



# Community and Economic Development Planning Division

Jamie Bax  
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970

**PLANNING COMMISSION DATE:** February 4, 2020

**AGENDA ITEM:** #1

<b>CUP</b>	<b>#2019-027</b>	<b>Conditional Use Permit to allow a 24-hour access unmanned RV and boat storage</b>
<b>APN</b>	<b>051-146-010 051-146-015</b>	<b>Applicant/Owner: Craig Rosato/ GOLDEN VALLEY COMMERCIAL PROPERTIES LLC</b>
<b>CEQA</b>	<b>MND #2019-28</b>	<b>Mitigated Negative Declaration</b>

**REQUEST:**

The applicant is requesting approval for a 24-hour access unmanned RV and boat storage facility.

**LOCATION:**

The project is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, (no situs) Madera.

**ENVIRONMENTAL ASSESSMENT:**

Mitigated Negative Declaration (MND #2019-28) has been prepared and is subject to approval by the Planning Commission.



**RECOMMENDATION:** Recommend approval of CUP#2019-027, subject to conditions and MND #2019-28 with corresponding Mitigation Monitoring and Reporting Program

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

SITE: HSC (Highway Service Commercial) Designations.

SURROUNDING: AE (Agricultural Exclusive)

**O'NEALS AREA PLAN (EXHIBIT A-1)**

SITE: RCA (Rural Commercial Area) Designations

**ZONING (EXHIBIT B)**

SITE: CRM (Commercial, Rural, Median) District

SURROUNDING: ARE-40 (Agricultural, Rural, Exclusive, Forty Acre), ARF (Agricultural, Rural, Foothill) and CRM (Commercial, Rural, Median) District.

**LAND USE:**

SITE: Commercial

**SIZE OF PROPERTY:** 7.68 Acres

**ACCESS (EXHIBIT B):** Access to the site is via Road 209

**WILLIAMSON ACT:**

The subject property is not subject to a Williamson Act (Agricultural Preserve) contract.

**BACKGROUND AND PRIOR ACTIONS:**

In 2008, Parcel Map #4113 was recorded dividing a 14.13-acre parcel into four parcels: Parcel 1: 4.50 acres, Parcel 2: 3.69 acres, Parcel 3: 2.23 acres, Parcel 4: 1.94 acres.

**PROJECT DESCRIPTION:**

This applicant is requesting a 24-hour access unmanned RV and boat storage facility. The site will be constructed in two phases, eventually covering two parcels (APN: 051-146-010, -015). If approved, the proposed storage will consist of appropriate screening surrounding the perimeter of the facility, along with landscape buffering developments bordering public rights-of-ways. Shaded structures covering the central portion of the site will be the only buildings existing on the facility.

**ORDINANCES/POLICIES:**

Madera County Code (Chapter 18.34.010) Commercial, Rural, Median District – Land Use Regulations

O'Neals Area Plan (Goals & Policies for Rural Commercial Land Use) Policies for Rural Commercial Land Use

Madera County General Plan Part 1, Land Use Designations

**ANALYSIS:**

The project consists of 24-hour access unmanned RV and boat storage facility. The facility is an ideal area due to proximity of surrounding large subdivisions, and lack of storage facilities in the region. The site will be constructed in two phases, eventually covering both parcels (APN: 051-146-010, -015). The first phase will consist of RV and boat storage spaces that will be located on the northern parcel of the site (051-146-010). Conditions have been placed for the facility to have appropriate screening around the perimeter of the site and landscape buffering per Madera County municipal code (18.94.075). Details listed in the application show a chain-link fence and close-fitting slats built to county standard, along the northern and southern property lines and a wrought-iron fence with pilasters every 25'-0 along the eastern and western property lines. A 25'-0 western landscaping buffer and 20'-0 eastern landscape buffer will also be established during the initial phase of the project.

The second phase will include expansion of RV and Boat storage spaces into the southern parcel (051-146-015). Modular storage lockers and shaded structures covering the central portion of the site will be the only buildings existing on the facility. Areas have been reserved on the site plan for installation of an appropriately sized water storage tank to be in collaboration with the Fire Marshal's office during the second phase of the project. However, landscaping irrigation is needed as part of Phase I and would be designed in accordance with state and local requirements. All landscaping plans will be provided to the County that outline the irrigation method and overall water use from the on-site well, as required by the Model Water Efficiency Landscaping Ordinance (MWELo).

The RV and Boat storage will be an unmanned facility. The site would utilize an aggregate base for circulation patterns within the facility. No office building will be established with the project. Storage of fuel or other flammable liquids will be prohibited on site. Onsite parking will be provided at a ratio of one stall per twenty-five storage spaces.

The facility is in an ideal area due to proximity of surrounding developing communities, and lack of storage facilities in the region. The project site is currently zoned CRM (Commercial, Rural, Median) district and is located within the O'Neal's Area Plan designated RCA (Rural Commercial Area). Since the project will be centrally located between large master planned communities, such as Tesoro Viejo, Riverstone, Northshore at Millerton, and Gunner Ranch West, the project will aide those communities and any other person seeking secure RV, trailer, and boat storage. Furthermore, the Covenants, Conditions and Restrictions of certain subdivisions, storing those previously mentioned vehicles may cause a public nuisance issue that may arise from on-street storage or storage within setbacks. As an example, the Tesoro Viejo Specific Plan does not allow storage of recreational vehicles and boats within any driveways or other locations visible from the street.

The application was circulated to internal and external agencies for comments, including Native American tribes per Assembly Bill 52 requirements. Comments were received from Public Works, Environmental Health, Fire Marshal, Sheriff's Office, California Department of Transportation, California Fish and Wildlife, the San Joaquin Valley Air Pollution Control District (District) and Table Mountain Rancheria. Comments from the Air Pollution Control District state the project may be subject to District Rule 9510 (Indirect Source Review) and could require an Air Impact Assessment (AIA) if necessary. Mitigation has been placed for the applicant to fulfill all conditions placed by the District.

Comments and received from California Fish and Wildlife were established based on the assumption that Project approval could result in ground-disturbing activities. A biological resource evaluation report was conducted and provided to Fish and Wildlife for review. Mitigation has been placed for the applicant to fulfill all mitigation measures listed by California Fish and Wildlife, to prevent any significant impact to special-status species and their habitat.

