

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE
3 COUNTY OF FRESNO, STATE OF CALIFORNIA

4 APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT) RESOLUTION
5 NO. 3755-A and 3755-B WITH FINDING AND CONDITIONS OF APPROVAL)

6 WHEREAS, Pete LoCastro, Area Operations Manager on behalf of CEMEX Construction
7 Materials Pacific, LLC, a Delaware limited liability company (collectively, Applicant) made an application
8 to the Fresno County Planning Commission (Planning Commission) for adoption of a Negative
9 Declaration, and approval of Unclassified Conditional Use Permit No. 3755-A and 3755-B proposing to
10 Amend Unclassified Conditional Use Permit No. 3093 and related UCUP Nos. 367, 2032, 2209, 2241,
11 2235, and 3063, to extend the operational time limit for the existing aggregate (sand and gravel)
12 operation, processing plants, and related currently permitted uses for an additional four years (extend
13 expiration date from July 28, 2023 to July 28, 2027); and

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

21 WHEREAS, on July 18, 2023, the Planning Commission approved the Application for Unclassified
22 Conditional Use Permit No. 3755-A and 3755-B; and

23 WHEREAS, an Appeal was made of the Planning Commission's decision to approve Unclassified
24 Conditional Use Permit No. 3755-A and 3755-B on June 22, 2023; and

25 WHEREAS, County Zoning Ordinance Section 873(G) requires that an appeal of the Planning
26 Commission's decision be heard by the Board of Supervisors (Board); and

27 WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to
28 approve Unclassified CUP No. 3755-A and 3755-B, the Board must make the following findings:

- 1 1. That the Site for the proposed use is adequate in size and shape to accommodate said
2 use and all yards, spaces, walls and fences, parking, loading, landscaping and other
3 features required by this Division to adjust said use with land and uses in the
4 neighborhood.
- 5 2. That the site for the proposed use relates to streets and highways adequate in width and
6 pavement type to carry the quantity and kind of traffic generated by the proposed use.
- 7 3. That the proposed use will have no adverse impact on abutting property and surrounding
8 neighborhood or permitted use thereof.
- 9 4. That the proposed development is consistent with the General Plan.
- 10 5. That the conditions stated in the resolution are deemed necessary to protect the public
11 health, safety, and general welfare; and

12 WHEREAS, after duly giving all required public notices for a Public Hearing on the matter before
13 the Board of Supervisors on July 18, 2023, and having provided an opportunity for the public to speak
14 and present evidence for and against the proposed permit extension for an existing aggregate operation,
15 processing plant, and related uses, and having complied with all applicable requirements of the law,
16 including the County Zoning Ordinance, the Board hereby resolves and takes the following actions,
17 including making the following findings.

18 NOW, THEREFORE Section 873(F) of the County Zoning Ordinance requires that the Site for the
19 proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and
20 fences, parking, loading, landscaping and other features required by this Division, to adjust said use with
21 land and uses in the neighborhood (Finding 1), and, in light of such requirement, the Board hereby makes
22 the following findings:

- 23 • The proposed development is compliant with the applicable development standards of
24 Section 816 of the Zoning Ordinance pertaining to the Exclusive Agricultural Zone District,
25 and applicable off-street parking requirements.
- 26 • Based on the foregoing facts, which this Board has found, the Application satisfies
27 required Finding No. 1.

28 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site for

1 the proposed use relates to streets and highways adequate in width and pavement type to carry the
2 quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such requirement,
3 the Board hereby makes the following findings:

- 4 • With the proposed conditions of approval for the project, the County-maintained roadways
5 that serve the parcel are adequate to support the proposed use; and
- 6 • N. Friant Road (a County maintained road) is adequate in width and pavement condition
7 to serve the proposed use.
- 8 • Based on the foregoing facts, which this Board has found, the Application satisfies
9 required Finding No. 2.

10 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
11 use will have no adverse impact on abutting property and surrounding neighborhood or permitted use
12 thereof (Finding 3), and, in light of such requirement, the Board hereby makes the following findings:

- 13 • The proposed project is consistent with uses allowed in an agricultural area with approval
14 of a Conditional Use Permit, and would therefore have no adverse effect on the adjacent
15 or surrounding property.
- 16 • Based the foregoing fact, which this Board has found, the Application satisfies required
17 Finding No. 3.

18 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
19 development is consistent with the General Plan (Finding 4), and, in light of such requirement, the Board
20 hereby makes the following findings:

- 21 • The sections of N. Friant Road serving the subject parcels have adequate right-of-way to
22 satisfy General Plan requirements and Specific Plan lines.
- 23 • That the proposed use is consistent with the requirements of the General Plan and Zoning
24 Ordinance.
- 25 • Based the foregoing fact, which this Board has found, the Application satisfies required
26 Finding No.4.

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1 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the conditions
2 stated in the resolution are deemed necessary to protect the public health, safety and general welfare
3 (required Finding No. 5), and, in light of such requirement, the Board hereby finds that the following
4 conditions are deemed necessary to protect the public health, safety, and general welfare:

- 5 • The proposed Conditions of Approval were developed based on studies and consultation
6 with specifically qualified staff, consultants, and outside agencies, in order to address the
7 specific impacts of the proposed project and were designed to address the public health,
8 safety and welfare.

9 NOW, THEREFORE, IT IS ORDERED AND RESOLVED That the findings and actions reflected
10 by the minutes of the Board of Supervisors for the Public Hearing on this matter on July 18, 2023, are
11 hereby reaffirmed by this resolution.

12 BE IT FURTHER RESOLVED that on July 18, 2023 the Board of Supervisors determined that,
13 (1) in accordance with Section 15162 of CEQA, the project is not subject to preparation of a supplemental
14 EIR, (2) the previously prepared EIR may be used for consideration of this proposal, and is hereby
15 deemed appropriate, and (3) Sections 15061(b)(3) and 15301 of CEQA provide valid exemptions for the
16 project, and the Board of Supervisors directed County staff to record a Notice of Exemption with the
17 County Clerk and State Clearinghouse.

18 BE IT FURTHER RESOLVED that Unclassified Conditional Use Permit No. 3755-A and 3755-B
19 to allow for the extend the operational time limit for the existing aggregate (sand and gravel) operation,
20 processing plants, and related currently permitted uses for an additional three years (extend expiration
21 date from July 28, 2023 to July 28, 2026), is hereby approved subject to the conditions of approval in the
22 Attached EXHIBIT A.

23 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption
24 by the Board.

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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 22nd day of August, 2023, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None

BY Sal Quintero
Sal Quintero, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

BY Alexandria Vera
Deputy

EXHIBIT A

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, 2026
4.	The Applicant/ Appellant shall enter into an agreement indemnifying the County for all/ legal costs associated with its approval of UCUP No. 3755 and provide security in an amount determined by the County for any such legal costs incurred. The agreement and payment of security shall be due unless the litigation period has expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.

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.

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EXHIBIT A