



# Community and Economic Development Planning Division

Jamie Bax  
Deputy 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

**PLANNING COMMISSION DATE:** September 3, 2019

**AGENDA ITEM:** #4

<b>CUP</b>	<b>2019-020</b>	<b>Third Residence for Farmworker Housing</b>
<b>APN</b>	<b>041-032-001</b>	<b>Applicant: Michael Smith</b>
<b>CEQA</b>		<b>Owner: Silveira Brothers</b>
		<b>Exempt</b>

**REQUEST:**

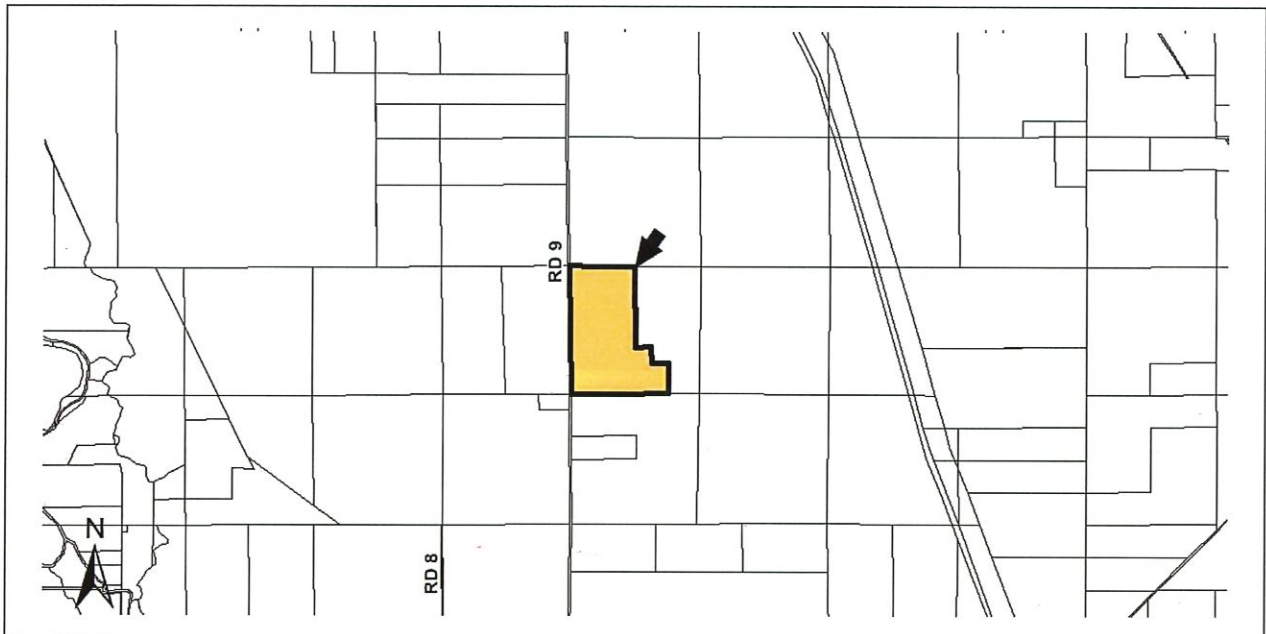
The construction of a third residence for farmworker housing.

**LOCATION:**

On the east side of Road 9 approximately 2 miles south of its intersection with Avenue 14 (11885 Road 9), Madera.

**ENVIRONMENTAL ASSESSMENT:**

Under the provision of the California Environmental Quality Act (CEQA) Section 15303(a), 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:** Approval of Conditional Use Permit #2019-020 subject to conditions.

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

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agriculture Exclusive) Designation, A (Agriculture) Designation, OS (Open Space) Designation

**ZONING** (Exhibit B):

SITE: ARE-40 (Agricultural Rural Exclusive-40 Acre) District

SURROUNDING: ARE-40 (Agricultural Rural Exclusive-40 Acre) District, POS (Public Open Space) District

**LAND USE:**

SITE: Almond Orchard and Private Residence

SURROUNDING: Agriculture

**SIZE OF PROPERTY:** 365.16 Acres

**ACCESS** (Exhibit A): The property is accessed by Road 9.

**BACKGROUND AND PRIOR ACTIONS:**

There have been no prior Land Use Actions of the project site.

**PROJECT DESCRIPTION:**

This is a request for Conditional Use Permit to allow a third residence for farmworker housing.

**ORDINANCES/POLICIES:**

Chapter 18.53.020 of the Madera County Zoning Ordinance outlines the allowable uses within the ARE-40 (Agricultural Rural Exclusive-40 Acre Minimum) District.

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

Madera County General Plan Policy Document (page 9) outlines the allowable uses within the AE (Agricultural Exclusive) Designation.

**ANALYSIS:**

The request is for a Conditional Use Permit to allow a third residence for farmworker housing. The proposed project is located on a 365.16 acre parcel that is zoned ARE-40 (Agricultural Residential Exclusive-40 Acres) and has the General Plan Designation of AE (Agricultural Exclusive). The Zoning Ordinance for ARE-40 does allow farmworker housing on properties that have a minimum of thirty-six acres,

with an approved Conditional Use Permit. Also with an approved Conditional Use Permit, the Zoning Ordinance for ARE-40 allows additional dwelling units on a project site, as long as the amount of units does not to exceed one unit per twenty acres of contiguous ownership of a ranch or farm. The proposed farmworker housing for this project would be the third housing unit on the project site. One residence is located within 500 ft of the proposed third unit. This unit is currently being used as farmworker housing. The second residence is located in the southern portion of the parcel and is used as the property owner's private residence. The third housing unit would be 1,600 square feet and would serve one family. The residence would share an existing well onsite and is required to have a separate septic system.

The project site is accessed by Road 9. The proposed farmer housing will not be visible from Road 9. The project site is surrounded by agricultural activity and is sparsely populated. Any impact from the proposed farmworker housing on neighboring properties is anticipated to be less than significant. There may be a slight increase in activity during the construction phase of the project. However, the impacts related to the construction phase of the project will subside once the housing is completed.

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. Comments were received by Building Division and Environmental Health Division.

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 proposed project is allowed in the ARE-40 (Agricultural Rural Exclusive-40 Acre) Zone District with an approved Conditional Use Permit. The proposed farmworker housing is consistent with existing agricultural activities on the project site and agricultural activities on surrounding properties.

