

# Community and Economic Development Planning Division

Becky Beavers
Deputy Director

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**PLANNING COMMISSION DATE:** 

June 5, 2018

**AGENDA ITEM:** 

#3

CUP #2018-009 Single Family Residence in a PDD zone District Applicant/Owner: Flores Holdings LLC APN #054-531-006

CEQA

Exempt

# **REQUEST:**

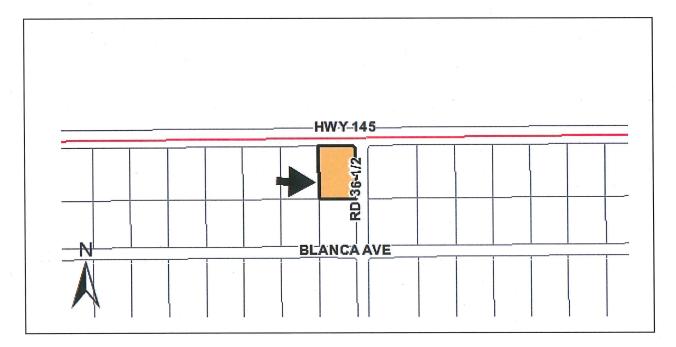
The application is to allow the construction of a single family dwelling in a PDD (Planned Development District).

# LOCATION:

The parcel is located on the southwest corner of Highway 145 and Road 36 1/2 (no situs) Madera.

### **ENVIRONMENTAL ASSESSMENT:**

Under the provision of the California Environmental Quality Act (CEQA) Section 15303, and the Madera County Environmental Evaluation Guidelines, the County has determined that this project will not have a significant effect on the environment and is exempt from CEQA.



**RECOMMENDATION:** conditions.

Approval of Conditional Use Permit #2018-009 subject to

CUP #2018-009 STAFF REPORT

June 5, 2018

**GENERAL PLAN DESIGNATION** (Exhibit A):

SITE: CC (Community Commercial) Designation

SURROUNDING: CC (Community Commercial), AE (agricultural Exclusive) and

RR (Rural Residential) Designations

O'NEALS SMALL AREA PLAN (Exhibit A-1):

SITE: Rural Commercial Area Designation

SURROUNDING: Rural Commercial Area and RDA (Rural Development Area)

**Designations** 

**ZONING** (Exhibit B):

SITE: PDD (Planned Development) District

SURROUNDING: PDD (Planned Development) District, RRS-2 (Rural

> Residential Single Family-2 Acre) District, RRM (Rural Residential Multiple Family) District and ARE-40 (Agricultural

Rural Exclusive-40 Acre) District

LAND USE:

SITE: Vacant

SURROUNDING: Residential, Agricultural and Vacant Parcels

SIZE OF PROPERTY: 1.28 Acres

**ACCESS** (Exhibit A): The property is accessed on Road 26 1/2.

# **BACKGROUND AND PRIOR ACTIONS:**

The Bonadelle Ranchos No. 8 Subdivision was recorded in 1965. In January 1998, the Planning Commission rezoned a block of 13 lots facing Highway 145, including the subject property, from CRM (Commercial Rural Median) District to PDD (Planned Development) District. At the time of rezoning, seven parcels were vacant and six parcels were developed with single family residences.

### PROJECT DESCRIPTION:

This is a request for a Conditional Use Permit to allow construction of a single family dwelling in a PDD (Planned Development District). The 1.28 acre project site is currently vacant.

The project proposal includes a 2,646 square foot, four bedroom, two bath home and an attached garage on the project site. The site plan (Exhibit D-1) shows the

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proposed residence, septic system, water well, propane tank, storage tank and extended driveway. The project site will be accessible from Road 36 ½.

## **ORDINANCES/POLICIES:**

<u>Chapter 18.67.020</u> of the Madera County Zoning Ordinances outlines the allowable uses within the PDD (Planned Development) District.

<u>Chapter 18.92</u> of the Madera County Zoning Ordinance outlines the procedures for the processing of conditional use permits.

# **ANALYSIS:**

The proposed project is located on a 1.28 acre parcel zoned Planned Development District. Properties located to the north of the Highway 145 are used for cattle grazing. The properties immediately west of the project site are also zoned PDD (Planned Development) District. This zoning allows for the development of a single family dwelling with the approval of a conditional use permit. Properties located to the east, west and south are primarily developed with single family dwellings.

The Madera County General Plan designates the project site as CC (Community Commercial) which allows for retail, wholesale, public, quasi public uses, as well as similar or compatible uses. The proposed project is compatible with the General Plan designation. The project area is included in the O'Neals Area Plan. This Area Plan designates the project site as Rural Commercial Area. Even though this project is not proposing a commercial use, it does not conflict with the O'Neals Area Plan's Goals and Policies for development within the Rural Commercial Area.

The property owner proposes to build a 2,646 square foot home with four bedrooms, two baths and an attached garage. The project will also include and extended driveway and 2,500 gallon water storage tank. The proposal is consistent with the existing residences in the area.

The 1995 Madera General Plan designates the project site as CC (Community Commercial) which allows for retail, wholesale, public, quasi public uses, etc., as well as similar and compatible uses. The proposed project is considered a compatible use within the 1995 General Plan designation. The project area is also included in the O'Neals Area Plan. This Area Plan designates the project site as a Rural Commercial Area. The proposal for a single family dwelling is consistent and compatible with the surrounding, residential area.