The closest count reported from the 2017 County of Madera Traffic Volume Report, was on Road 206, north of San Joaquin River. In this daily trip report, 2,007 trips were recorded northbound and 1,836 trips were recorded southbound. The estimated number of vehicular trips generated by this proposed use is approximately 64 average daily trips; 5 A.M. peak hour trips; and 7 P.M. peak hour trips. The trip generation is based on Institute of Transportation Engineers, Trip Generation, 10th Edition, Land Use Code 151 – Mini-Warehouse, using number of storage units. Caltrans has established a fair share cost for the intersection improvement on SR 41/SR 145. The fair share cost was estimated to be \$916.56/trip. The improvements would widen the intersection to dual left-turn lanes, two through lanes, and a right-turn lane on all approaches. The Project should contribute their fair share for the intersection improvement on SR 41/SR 145. However, the Project may pay into the Madera County Road Impact Fee Program.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,456.75 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,406.75 Department of Fish and Wildlife fee that took effect January 1, 2020 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 at the Board of Supervisors.

## **FINDINGS**

The Madera County Zoning Ordinance requires that the following findings of fact must be made by the Planning Commission to grant approval of this permit:

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance in that the applicant's request to establish a 24-hour unmanned RV and boat storage facility requires a Conditional Use Permit on a CRM (Commercial, Rural, Median) zoned parcel per Madera County Code. This is an appropriate request for establishment of a storage like facility.*
2. *The proposed project is not contrary to the public health, safety, or general welfare. No activities from the proposed project will have a significant impact with the public's health, safety, or general welfare. Conditions have been placed that will prohibit storage of fuel or other hazardous materials within the storage facility.*
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors, in that the project must adhere to the conditions of approval as well as mitigation measures. The proposal will not involve hazardous materials being stored onsite. This unmanned storage is not projected to significantly increase noise levels in the area. No emission of any kind will result. Minimal odors will be produced from operation.*

4. *The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* Approval of a proposed storage facility will enhance the land value. The proposed storage facility will be located on a small strip of undeveloped commercial parcels.

**GENERAL PLAN CONSISTENCY:**

The Area Plan is listed as RCA (Rural Commercial Area) and the General Plan designation is HSC (Highway Service Commercial) Designation which provides for restaurants, service stations, truck stops, hotels and motels, and retail and amusement uses that are oriented principally to highway and through traffic, public and quasi-public uses, and similar and compatible uses. The property is zoned CRM (Commercial, Rural, Median) District which allows for a mini storage facility, with a Conditional Use Permit. The Zoning, Area Plan, and General Plan are all consistent with the proposed use.

**RECOMMENDATION:**

Staff recommends approval of CUP#2019-027, Mitigated Negative Declaration #2019-028 and associated Mitigation Monitoring Program.

**CONDITIONS:**

See attached conditions of approval.

**ATTACHMENTS:**

1. Exhibit A. General Plan Map
2. Exhibit B. Zoning Map
3. Exhibit C. Assessor Map
4. Exhibit D. Site Plan
5. Exhibit E. Aerial Map
6. Exhibit F. Topographical Map
7. Exhibit G. Operational Statement
8. Exhibit H. Public Works Comments
9. Exhibit I. Public Works Comments (Road)
10. Exhibit J. Environmental Health Division Comments
11. Exhibit K. Sherriff's Office Comments
12. Exhibit L. Fire Marshal Comments
13. Exhibit M. San Joaquin Valley Air Pollution Control District
14. Exhibit N. Cal Trans Comments
15. Exhibit O. Cal Trans Comments (Amendment)
16. Exhibit P. Cal Trans Comments (2<sup>nd</sup> Amendment)
17. Exhibit Q. CA Department of Fish and Wildlife
18. Exhibit R. Table Mountain Rancheria Tribal Government Office
19. Exhibit S. Picayune Rancheria of Chukchansi Indians
20. Exhibit T. Initial Study
21. Exhibit U. Mitigated Negative Declaration

**CONDITIONS OF APPROVAL**

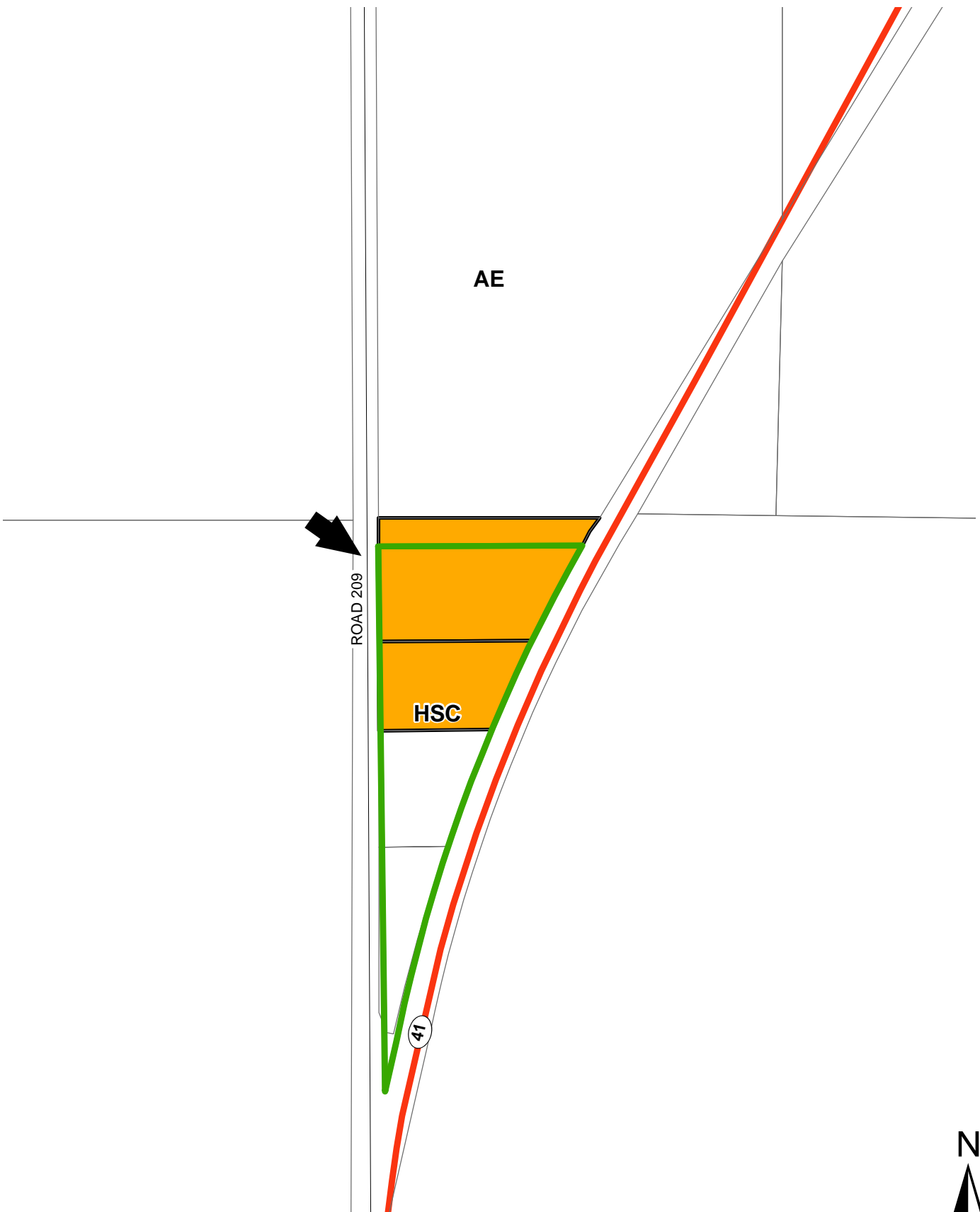
<b>PROJECT NAME:</b>	CUP#2019-027 Rosato, Craig
<b>PROJECT LOCATION:</b>	The property is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, (no situs) Madera
<b>PROJECT DESCRIPTION:</b>	a 24-hour access unmanned RV and boat storage facility
<b>APPLICANT:</b>	Craig Rosato
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	Craig Rosato / (323)-839-7411