2. *The proposed project is not contrary to the public health, safety, or general welfare.* The project will allow the property owner to offer farmworker housing. During construction of the farmworker housing there may be additional activity to the project site. The activity during the construction phase is not anticipated to be contrary to public health, safety or general welfare of the community. Once the housing is completed there is anticipated to be a negligible effect on public health, safety or general welfare.
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors* in that the project must adhere to local and state health and building codes. No additional odors, noise, dust, smoke, or glare is being produced by the project. There may be a temporary increase in activity during the construction of the proposed housing. However, any impact from construction activities is anticipated to be less than significant.
4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The proposed farmworker housing is not likely to cause an adverse effect upon property values and general desirability of surrounding properties. The proposed housing will not be visible from Road 9 and is located in near other structures in the property.

**WILLIAMSON ACT:**

The property is subject to the Williamson Act. The project does not violate Williamson Act. The Williamson Act allows farmworker housing projects to be built on up to five acres of farmland. The land will remain assessed at the agricultural rate for as the rest of the parcel is enrolled in the Williamson Act.

**GENERAL PLAN CONSISTENCY:**

The General Plan designation for the property is AE (Agricultural Exclusive) which allows for single family homes, secondary residential units, caretaker/employee housing and farmworker housing. The property is within the ARE-40 (Residential Mountain Single Family) Zone District which allows for Farm Labor housing on parcel of thirty-six acres or more with a Conditional Use Permit. The zoning ordinance, general plan designation and area plan designation are compatible with the proposed use. Based on Goal 5.A.6 – *the County will encourage continued and, where possible, increased agricultural activities on lands designated for agricultural uses.*

**RECOMMENDATION:**

Approval of Conditional Use Permit #2019-020 subject to conditions.

**CONDITIONS**

See attached.

**ATTACHMENTS:**

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan Map
5. Exhibit D-2, Site Plan Map
6. Exhibit D-3, Floor Plan Map
7. Exhibit D-4, Elevation Map
8. Exhibit E, Aerial Map
9. Exhibit F, Topographical Map
10. Exhibit G, Operational Statement
11. Exhibit H, Environmental Health Division Comments
12. Exhibit I, Building Division and Fire Marshal's Comments

## CONDITIONS OF APPROVAL

**PROJECT NAME:**

Smith, Michael - Conditional Use Permit - Madera (041-032-001-000)

**PROJECT LOCATION:**

On the east side of Road 9 approximately 2 miles south of its intersection with Avenue 14 (11885 Road 9), Madera.

**PROJECT DESCRIPTION:**

This request is for a Conditional Use Permit (2019-020) to allow the construction of a third residence for farmworker housing.