The project has been circulated to County Departments and outside regulatory agencies for comments. This included the California Department of

Transportation, Regional Water Quality Control Board, Department of Fish and Wildlife, San Joaquin Valley Unified Air Pollution Control District, the Chowchilla Yokuts Tribe, Dumna Wo Wah Tribal Government, Picayune Rancheria of Chuckchansi, and Table Mountain Rancheria. One comment was received from the Table Mountain Rancheria Tribal Government, expressing no interest in the proposed project. A second comment was received from the California Resource Water Control Board, expressing no interest in the project. A third comment was received from California Department of Transportation (Caltrans). The Caltrans comment requested that the project maintain access along Road 36 ½ as opposed to Highway 145. The comment also stipulated that any work that would occur within Highway 145 would require a Caltrans encroachment permit. Both of Caltrans' requests have been incorporated into Conditions of Approval. The Madera County Environmental Health Division and Public Works Department have submitted comments.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$50.00 for Notice of Exemption filing fee. The project is categorically exempt from CEQA and will not be required to pay Fish and Wildlife fees.

### FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of the project. Should the Planning Commission vote to approval the project, Staff recommends that the Planning Commission concur with the following:

- 1. The proposed project does not violate the spirit or intent of the Zoning Ordinance. The property is zoned PDD (Planned Development District). The proposed single family dwelling is consistent with the provisions of the Planned Development District. The zone district allows single family dwelling development subject to the approval of a conditional use permit.
- 2. The proposed project is not contrary to the public health, safety, or general welfare. The proposed project is consistent with neighboring parcels that have been residentially developed. The Planned Development zone district was established to provide opportunities for development that would not adversely impact residential use in the area.
- 3. The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors as recommended conditions of approval are incorporated into the project. The recommended conditions are designed to reduce potential impacts on adjacent properties to a less than significant level. This parcel's proposed development is consistent with neighboring parcels in the area.

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4. The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties. This property was designated PDD to ensure uses established would be consistent with surrounding development. A single family dwelling would not have an adverse impact on existing commercial use. There are currently other lots with single family dwellings in this commercial area. The proposed home is compatible with the uses allowed with the CC (Community Commercial) designation and with the intensity of uses which have been established in the area.

# **GENERAL PLAN CONSISTENCY:**

The request would allow for development of a single family dwelling in a CC (Community Commercial) designated area. The allowed uses within the CC designation include retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, as well as public, quasi-public uses, and similar and compatible uses. The existing PDD (Planned Development) zone district allows for proposed use with a conditional use permit. The proposed home is compatible with the uses allowed within the CC (Community Commercial) designation and with the intensity of uses which have been established in the area.

#### RECOMMENDATION:

Approval of Conditional Use Permit #2018-003 subject to conditions.

#### CONDITIONS

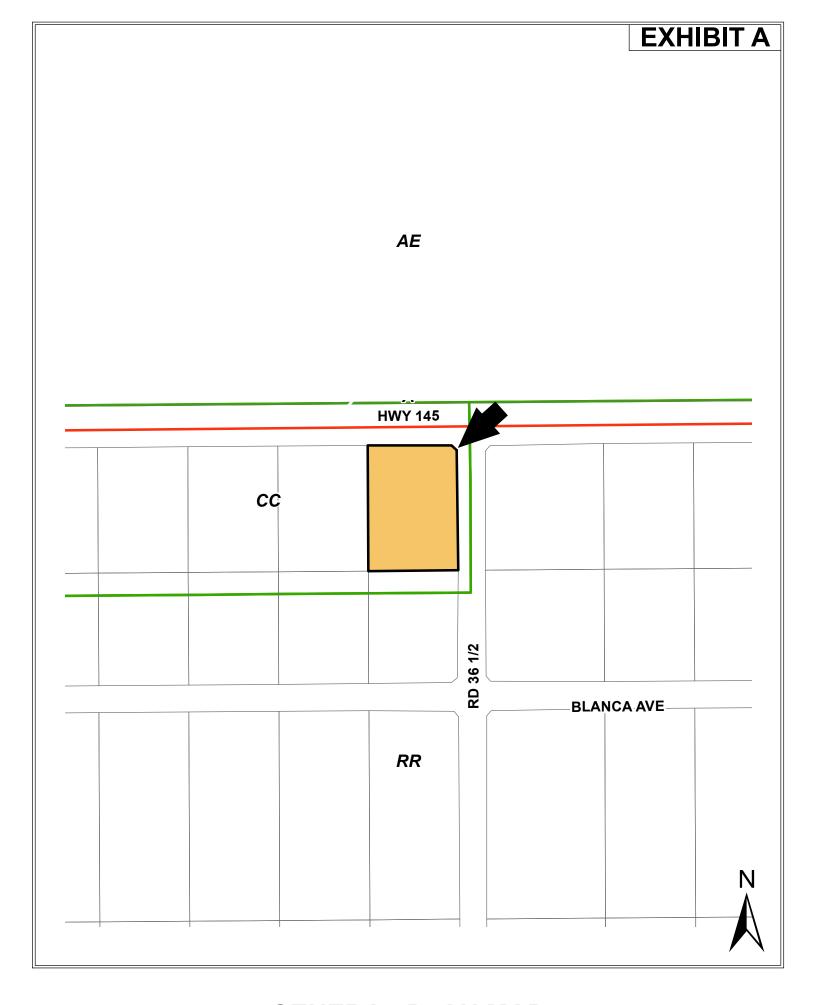
See attached.