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	No maintenance and or repair allowed on boats or trailers, unless approved by Planning Division and Environmental Health.	EH			
2	Onsite Wastewater Treatment Systems must comply with Madera County Local Agency Management Program (LAMP) and Madera County Code Title 13.	EH			
3	No hazardous material storage allowed, unless approved by Planning Division and Environmental Health.				
4	Solid waste collection with sorting for green, recycle, and garbage is required	EH			
5	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s): Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
<b>Fire</b>					
1	Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the project site housing or storing of vehicles The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Fire apparatus access roads shall not be blocked in any manner, including parking of vehicles. (CFC, Sections 503; and CVC Section 22500.1)	Fire Department			
2	A KNOX Box entry device shall be installed in conjunction with all gated access routes.	Fire Department			

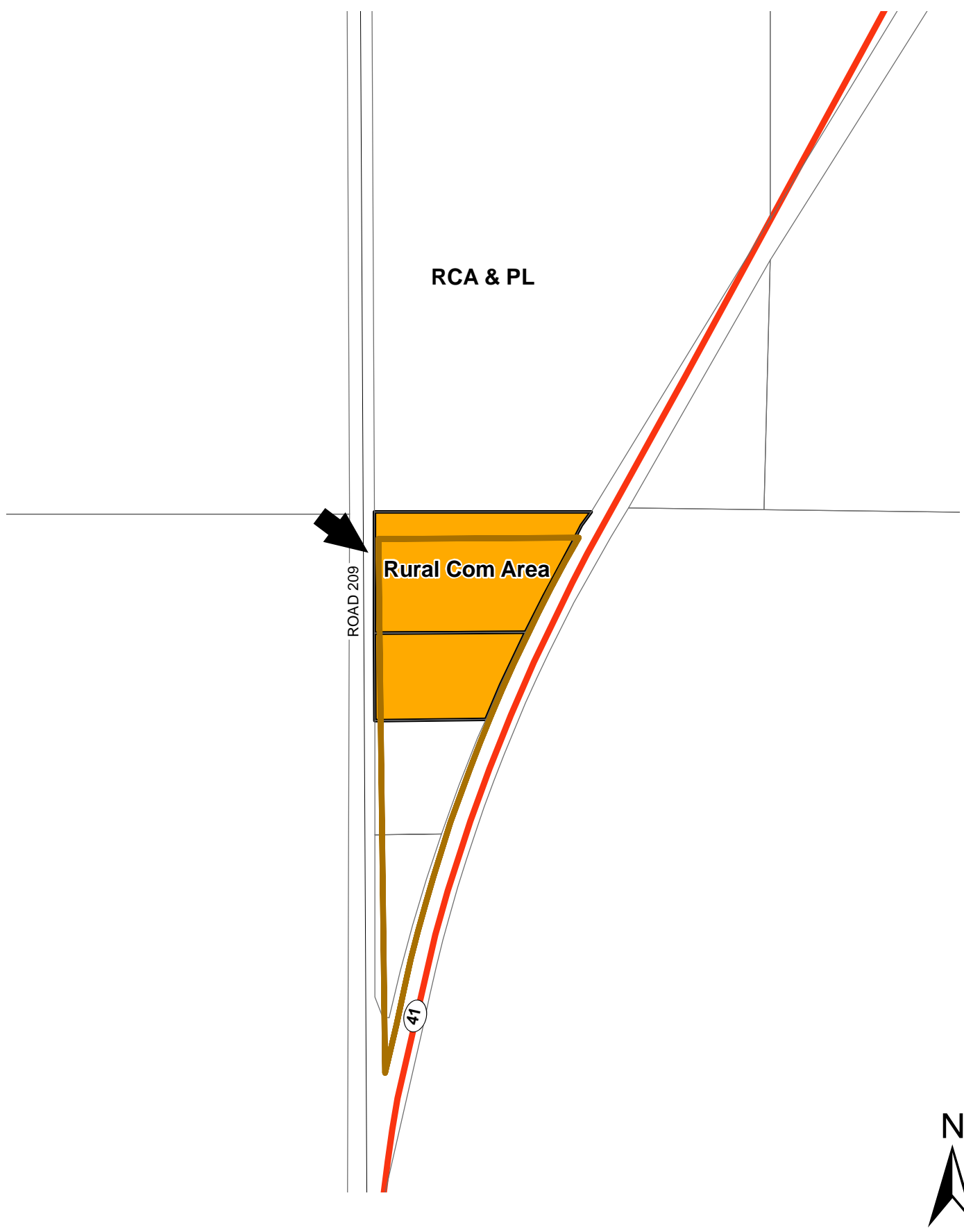
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
3	At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)	Fire Department			
<b>Planning</b>					
1	The project shall be developed and operate in accordance with the operational statement and site plan submitted with the application, except as modified by the mitigation measures and other conditions of approval required for the project.	Planning			
2	Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.	Planning			
3	The proposed facility shall be surrounded by a minimum eight-foot screening wall or fence and constructed during preliminary stages of development.	Planning			
4	On site parking shall be provided at a ratio of one stall per twenty-five number of storage spaces.	Planning			
5	Prior to ground disturbance, landscape plans are required showing landscape buffering developments stated on site plan submittal along with appropriate irrigation methods. Landscape development shall be established within the first six months of construction. Minimum landscape buffering standards for a mini storage facility can be located within Madera County's Municipal Code (18.94.075).	Planning			
6	Any graffiti tagged on or within the proposed storage facility must be removed within 72 hours of notice.	Planning			
7	Signs located on the exterior of the site shall include an emergency and twenty-four-hour contact number for the general public. The sign shall be located at the main entrance to the site and shall be a maximum of ten square feet with minimum four-inch high lettering.	Planning			
8	Storage of hazardous materials is prohibited in mini storage facilities.	Planning			
9	If any structures are proposed to cross property lines between the two associated parcels, a parcel merger between the two parcels will be required prior, to issuance of Building Permit.	Planning			
<b>Public Works</b>					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
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 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. Storm Water Design Criteria: • Retention Basin: o The entire 100 year 10 day event post condition runoff • Detention Basin o 100 year post development peak runoff rate must be reduced to a flow rate not greater than the 10 year pre development peak runoff rate using Rational Method or TR-55 method	Public Works (Engineering)			
2	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.	Public Works (Engineering)			
3	The driveway approach within the road right of way shall be constructed to Madera County standards prior to the final inspection of this structure by the Engineering Department.	Public Works (Roads)			
4	The applicant shall obtain an Encroachment Permit from the Road Department prior to the start of excavation within the road right of way	Public Works (Roads)			
<b>San Joaquin Valley Air Pollution Control District</b>					
1	The applicant shall fulfill all conditions listed by the San Joaquin Valley Air Pollution Control Districts.	SJVAPCD			
<b>California Department of Transportation</b>					
1	The applicant shall fulfill all conditions listed by the California Department of Transportation.	Caltrans			
<b>California Department of Fish and Wildlife</b>					
1	The applicant shall fulfill all conditions listed by the California Department of Fish and Wildlife.	CDFW			