**APPLICANT:**

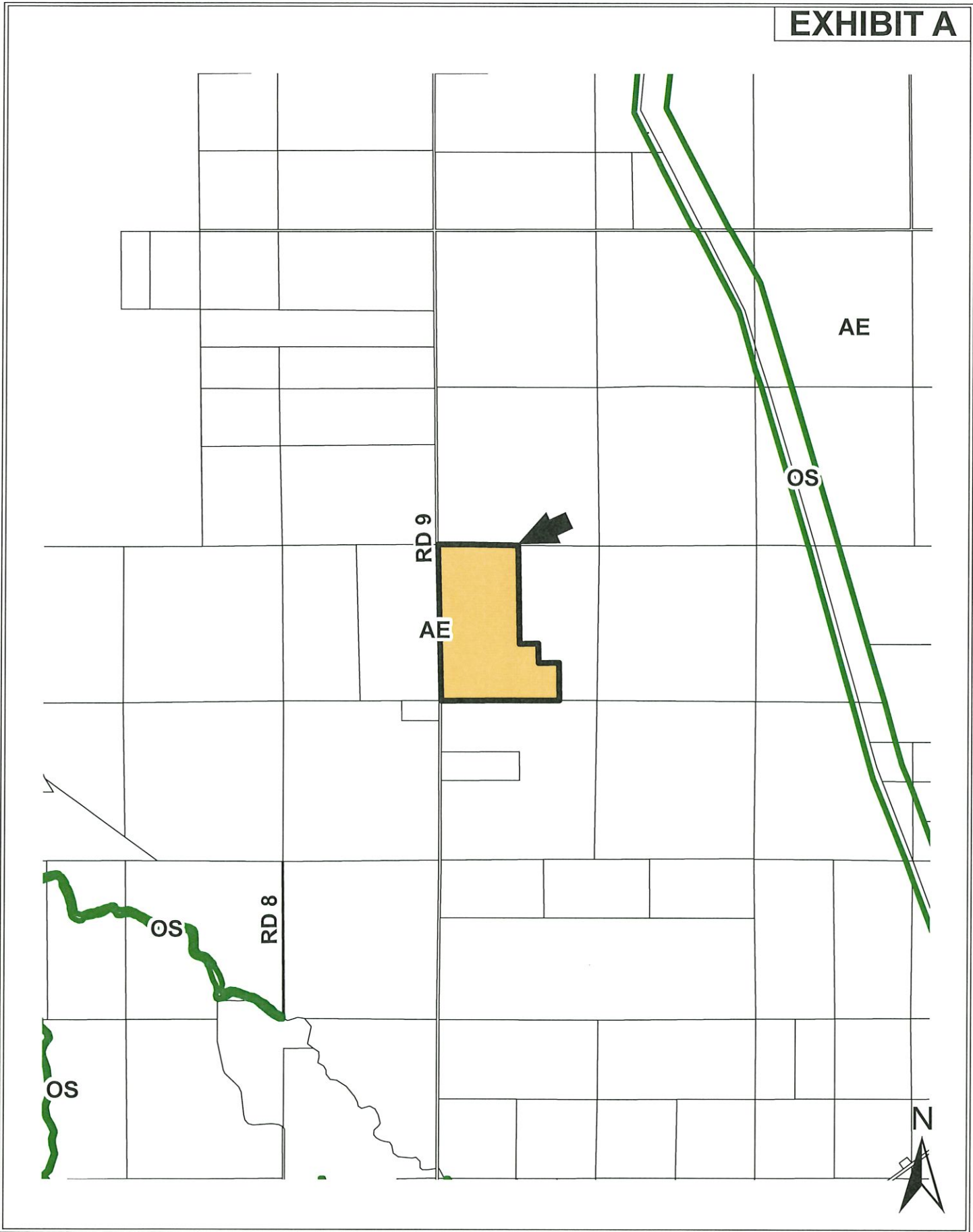
Smith, Michael

**CONTACT PERSON/TELEPHONE NUMBER:**

(559) 744-9492

No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	All individual building or structures that generate liquid waste is required to have its own private sewage disposal system unless they are served by a community sewer system approved by this Division or Regional Water Quality Control Board. Onsite Wastewater Treatment Systems must comply with Madera County Code (MCC) Title 13 and Madera County Local Agency Management Program (LAMP).	Environmental Health Division			
2	A shared water well agreement is required for connection of third dwelling.	Environmental Health Division			
3	Solid waste collection with sorting for green, recycle, and garbage is required	Environmental Health Division			
4	During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department.	Environmental Health Division			
5	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.	Environmental Health Division			

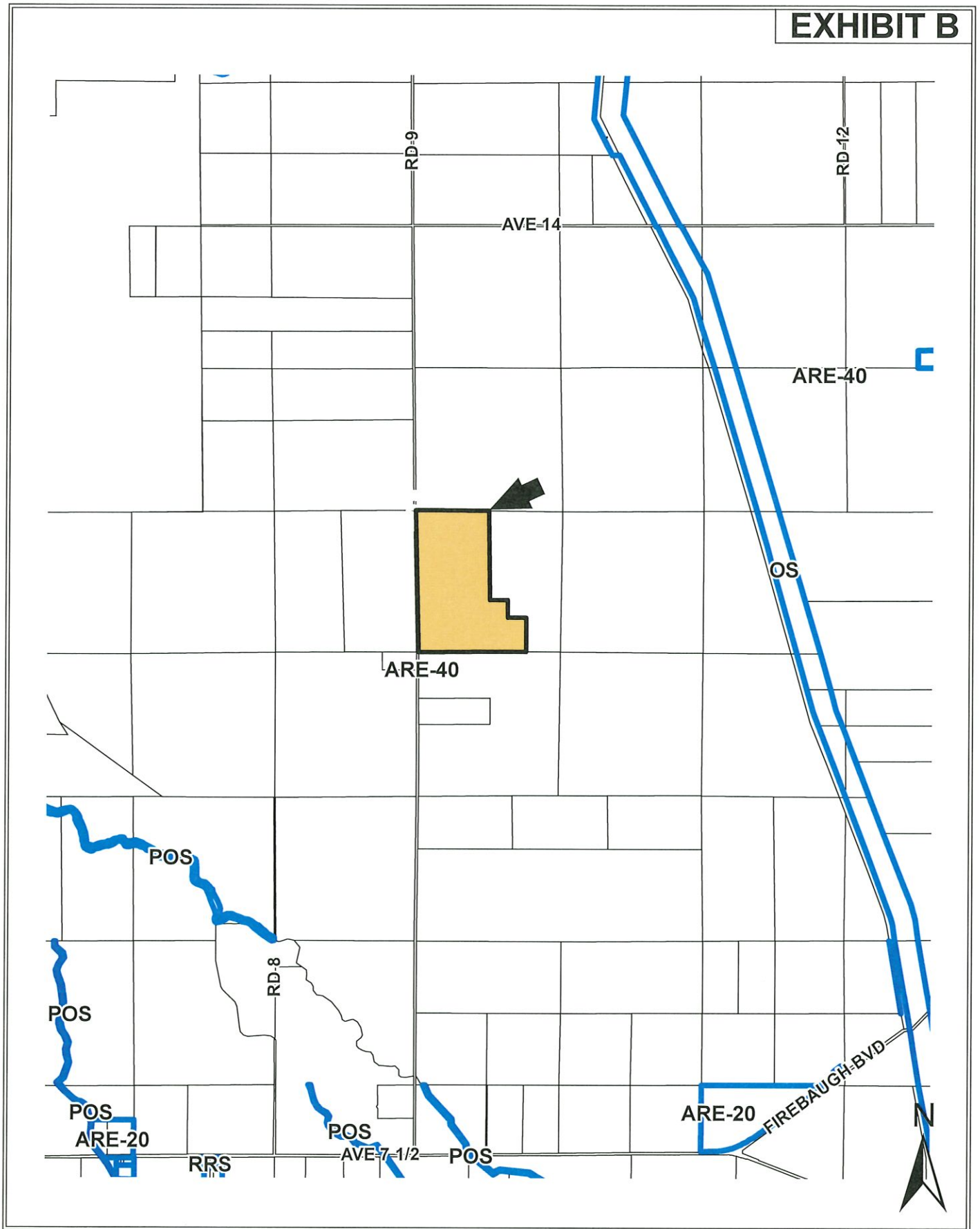
No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Fire</b>					
1	Upon application for a Building permit current adopted codes and ordinances will be reviewed and applied to the requested permit.	Fire Marshal's Office			
<b>Planning</b>					
1	The project shall operate in accordance with the operational statement and site plan submitted with the application, except as modified by the mitigation measures and other conditions of approval required for the project.	Planning Division			
2	Any construction activity associated with this project will be limited to the hours of 7AM to 7PM Monday through Friday and 9AM to 5PM on Saturday. Construction activities will be prohibited on Sundays.	Planning Division			
3	If archeological 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 3 Archeological study.	Planning Division			
4	Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.	Planning Division			
5	All roadways and parking areas associated with this project are to be covered and maintained with material sufficient to create a dust free environment.	Planning Division			



