



## Community and Economic Development Planning Division

Jamie Bax  
Deputy Director

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

**AGENDA ITEM:** #1

<b>CUP</b>	<b>#2019-014</b>	<b>To allow retail sales which includes outdoor storage and sales and bulk propane sales</b>
<b>APN</b>	<b>#064-420-360</b>	<b>Applicant: Oakhurst 49, LLC</b>
	<b>#064-142-037</b>	<b>Owner: WAA GST Exempt Trust 2012, Worden, April A.</b>
<b>CEQA</b>	<b>MND #2019-20</b>	<b>Mitigated Negative Declaration</b>

**REQUEST:**

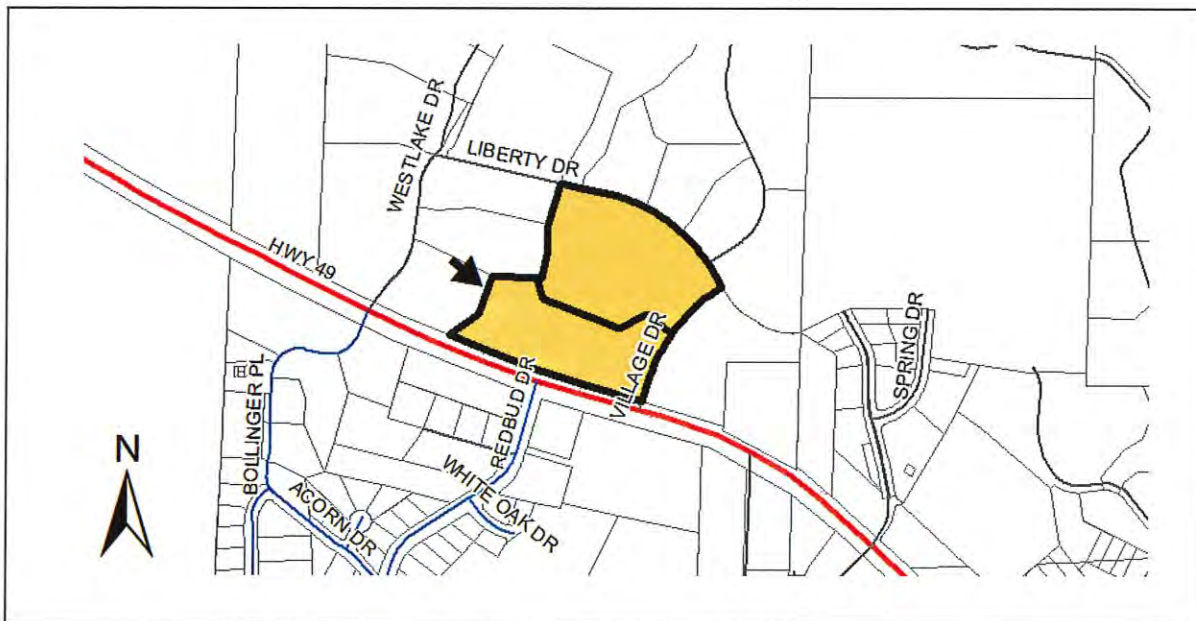
The applicant is requesting a Conditional Use Permit #2019-014 to allow retail sales which includes outdoor storage and sales and bulk propane sales.

**LOCATION:**

On the north side of Hwy 49 at its northwest intersection with Village Drive (no situs), Oakhurst.

**ENVIRONMENTAL ASSESSMENT:**

A Mitigated Negative Declaration (MND #2019-20) (Exhibit J) has been prepared and is subject to approval by the Planning Commission.



**RECOMMENDATION:** Approval of Conditional Use Permit #2019-014 subject to conditions, Mitigated Negative Declaration #2019-20 and associated Mitigation Monitoring Program.

**STAFF REPORT**

**September 3, 2019**

**CUP #2019-014**

**GENERAL PLAN DESIGNATION (Exhibit A-1):**

**SITE:** CC (Community Commercial) Designation

**SURROUNDING:** CC (Community Commercial) Designation; LI (Light Industrial) Designation

**OAKHURST AREA PLAN DESIGNATION (Exhibit A-2):**

**SITE:** CC (Community Commercial) Designation

**ZONING (Exhibit B):**

**SITE:** CUM (Commercial Urban Median) District

**SURROUNDING:** CUM (Commercial Urban Median) District; IL (Industrial Urban or Rural Light District)

**LAND USE:**

**SITE:** Vacant.

**SURROUNDING:** Commercial.

**SIZE OF PROPERTY:** 6.37 Acres

**ACCESS (Exhibit A):** The property is accessed by State Highway 49.

**BACKGROUND AND PRIOR ACTIONS:**

A Lot Line Adjustment (LLA 2012-011) was completed creating the parcel in its current configuration.

**PROJECT DESCRIPTION:**

The request is for development of an 18,800 square foot tractor supply store with outdoor storage and sales and bulk propane sales. The property is currently vacant. The surrounding property uses are commercial, residential and light industrial. The store itself is a by-right use in this zone district. The Conditional Use Permit request stems from the request for outdoor storage and sales and bulk propane sales.

The project will be a single story building constructed of CMU block with architectural elements up to 26 feet. Water will be provided Hillview Water Company and MD-22A will provide waste water services. The project includes retail sales, trailer sales, outdoor displays, outdoor propane sales and an outdoor fenced sales yard.

Access will be from State Highway 49. The facility will operate year-round and will be operational seven days per week from 8:00am to 9:00pm. Approximately 250

customers per day on weekdays and 350 per day on weekends are expected. The business is expected to have 12 employees. It is estimated there will be an average 221 vehicles trips per day and six service deliveries per week. 82 parking spaces will be provided. There will be standard Tractor Supply building signs and a monument sign on State Highway 49. An Oakhurst Sign Permit will be required for all signage on the property.

**ORDINANCES/POLICIES:**

Chapter 18.32.010 of the Madera County Zoning Ordinances outlines the allowable uses within the CUM (Commercial Urban Median) District.

Chapter 18.94.170 of the Madera County Zoning Ordinances outlines the allowable uses of bulk storage of fuel for distribution and resale.

Chapter 18.102.040(B) of the Madera County Zoning Ordinances outlines Vehicular Parking Requirements for Retail establishments.

Chapter 18.102.120(H.3) of the Madera County Zoning Ordinances outlines Parking Facility Design and Screening.

Chapter 18.92 of the Madera County Zoning Ordinance outlines the procedures for the procession and approval of the conditional use permits.

Madera County General Plan Policy Document (page 10) outlines the allowable uses within the AR (Agricultural Residential) Designation.

**ANALYSIS:**

The project site is a 6.37 acre parcel located on the north side of Hwy 49 at its northwest intersection with Village Drive (no situs), Oakhurst. The area is a mixture of commercial, light industrial and residential uses. The parcel is vacant. The parcel to the west is an office building, the parcels to the north and east are vacant. The parcels to the south are residential and offices.

The project site has the General Plan and Oakhurst Area Plan Designation of CC (Community Commercial). The Community Commercial designation provides for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. The property is zone CUM (Commercial Urban Median District). The zone district allows for retail sales establishments by-right and for bulk storage of fuel for distribution and resale with a Conditional Use Permit (Section 18.32.010). The General Plan, Area Plan and Zoning designations are consistent with one another.

The retail building will be 18,800 square feet constructed of CMU block. The block will be painted and the building corners have architectural popouts. The

project will include a metal awning and decorative metal gridwork. (Exhibit D-4) The proposed elevations are 22 feet with architectural elements up to 26 feet. Staff worked with the applicant team to design a façade that blends in with the architectural features of Oakhurst and the surrounding region. The project will operate 13 hours a day 7 days a week with 12 employees. Business hours will be from 8:00am to 9:00pm. 82 parking spaces will be provided where 75 are required by ordinance. The proposed landscape plans include necessary shade trees and buffers throughout the parking lot to provide aesthetic value and shade.

The project includes areas surrounding the store for outdoor display of merchandise. In addition to the retail sales, there are proposed trailer sales, propane sales (small bottles for individual use), and a fenced outdoor sales yard. The requirement for the Conditional Use Permit, as mentioned previously, stems from the storage and display of outdoor equipment and merchandise and for bulk propane sales from a 1,000 gallon tank. This would be similar to a contractor's storage area or other uses that require outdoor storage. Conditional Use Permits have been granted for establishments such as gas stations to allow for bulk propane sales.

The project has been circulated to County Departments and outside regulatory agencies for comments. This includes 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, Picayune Rancheria of Chukchansi, and Table Mountain Rancheria. Comments were received from the Environmental Health Division, Building and Fire Safety Division, Public Works Department, California Department of Transportation, Madera County Sheriff's Office and Picayune Rancheria.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,404.75 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,354.75 Department of Fish and Wildlife fee that took effect January 1, 2019 and the County Clerk \$50.00 filing fee. In lieu of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

**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 approve 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* in that pursuant to Section 18.94.170 of the Madera County Zoning Ordinance, the proposed use is allowed in the CUM (Commercial Urban Median) zone district subject to approval a conditional use permit.
2. *The proposed project is not contrary to the public health, safety, or general welfare* in that conditions of approval have been incorporated to mitigate any potential impacts. The project is anticipated to have a less than significant impact on public health, safety or general welfare. The proposed design of the facilities is not anticipated to be contrary to 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 had been required to comply with Best Management Practices to address any noise, dust, smoke, odor, glare, or similar factors generated from onsite activity and must operate according to the operational statement and plans.
4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The Project is not anticipated to cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County. The project site is currently undeveloped. The proposed facility will be a service to the public.

**WILLIAMSON ACT:**

The property is not subject to a Williamson Act Contract.

**GENERAL PLAN CONSISTENCY:**

The General Plan and Oakhurst Area designates this property as CC (Community Commercial) and it is zoned CUM (Commercial Urban Median) District. The designation provides for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. This project consists Conditional Use Permit to allow for a tractor supply retail store with outdoor displays and sales along with outdoor propane sales. The CUM Zone District allows the retail store by-right and for bulk storage of fuel for distribution and resale with a Conditional Use Permit.

**RECOMMENDATION:**

The analysis provided in this report supports approval of Conditional Use Permit (CUP #2019-014) and Mitigated Negative Declaration (MND #2019-20).

**CONDITIONS**

See attached.

**ATTACHMENTS:**

1. Exhibit A-1, General Plan Map
2. Exhibit A-2, Oakhurst Area Plan Map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D-1, Site Plan
6. Exhibit D-2, Site Plan Close Up
7. Exhibit D-3, Floor Plan Map
8. Exhibit D-4, Elevation Map
9. Exhibit D-5, Landscape Plan
10. Exhibit E, Aerial Map
11. Exhibit F, Topographical Map
12. Exhibit G, Operational Statement
13. Exhibit H, Comments
14. Exhibit I, Initial Study
15. Exhibit J, Mitigated Negative Declaration MND #2019-20

## CONDITIONS OF APPROVAL

<b>PROJECT NAME:</b>	Conditional Use Permit #2019-014, Oakhurst 49 LLC
<b>PROJECT LOCATION:</b>	North side of Highway 49 at it's northwest intersection with Village Drive in Oakhurst, CA. There is no current situs address.
<b>PROJECT DESCRIPTION:</b>	Request for a conditional use permit to allow a retail sales which includes outdoor storage and sales and bulk propane sales.