### ATTACHMENTS:

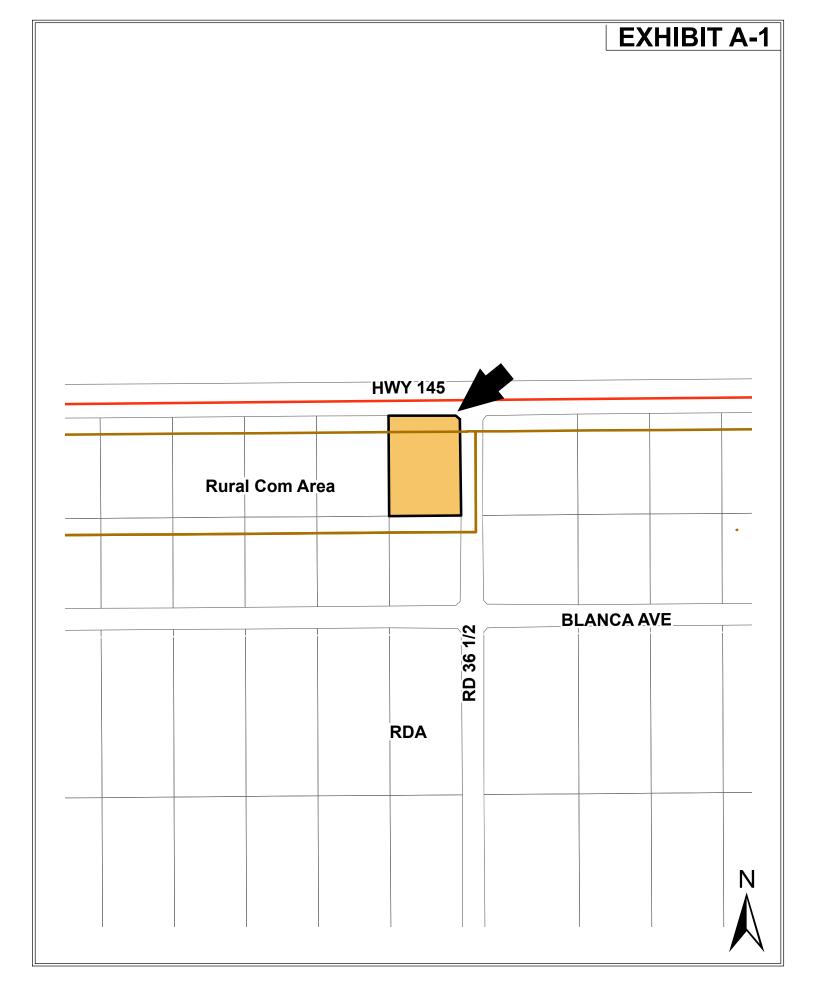
- 1. Exhibit A, General Plan Map
- 2. Exhibit A-1, O'Neals Area Plan
- 3. Exhibit B, Zoning Map
- 4. Exhibit C, Assessor's Map
- 5. Exhibit D-1. Site Plan
- 6. Exhibit D-2, Floor Plan
- 7. Exhibit D-3, Floor Plan
- 8. Exhibit E, Aerial Map
- 9. Exhibit F, Topographical Map
- 10. Exhibit G, Operational Statement
- 11. Exhibit H, California Department of Transportation Comments
- 12. Exhibit I, California Water Resources Control Board Comments
- 13. Exhibit J. Table Mountain Rancheria Tribal Government Comments
- 14. Exhibit K, Environmental Health Comments
- 15. Exhibit L, Public Works Comments
- 16. Exhibit M, Public Works Capital Improvement Projects Division Comments

	CONDITIONS OF	F APPROVA	<b>L</b>			
PROJECT					era (051-531-006-000)	
PROJECT	LOCATION:	the southwest cor	ner of Highway 1	45 and Road 36 1	/2 (no situs) Madera	
PROJECT	DESCRIPTION:	To allow the cons	truction of single	family dwelling in	a PDD (Planned Development District).	
APPLICAN	NT:	Flores Holdings L	LC (Felipe Flores	s)		
CONTACT	PERSON/TELEPHONE NUMBER:	(559) 706-4907				
No.	Condition	Department/	Verificatio		tion of Compliance	
		Agency	Initials	Date	Remarks	
Environm	ental Health					
1	The applicant must comply with Madera County Code(s) Title 13 throughout the property development as it pertains to Onsite Wastewater Treatment System(s) (OWTS) and Water System(s).	EH				
2	Solid waste collection with sorting for green, recycle, and garbage is required.	EH				
3	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	ЕН				
Planning						
1	Construction of any additional structures on the site, single fmaily residences, expansion of the existing residence, storage structures, garages, or any other types of structures shall requre approval through the zoning permit process. New structures shall be subject to the development standards (setbacks, lot coverage, etc.) of the RRS-2 (Rural, Residential, Single Family-2 Acre) District. The only distinction is the 50 ft setback required along the parcels northern boundary, along Highway 145.	Planning				
2	This application does not permit commercial activities (excluding a home occupation); all future commercial uses must be review and approved by Planning Commission through the Conditional Use Permit process.	Planning				