GENERAL PLAN MAP



**EXHIBIT B**



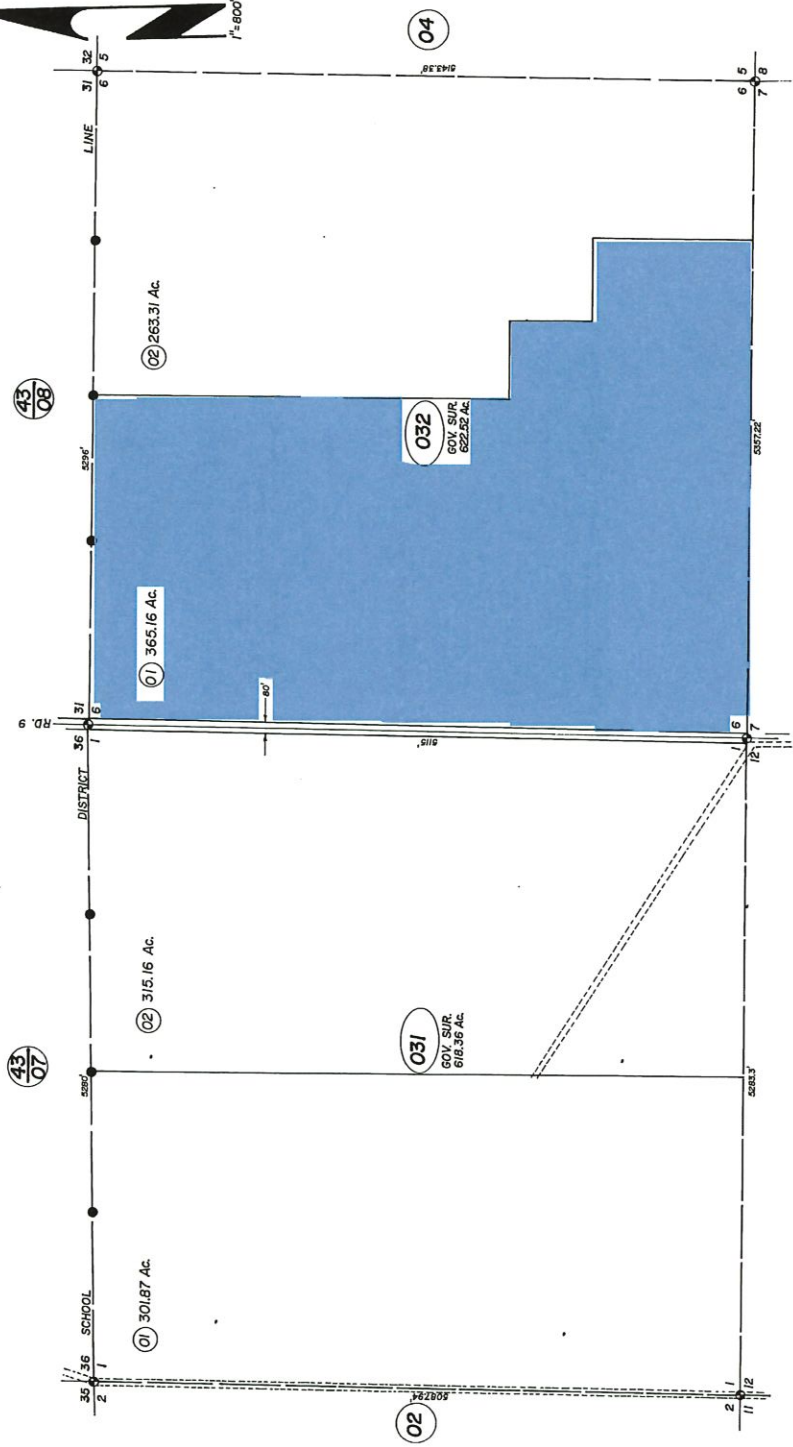
**ZONING MAP**

41-03

SEC. 6, T. 12 S., R. 15 E.

SEC. 1, T. 12 S., R. 14 E.

Tax Area Code: 69-000



Assessor's Map No. 41-03  
Firebaugh  
Madera County, Calif.

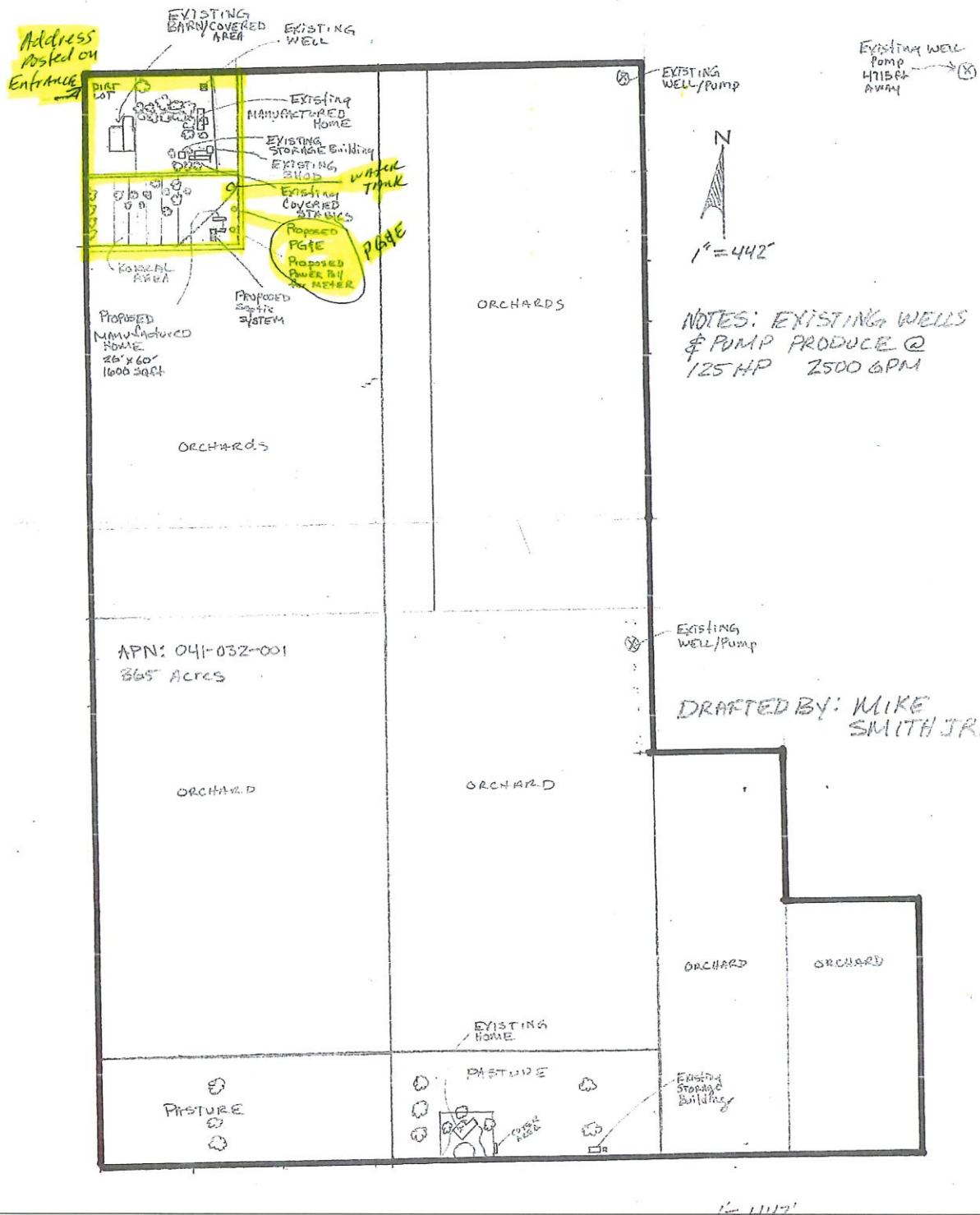
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2-02-kmb

