresno County Health Department Environmental Health Division, prior to commencement of work.
6.	The applicant should consider having the existing septic tank systems pumped and have the tanks and leech fields evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years and install any new sewage disposal system under permit and inspection from the Department of Public Works and Planning Building and Safety Section.
7.	Should a new sewage disposal system be proposed, it shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.
8.	All mining activities shall conform with the Fresno County Noise Ordinance.

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