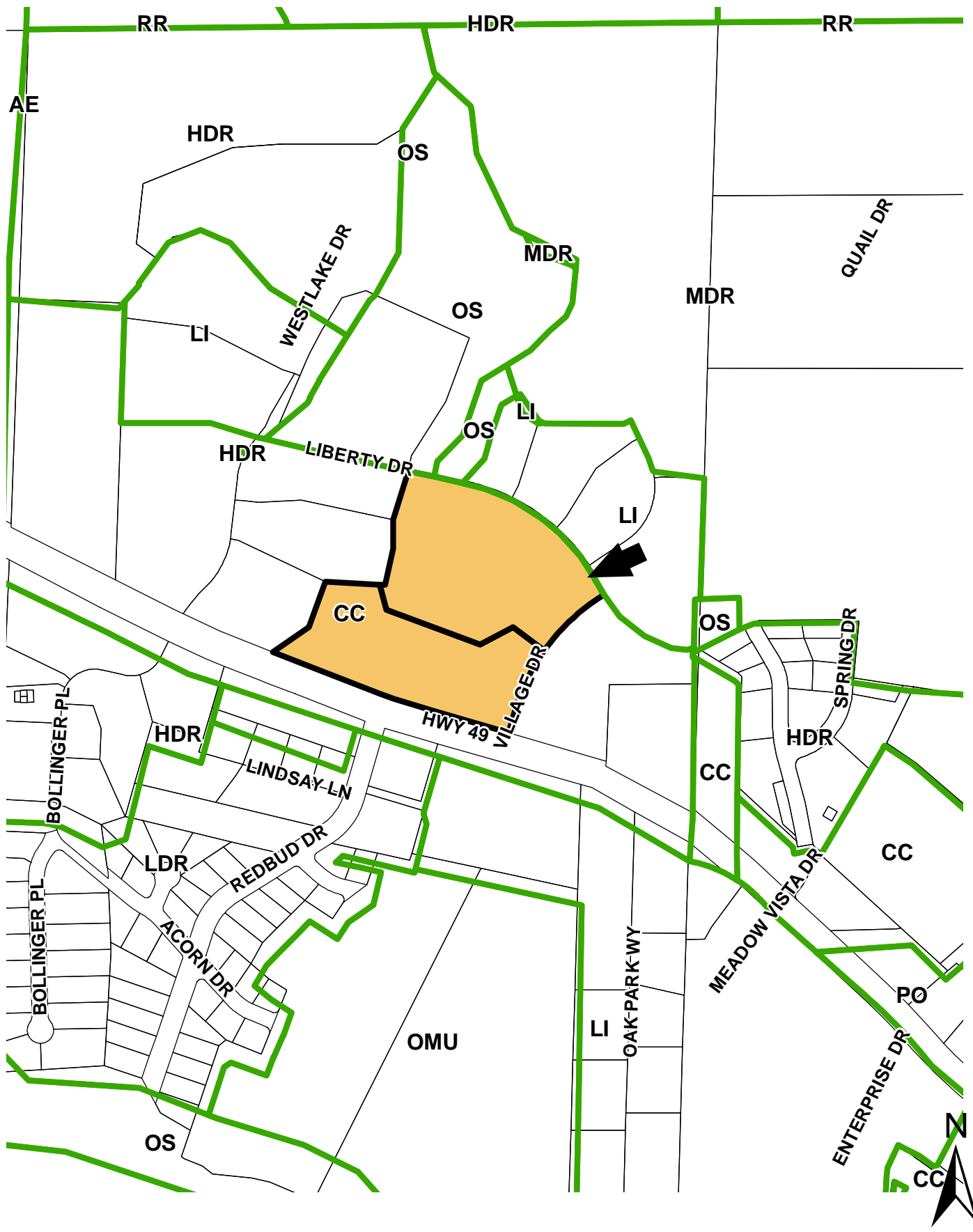
<b>APPLICANT:</b>	Oakhurst 49, LLC - (310) 277-4697
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	Annette Kephart - Madera County Planning (559) 675-7821

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health Division</b>					
1	If this proposed project is within 200 feet of a public sanitary sewer (Sewer Maintenance District MD22A) it shall connect. Please provide a will serve letter from MD-22A				
2	If this proposed project is within 500 feet of an existing public water system (Hillview Water Company) it shall connect. Please provide a Will Serve letter from Hillview Water Company.				
3	Solid waste collection with sorting for green, recycle, and garbage is required.				
4	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.				
5	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 owner/operator of this property must submit all applicable permit applications to be reviewed and approved by this department prior to commencement of any work activities.				
<b>Fire Marshall Division</b>					
1	A document from Hillview Water company shall be provided specifying the available Fire Flow associated with the parcel prior to application of a Building Permit.				
2	At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)				
<b>Planning Division</b>					
1	All signage shall be approved by the Planning Department prior to installation.				

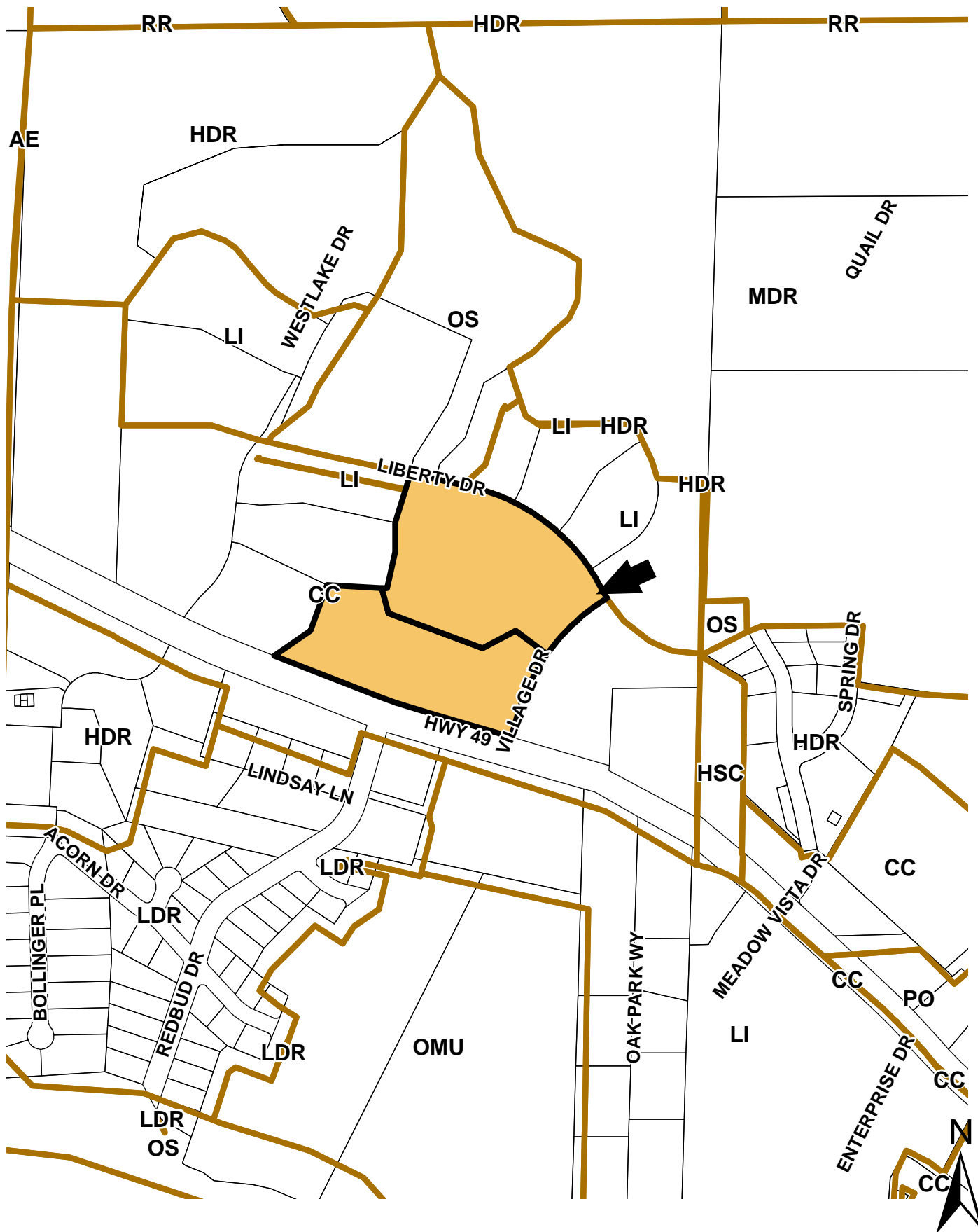
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
2	Any proposed lighting shall be hooded and directed away from surrounding properties and roadways.				
3	The project shall operate in accordance with the operational statement and site plan submitted with the application, except as modified by the mitigation measures and other conditions of approval required for the project.				
4	All parking and circulation areas within the proposed project site shall be paved with asphalt, concrete or compacted gravel approved by the Madera County Planning Department. All internal parking and circulation areas within the project site shall be maintained in a dust-free condition.				
5	A landscaping and irrigation plan shall be submitted to the Planning Department for review and approval prior to the release of the conditional use permit. The plan shall show the type of species to be planted, along with their size, location, spacing, etc. Sizing of plants and or trees shall be adequate so as to provide, where required, a fully functional screen within three years of normal growth. The landscaping shall be kept viable and free of weeds and debris.				
6	A lot line adjustment must be recorded prior to issuance of building permits				
7	Comply with California Department of Transportation's (Caltrans) comments and resubmit any necessary site plans to Caltrans prior to the release of any Madera County entitlements.				
<b>Public Works DEPARTMENT</b>					
1	The applicant shall submit a stamped grading and drainage plan and application to the County prior to the issuance of a Commercial Permit. If applicable, drainage or onsite storage calculations will need to be submitted to the Public Works Department for review and approval as well. This plan shall identify onsite detention and controlled release for any increase in storm water runoff generated by the proposed development. The grading, drainage plan, and calculations shall be prepared by a licensed professional.				
2	Storm Water Design Criteria: • Detention Basin o 100 year post development peak runoff rate must be reduced to a flow rate not greater than the 100 year pre development peak runoff rate using Modified Rational Method or TR-55 method. The detention basin shall be sized to maintain the pre development runoff rate.				
3	All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.				
4	The applicant/developer is to comply with any conditions and requirements imposed by Caltrans.				
6	The applicant shall submit a grading, drainage plan, if applicable, drainage or onsite storage calculations to the Public Works Department for review and approval. This plan shall identify onsite retention for any increase in storm water runoff generated by the proposed development. The grading, drainage plan, and calculations shall be prepared by a licensed professional.				
<b>California Department of Transportation</b>					