**GENERAL PLAN MAP**



**O'NEALS PLAN MAP**

**ARE-40**

**ARF**

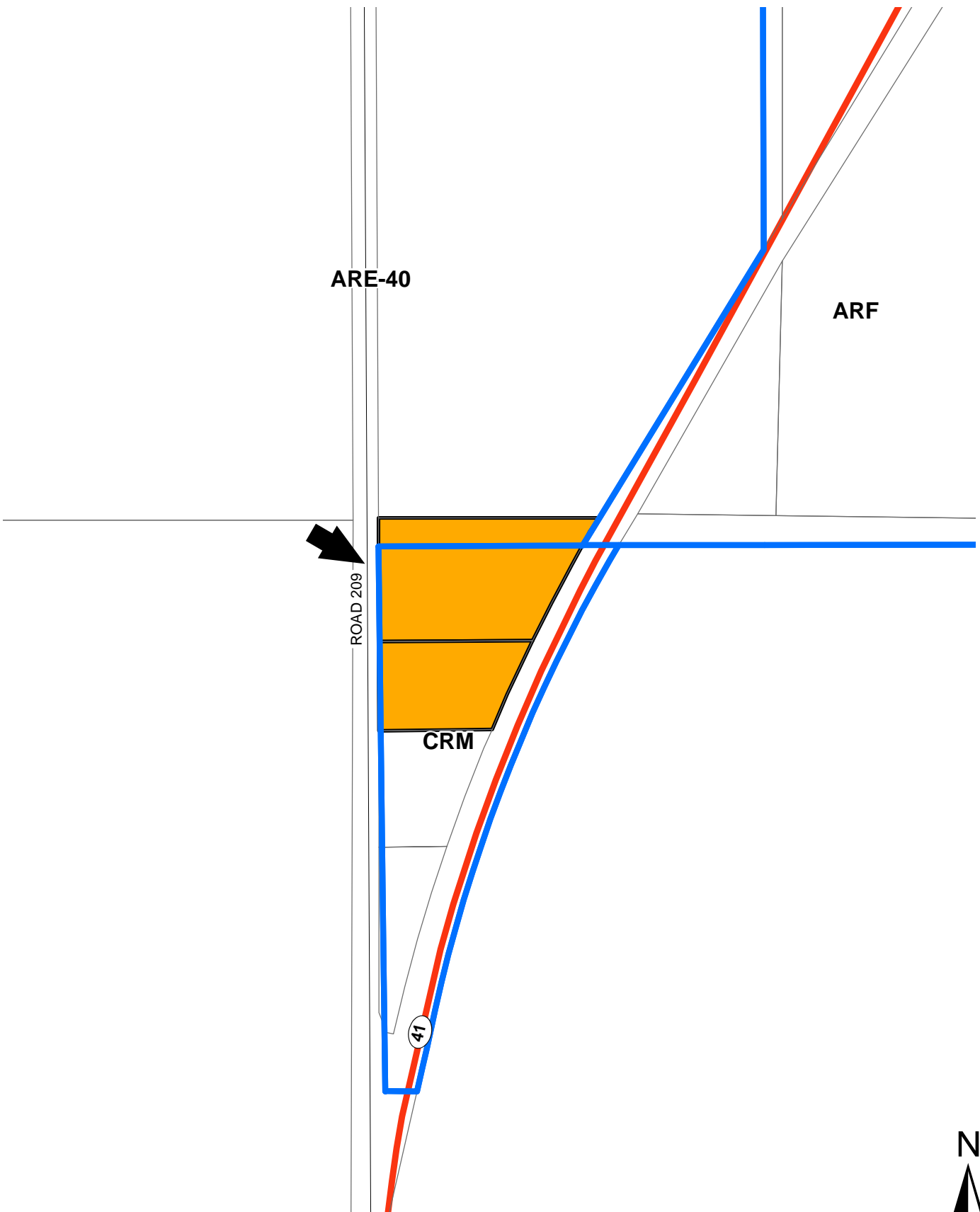
ROAD 209

**CRM**

41



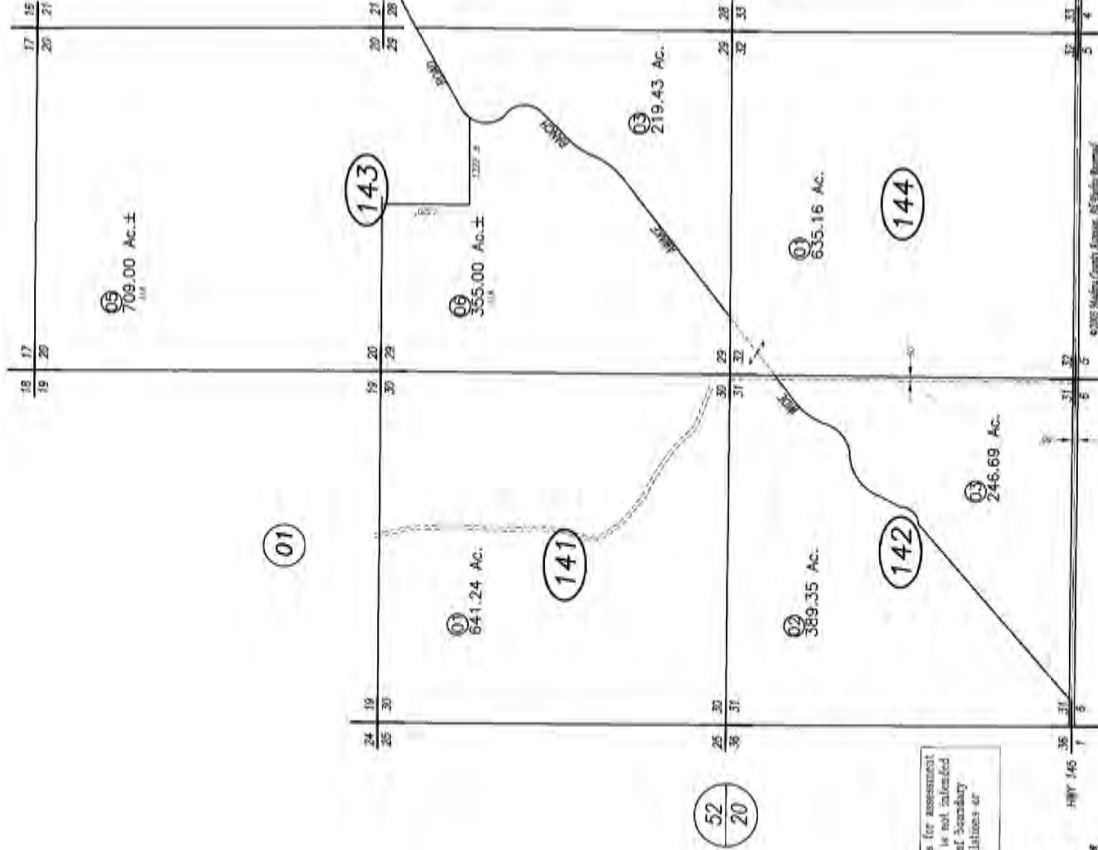
**ZONING MAP**



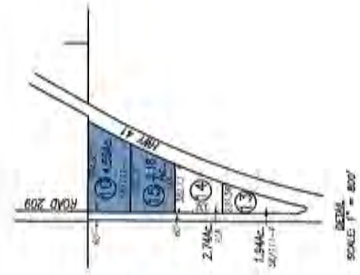
51-14

Tax Area Code  
83-010  
83-011

T.10S R.20E. M.D.B.&M.



NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.



Assessor's Map No. 51-14  
Chawanaakee  
County of Madera, Calif.  
1960

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

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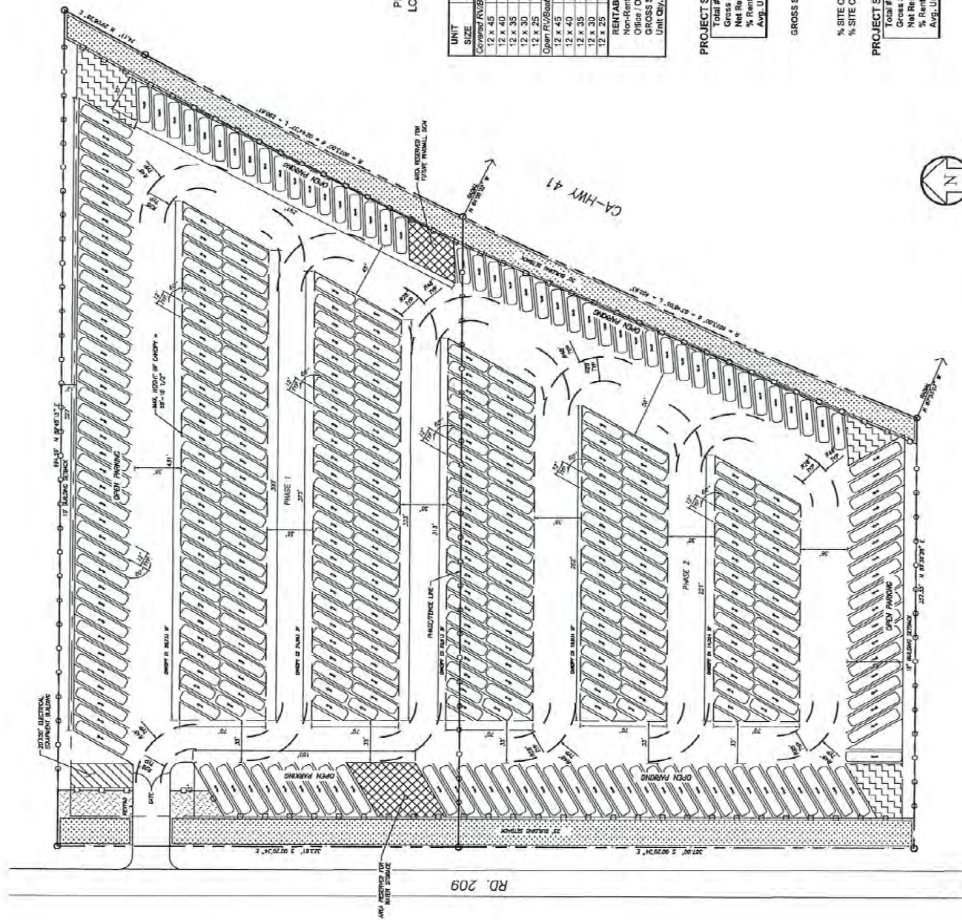
ORIGINAL