VICINITY  
MAP

FIREBOUGH AREA

APN: 041-032-001  
365 AC.  
1 of 2

OWNER:  
RICK BIANCHARD  
11885 Rd. 9  
MADERA CA 93640



**SITE PLAN**

**TROVIAE CONSTRUCTION SITE Address:**  
 SITE MAP Posted ON STREET SIDE AT  
 ENTRANCE.

**OWNER:**  
 Rick Blanchard  
 11885 Rd. 9  
 Fresno, CA 93740

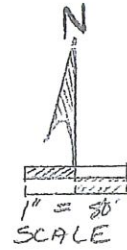
**NOTES:**  
 (Handwritten notes, partially illegible)

MADERA AREA  
 APN: 041-032-001

**ENLARGED VIEW**

2 OF 2

DRAFTED BY MIKE SMITH SA

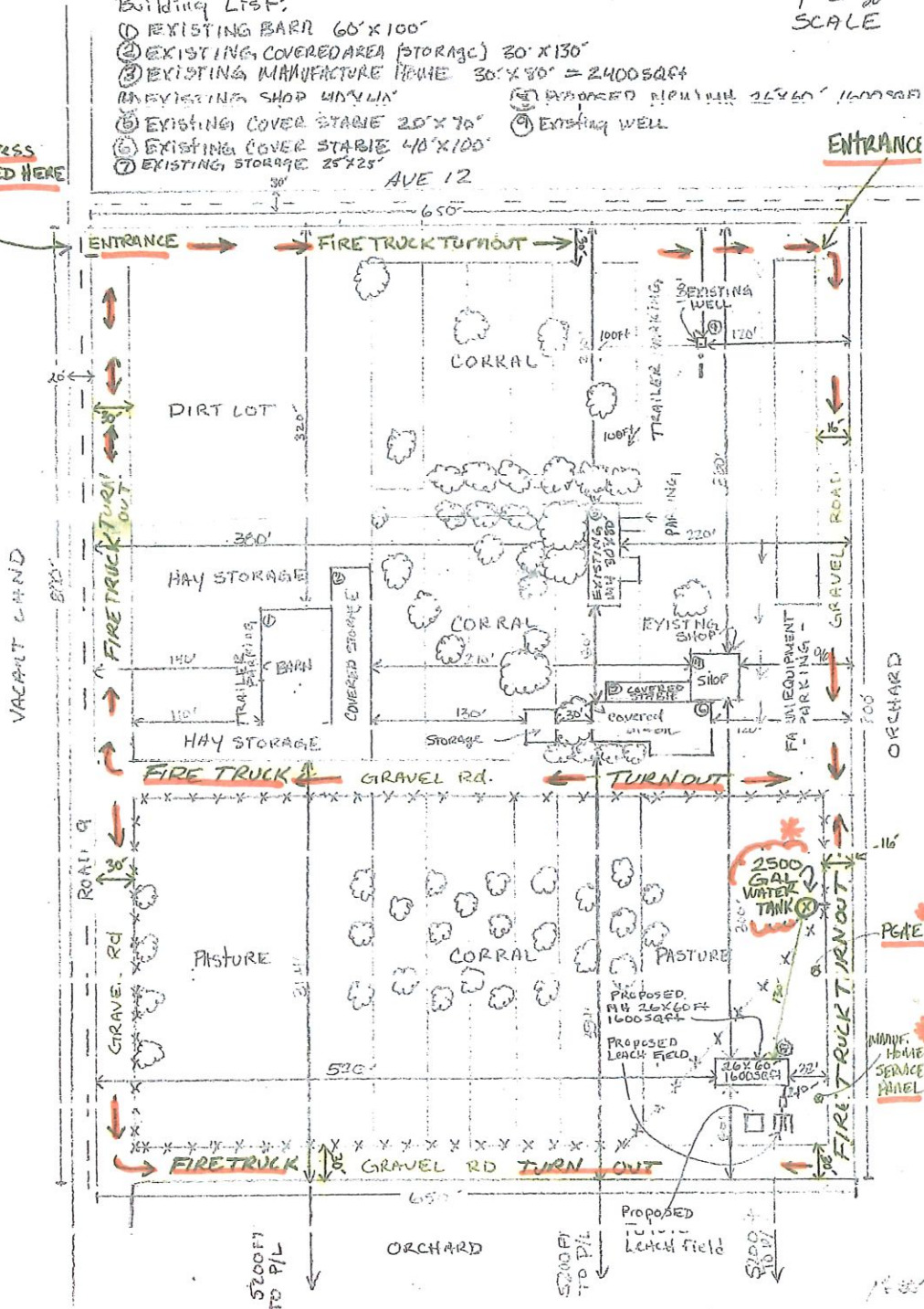


**Building List:**

- ① EXISTING BARN 60' X 100'
- ② EXISTING COVERED AREA (STORAGE) 30' X 130'
- ③ EXISTING MANUFACTURE HOME 30' X 30' = 2400 SQFT
- ④ EXISTING SHOP 40' X 40'
- ⑤ EXISTING COVER STABLE 25' X 70'
- ⑥ EXISTING COVER STABLE 40' X 100'
- ⑦ EXISTING STORAGE 25' X 25'
- ⑧ PROPOSED RANCH 26' X 60' 1600 SQFT
- ⑨ EXISTING WELL

