

# Gravel mine near Sanger clears final hurdle

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Fresno County supervisors dismissed an appeal of a proposed gravel mine east of Sanger when the man who appealed the issue didn't show up after sending an email saying he was dropping his appeal.

Because the man who appealed the project in March, Nicholas Kozina of Sacramento, dropped his appeal, the board was unable to hold a hearing on the 619-acre Riverbend Sand & Gravel project.

In their Tuesday morning session, the supervisors chose not to take testimony because the appeal technically didn't exist.

Fresno County Counsel Dan Cederborg said the county had no provisions to allow other appeals to be filed if an appeal was pulled immediately before a hearing date.

The Fresno County Planning Commission approved the project by a 5-1 vote in February, but it was appealed to the Board of Supervisors. Because the appeal was pulled, the commission decision stands.

Supervisor Brian Pacheco said Kozina waited until the final day to file the appeal of February's approval by the commission. He said others also had opportunities to appeal the project but declined.

He and Supervisor Buddy Mendes, who represents the district where the project is located, east of Sanger, also were supportive of the project.

"I don't believe it's fair to hold up the applicant," Pacheco said.

Lawyer Lauren Layne, who was in the meeting with her clients Steve and Diane Findley, said they chose not to address supervisors because no decision could be made once the appeal was pulled. The Findleys have property near the proposed mine.

"Our comments were not going to have any influence on anything," she said.

Layne said the Findleys also appealed, but pulled their appeal shortly after they filed.

"It was a surprise to us that anyone appealed," she said.

Layne said the Findleys are worried about continued noise monitoring if noise exceeds levels in the county's ordinance. Layne said Riverbend Sand & Gravel officials did improve noise buffering. She said dust and traffic also are concerns.

The mining project on Running Luck Ranch is near Riverbend and Goodfellow avenues. It includes 351 acres of farmland reclamation to replace an equal portion of land that will be taken out of agricultural production, said John Buada, who represents Riverbend Sand & Gravel.

Buada said he has never seen an appeal pulled at the last minute on a mining project. He learned about it shortly after the meeting began Tuesday.

"I've never come across that in my 40 years of doing this," he said.

The project is proposed in phases over a 75-year period. The other 268 acres will revert to agriculture as phases are

completed.

Herb Lang, the property manager for Riverbend Sand & Gravel, said the project has been in the making for almost five years.

He hopes the project will move forward by the end of the year, but additional permits are still needed.

In other action:

- Supervisors approved a policy for the county counsel's office to generate an annual report about existing litigation and cases that require outside counsel.

The proposal by Supervisors Andreas Borgeas and Pacheco calls for the county counsel to provide financial information about judgments, settlements and costs of litigation.

Borgeas said the log will require only cases that have a value of more than \$200,000 to the county. The "litigation log" also will allow supervisors to spot trends in litigation or other issues affecting the county in the coming years, Borgeas said.

- Supervisors also approved naming the new library branch on Cedar and Shields avenues for Betty Rodriguez, a prominent fundraiser for Friends of the Library and a member of League of Women Voters before her death about 2-1/2 years ago. The new library branch will go into the former site of a Fresh & Easy store.

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