- LEGEND**
- PERIMETER / POST FREE DRAINAGE
  - PERVIOUS PAVES
  - ASPHALT
  - CONCRETE DRIVEWAYS AND
  - CONCRETE SIDEWALKS
  - CONCRETE STAIRS / CURBS
  - WEIGHT BORN FENCE
  - PROPERTY LINE

PROJECT: Hwy 41 Boat & RV Storage  
 LOCATION: Maleta County, CA  
 CLIENT: Craig Rosato

As of: 8/14/19



UNIT SIZE (sq ft)	Category C1	Category C2	Category C3	Category C4	Category C5	Category C6	Category C7	Category C8	Category C9	Total # of Units	% of Total (SF)	% of Total Category (Sq Ft)
12 x 45	28	24	20	16	12	8	4	0	0	108	32.57%	32.57%
12 x 40	40	35	30	25	20	15	10	5	0	175	53.83%	86.40%
12 x 30	2	1	1	1	1	1	1	1	1	10	3.03%	9.40%
12 x 25	3	2	2	2	2	2	2	2	2	20	6.06%	18.80%
12 x 45	1	1	1	1	1	1	1	1	1	10	3.03%	9.40%
12 x 40	1	1	1	1	1	1	1	1	1	10	3.03%	9.40%
12 x 35	1	1	1	1	1	1	1	1	1	10	3.03%	9.40%
12 x 30	1	1	1	1	1	1	1	1	1	10	3.03%	9.40%
12 x 25	1	1	1	1	1	1	1	1	1	10	3.03%	9.40%
<b>Total</b>	<b>59</b>	<b>51</b>	<b>43</b>	<b>35</b>	<b>29</b>	<b>21</b>	<b>14</b>	<b>9</b>	<b>6</b>	<b>337</b>	<b>100.00%</b>	<b>100.00%</b>

**PROJECT SUMMARY**

Category	Covered	Open	Total
Total # of units	337	10714	11051
Gross SF	422,67	480,86	903,53
Nettable SF	36,060	67,200	103,260
% Nettable SF	8.5%	14.1%	12.6%
Avg. Unit Size	1252.97	450.86	351.67

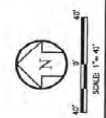
**GROSS SITE AREA**

Parcel	Area (sq. ft.)	Area (acres)
Parcel 1	188,231	4.3
Parcel 2	172,517	3.9
<b>TOTAL</b>	<b>360,748</b>	<b>8.2</b>

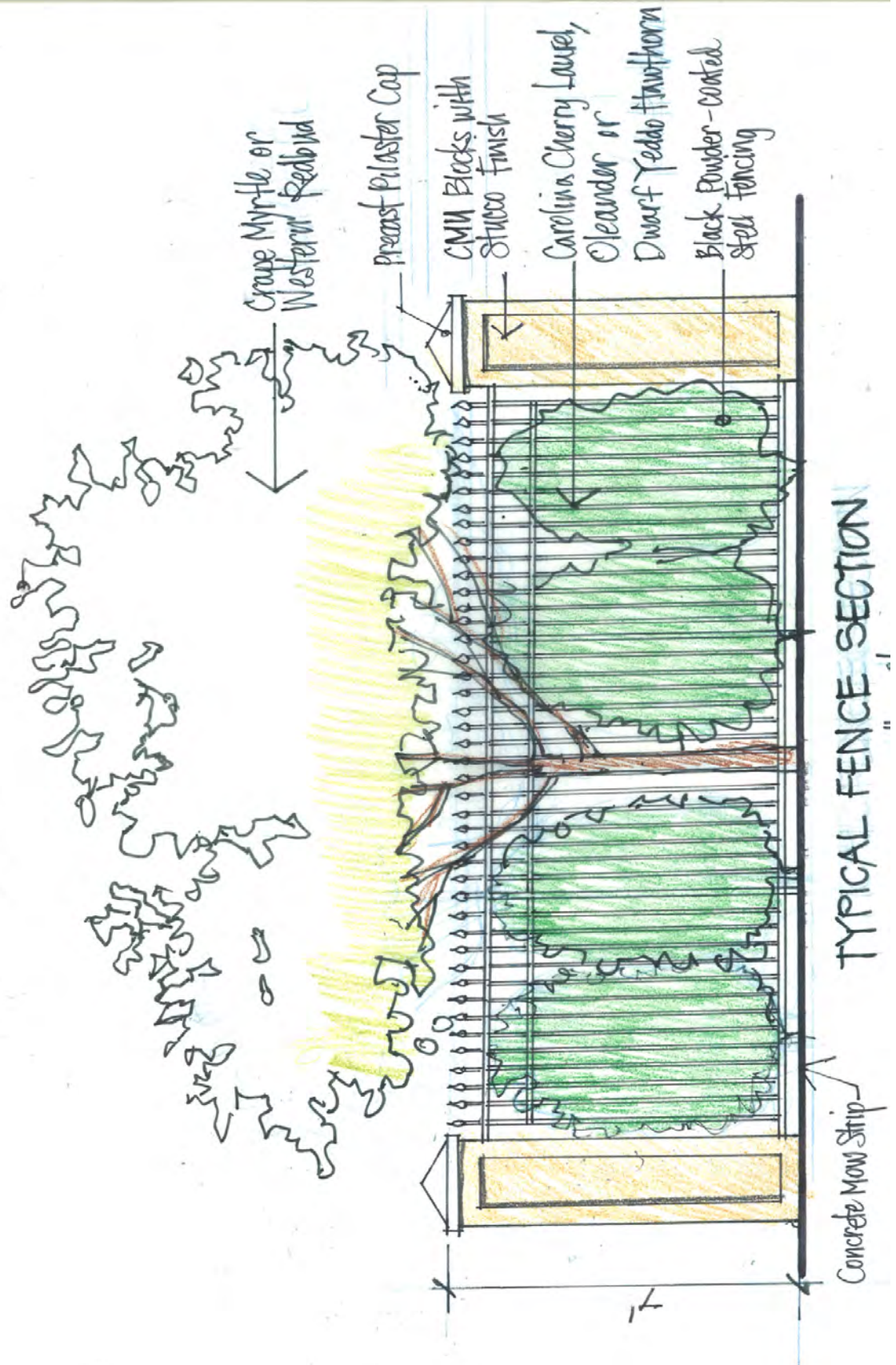
**% SITE COVERAGE (ROOF) - PARCEL 1 ONLY: 23.23% (Category 142)**  
**% SITE COVERAGE (ROOF) - TOTAL SITE AREA: 29.46%**