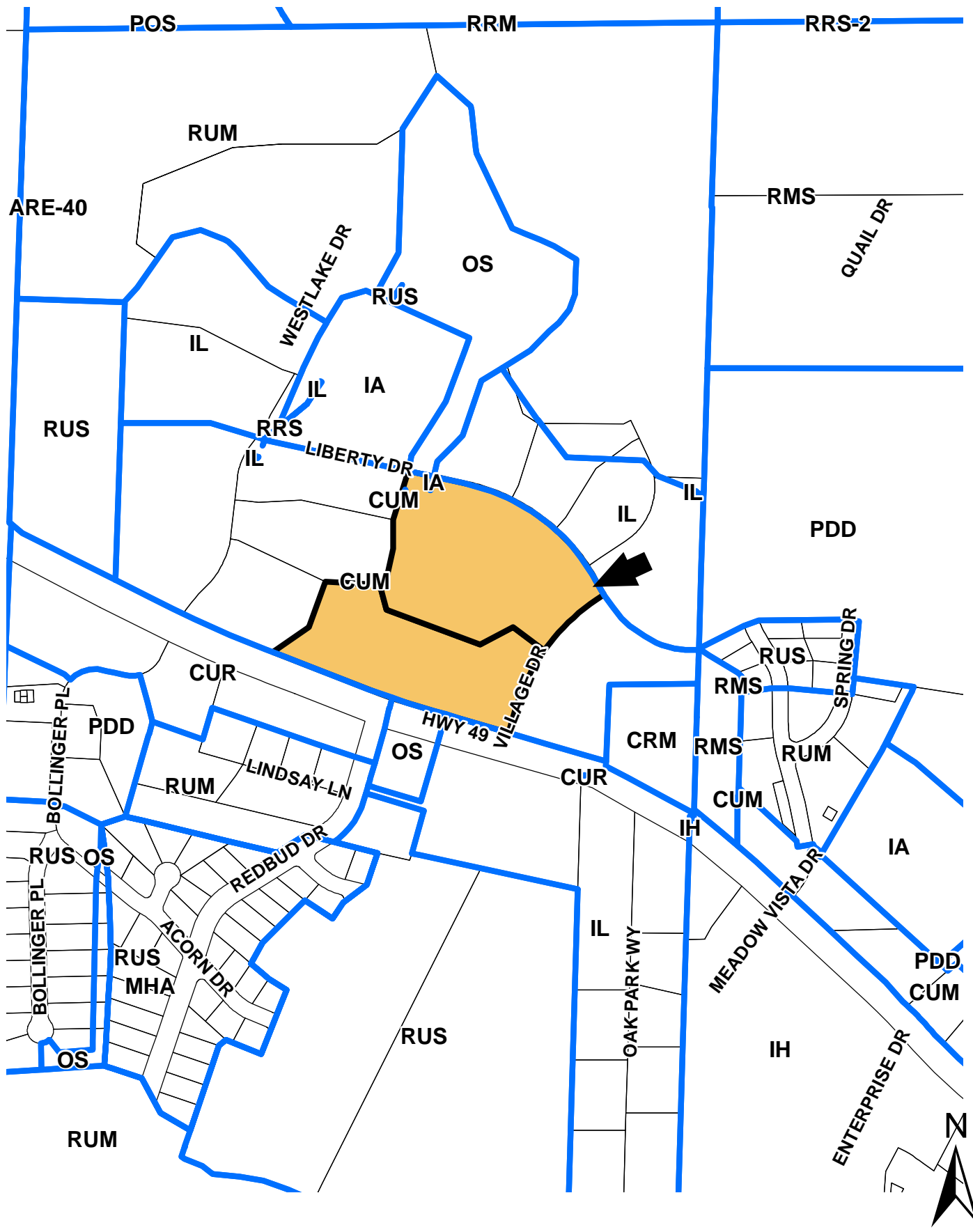
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	Applicant will comply with all conditions applied by the California Department of Transportation.				
<b>Picayune Rancheria of the Chukchansi Indians</b>					
1	Cultural Monitor on site when ground disturbance is taking place.				



GENERAL PLAN MAP



OAKHURST AREA PLAN



ZONING MAP

**64-14**  
SHEET 2 of 2

Tax Area Code  
56-027  
56-039  
56-103  
56-107

**T.7S. R.21E. M.D.B.&M.**



Assessor's Map No. 64-14  
Sheet 2 of 2  
Bass Lake school Dist.  
County of Madera, Calif.  
1973

SEE SHEET  
1 OF 2

SEE SHEET 1 OF 2

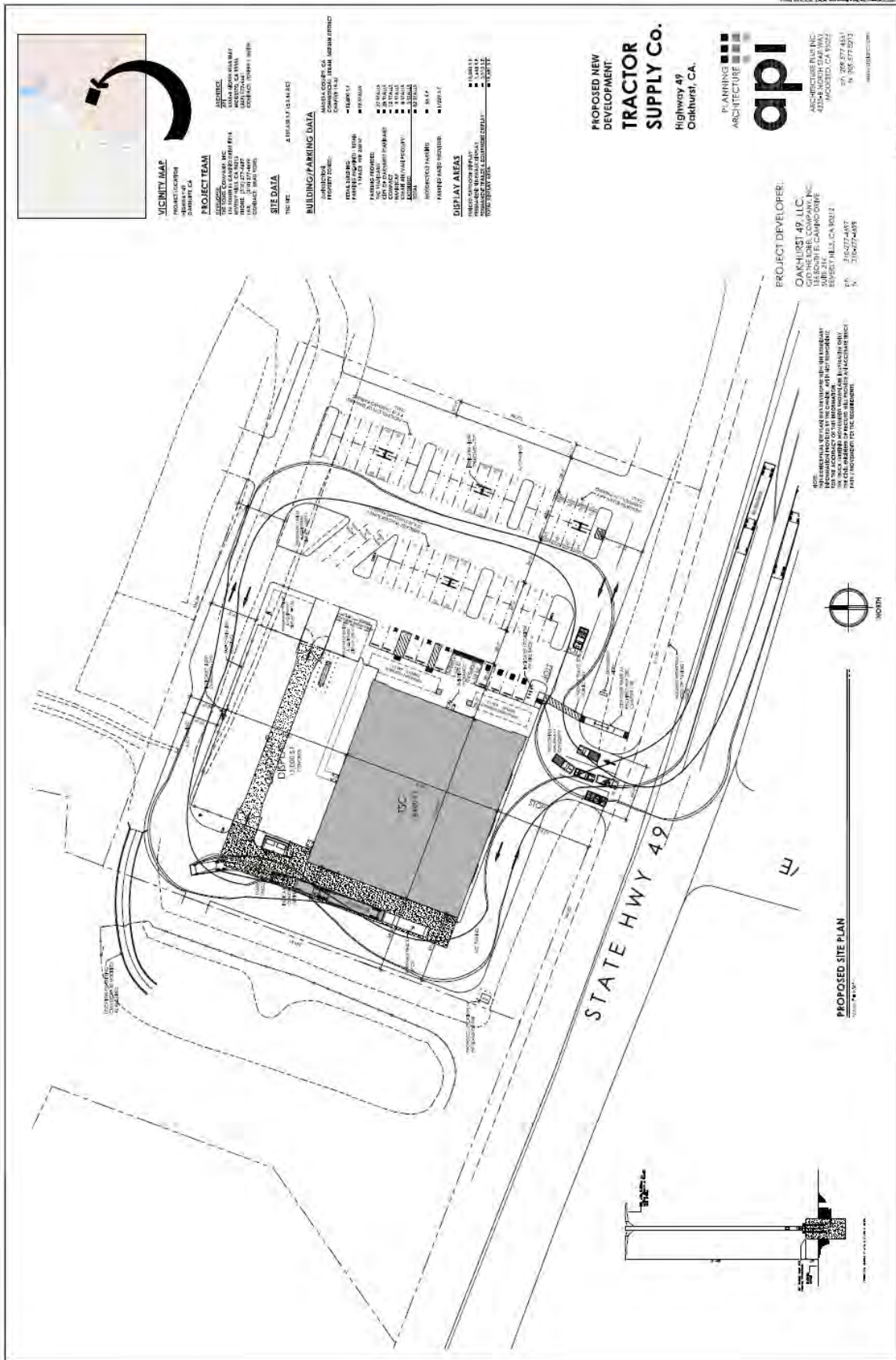
- WESTLAKE VILLAGE R.S. Bk. 50 Pg. 01
- ELLA ROSE LANE R.S. Bk. 60 Pg. 11
- LIBERTY VILLAGE PH.1 R.M. Bk. 60 Pg. 133-135
- LIBERTY VILLAGE PH.2 R.M. Bk. 61 Pg. 117-119

NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

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1800-3-91 C4



**VICINITY MAP**  
PROJECT LOCATION  
SANTA ANA, CA

**PROJECT TEAM**  
PROJECT DEVELOPER:  
OAKHURST 49, LLC  
11550 STATE HWY 49, SUITE 211  
OAKHURST, CA 94552  
TEL: 925-277-4495  
WWW.OAKHURST49.COM

**SITE DATA**  
SITE NO.:  
4 (TRACT 1) (SANTA ANA)

**BUILDING/FARMING DATA**  
ANALYST: JAMES G. COOPER, CG  
DATE: 08/15/2011  
PROJECT NO.: 11550 STATE HWY 49

**LAND USES**  
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**DISPLAY AREAS**  
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PROPOSED NEW DEVELOPMENT:  
**TRACTOR SUPPLY Co.**  
Highway 49  
Oakhurst, CA



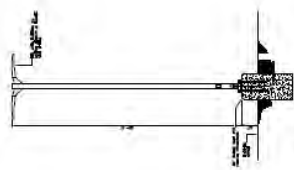
PLANNING ARCHITECTURE  
**api**  
ARCHITECTURE PLAC, INC.  
11550 STATE HWY 49, SUITE 211  
OAKHURST, CA 94552  
TEL: 925-277-4495  
WWW.APIARCHITECTURE.COM

PROJECT DEVELOPER:  
OAKHURST 49, LLC  
11550 STATE HWY 49, SUITE 211  
OAKHURST, CA 94552  
TEL: 925-277-4495  
WWW.OAKHURST49.COM

NOTE:  
THIS SITE PLAN IS PREPARED BY THE ARCHITECT FOR THE PROJECT DEVELOPER AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS PLAN.