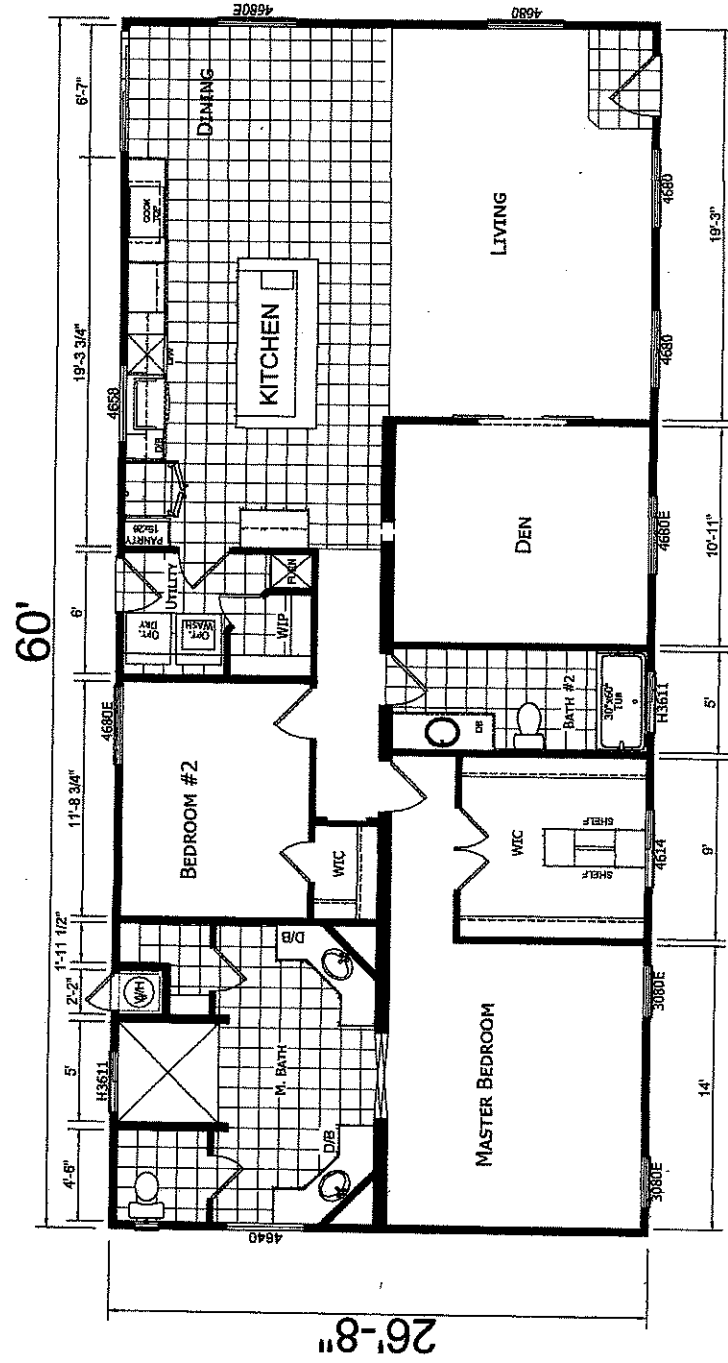
\* Address  
 Posted Here

ENTRANCE



**SITE PLAN**

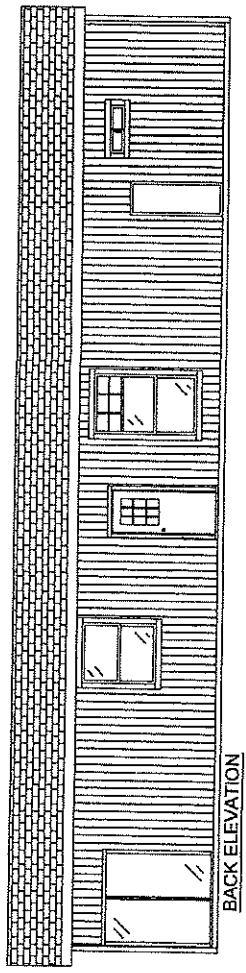
DRAFT # 1  
 OT # 2476A



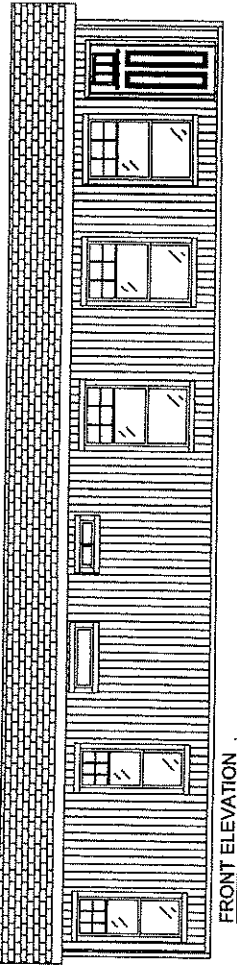
<p><b>REDMAN HOMES,</b>                  490 PALM ST., P.O. BOX 420 LINDSAY, CA 95327</p>	<p>PROJECT: <b>09-CM-46025</b>  <b>60' x 26' 8" 2 BD 2 BTH</b></p>		<p>TITLE: <b>LITERATURE PLAN</b></p>	<p>SHEET: <b>L-101</b></p>
	<p>DESIGNER: <b>FRANK R. E. JULLIA</b>                  DATE: <b>06-14-19</b>                  SCALE: <b>3/16" = 1'-0"</b></p>		<p>REVISION: <b>Q17 2894</b></p>	<p>PROPRIETARY AND CONFIDENTIAL                  INFORMATION CONTAINED HEREIN IS THE PROPERTY OF REDMAN HOMES, INC.                  CONTRACT IS SUBJECT TO GENERAL CONDITIONS.</p>

**FLOOR PLAN**

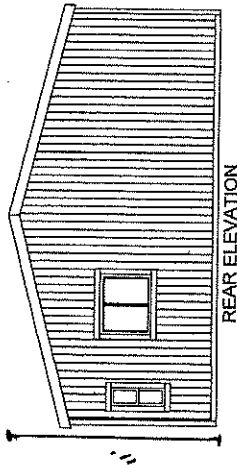
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 DT # 24764