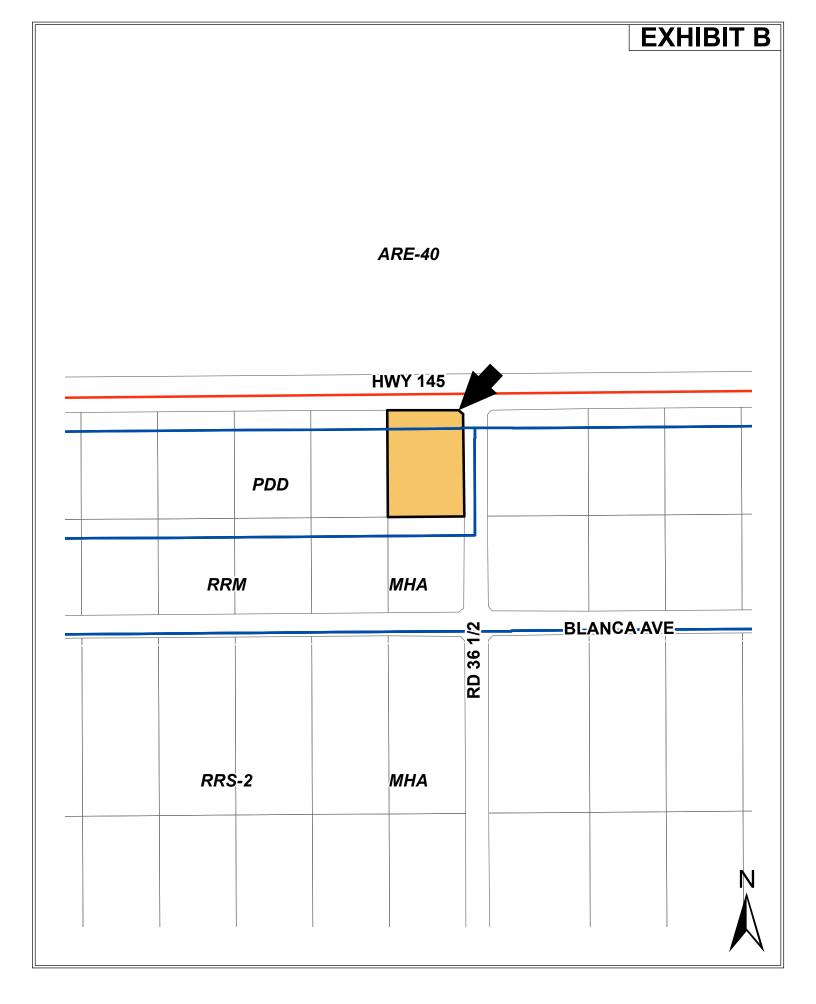
If accreedopost evidence is noted on the site prior to the start of construction, no work shall start without first notifying the Planning Department and completion of a Phase 2 and-hoeological study.	No.	Condition	Department/	Verification of Compliance		
start without first notifying the Planning Department and completion of a Phase 2  Construction activities are limited to the hours of seven a.m. and seven p.m. Monday through Finday and nine a.m. and five p.m. on Saturdays. Construction activities will be prohibited on Sundays.  Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.  All roadways and parking areas associated with the project are to be covered and maintained with material sufficient to create a dust free environment.  Before the applicant can apply for building permits, the applicant must submit a Plot Plan Map to the Planning Division. The map must clearly indicate the property's setbacks: 25 ft from the front, 10 ft from the south side, 50 ft from the north side and 20 ft from the rear.  Public Works  Prior to any construction where such construction is occurred within an existing County right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be obtained prior to commencing the work.  All driveway approaches accessing the site shall be built to County applicable design standard details. Maximum approach width is 25 for redidential uses. Approaches wider than the stated maximum any possible for locating all underground utilities prior to the start of any work by contacting lunderground Service and recombination or his possible for locating all underground utilities prior to the start of any work by contacting lunderground Service and recombination or these paperorists party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.  The applicant will be required to call the Public Works Department for final inspection of the grading permit when grading is complete and prior to beginning construction on the new house. Public Works			-	Initials	Date	Remarks
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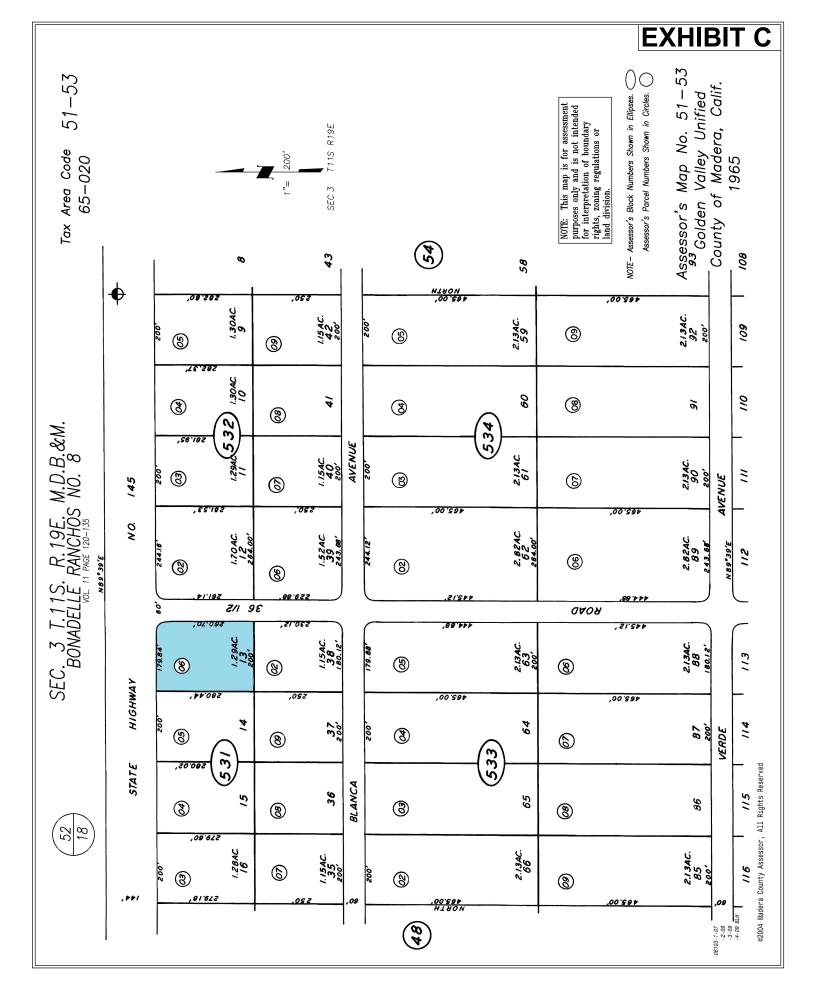
**GENERAL PLAN MAP** 