**PROJECT SUMMARY**

Category	Total # of units	Total SF	% Nettable SF	Avg. Unit Size
Covered	337	422,67	8.5%	1252.97
Open	10714	480,86	14.1%	450.86
<b>Total</b>	<b>11051</b>	<b>903,53</b>	<b>12.6%</b>	<b>351.67</b>

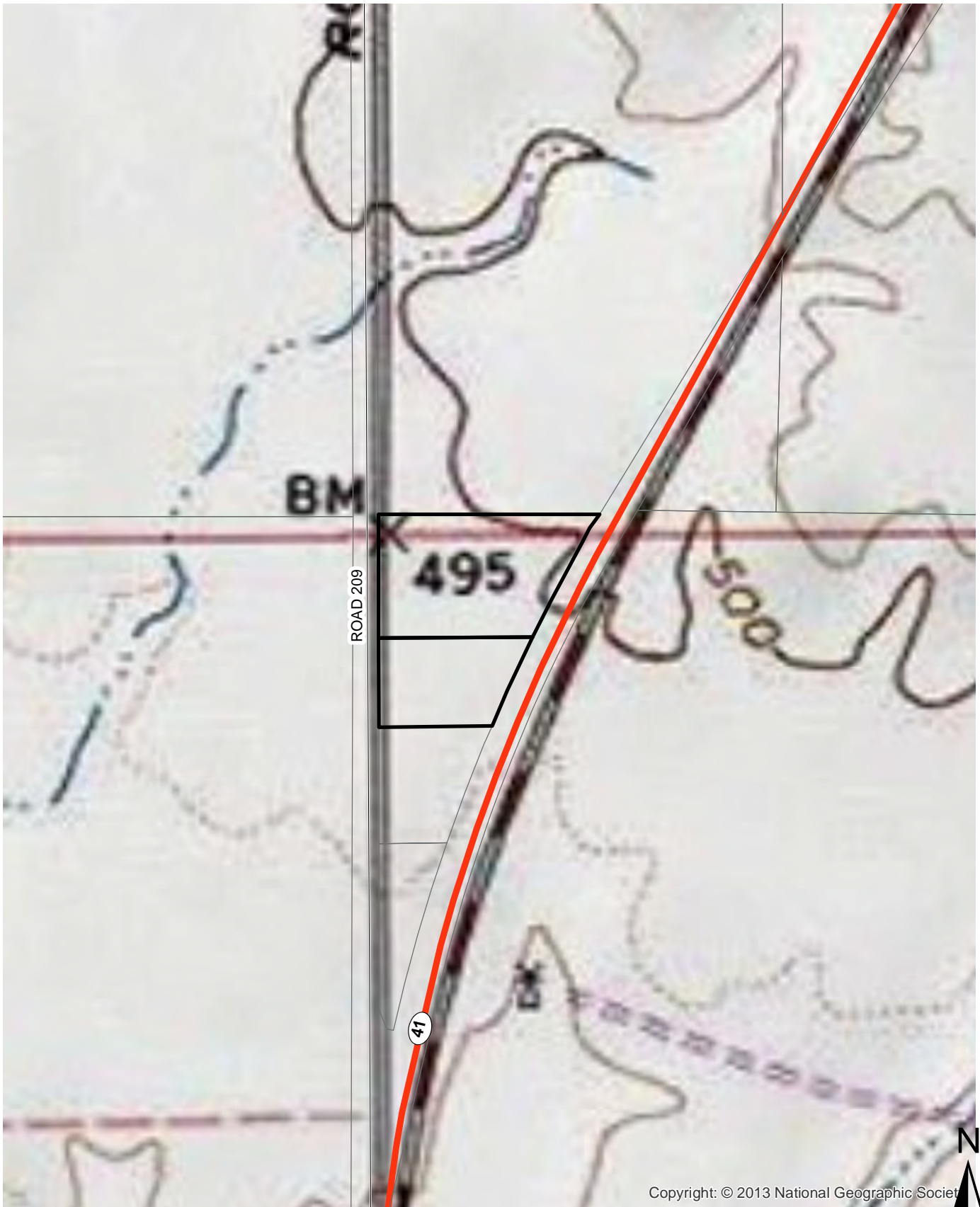


HWY. 41 BOAT & RV STORAGE  
 MAJERSA COUNTY  
 CHINA ROBERTO





**AERIAL MAP**



TOPOGRAPHICAL MAP





# Community and Economic Development Planning Division

Norman L. Allinder, AICP  
Director

Exhibit G

- 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: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

2. Describe the nature of your proposal/operation.

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

3. What is the existing use of the property?

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

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?

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

5. What are the proposed operational time limits?

Months (if seasonal): \_\_\_\_\_

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

Hours (from \_\_\_ to \_\_\_): Total Hours per day: \_\_\_\_\_

6. How many customers or visitors are expected?

Average number per day: \_\_\_\_\_

Maximum number per day: \_\_\_\_\_

What hours will customers/visitors be there? \_\_\_\_\_

7. How many employees will there be?

Current: \_\_\_\_\_

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

Hours they work: \_\_\_\_\_

Do any live onsite? If so, in what capacity (i.e. caretaker)? \_\_\_\_\_

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

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9. Will there be any service and delivery vehicles? \_\_\_\_\_

Number: \_\_\_\_\_

Type: \_\_\_\_\_

Frequency: \_\_\_\_\_

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

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

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

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

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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.

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

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

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

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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).

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

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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?

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

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

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

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

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

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

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

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

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29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s):

Square feet of building area(s):

Total number of employees:

Building Heights:

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

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**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

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**MEMORANDUM**

**DATE:** December 27, 2019  
**TO:** Kamara Biawogi  
**FROM:** Madera County Public Works  
**SUBJECT:** Rosato, Craig - Conditional Use Permit - Madera (051-146-010-000)

**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 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.

Storm Water Design Criteria:

•Retention Basin:

oThe entire 100 year 10 day event post condition runoff

•Detention Basin

o100 year post development peak runoff rate must be reduced to a flow rate not greater than the 10 year pre development peak runoff rate using Rational Method or TR-55 method

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.

Fahed Mosleh  
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  
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:** December 27, 2019  
**TO:** Kamara Biawogi  
**FROM:** Road Department  
**SUBJECT:** Rosato, Craig - Conditional Use Permit - Madera (051-146-010-000)

---

The driveway approach within the road right of way shall be constructed to Madera County standards prior to the final inspection of this structure by the Engineering Department.