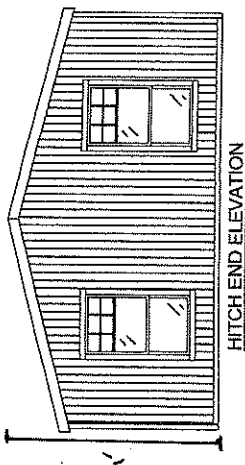
BACK ELEVATION



FRONT ELEVATION



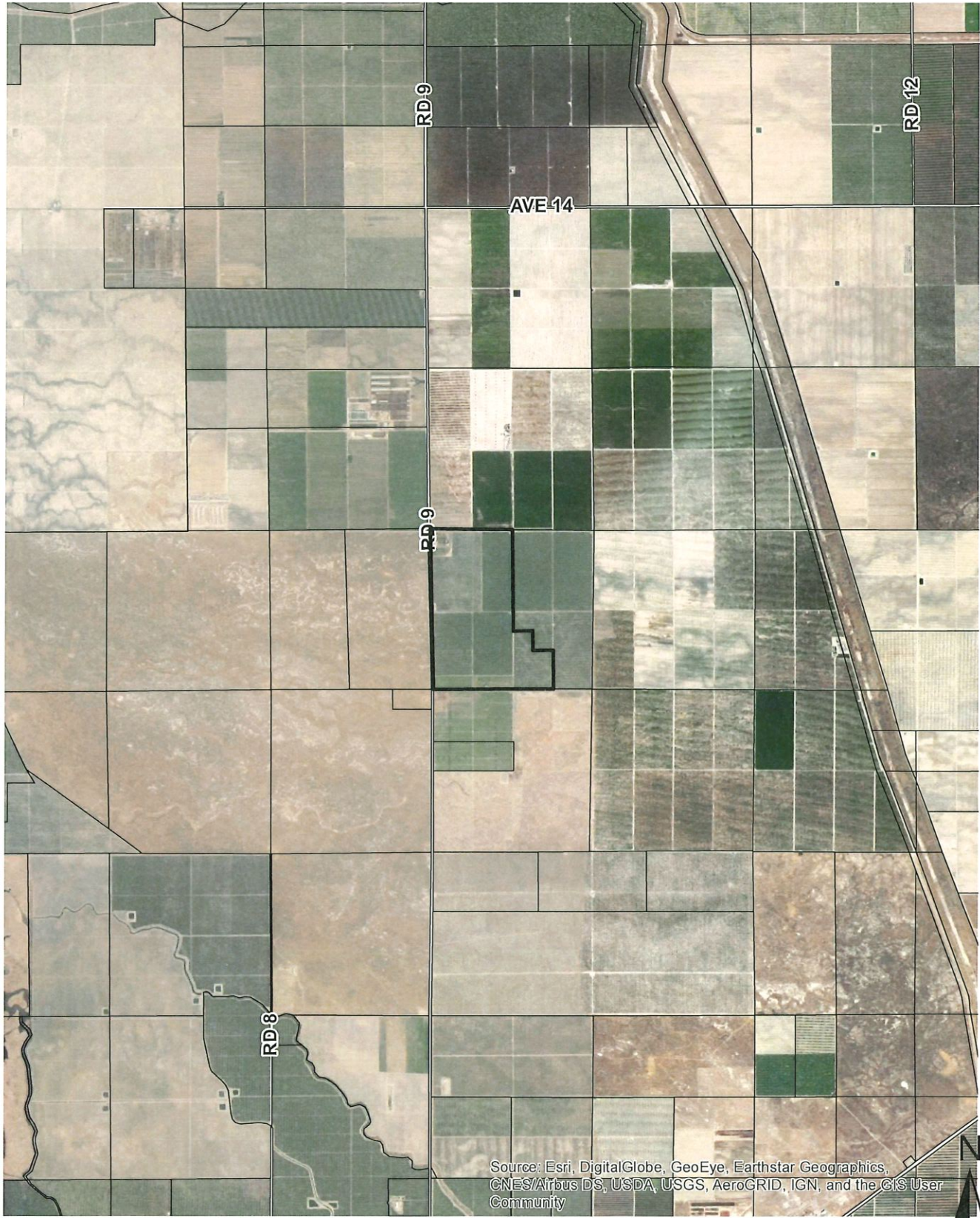
REAR ELEVATION



HITCH END ELEVATION

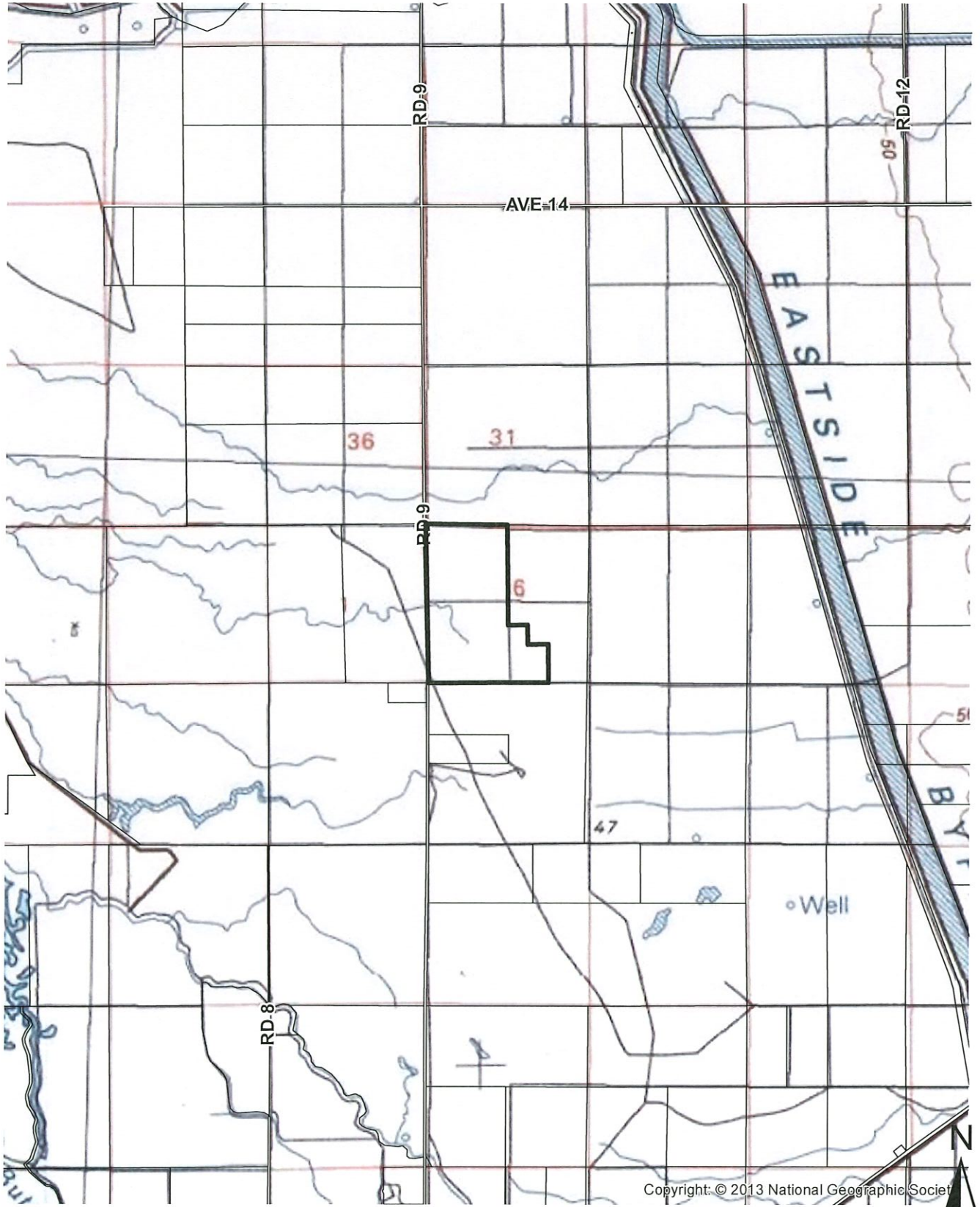
<p><b>REDMAN HOMES</b>                  640 PALM ST., P.O. BOX 438 LINDSAY, CA 95747</p>	NOTIFICATIONS	PROJECT: 09-CM-4602S 60' x 26' 8" 2 BD 2 BTH	TITLE: LITERATURE PLAN	SHEET: EL-101
	DRAWN BY: E. KHALA DATE: 02-24-10 SCALE: 1/4" = 1'-0"	RELEASE: 07/2/04	UNNECESSARY AND CONFIDENTIAL THIS DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.	

# EXHIBIT E



## AERIAL MAP

**EXHIBIT F**



**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: 041-032-001

Applicant's Name: Michael A. Smith CCPS

Address: P.O. Box 2032 Porterville, CA 93258

Phone Number: (559) 744-9492

2. Describe the nature of your proposal/operation.

MANUFACTURED HOME

3. What is the existing use of the property?

FARM

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?

ALMONDS, NO

5. What are the proposed operational time limits?

Months (if seasonal): N/A

Days per week: \_\_\_\_\_

Hours (from \_\_\_ to \_\_\_): 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: 6

Future: \_\_\_\_\_

Hours they work: 10

Do any live onsite? If so, in what capacity (i.e. caretaker)? YES, FOREMAN & WIFE

8. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

N/A

9. Will there be any service and delivery vehicles? N/A

Number:

Type:

Frequency:

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

11. How will access be provided to the property/project? (street name)

GATE FROM ROAD 9

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.

2-4

13. Describe any proposed advertising, including size, appearance, and placement.

N/A

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.

N/A

15. Is there any landscaping or fencing proposed? Describe type and location.

N/A

16. What are the surrounding land uses to the north, south, east and west property boundaries?

FARM

17. Will this operation or equipment used, generate noise above other existing parcels in the area?

N/A

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).

DOMESTIC WELL, 3 H.P., 50+ GAL./MIN.  
WATER FOR MANUFACTURED HOME FOR 2 PEOPLE

19. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

2 BEDROOM & TWO PEOPLE EQUIVALENT

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?

DUMPSTER PROVIDED BY LAND OWNER

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)

POSSIBLE ELEVATED PAD FOR MANUFACTURE HOME

22. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.

NO

23. Locate and show all bodies of water on application plot plan or attached map.

N/A