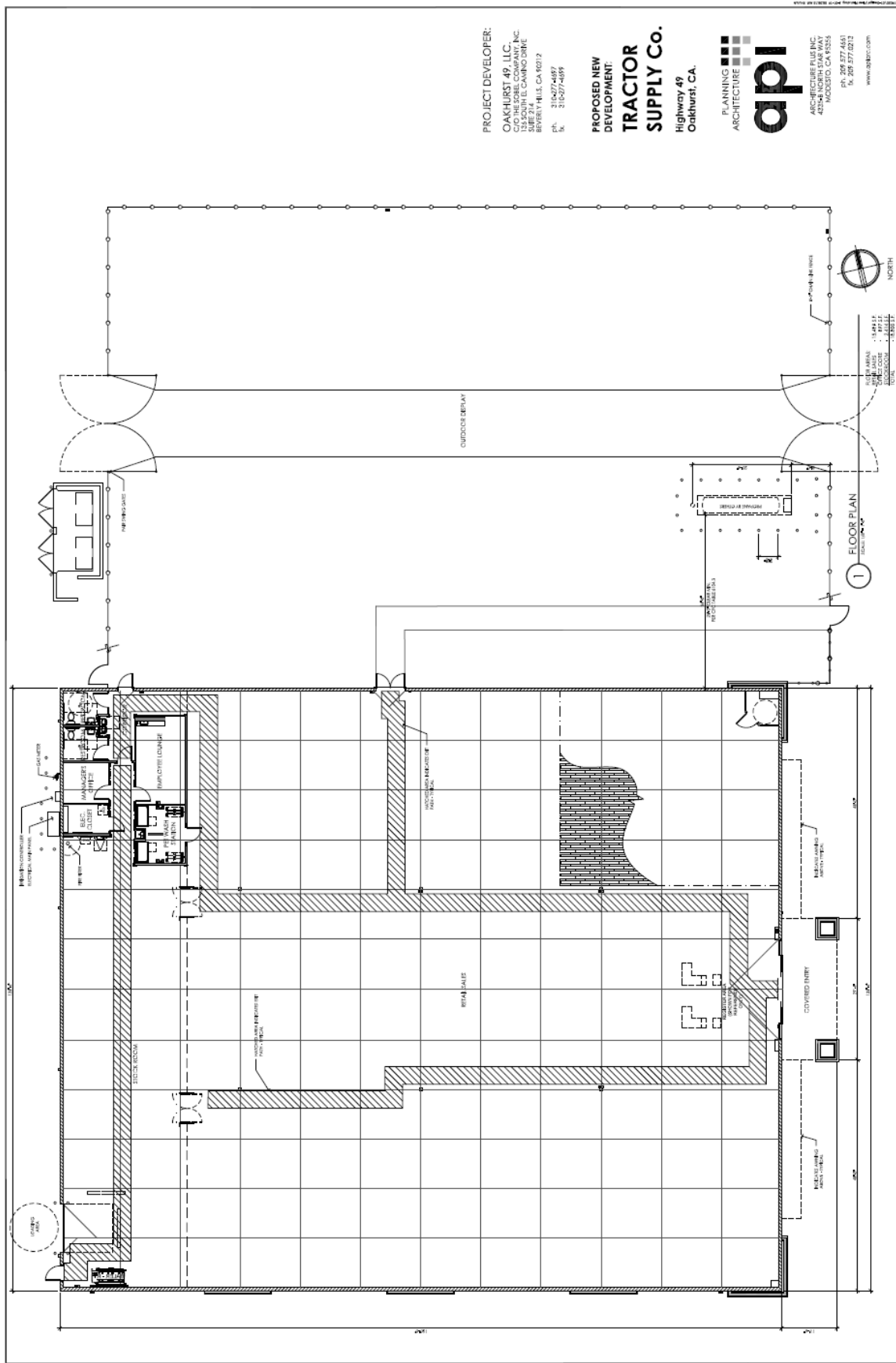
PROPOSED SITE PLAN  
DATE: 08/15/2011



SITE PLAN







PROJECT DEVELOPER:  
**CAKHURST 49, LLC**  
 13550 RIVERVIEW DRIVE  
 BENTLEY HILLS, CA 90112  
 PH: 310-277-4687  
 FX: 310-277-4689

PROPOSED NEW DEVELOPMENT:  
**TRACTOR SUPPLY CO.**  
 Highway 49  
 Oxnard, CA

PLANNING ARCHITECTURE  
**api**  
 ARCHITECTURE PLUS INC.  
 4550 RIVERVIEW DRIVE  
 BENTLEY HILLS, CA 90112  
 PH: 310-277-4687  
 FX: 310-277-4689  
 WWW.API-ARCH.COM



DATE: 11/14/11  
 DRAWN BY: J. ALLEN  
 CHECKED BY: J. ALLEN  
 PROJECT NO.: 11-0001

1 FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

FLOOR PLAN





ELEVATION PLAN

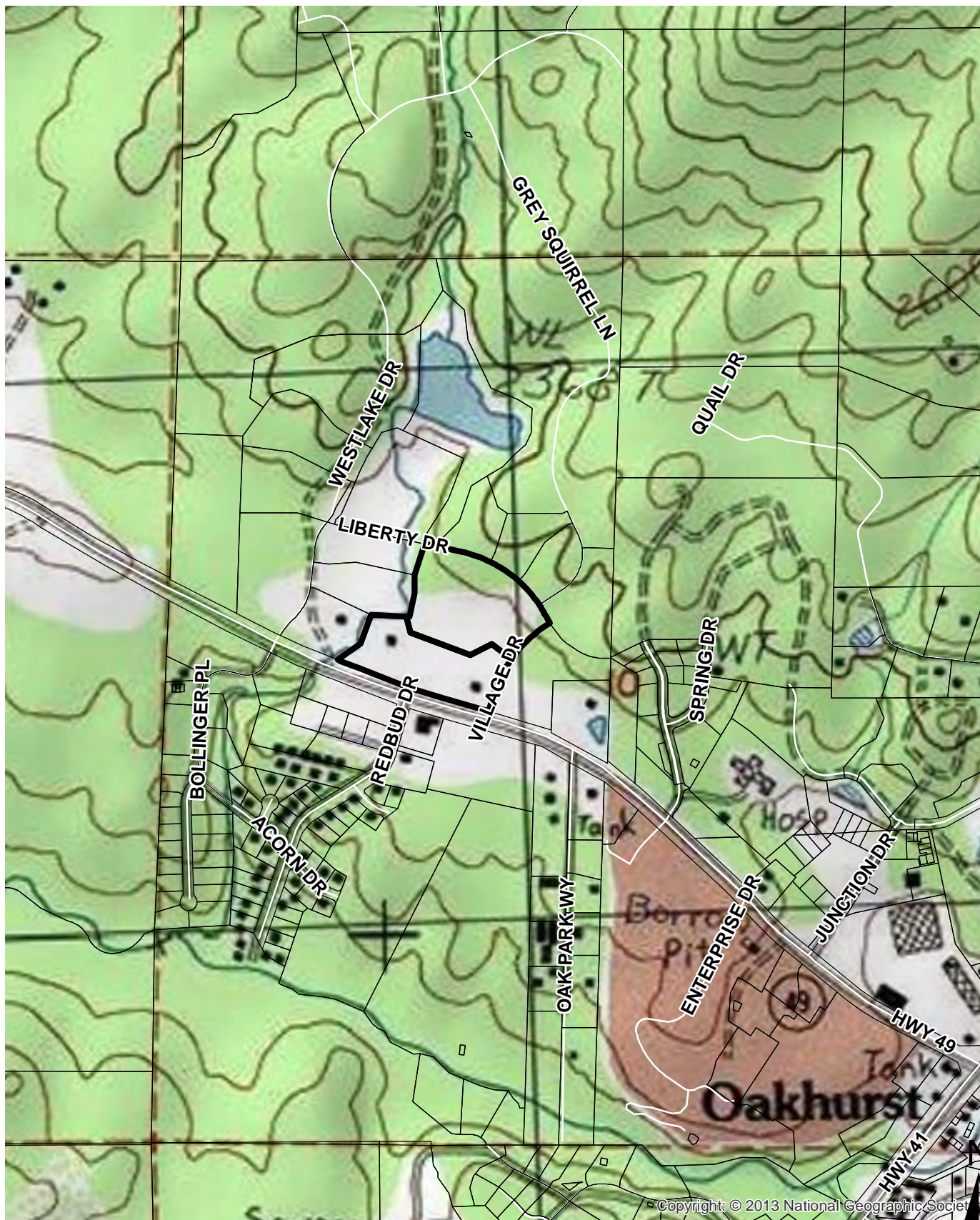




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**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: \_\_\_\_\_  
 Applicant's Name: DAKHURST 49, LLC.  
 Address: 10 The Sobel Company, Inc., 136 EL CAMINO DR #214  
 Phone Number: 310-277-4697 BEVERLY HILLS, CA 90212

2. Describe the nature of your proposal/operation.

RETAIL STORE NEW CONSTRUCTION  
OF TRADING COMPANY

3. What is the existing use of the property?

VACANT LAND

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?

NONE

5. What are the proposed operational time limits?

Months (if seasonal): \_\_\_\_\_  
 Days per week: 7 days per week  
 Hours (from 8am to 9pm): Total Hours per day: 13

6. How many customers or visitors are expected?

Average number per day: 250 M-F  
 Maximum number per day: 350 WEEKENDS  
 What hours will customers/visitors be there? 8AM - 9PM

7. How many employees will there be?

Current: 12  
 Future: —  
 Hours they work: 8AM - 9PM  
 Do any live onsite? If so, in what capacity (i.e. caretaker)? NO



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

one PROPANE POWERED Forklift for receiving deliveries + MOVING MERCHANDISE.

9. Will there be any service and delivery vehicles? YES - DELIVERY

Number: SIX

Type: DELIVERY

Frequency: per WEEK

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

Parking LOT - ASPHALT TOTAL SPACES: 82

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

STATE HWY 49

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

221 TRUCKS + CARS per day

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

STANDARD Tractor Supply BLDG SIGNS + MONUMENT SIGN on Hwy 49  
MERCHANDISE BRAND SIGNS ON FENCE of FENCED OUTDOOR YARD

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.

ALL NEW BUILDING CONSTRUCTED OF CMU BLOCK.  
BLOCK WILL BE PAINTED + BLDG CORNERS HAVE STUCCO POP OUTS.

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

YES. REFER to CONCEPT LANDSCAPE PLAN

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

OFFICE TO THE WEST, VACANT LAND to North + WEST.  
South is residential, CHP OFFICES.

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

NO

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).

MINIMAL AMOUNT, TOILETS, DRINKING FOUNTAIN, BREAKROOM SINK, DOG WASH. WATER SUPPLIED BY Hillview WATER

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

PUBLIC SEWER SYSTEM

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?

MINIMAL - MOST GARBAGE IS CARDBOARD BOXES  
WHICH IS PICKED UP WEEKLY BY RECYCLING COMPANY

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

YES - BUILDING PAD, PARKING LOT, DISPLAY AREAS,  
TRUCK LOADING AREA, AUTO CIRCULATION

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.

NONE

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?)

TYPICAL RETAIL STORE needs

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

NEGLIGIBLE

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

NEGLIGIBLE

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

Use(s): RETAIL SALES, TRAILER SALES, PROPANE SALES, OUTDOOR DISPLAY +

Square feet of building area(s): 18,800

FENCED OUTDOOR SALES YARD

Total number of employees: 12

Building Heights: 22' with ARCHITECTURAL ELEMENTS AS HIGH AS 26'

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





Making Conservation  
a California Way of Life.