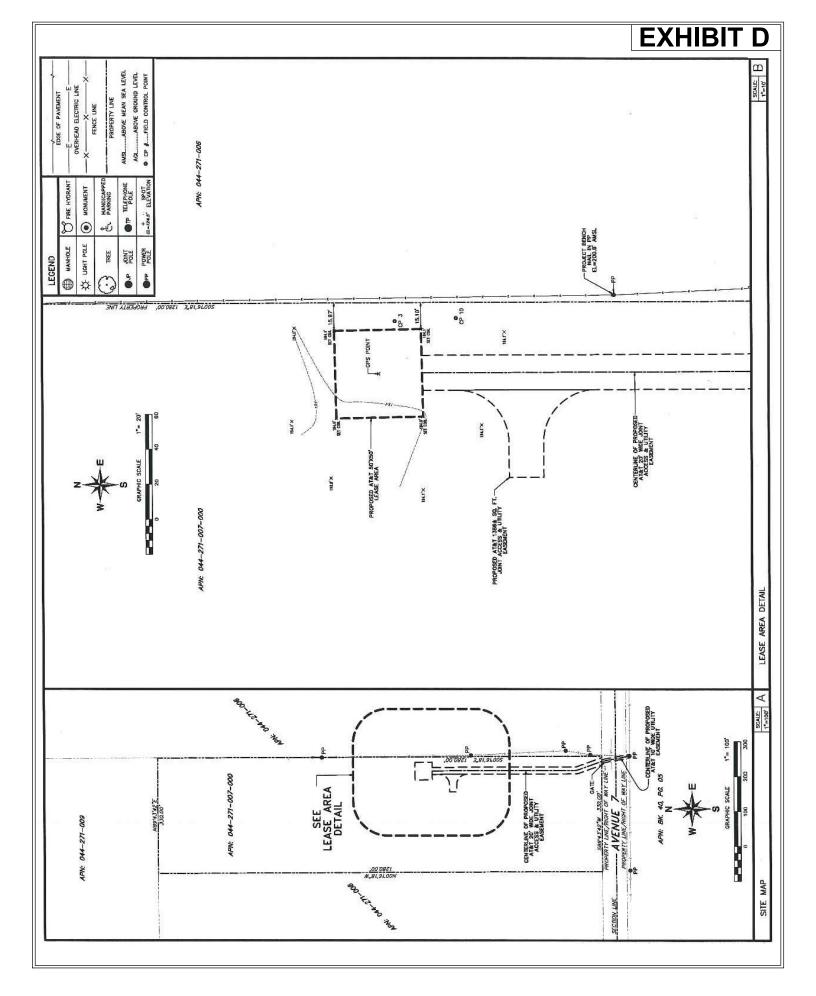
**O'NEALS AREA PLAN MAP** 



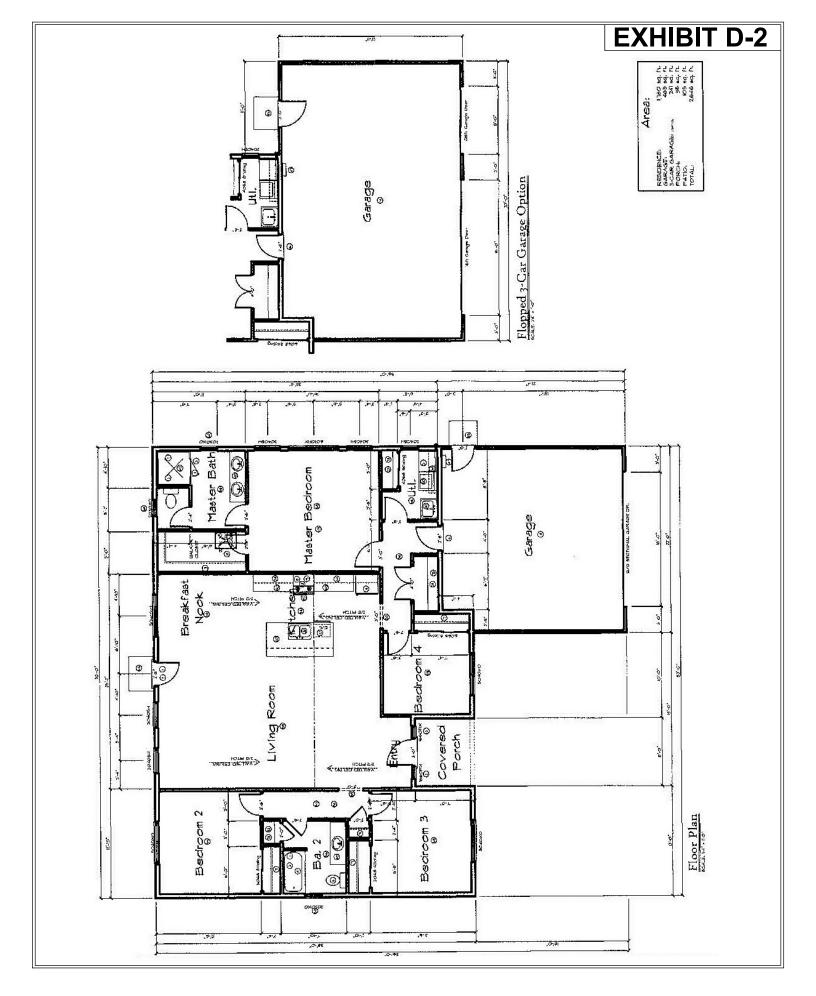
**ZONING MAP** 



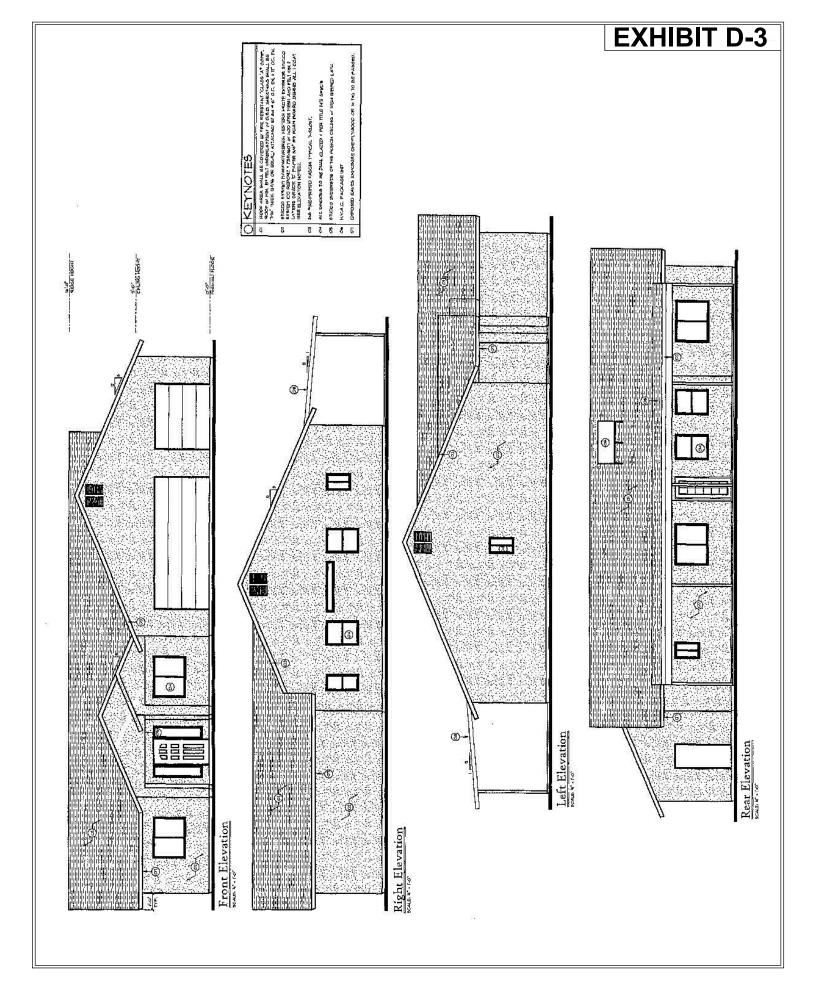
**ASSESSOR'S MAP** 



SITE PLAN MAP



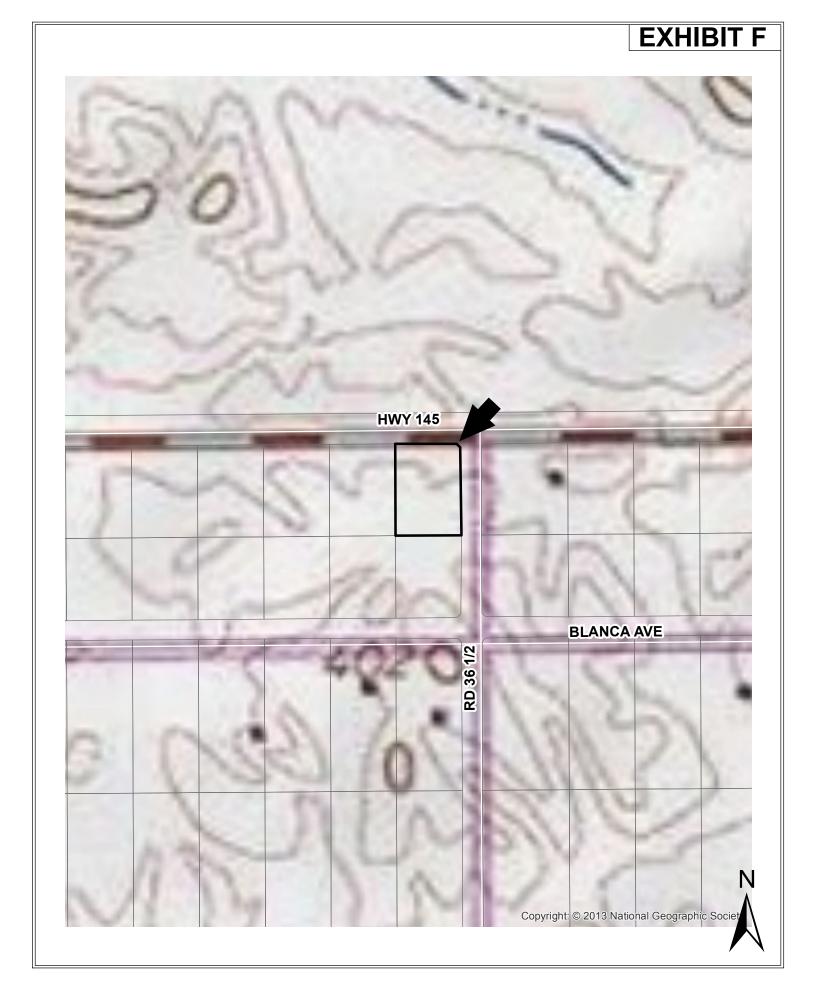
**FLOOR PLAN MAP** 



**ELEVATION MAP** 



**AERIAL MAP** 



**TOPOGRAPHICAL MAP** 



# Community and Economic Development Planning Division

Matthew Treber Director

200 W 4<sup>th</sup> Street

Suite 3100

- Madera, CA 93637
- (559) 675-7821 FAX (559) 675-6573
- TDD (559) 675-8970
- mc\_planning@madera-county.com

# **OPERATIONAL/ENVIRONMENTAL STATEMENT** CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1.	Please provide the following information:
	Assessor's Parcel Number: 051-531-006-000
	Applicant's Name: Flores Holdings LC
	Address: 13367 Wood Street Madera Ca 93638
	Phone Number: 559-706-4907
2.	Describe the nature of your proposal/operation.  New Construction
3.	What is the existing use of the property?
4.	What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?
	NII A CONTRACTOR OF THE CONTRA
5.	What are the proposed operational time limits?
	Months (if seasonal): N/A
	Days per week:
	Hours (fromto): Total Hours per day:
6.	How many customers or visitors are expected?
	Average number per day: N/A
	Maximum number per day:
	What hours will customers/visitors be there?
7.	How many employees will there be?
	Current: NA
	Future:
	Hours they work:
	Do any live onsite? If so, in what capacity (i.e. caretaker)?

	provide pictures or brochures.  N/A
