

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

DETERMINATION ON APPEAL OF SUBSTANTIAL DEVELOPMENT FOR )  
UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3390 FILED BY ) RESOLUTION  
RIVERBEND SAND AND GRAVEL, LLC FOR AN AGGREGATE )  
MINING PROJECT )

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WHEREAS, on February 26, 2015, Unclassified Conditional Use Permit No. 3390 (UCUP No. 3390) was approved by the Fresno County Planning Commission including certification the project's Environmental Impact Report to permit an aggregate mining operation on 619 acres located southeast of the City of Sanger, between the Kings River and Riverbend Avenue; and

WHEREAS, on April 23, 2024, representatives of Riverbend Sand and Gravel, LLC (Riverbend Representatives) submitted to County staff a letter stating their position that vesting property rights had occurred for UCUP No. 3390; and

WHEREAS, on May 31, 2024, County staff responded to said letter with a written determination that the project had not achieved substantial development and that UCUP No. 3390 had expired; and

WHEREAS, on January 2, 2025, Riverbend Representatives submitted Grading Permit Application No. 25-000206 (Permit) to commence mining activities on the project site; and

WHEREAS, on November 5, 2025, staff of the Department of Public Works and Planning rejected the Permit stating the determination that substantial development did not occur before May of 2017 and that the Applicant possessed no vested right to develop under UCUP No. 3390; and

WHEREAS, on November 20, 2025, Riverbend Representatives appealed Department staff's rejection of the Permit to the Director of the Department of Public Works and Planning (Director); and

WHEREAS, on February 11, 2026, the Director determined that the Applicant inadequately addressed the test for the creation of a vested right and that substantial development has not occurred and the land UCUP No. 3390 has expired; and

WHEREAS, on February 26, 2026, Riverbend Representatives appealed the Director's determination to the Board of Supervisors (Board); and

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1 WHEREAS, Chapter 868.6 of the County Zoning Ordinance regarding Permit Implementation,  
2 Time Limits, Extensions, Revocation allows the Board to approve, approve with conditions, or deny the  
3 appeal by resolution; and

4 WHEREAS, on June 2, 2026, at its regularly scheduled hearing, the Board considered the facts  
5 related to appeal including correspondence submitted into the record, staff's presentation and testimony  
6 from Riverbend Representatives and the public; and

7 WHEREAS, after duly giving all required public notices, and an opportunity for the public to speak  
8 and present evidence for and against the Director's determination rejecting substantial development with  
9 all applicable requirements of the law, including the County Zoning Ordinance, the Board hereby resolves  
10 and takes the following actions.

11 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that it has been determined that UCUP  
12 No. 3390 has achieved substantial development and has not expired, subject to the following additional  
13 conditions:

14 1. The owner(s) and/or operator shall enter into an agreement indemnifying the County for  
15 all legal costs associated with its determination that UCUP No. 3390 has not expired and that site  
16 development may occur per the project's Mitigation Measures, Conditions of Approval and mandatory  
17 requirements, and provide security in an amount determined by the County for any such legal costs  
18 incurred. The agreement and payment of security shall be due unless the litigation period has expired, in  
19 which case the requirements for the indemnification agreement and security shall be considered null and  
20 void.

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22 2. Phase I mining operations shall commence (e.g., satisfying all applicable conditions of  
23 approval and mitigation measures required prior to commencement of operations, clearing and grubbing of  
24 plant site, installation of the aggregate processing plant, construction of all required access roads,  
25 removal and storage of overburden, and commencement of mining operations) within two years of this  
26 determination by the Board of Supervisors (June 2, 2028). If after that two-year period Phase I operations  
27 have not commenced, Unclassified Conditional Use Permit No. 3390 shall be deemed expired.

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1 BE it FURTHER RESOLVED that future development of the project site shall continue to be  
2 subject to all conditions of approval and mitigation measures associated with Unclassified Conditional  
3 Use Permit No. 3390.

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

6 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors  
7 of the County of Fresno this \_\_\_\_\_ day of \_\_\_\_\_, 2026, to wit:

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10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAINED:

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BY \_\_\_\_\_  
Garry Bredefeld, Chairman of the  
Board of Supervisors of the County of Fresno

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**ATTEST:**

21 Bernice E. Seidel  
22 Clerk of the Board of Supervisors  
23 County of Fresno, State of California

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25 BY \_\_\_\_\_  
26 Deputy

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