## DEPARTMENT OF TRANSPORTATION DISTRICT 6

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 444-2493  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov

August 1, 2019

06-MAD-49-0.691  
Tractor Supply Company  
CUP 2019-014  
REVISED

SENT VIAL EMAIL

Ms. Annette Kephart, Planner I  
Community and Economic Development, Planning  
200 W. 4th Street, Suite 3100  
Madera, CA 93637

Dear Ms. Kephart:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. **This comment letter supersedes our previous comment letter dated June 24, 2019.**

We provide these comments consistent with the State's smart mobility goals that support a vibrant economy and build communities. The following comments are based on the proposed 18,800 square-foot Tractor Supply Company (Project) and a 15,000 square-foot outdoor display area. The site is located on the north side of the intersection of State Route (SR) 49 and Redbud Drive, approximately 0.7 mile west of SR 41, in the community of Oakhurst. There is a proposed Project driveway located opposite of Redbud Drive. Based on the Institute of Transportation Engineer's Land Use Code 810, it is estimated that the Project could generate approximately 47 trips during the P.M. peak travel hour and 125 trips during the Saturday peak hour. Caltrans has the following comments:

- Per the February 13, 1990 agreement with the County of Madera and Caltrans within the Project proximity, SR 49 is planned for a 4-lane conventional highway on 110-foot right-of-way, 55 feet measure from centerline. A portion of the site appears to have 40 feet of existing right-of-way; therefore, 15 feet of additional right-of-way will be needed.
- The Project shall construct an eastbound left-turn lane to the proposed Project driveway on SR 49. Thus, creating a back to back left-turn lane on SR 49 between Westlake Drive/Bollinger Place and Redbud Drive. The left-turn lane shall be designed according to the current Caltrans Highway Design Manual (HDM) Topic 405.2.
- The Project shall construct a westbound right-turn lane at the Project driveway within the existing/proposed right-of-way. The right-turn lane shall be designed according to the current Caltrans HDM Topic 405.3.
- A conceptual street improvement plans (GAD) and cross-section that includes the left-turn and right-turn lanes should be provided for our review and approval prior to Caltrans Encroachment permit.
- The proposed Project driveway must meet the sight distance requirement per Caltrans HDM Topic 405.1. The corner sight distance will need to be verified in the field prior to encroachment permit review. The Project driveway centerline should line up with the

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*



centerline of Redbud Drive. Refer to Caltrans HDM Topics 404.1 and 404.2 regarding selection of corner radii.

- The typical commercial driveway width for two-way traffic is 35 to 45 feet per Caltrans HDM Topic 205.3 (4)(b).
- Frontage improvements such as curb, gutter, sidewalk, and curb ramps shall be constructed per current Caltrans standards. The curb should be constructed at the ultimate location.
- The Project driveway will initially be allowed for all turning movements. However, if there are safety and operational concerns, then a traffic diverter will need to be constructed by the Project proponent to prevent left-turn movements.
- The above right of way dedication requirements will need to be verified during the encroachment process, when the roadway improvement plans are provided. The right of way for the typical cross sections did not include right of way for side slopes for cut or fill embankment.
- All new roadway improvement on SR 49 should be designed per Caltrans HDM standards and in compliance with ADA requirements. The roadway cross-slope for travel lanes on SR 49 should be maintained between 1.5% and 3%. Additional comments may be added during the encroachment process.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit.

Upon project approval by the local public agency and prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting.

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,



DAVID PADILLA  
Associate Transportation Planner  
Division of Transportation Planning

c: Michael Navarro, Chief, Planning North Branch, Caltrans  
Brad Sobel, The Sobel Company, Inc

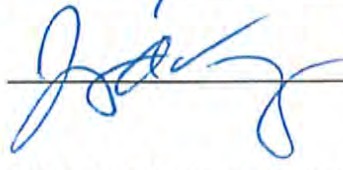
NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-014

Return to: Annette Kephart, Planning Department

Oakhurst 49 LLC

Responding Agency: Madera County Sheriff's Office Date: 6/21/2019

Respondent's Signature: 

1. Does your Agency or Department have a recommendation regarding the approval or denial of this project?

Approve

Deny

If your Agency or Department recommends denial of this project, please list the reasons below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If the project is approved, what conditions of approval are recommended?

Exterior storage security and lighting to prevent/deter on site theft, particularly after hours.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Please identify any existing regulations, standards, or routine processing procedures which would mitigate the potential impacts?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. General Comments - Please attach on additional sheet.



NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-014

Return to: **Annette Kephart, Planning Department**

Oakhurst 49 LLC

Responding Agency: Madera County Sheriff's Office

Contact Person: Jay Varney Signature: [Signature]

Telephone No.: 675-7777 Date: 6-21-2019

ENVIRONMENTAL REVIEW:

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project?

Yes

No, the following information is needed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. What potential impacts will the project result in (e.g. change in traffic volumes, water quality, land use, soils air quality, etc.)? Be as precise as possible and answer only for your area of expertise.

Increase in traffic volume on Hwy 49 during  
business hours.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Are the potential impacts identified in Question 2, significant enough to warrant the preparation of an EIR?

Yes  No

**From:** [Jamie Bax](#)  
**To:** [Brad Sobel](#)  
**Cc:** [Annette Kephart](#)  
**Subject:** RE: Follow Up to Oakhurst Comment Letter and Cultural Resources Record Search  
**Date:** Monday, July 22, 2019 8:02:36 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Good morning Brad,

Sorry for the delay. DRC is now this Wednesday at 9:00 am. We are still working towards having this on the September 3 PC meeting.

Thanks,  
Jamie



**Jamie Bax** | Deputy Director of Community & Economic Development-Planning  
**COMMUNITY AND ECONOMIC DEVELOPMENT, PLANNING**  
200 W. 4th Street, Suite 3100, Madera, CA 93637  
Office: (559) 675-7821 Ext. 3221 | Cell: (559)536-0284



**From:** Brad Sobel [mailto:sobeldevelopment@earthlink.net]  
**Sent:** Thursday, July 18, 2019 11:33 AM  
**To:** Jamie Bax  
**Cc:** Annette Kephart  
**Subject:** Re: Follow Up to Oakhurst Comment Letter and Cultural Resources Record Search

Thanks, Jamie. Can you please let me know when the next DRC meeting is as well as the Sept. PC meeting? I would like to arrange my schedule. Thanks, Brad

On Jul 18, 2019, at 8:20 AM, Jamie Bax <[Jamie.Bax@maderacounty.com](mailto:Jamie.Bax@maderacounty.com)> wrote:

Hi Brad,

I am assuming so as well. We will work on getting you on the next DRC agenda. I'm assuming we'll still meeting the September PC meeting.

Thanks,  
Jamie

**Jamie Bax** | Deputy Director of Community & Economic  
Development-Planning  
**COMMUNITY AND ECONOMIC DEVELOPMENT, PLANNING**  
200 W. 4th Street, Suite 3100, Madera, CA 93637

<[image002.png](#)> <[image003.png](#)>

Office: (559) 675-7821 Ext. 3221 | Cell: (559)536-0284

[<image004.png>](#) [<image005.png>](#) [<image006.png>](#) [<image007.png>](#)

**From:** Brad Sobel [<mailto:sobeldevelopment@earthlink.net>]  
**Sent:** Wednesday, July 17, 2019 2:30 PM  
**To:** Jamie Bax  
**Subject:** Fwd: Follow Up to Oakhurst Comment Letter and Cultural Resources Record Search

Jamie, I assume for now this is all you need on this subject to move the project forward? Please advise.  
Thanks, Brad

Begin forwarded message:

**From:** Heather Airey <[hairey@chukchansi-nsn.gov](mailto:hairey@chukchansi-nsn.gov)>  
**Subject:** RE: Follow Up to Oakhurst Comment Letter and Cultural Resources Record Search  
**Date:** July 17, 2019 at 2:24:03 PM PDT  
**To:** Brad Sobel <[sobeldevelopment@earthlink.net](mailto:sobeldevelopment@earthlink.net)>  
**Cc:** Jamie Bax <[Jamie.Bax@maderacounty.com](mailto:Jamie.Bax@maderacounty.com)>

Brad,

Since there are recorded sites within a half mile near the project location, I am going to recommend having a Cultural Monitor on site when ground disturbance is taking place. When True Value was being built we had Cultural Monitor on site and she had found some lithic scatter and other cultural artifacts. Please let me know if you have any questions. On a sad note, I had given you Gaylen Lee number to call for an archaeology survey. He is no longer with us. He was murdered on July 6<sup>th</sup>.

Thank you

### Heather Airey

Cultural Resources Director (TRIP)  
Picayune Rancheria of the Chukchansi Indians  
PO Box 2226  
Oakhurst, CA 93644  
[hairey@chukchansi-nsn.gov](mailto:hairey@chukchansi-nsn.gov)  
Office (559) 412-5590  
Cell (559) 676-9299

[<image008.png>](#)

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**From:** Brad Sobel [<mailto:sobeldevelopment@earthlink.net>]  
**Sent:** Monday, July 15, 2019 4:06 PM  
**To:** Heather Airey  
**Cc:** Brad Sobel; Jamie Bax  
**Subject:** Follow Up to Oakhurst Comment Letter and Cultural Resources Record Search  
**Importance:** High

Hi Heather,

Per our conversation two weeks ago about our Oakhurst Tractor Supply Store project, attached is the Cultural Resources Records Search you requested.

I have also attached for easy reference your cover letter and comments to the Madera County Planning Department regarding our project.

Could you please review the letter and letting me know if you are satisfied with the previous searches.

I look forward to your response.

Thanks,  
Brad

Bradley Sobel  
Oakhurst 49, LLC.  
c/o The Sobel Company, Inc.  
136 S. El Camino Drive  
Suite 214  
Beverly Hills, CA 90212  
O: 310-277-4697  
F: 310-277-4699  
C: 818-634-2339





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

---

MEMORANDUM

TO: Annette Kephart  
FROM: Dexter Marr, Environmental Health Division  
DATE: August 13, 2019  
RE: Oakhurst 49 LLC - Conditional Use Permit - Oakhurst (064-142-036-000)

---

Comments

TO: Planning Division  
FROM: Environmental Health Division  
DATE: June 11, 2019  
RE: Conditional Use Permit (CUP) #2019-014, Oakhurst 49 LLC , Oakhurst, APN 064-142-036

The Environmental Health Division Comments:

If this proposed project is within 200 feet of a public sanitary sewer (Sewer Maintenance District MD-22A) it shall connect. Please provide a will serve letter from MD-22A.

If this proposed project is within 500 feet of an existing public water system (Hillview Water Company) it shall connect. Please provide a Will Serve letter from Hillview Water Company.

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

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.

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 owner/operator of this property must submit all applicable permit applications to be reviewed and approved by this department prior to commencement of any work activities.

If there are any questions or comments regarding these conditions/requirements please, feel free to contact our Division at (559) 675-7823.

Community and Economic Development  
Fire Prevention Division

Deborah Mahler, Fire Marshal  
Deputy Director

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

---

**MEMORANDUM**

TO: Annette Kephart  
FROM: Deborah Mahler, Fire Marshal  
DATE: June 28, 2019  
RE: Oakhurst 49 LLC - Conditional Use Permit - Oakhurst (064-142-036-000)

---

**Conditions**

A document from Hillview Water company shall be provided specifying the available Fire Flow associated with the parcel prior to application of a Building Permit.

At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)



**From:** [Phu Duong](#)  
**To:** [Annette Kephart](#)  
**Subject:** RE: Comments for CUP 2019-014  
**Date:** Monday, July 01, 2019 11:49:21 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Hi Annette,

Here you go.

The applicant is to comply with any conditions and requirements imposed by Caltrans.  
The applicant is to provide the anticipated number of trips generated during AM and PM peak hours.  
The applicant is to work with Public Works Special District Staff to see if connecting to the Special District existing facilities are feasible.

Is there a second point of access beside coming out of SR 49?