	Will there be any service and delivery vehicles?
	Type:
	Frequency:
	Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.  N/A
1.	How will access be provided to the property/project? (street name)
2.	Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.
3.	Describe any proposed advertising, inlcuding size, appearance, and placement.
14.	Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.  New York Construction
15.	Is there any landscaping or fencing proposed? Describe type and location.
16.	What are the surrounding land uses to the north, south, east and west property boundaries?
17.	Will this operation or equipment used, generate noise above other existing parcels in the area?
18.	On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).

19.	how will it be disposed of?  NA
20.	On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?  WKNOWN OF THIS TIME IT WILL be disposed by builder in dumpster Containers
21.	Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)
22.	Are there any archeological or historically significant sits located on this property? If so, describe and show location on site plan.
23.	Locate and show all bodies of water on application plot plan or attached map.  See attached plat map
24.	Show any ravines, gullies, and natural drainage courses on the property on the plot plan.
25.	Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?  UD
26.	Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)
27.	How do you see this development impacting the surrounding area?
28.	How do you see this development impacting schools, parks, fire and police protection or special districts?
29.	If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s):  Square feet of building area(s):
	Total number of employees: V/A
	Building Heights: WA

30.	If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached
	map.
	NA

From: Padilla, Dave@DOT

To: <u>Emily Lane</u>

Subject: RE: Project Review Request for Conditional Use Permit 2018-009

**Date:** Thursday, April 19, 2018 9:52:00 AM

Attachments: image009.png

Hi Emily,

We have minimal comments. We request that the project take access to Road 36 ½ versus SR 145. Any work within SR 145 will require an encroachment permit from us.

Thank you

David Padilla, Associate Transportation Planner Office of Planning & Local Assistance 1352 W. Olive Avenue Fresno, CA 93778-2616

Office: (559) 444-2493, Fax: (559) 445-5875



**From:** Emily Lane [mailto:Emily.Lane@maderacounty.com]

**Sent:** Wednesday, April 11, 2018 10:29 AM

To: Padilla, Dave@DOT <dave.padilla@dot.ca.gov>

Cc: Navarro, Michael@DOT < michael.navarro@dot.ca.gov>

Subject: Project Review Request for Conditional Use Permit 2018-009

Hello Mr. Padilla and Mr. Navarro,

I would like to extend a formal request to review Conditional Use Permit #2018-009. The Conditional Use Permit is to allow the construction of a single family dwelling within a Planned Development Zone District. The project is located on the southwest corner of Highway 145 and Road 36 ½ (no situs) APN 051-531-006.