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

N/A

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

NO

26. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)

NOT SURE

27. How do you see this development impacting the surrounding area?

FAMILY FARM, NO NEIGHBORS, MINIMAL IMPACT

28. How do you see this development impacting schools, parks, fire and police protection or special districts?

N/A

29. If your proposal is for commercial or industrial development, please complete the following; Proposed

Use(s): N/A

Square feet of building area(s): \_\_\_\_\_

Total number of employees: \_\_\_\_\_

Building Heights: \_\_\_\_\_

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

N/A



Community and Economic Development  
Environmental Health Division

Dexter Marr  
Deputy Director

EXHIBIT H

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

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MEMORANDUM

TO: Emily Lane  
FROM: Dexter Marr, Environmental Health Division  
DATE: July 17, 2019  
RE: Smith, Michael - Conditional Use Permit - Madera (041-032-001-000)

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Comments

TO: Planning Division  
FROM: Environmental Health Division  
DATE: July 17, 2019  
RE: Conditional Use Permit (CUP) #2019-020, Smith, Madera APN 041-032-001

The Environmental Health Division Comments:

All individual building or structures that generate liquid waste is required to have its own private sewage disposal system unless they are served by a community sewer system approved by this Division or Regional Water Quality Control Board. Onsite Wastewater Treatment Systems must comply with Madera County Code (MCC) Title 13 and Madera County Local Agency Management Program (LAMP).

A shared water well agreement is required for connection of third dwelling.

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

During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department.

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.

For any questions contact Environmental Health at 559-675-7823.



Community and Economic Development  
Fire Prevention Division  
Deborah Mahler, Fire Marshal  
Deputy Director

**EXHIBIT I**

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

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**MEMORANDUM**

TO: Emily Lane  
FROM: Deborah Mahler, Fire Marshal  
DATE: July 23, 2019  
RE: Michael Smith - Conditional Use Permit - Coarsegold (041-032-001)

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**Conditions**

Upon application for a Building permit current adopted codes and ordinances will be reviewed and applied to the requested permit.