**Phu Duong** | Development Services Engineer

**PUBLIC WORKS, ENGINEERING SERVICES**

200 W. 4th Street, Suite 3100, Madera, CA 93637

Office: (559) 675-7811 | Cell: (559) 474-0333



**From:** Annette Kephart  
**Sent:** Monday, July 01, 2019 11:27 AM  
**To:** Phu Duong  
**Subject:** Comments for CUP 2019-014

Hi Phu,

I am unable to pull a report in POSSE to show your comments for CUP 2019-014. Could you please email those to me?

Thank you,



**Annette Kephart** | Planner I

**COMMUNITY AND ECONOMIC DEVELOPMENT, PLANNING**

200 W. 4th Street, Suite 3100, Madera, CA 93637

Office: (559) 675-7821 | Cell: (559) 416-9098



**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:** August 13, 2019  
**TO:** Annette Kephart  
**FROM:** Madera County Public Works  
**SUBJECT:** Oakhurst 49 LLC - Conditional Use Permit - Oakhurst (064-142-036-000)

**Comments**

The applicant shall submit a stamped grading and drainage plan and application to the County prior to the issuance of a Commercial Permit. If applicable, drainage or onsite storage calculations will need to be submitted to the Public Works Department for review and approval as well. This plan shall identify onsite detention and controlled release for any increase in storm water runoff generated by the proposed development. The grading, drainage plan, and calculations shall be prepared by a licensed professional.

Storm Water Design Criteria:

•Detention Basin

o100 year post development peak runoff rate must be reduced to a flow rate not greater than the 100 year pre development peak runoff rate using Modified Rational Method or TR-55 method. The detention basin shall be sized to maintain the pre development runoff rate.

All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.

Please contact the Public Works Department with any questions.

Haden Hinkle  
Madera County Public Works Department  
200 W. 4th Street, 3rd Floor  
Madera, CA 93637  
P 559.675.7811 ext 3503  
haden.hinkle@maderacounty.com

**County of Madera  
California Environmental Quality Act (CEQA)  
Initial Study**

- 1. **Project title:** Conditional Use Permit #2019-014, Oakhurst 49 LLC
- 2. **Lead agency name and address:** County of Madera  
Community and Economic Development Department  
200 West 4<sup>th</sup> Street, Suite 3100  
Madera, California 93637
- 3. **Contact person and phone number:** Annette Kephart, Planner I  
559-675-7821  
Annette.kephart@maderacounty.com
- 4. **Project Location & APN:** The project is located on the north side of Highway 49 at its northwest intersection with Village Drive (no situs), Oakhurst.  
APN: 064-142-036
- 5. **Project sponsor's name and address:** Oakhurst 49 LLC  
136 El Camino Drive, Ste 214  
Beverly Hills, CA 90212
- 6. **General Plan Designation:** CC (Community Commercial) Designation
- 7. **Zoning:** CRM (Commercial Urban Median) District
- 8. **Description of project:** Development of a retail tractor supply store with outdoor storage and sales and bulk propane sales.
- 9. **Surrounding Land Uses and Setting:** Commercial and Light Industrial
- 10. **Other Public Agencies Whose Approval is Required:** None

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Local Tribes were contacted per AB 52. Comments were received from Picayune Rancheria. (See Section XVIII for additional discussion.)

<b>DETERMINATION</b>	
On the basis of this initial evaluation:	
<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agricultural/Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning               | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing              | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                  | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                        | <input type="checkbox"/> Mandatory Findings of Significance |

<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Annatto Hephest*  
 \_\_\_\_\_  
 Signature

7/31/19  
 \_\_\_\_\_  
 Date

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------	---	------------------------------	-----------

**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Responses:**

**(a - c) Less Than Significant Impact.** The project is located in a commercial area and is neighbored by existing commercial structures. There will be less than significant damage to scenic resources. Due to the rather flat terrain on the parcel, no soil or tree removal will be required and only a minimal amount of grading would be needed.

**(d) Less Than Significant Impact with Mitigation Incorporation.** New light source generated from the proposed project will have mitigation placed to hood and direct lighting downward and away from adjoining parcels.

A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Light pollution, as defined by the International dark-Sky Association, is any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. Two elements of light pollution may affect city residents: sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring property and homes.

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for



nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered “sensitive” to this unwanted light include residences, hospitals, and care homes.

Daytime sources of glare include reflections off of light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times.

\_\_\_\_\_

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**II. AGRICULTURAL AND FORESTRY RESOURCES**

In determining whether agricultural impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Responses:**

**(a - e) No Impact.** The project parcel is not recognized under the Farmland Mapping and Monitoring Program of the California Resources Agency as “Prime Farmland, Unique Farmland, or Farmland of Statewide Importance”. The parcel is zoned Commercial, Rural Median (CRM) district and is not in an existing zoning for agricultural use, therefore it is not subject to the Williamson Act. The property is not within forestry or timberland protection areas and therefore is not subject to PRC 12220(g) nor is it zoned for farmland or timberland use.

**General Information**

The California Land Conservation Act of 1965 -- commonly referred to as the Williamson Act -- enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Department of Conservation oversees the Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) produce maps and statistical data used for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The program’s definition of farmland classification is below:

**PRIME FARMLAND (P):** Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

**FARMLAND OF STATEWIDE IMPORTANCE (S):** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

**UNIQUE FARMLAND (U):** Farmland of lesser quality soils used for the production of the state’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

**FARMLAND OF LOCAL IMPORTANCE (L):** Land of importance to the local agricultural economy as determined by each county’s board of supervisors and a local advisory committee.



**GRAZING LAND (G):** Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

**URBAN AND BUILT-UP LAND (D):** Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

**OTHER LAND (X):** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

**CONFINED ANIMAL AGRICULTURE:** Poultry facilities, feedlots, and dairy facilities – this use may be a component of Farmland of Local Importance in some counties.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b>				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with, or obstruct implementation of, the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a - d) Less Than Significant Impact.** The mountain communities have two main air quality issues, ozone and PM-10. Ozone is contributed mainly through long-distant commutes of the

residents to jobs in the Valley or Fresno and of travelers commuting to Yosemite National Park. Mountain residents also often use wood stoves and heaters as their primary heating sources, which contribute to PM-10 emission levels. Though the area is no longer in non-attainment, both criteria pollutants are of concern. Construction activities associated with the project will be temporary but will still contribute dust and affect air quality. During construction, particulates will be generated by vehicular traffic and construction equipment but will be intermittent and of limited duration. After construction, there will be increased vehicular traffic and emissions in the area. In addition, the project is located next to commercial and residential zone districts so there is the possibility of sensitive receptors of pollutants. Due to the potential effect on ambient air quality, the project will need to comply with San Joaquin Valley Air Pollution Control Board regulations to reduce the impacts of the project to less than significant levels. The project would not create objectionable odors affecting a substantial number of people. During business operations, there should be no substantial odors.

Global Climate Change

Climate change is a shift in the “average weather” that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is “very high confidence” (by IPCC definition, a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

CEQA requires an agency to engage in forecasting “to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal” (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in *Laurel Heights Improvement Association v. Regents of the University of California* [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of a native wildlife nursery site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a - b) Less Than Significant Impact.** While the table below shows a listing of potential special status specials, no special status plant or animal species or unique habitat is known to exist on the project site or surrounding area. No impacts to biological resources would occur as a result of this project. No locally designated resources exist in this area of the county. Resources such as wetland habitat or migration corridors are not present. The project would not conflict with any local policies or ordinances protecting biological resources. The project would not conflict with any provision of any conservation plans. The majority of the area has been graded as a result of previous approvals for commercial land use.

Riparian habitats are defined as “of or relating to the bank of a stream, river or lake.” There are no streams, rivers or lakes associated with this project or in the immediate vicinity of the project site. No streams, rivers, creeks or drainages cross this parcel or will be impacted as a result. Riparian habitats are those plant communities supporting woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian habitat also provides riverbank protection,

erosion control and improved water quality, as well as numerous recreational and aesthetic values. Within the area, the riparian woodland canopy may include fremont cottonwoods, willows, digger pines, and oaks. Species occurring more specifically within riparian habitat include button brushes, rushes, white hedgenettle, water buttercups, and meadow foam.

**(c - f) No Impact.** No federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) exist on the site. There are no impacts determined as a result directly or indirectly as a result of this project.

Wetlands are defined under Title 33 §328.3 of the California Code of Regulations as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.” 33 CFR §328.3(b).

The proposed project will not substantially impact the migratory patterns of wildlife in the area. Development already exists on the surrounding parcels and has for several years. The surrounding area is thickly wooded and provides for the potential of nesting trees both on and off the site. What little, in comparison to the whole, is being proposed for this project will not impact the migration patterns.

The project will not conflict with any local policies or ordinances protecting biological resources or provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### **General Information**

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as “fully protected” in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of both the County’s and Department of Fish and Game’s databases for special status species have identified the following species:



Species	Federal Listings	State Listings	Dept. Of Fish and Game Listings	CNPS Listings
foothill yellow-legged frog	None	Candidate Threatened	SSC	-
An andrenid bee	None	None	-	-
western bumble bee	None	None	-	-
valley elderberry longhorn beetle	Threatened	None	-	-
Sierra Nevada red fox	Candidate	Threatened	-	-
pallid bat	None	None	SSC	-
western pond turtle	None	None	SSC	-
Hall's wyethia	None	None	-	4.3
orange lupine	None	None	-	1B.2
Mariposa pussypaws	Threatened	None	-	1B.1
Yosemite evening-primrose	None	None	-	4.3
Kings River monkeyflower	None	None	-	3
slender-stalked monkeyflower	None	None	-	1B.2
Gray's monkeyflower	None	None	-	4.3
Madera leptosiphon	None	None	-	1B.2
Ewan's larkspur	None	None	-	4.2

### **Daulton Quadrangle**

List 1A: Plants presumed extinct

List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.

List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere

List 3 Plants which more information is needed – a review list

List 4: Plants of Limited Distributed - a watch list

### **Ranking**

0.1 – Seriously threatened in California (high degree/immediacy of threat)

0.2 – Fairly threatened in California (moderate degree/immediacy of threat)

0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

SSC Species of Special Concern

WL Watch List

FP Fully Protected

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the California Department of Fish and Wildlife (formally the California Department of Fish and Game). A Notice of Determination filing fee is due each time a NOD is filed at the jurisdictions Clerk's Office. The authority comes under Senate Bill 1535 (SB 1535) and Department of Fish and Wildlife Code 711.4. Each year the fee is evaluated and has the potential of increasing. For the most up-to-date fees, please refer to: [http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html).

The Valley elderberry longhorn beetle was listed as a threatened species in 1980. Use of the elderberry bush by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry's use by the beetle is an exit hole created by the larva just prior to the pupal stage. According to the USFWS, the Valley Elderberry Longhorn Beetle habitat is primarily in communities of clustered Elderberry plants located within riparian habitat. The USFWS stated that VELB habitat does not include every Elderberry plant in the Central Valley, such as isolated, individual plants, plants with stems that are less than one inch in basal diameter or plants located in upland habitat.