If you have any questions or concerns please let me know.

Kind Regards,

Emily Lane | Planner

**Community & Economic Development Department Planning Division** 

# **Emily Lane**

From:

**Emily Lane** 

Sent:

Monday, April 16, 2018 2:46 PM

To: Subject: 'Ferreria, Austin P.@Waterboards' RE: CUP #2018-009 Flores Holdings Comments

Hello Mr. Ferreria,

Thank you for the update.

Kind Regards,

Emily Lane Planner I Community & Economic Development Department 200 W. 4<sup>th</sup> Street Suite 3100, Madera, CA 93637 (Office) 559-675-7821 Extension 3222 (Fax) 559-675-6753

From: Ferreria, Austin P.@Waterboards [mailto:Austin.Ferreria@Waterboards.ca.gov]

Sent: Monday, April 16, 2018 2:37 PM

To: Emily Lane

Subject: CUP #2018-009 Flores Holdings Comments

Ms. Lane,

The Division of Drinking Water has no comments for CUP #2018-009. Please let me know if you have any questions.

Very Respectfully,

Austin Ferreria Water Resource Control Engineer SoCal Drinking Water Field Operations Branch 265 W. Bullard Ave., Suite 101 Fresno, CA 93704 Phone: (559) 447-3399

Fax: (559) 447-3304



# TABLE MOUNTAIN RANCHERIA TRIBAL GOVERNMENT OFFICE

**CERTIFIED 3675 2698** 

April 20, 2018

Leanne Walker-Grant

Tribal Chairperson

Beverly J. Hunter

Tribal Vice-Chairperson

Craig Martinez

Tribal Secretary/Treasurer

Matthew W. Jones Tribal Council Member

Richard L. Jones

Tribal Council Member

Emily Lane, Planner Madera County 200 W. 4<sup>th</sup> Street, Suite 3100 Madera, Ca. 93637

RE: CUP Madera 051-531-006-000

Dear: Emily Lane

This is in response to your letter dated, April 04, 2018, regarding, CUP Madera 051-531-006-000. Thank you for notifying us of the potential development and the request for consultation.

We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.

Sincerely,

Robert Pennell Tribal Cultural Resources Director rpennell@tmr.org 559.325.0351

23736

Sky Harbour Road

Post Office

Box 410

Friant

California

93626

(559) 822-2587

Fax

(559) 822-2693

PLANNING DEPART



# Community and Economic Development Environmental Health Division

Dexter Marr Deputy Director • 200 W. Fourth St.

• Suite 3100

Madera, CA 93637

• TEL (559) 661-5191

FAX (559) 675-6573TDD (559) 675-8970

# **M** EMORANDUM

TO: Emily Lane

FROM: Dexter Marr, Environmental Health Division

DATE: APRIL 13, 2018

RE: FLORES HOLDINGS - Conditional Use Permit - Madera (051-531-006-000)

# **Comments**

TO: Planning Division

FROM: Environmental Health Division

DATE: April 13, 2018

RE: Conditional Use Permit (CUP) #2018-009, Flores Holding, Madera

APN 051-531-006

#### Environmental Health Division comments:

The applicant must comply with Madera County Code(s) Title 13 throughout the property development as it pertains to Onsite Wastewater Treatment System(s) (OWTS) and Water System(s).

Solid waste collection with sorting for green, recycle, and garbage is required.

Any construction performed on-site and ongoing operations must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

If there are any questions or comments regarding this information please contact our Division at (559) 675-7823.



# COUNTY OF MADERA DEPARTMENT OF PUBLIC WORKS

# AHMAD M. ALKHAYYAT

**DIRECTOR** 

200 West 4th Street Madera, CA 93637-8720 Main Line - (559) 675-7811 Special districts - (559) 675-7820 Fairmead Landfill - (559) 665-1310

# **MEMORANDUM**

**DATE:** April 10, 2018

TO: Emily Lane

**FROM:** Phu Duong, Public Works

**SUBJECT:** FLORES HOLDINGS - Conditional Use Permit - Madera (051-531-006-000)

#### **Comments**

Public Works Department has reviewed the CUP#2018-009 associated with APN: 051-531-006; the department has the following conditions of approval:

Prior to any construction where such construction is occurred within an existing County right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be obtained prior to commencing the work.

All driveway approaches accessing the site shall be built to County applicable design standard details. Maximum approach width is 25' for residential uses. Approaches wider than the stated maximums may be allowed subject to prior approval of the Public Works Director or his designee. The approaches are subject to inspections conducted by the department inspector.

Contractors shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation. Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.



# COUNTY OF MADERA DEPARTMENT OF PUBLIC WORKS

# AHMAD M. ALKHAYYAT DIRECTOR

200 West 4th Street Madera, CA 93637-8720 Main Line - (559) 675-7811 Special Districts - (559) 675-7820 Fairmead Landfill - (559) 665-1310

# **MEMORANDUM**

**DATE:** April 4, 2018

TO: Emily Lane

**FROM:** Madera County Public Works

**SUBJECT:** FLORES HOLDINGS - Conditional Use Permit - Madera (051-531-006-000)

### **Comments**

Owner has already completed a grading permit for the house 18-0010-GR. As a condition of the CUP please call the Public Works Department for final inspection of the grading permit when grading is complete and prior to beginning construction on the new house.

Haden Hinkle 559-675-7811