Wetlands are defined under Title 33 §328.3 of the California Code of Regulations as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a - d) Less Than Significant Impact with Mitigation Incorporation.** While the County is known to potentially have historical and archaeological resources, due to the development of surrounding properties as residential, commercial and industrial, the chances of finding any archaeological or paleontological resources are less than likely. Most of the paleontological finds in Madera County have been found in the proximity of the landfill, located near the community of Fairmead. Most of

the historical finds in Madera County have been found in the mountain and foothill areas above the valley floor due to previous Native American presence in the area. However, any new findings are unlikely on this parcel because the surrounding parcels have been developed extensively as commercial and residential. The likelihood of any finds in this area is minimal. There are no known fossil bearing sediments on the project site. No known unique geological features in the vicinity of the project site exist. However, there is still the potential for uncovering previously unknown human remains or cemeteries. Therefore, the project will cease all operations in the event that any human remains, cemeteries, archaeological, paleontological, or historic resource is uncovered during the construction or operational phase of the project, until the County can determine whether or not the project can continue.

The Picayune Rancheria is requesting a cultural monitor be on site during construction.

If project construction related activities (including but not limited to ground disturbing activities) result in the disturbing of subsurface cultural deposits, project related activities should be halted and a professional archaeologist will be brought in to determine the culture of the deposits.

### **General Information**

Public Resource Code 5021.1(b) defines a historic resource as “any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that “disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study.”

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

(CEQA Guidelines §15064.5 for definitions)

Paleontology is a branch of geology that studies the life forms of the past, especially prehistoric life forms, through the study of plant and animal fossils. Paleontological resources represent

limited, non-renewable and impact sensitive and educational resources. Most of the paleontological finds have been on the valley floor.

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**VI. ENERGY**

Would the project:

Potentially Significant Impact      Less Than Significant With Mitigation Incorporation      Less Than Significant Impact      No Impact

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

**Responses:**

**(a - b) Less Than Significant Impact.** The project is located in a commercial zone district and will be constructed in the same manner as other commercial facilities in the area. There is very little likelihood that there will be a significant impact to energy resources or that the project will conflict with any state or local energy resource plans.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a i – iv) Less Than Significant Impact.** The parcel is in an area where it is topographically conducive to landslides, however the specific parcel is relatively flat compared to surrounding hillsides. Topographical maps indicate a relatively flat area with minimal increases in elevation. There are no known impacts that will occur as a direct or indirect result of this project.

**(b) Less than Significant Impact.** With construction there will be some erosion pattern changes. These changes are considered minimal as topographically, the parcel is relatively flat.

**(c - f) No impact.** There are no known impacts that will occur as a direct or indirect result of this project.

**General Information**

Madera County is divided into two major physiographic and geologic provinces: the Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevada's.

Seismicity varies greatly between the two major geologic provinces represented in Madera

County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada's, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep. However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard

rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS</b>				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a) Less Than Significant Impact.** The project in and of itself will not generate greenhouse gases that will impact the environment. However, vehicles traveling to and from the project site during normal operations will contribute to greenhouse generation. This will be less than significant in that the project site is immediately adjacent to Highway 49 which has a high level of traffic already, and the impacts of vehicles visiting this project site will be minimal in light of the whole. The store itself is a by-right use in this zone district. It has been assumed in previous analysis that the traffic generated is expected.

**(b) No Impact.** There is no anticipated impact as a result of this project.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals

for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to "smart growth" land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a - c) Less Than Significant Impact.** The end result of this Conditional Use Permit request is a Tractor Supply retail store with outside propane sales. By its' very nature, the presence of hazardous materials will be present, typically in the form of motor oil, batteries and the like typically associated with tractor supply stores and propane sales.

By definition, a hazardous material is any material that has components that make it hazardous but has not been used for its' intended purpose. A hazardous waste is a hazardous material but has been utilized for its' intended purpose and is typically no longer useable. There are tractors, ATVs, and other machine equipment along with oils and fuels for repair of this type of machinery generally available at this type of establishment. Through Building Code and of Health Codes the storage of this equipment will have less than significant impacts on the environment.

There are no schools within one quarter mile of the proposed business. There project is adjacent to other commercially zoned properties.

**(d – e) No Impact.** The subject property does not appear on a list of hazardous materials sites. The proposed project is not located within an airport land use plan, airport, or private airstrip.

**(f - g) Less Than Significant Impact.** The project is not expected to interfere with an adopted emergency response plan or emergency evacuation plan.

The proposed project would put a new retail building within an area which could be subject to wildfires. However, developing the project in accordance to Fire Code standards should limit the spreading of wildfires and mitigate the impact to less than significant.

**General Information**

Any hazardous material because of its quantity, concentration, physical or chemical properties, pose a significant present or potential hazard to human health and safety, or the environment the California legislature adopted Article I, Chapter 6.95 of the Health and Safety Code, Sections 25500 to 25520 that requires any business handling or storing a hazardous material or hazardous waste to establish a Business Plan. The information obtained from the completed Business Plans will be provided to emergency response personnel for a better-prepared emergency response due to a release or threatened release of a hazardous material and/or hazardous waste.

Business owners that handle or store a hazardous material or mixtures containing a hazardous material, which has a quantity at any one time during the year, equal to or greater than:

- 1) A total of 55 gallons,

- 2) A total of 500 pounds,
- 3) 200 cubic feet at standard temperature and pressure of compressed gas,
- 4) Any quantity of Acutely Hazardous Material (AHM).

Assembly Bill AB 2286 requires all business and agencies to report their Hazardous Materials Business Plans to the Certified Unified Program Agency (CUPA) information electronically at <http://cers.calepa.ca.gov>.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY</b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Responses:**

**(a - b) No Impact.** No impacts have been identified as a result of this project. Minimal usage of water is expected, as well as minimal wastewater generation is expected, as there will be restroom facilities on site. The project is served by Hillview Water District for drinking water and MD-22A for waste water services.

**(ci - iv) Less than Significant Impact.** The operations of the proposed project will have a less than significant impact due to the conditions that our Public Works Department has placed which requires the applicant to submit a grading, drainage, and storm water design plan prior to issuance of a building permit.

**(d - e) No Impact.** No impacts have been identified as a result of this project.

**General Information**

Groundwater quality contaminants of concern in the Valley Floor include high salinity (total dissolved solids), nitrate, uranium, arsenic, methane gas, iron, manganese, slime production, and dibromochloropropane with the maximum contaminant level exceeded in some areas. Despite the water quality issues noted above, most of the groundwater in the Valley Floor is of suitable quality for irrigation. Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area at specific depths.

Groundwater quality contaminants of concern in the Foothills and Mountains include manganese, iron, high salinity, hydrogen sulfide gas, uranium, nitrate, arsenic, and methylbutylethylene (MTBE) with the maximum concentration level being exceeded in some areas. Despite these problems, there are substantial amounts of good-quality groundwater in each of the areas evaluated in the Foothills and Mountains. Iron and manganese are commonly removed by treatment. Uranium treatment is being conducted on a well by the Bass Lake Water Company.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami is an unusually large sea wave produced by seaquake or undersea volcanic eruption (from the Japanese language, roughly translated as “harbor wave”). According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

The flood hazard areas of the County of Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood

damage. The cumulative effect of obstruction in areas of special flood hazards which increase flood height and velocities also contribute to flood loss.

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**XI. LAND USE AND PLANNING**

Would the project:

a) Physically divide an established community?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a - b) No Impact.** This project will not physically divide an existing community and is not in conflict with any applicable land use plan, policy or regulation.

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**XII. MINERAL RESOURCES**

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a - b) No Impact.** There are no known minerals in the vicinity of the project site.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XIII.NOISE**

Would the project result in:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**(a) Less Than Significant Impact.** The nature of the proposed project will minimally increase the ambient noise levels. The project is located in a commercial area and will have similar impacts as commercial projects in the area. During the temporary construction for the proposed facility, there might be an increase in ambient noise. This temporary increase will only occur during daylight hours and will have a less than significant impact on noise levels.

**(b - c) No Impact.** The proposed project is projected to have no real significant increase in ambient noise levels.

This project is not within proximity to an airstrip or airport. It is not within an airport/airspace overlay district. There will be no impacts as a result.

**General Discussion**

The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

**Short Term Noise**

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, and fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

Long Term Noise

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR  
NON-TRANSPORTATION NOISE SOURCES\*

		Residential	Commercial	Industrial (L)	Industrial (H)	Agricultural
Residential	AM	50	60	55	60	60
	PM	45	55	50	55	55
Commercial	AM	60	60	60	65	60
	PM	55	55	55	60	55
Industrial (L)	AM	55	60	60	65	60
	PM	50	55	55	60	55
Industrial (H)	AM	60	65	65	70	65
	PM	55	60	60	65	60
Agricultural	AM	60	60	60	65	60
	PM	55	55	55	60	55

\*As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line.

AM = 7:00 AM to 10:00 PM  
 PM = 10:00 PM to 7:00 AM  
 L = Light  
 H = Heavy

Note: Each of the noise levels specified above shall be lowered by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Sensitive Noise Receptors include residential areas, hospitals, schools, performance spaces, businesses, and religious congregations.

Vibrating objects in contact with the ground radiate energy through the ground. Vibrations from large and/or powerful objects are perceptible by humans and animals. Vibrations can be generated by construction equipment and activities. Vibrations attenuate depending on soil characteristics and distance. Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz.

<b>Reaction of People and Damage to Buildings from Continuous Vibration Levels</b>		
<b>Velocity Level, PPV (in/sec)</b>	<b>Human Reaction</b>	<b>Effect on Buildings</b>
0.006 to 0.019	Threshold of perception; possibility of intrusion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XIV. POPULATION AND HOUSING**

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Responses:**

**(a - b) No Impact.** The construction of and operation of the facility will not have an impact on housing or population needs for the County or the area specifically. The surrounding area is predominately commercially zoned. It is, however, anticipated to provide local employment opportunities.

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Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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ii) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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v) Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Responses:**

**(a.i – a.ii) Less than Significant Impact.** The Madera County Fire Department exists through a contract between Madera County and the CALFIRE (California Department of Forestry and Fire Prevention) and operates six stations for County responses in addition to the state-funded CALFIRE stations for state responsibility areas. Under an "Amador Plan" contract, the County also funds the wintertime staffing of four fire seasonal CALFIRE stations. In addition, there are ten paid-call (volunteer) fire companies that operate from their own stations. The administrative, training, purchasing, warehouse, and other functions of the Department operate through a single management team with County Fire Administration.

There are fire stations in Coarsegold and Oakhurst that would be able to respond in time of need to this location. The closest station is CalFire Station #12 in Oakhurst, directly north of the project site.

The project itself would not increase the potential of fires in the area. Dependent on fire marshal requirements, fire sprinklers and/or alarm systems need to be in place as a part of the new construction.

The proposed project in and of itself would not result in any additional demands for police protection with the exception of ancillary need for potential events of vandalism and theft.

Crime and emergency response is provided by the Madera County Sherriff's Department. There will be an incidental need for law enforcement in the events of theft and vandalism on the project site.

A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1. 7 law enforcement officials per 1,000 population.

**(a.iii) No Impact.** No impacts are anticipated as a result of this project as it does not relate to any educational programs or increase the surrounding population.

Single Family Residences have the potential for adding to school populations. The average per Single Family Residence is:

Grade	Student Generation per Single Family Residence
K – 6	0.425
7 – 8	0.139
9 – 12	0.214

**(a.iv) No Impact.** No impacts are anticipated as a direct, indirect, short or long term impact as a result of this project.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

**(a.v) No Impact.** No impacts identified as a result of this project.



**XVI. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a - b) No Impact.** No impacts have been identified to recreational facilities as a result of this project.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

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**XVII. TRANSPORTATION**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a - b) No Impact.** In the area around the proposed project, opportunities for bicycles and pedestrians, especially as an alternative to the private automobile, are significantly limited by lack of developed shoulders, sidewalks or pavement width accommodating either mode. The condition is not uncommon in rural areas where distances between origins and destinations are long and the terrain is either rolling or mountainous. In the locations outside urbanized portions of the County, the number of non-recreational pedestrians/cyclists would likely be low, even if additional facilities were provided.

As with most rural areas, Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

During the period of any potential construction of the project, it is expected that there will be some construction related vehicles.

**(c) Less than Significant Impact with Mitigation Incorporation.**

Per the February 13, 1990 agreement with the County of Madera and Caltrans within the Project proximity, SR 49 is planned for a 4-lane conventional highway on 110-foot right-of-way, 55 feet measure from centerline. A portion of the site appears to have 40 feet of existing right-of-way; therefore, 15 feet of additional right-of-way will be needed.

The Project shall construct an eastbound left-turn lane to the proposed Project driveway on SR 49. Thus, creating a back to back left-turn lane on SR 49 between Westlake Drive/Bollinger Place and Redbud Drive. The left-turn lane shall be designed according to the current Caltrans Highway Design Manual (HDM) Topic 405.2.

The Project shall construct a westbound right-turn lane at the Project driveway within the existing/proposed right-of-way. The right-turn lane shall be designed according to the current Caltrans HDM Topic 405.3.

A conceptual street improvement plans (GAD) and cross-section that includes the left-turn and right-turn lanes should be provided for our review and approval prior to Caltrans Encroachment permit.

The proposed Project driveway must meet the sight distance requirement per Caltrans HDM Topic 405.1. The corner sight distance will need to be verified in the field prior to encroachment permit review. The Project driveway centerline should line up with the centerline of Redbud Drive. Refer to Caltrans HDM Topics 404.1 and 404.2 regarding selection of corner radii.

The typical commercial driveway width for two-way traffic is 35 to 45 feet per Caltrans HDM Topic 205.3 (4)(b).

Frontage improvements such as curb, gutter, sidewalk, and curb ramps shall be constructed per

current Caltrans standards. The curb should be constructed at the ultimate location.

The Project driveway will initially be allowed for all turning movements. However, if there are safety and operational concerns, then a traffic diverter will need to be constructed by the Project proponent to prevent left-turn movements.

The above right of way dedication requirements will need to be verified during the encroachment process, when the roadway improvement plans are provided. The right of way for the typical cross sections did not include right of way for side slopes for cut or fill embankment.

All new roadway improvement on SR 49 should be designed per Caltrans HDM standards and in compliance with ADA requirements. The roadway cross-slope for travel lanes on SR 49 should be maintained between 1.5% and 3%. Additional comments may be added during the encroachment process.

**(d) No Impact.** The project site is located directly off of State Route 49 and would not result in impacts to emergency access.

Madera County currently uses Level Of Service “D” as the threshold of significance level for roadway and intersection operations. The following charts show the significance of those levels.

Level of Service	Description	Average Control Delay (sec./car)
A	Little or no delay	0 – 10
B	Short traffic delay	>10 – 15
C	Medium traffic delay	> 15 – 25
D	Long traffic delay	> 25 – 35
E	Very long traffic delay	> 35 – 50
F	Excessive traffic delay	> 50

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10
B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing queues formed.	> 35 – 55
E	Severe congestion with some	> 55-80

	long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	
F	Total breakdown, significant queuing	> 80

Signalized intersections.

Level of service	Freeways	Two-lane rural highway	Multi-lane rural highway	Expressway	Arterial	Collector
A	700	120	470	720	450	300
B	1,100	240	945	840	525	350
C	1,550	395	1,285	960	600	400
D	1,850	675	1,585	1,080	675	450
E	2,000	1,145	1,800	1,200	750	500

Capacity per hour per lane for various highway facilities

Madera County is predicted to experience significant population growth in the coming years (62.27 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintain air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (61.36 percent between 2008 and 2030).

Horizon Year	Total Population (thousands)	Employment (thousands)	Average Weekday VMT (millions)	Total Lane Miles
2010	175	49	5.4	2,157
2011	180	53	5.5	NA
2017	210	63	6.7	NA
2020	225	68	7.3	2,264
2030	281	85	8.8	2,277

Source: MCTC 2007 RTP

The above table displays the predicted increase in population and travel. The increase in the lane miles of roads that will serve the increase in VMT is estimated at 120 miles or 0.94 percent by 2030. This indicates that roadways in Madera County can be expected to become much more crowded than is currently experienced.

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections

projected to operate at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

As with most rural areas, Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership.

**XVIII. TRIBAL CULTURAL RESOURCES**

Would the project:

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a.i) No Impact.** There are no sites listed on the historical registry on this parcel.

**(a.ii) Less than Significant with Mitigation Incorporation.** The Picayune Rancheria has requested a cultural monitor to be on site during construction due to sensitive areas in the Oakhurst and foothill regions.



**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it had adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a) No Impact.** No impacts identified as a result of this project.

**(b) Less than Significant Impact.** Water is supplied by Hillview Water. Applicant has been requested to prove sufficient water flow for fire flow purposes. Water usage indicated in the operational statement is expected for landscaping purposes, restrooms, and dog wash.

**(c - e) No Impact.** No impacts identified as a result of this project.

**General Discussion**

Madera County has 34 County Service Areas and Maintenance Districts that together operate 30 small water systems and 16 sewer systems. Fourteen of these special districts are located in the Valley Floor, and the remaining 20 special districts are in the Foothills and Mountains. MD-1 Hidden Lakes, Bass Lake (SA-2B and SA-2C) and SA-16 Sumner Hill have surface water treatment plants, with the remaining special districts relying solely on groundwater.

The major wastewater treatment plants in the County are operated in the incorporated cities of Madera and Chowchilla and the community of Oakhurst. These wastewater systems have been

recently or are planned to be upgraded, increasing opportunities for use of recycled water. The cities of Madera and Chowchilla have adopted or are in the process of developing Urban Water Management Plans. Most of the irrigation and water districts have individual groundwater management plans. All of these agencies engage in some form of groundwater recharge and management.

Groundwater provides almost the entire urban and rural water use and about 75 percent of the agricultural water use in the Valley Floor. The remaining water demand is met with surface water. Almost all of the water use in the Foothills and Mountains is from groundwater with only three small water treatment plants relying on surface water from the San Joaquin River and its tributaries.

In areas of higher precipitation (Oakhurst, North Fork, and the topographically higher part of the Coarsegold Area), groundwater recharge is adequate for existing uses. However, some problems have been encountered in parts of these areas due to well interference and groundwater quality issues. In areas of lower precipitation (Raymond-Hensley Lake and the lower part of the Coarsegold area), groundwater recharge is more limited, possibly requiring additional water supply from other sources to support future development.

Madera County is served by a solid waste facility (landfill) in Fairmead. There is a transfer station in North Fork. The Fairmead facility also provides for Household Hazardous Materials collections on Saturdays. The unincorporated portion of the County is served by Red Rock Environmental Group. Above the 1000 foot elevation, residents are served by EMADCO services for solid waste pick-up.

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**XX. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**Responses:**

**(a - d) Less than Significant Impact.** The potential for the project to result in wildland fires is not anticipated to be significant. The project site is located directly adjacent to SR 49 and has adequate access. In addition it is located just across the street from a Cal Fire Station. The site was included in a master planned commercial development in years past and has been predominantly graded and excavated limiting the chance for wildland fires.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XIX. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Responses:**

**(a – c) Less than Significant Impact.** The project is zoned for retail sales. The requirement for the Conditional Use Permit stems from the request for outdoor storage of sales and supplies and propane sales. The store is an otherwise by right use and impacts are less than significant.

## **Bibliography**

Madera County General Plan

California Department of Finance

California Department of Transportation (CALTRANS)

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Caltrans website [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm) accessed October 31, 2008

California Department of Fish and Game "California Natural Diversity Database"  
<http://www.dfg.ca.gov/biogeodata/cnddb/>

Madera County Air Quality Element of the General Plan (2010)

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Department of Public Works

Madera County Roads Department

MND 2019-014

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July 31, 2019

**MITIGATED NEGATIVE DECLARATION****MND 2019-20**

RE: Oakhurst 49 LLC – Conditional Use Permit #2019-014

LOCATION AND DESCRIPTION OF PROJECT:

The subject property is located on the north side of Highway 49 at it's northwest intersection with Village Drive (no situs), Oakhurst. The project is a request for a Conditional Use Permit to allow retail sales which includes outdoor storage and sales and bulk propane sales. The project will be new construction of an 18,800 sqft tractor supply retail store. The business will operate 7 days per week from 8:00am to 9:00pm and will have 12 employees. The business will include an asphalt lot with 82 parking spaces.

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

1. Please see attached Mitigation Monitoring Report.



Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Community & Economic Development Department - Planning Division, 200 West 4<sup>th</sup> Street, Ste. #3100, Madera, California.

DATED: July 31, 2019

FILED:

PROJECT APPROVED:



# MITIGATION MONITORING REPORT

**MND # 2019-20**

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Aesthetics</b>								
1	All exterior lighting shall be hooded and downwards, away from adjacent properties.	Construction	Madera County Planning Division	Madera County Planning Division				
<b>Agricultural Resources</b>								
<b>Air Quality</b>								
<b>Biological Resources</b>								
<b>Cultural Resources</b>								
1	Cultural Monitor on site when ground disturbance is taking place.	Construction	Picayune Rancheria	Picayune Rancheria				
2	If any prehistoric resources or human remains are uncovered during construction, work shall stop immediately and a qualified archeologist shall be contacted to determine further mitigation which may be needed. The County Coroner shall be contacted if human remains are found.	Construction	Madera County Planning Division	Madera County Planning Division				
<b>Geology and Soils</b>								
<b>Hazards and Hazardous Materials</b>								
<b>Hydrology and Water Quality</b>								
<b>Land Use and Planning</b>								
<b>Mineral Resources</b>								
<b>Noise</b>								
<b>Population and Housing</b>								
<b>Public Services</b>								
<b>Recreation</b>								
<b>Transportation and Traffic</b>								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
1	The Project shall construct an eastbound left-turn lane to the proposed Project driveway on SR 49. Thus, creating a back to back left-turn lane on SR 49 between Westlake Drive/Bollinger Place and Redbud Drive. The left-turn lane shall be designed according to the current Caltrans Highway Design Manual (HDM) Topic 405.2.							
2	The Project shall construct a westbound right-turn lane at the Project driveway within the existing/proposed right-of-way. The right-turn lane shall be designed according to the current Caltrans HDM Topic 405.3.							
<b>Utilities and Service Systems</b>								