The applicant shall obtain an Encroachment Permit from the Road Department prior to the start of excavation within the road right of way. 6/06



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: Kamara Biawogi  
 FROM: Dexter Marr, Environmental Health Division  
 DATE: December 17, 2019  
 RE: Rosato, Craig - Conditional Use Permit - (051-146-010-000)

Comments

TO: Planning Division  
 FROM: Environmental Health Division  
 DATE: December 10, 2019  
 RE: Conditional Use Permit (CUP) #2019-027, Craig Rosato – Madera, APN: 051-146-010

Environmental Health Division Comments:

No maintenance and or repair allowed on boats or trailers, unless approved by Planning Division and Environmental Health.

No hazardous material storage allowed, unless approved by Planning Division and Environmental Health.

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

Onsite Wastewater Treatment Systems must comply with Madera County Local Agency Management Program (LAMP) and Madera County Code Title 13.

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.

If there are any questions or comments regarding these conditions/requirements or for please, contact this department at (559) 675-7823.

NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-027

Return to: **Kamara Biawogi, Planning Department**

Rosato, Craig

Responding Agency: Madera County Sheriff's Office

Contact Person: Jay Varney Signature: [Signature]

Telephone No.: 675-7777 Date: 12.9.2019

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.

No appreciable increase in traffic  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No



NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-027

Return to: Kamara Biawogi, Planning Department

Rosato, Craig

Responding Agency: Madera County Sheriff's Office Date: 12.9.2019

Respondent's Signature: [Handwritten 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?

This is an excellent location for a storage business due to Hwy 41 proximity. Unfortunately I do not see any site security provisions in the description other than fencing, and there are no on-site staffing personnel. I anticipate that we will be responding often to this location, if that is the extent of security.

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

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.

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: Kamara Biawogi  
FROM: Deborah Mahler, Fire Marshal  
DATE: December 27, 2019  
RE: Rosato, Craig - Conditional Use Permit - Madera (051-146-010-000)

---

**Conditions**

Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the project site housing or storing of vehicles. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Fire apparatus access roads shall not be blocked in any manner, including parking of vehicles. (CFC, Sections 503; and CVC Section 22500.1)

A KNOX Box entry device shall be installed in conjunction with all gated access routes.

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)



DEC 24 2019

Kamara Biawodi  
 County of Madera  
 Planning Department  
 200 West 4<sup>th</sup> Street  
 Madera, CA 93637

**Project: CUP #2019-027, Rosata, Craig – Conditional Use Permit (051-146-010-000)**

**District CEQA Reference No: 20191378**

Dear Mr. Biawodi:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a 24-hour access unmanned RV and boat storage facility (Project), located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, in Madera, CA. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The proposed Project is subject to District Rule 9510 (Indirect Source Review) if (1) it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space, or (2) if it has or will receive a project-level approval from a public agency and will equal or exceed 10,000 square feet of commercial space. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region  
 4800 Enterprise Way  
 Modesto, CA 95356-8718  
 Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
 1990 E. Gettysburg Avenue  
 Fresno, CA 93726-0244  
 Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
 34946 Flyover Court  
 Bakersfield, CA 93308-9725  
 Tel: 661-392-5500 FAX: 661-392-5585

agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

In the case the Project is subject to District Rule 9510 an AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
4. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



  
Robert Gilles  
Program Manager

AM: sy

**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



Making Conservation  
a California Way of Life.

December 17, 2019

06-MAD-41-09.915  
Boat RV Storage  
CUP 2019-027

**SENT VIAL EMAIL**

Mr. Kamara Biawogi  
Community & Economic Development-Planning  
200 W. 4th Street, Suite 3100  
Madera, CA 93637

Dear Mr. Biawogi:

Thank you for including Caltrans in the environmental review 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.

The following comments are based on a 24-hour access RV, trailer, and boat storage facility. The facility would be an un-manned facility with a key code gate located on the east side of Road 209, approximately 1,000 feet north of the intersection of State Route (SR) 41 and Road 209 in the County of Madera. Caltrans has the following comments:

- The estimated number of vehicular trips generated by this use is approximately 269 average daily trips; 18 weekday a.m. peak hour trips; and 31 weekday p.m. peak hour trips. The trip generation is based on ITE Trip Generation, 10<sup>th</sup> Edition, Land Use Code 151 – mini-warehouse, using net rentable area.
- It was determined that SR 41 between Road 209 and south of Coarsegold is planned for a 4-lane conventional highway within 146 feet of right-of-way. According to the freeway agreement for SR 41, future freeway SR 41 would end just north of Road 209. The existing right-of-way on SR 41 at the proposed project location is 80 feet. Therefore, the irrevocable offer of dedication to Caltrans of 33 feet of right-of-way is needed to accommodate the interim configuration of SR 41. The site plan does reflect the 33 feet, therefore prior to the issuance of a building permit the project proponent shall complete the irrevocable offer of dedication, please include this as a condition of approval.
- When the four-lane roadway is constructed, the left-turn out movement from Road 209 to northbound SR 41 would be restricted.
- Caltrans has established a fair share cost for the intersection improvement on SR 41/SR 145. The fair share cost was estimated to be \$916.56/trip. The improvements would widen the intersection to dual left-turn lanes, 2 through lanes, and a right-turn lane on all approaches. The Project should contribute their fair share for the intersection improvement on SR 41/SR 145. However, the Project may pay into the Madera County Road Impact Fee Program.

Mr. Kamara Biawogi  
December 17, 2019  
Page 2

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

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla", with a long horizontal flourish extending to the right.

DAVID PADILLA  
Associate Transportation Planner  
Division of Transportation Planning

c: Michael Navarro, Chief, Planning North Branch, Caltrans

**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



*Making Conservation  
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December 20, 2019

06-MAD-41-09.915  
Boat RV Storage  
CUP 2019-027  
Amended

SENT VIAL EMAIL

Mr. Kamara Biawogi  
Community & Economic Development-Planning  
200 W. 4<sup>th</sup> Street, Suite 3100  
Madera, California 93637

Dear Mr. Biawogi:

The purpose of this letter is to amend our previous comment letter dated December 17, 2019 based on recent information obtain regarding right-of-way:

- The existing right-of-way on SR 41 at the proposed project location is 73 feet measured from centerline per Parcel Map 4113 and reflected in the Caltrans Right-of-Way map, maps are attached herein. It is recommended that the site plan reflect the 33 feet for clarification purposes.
- The remaining comments in our December 17, 2019 comment letter still applies.

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

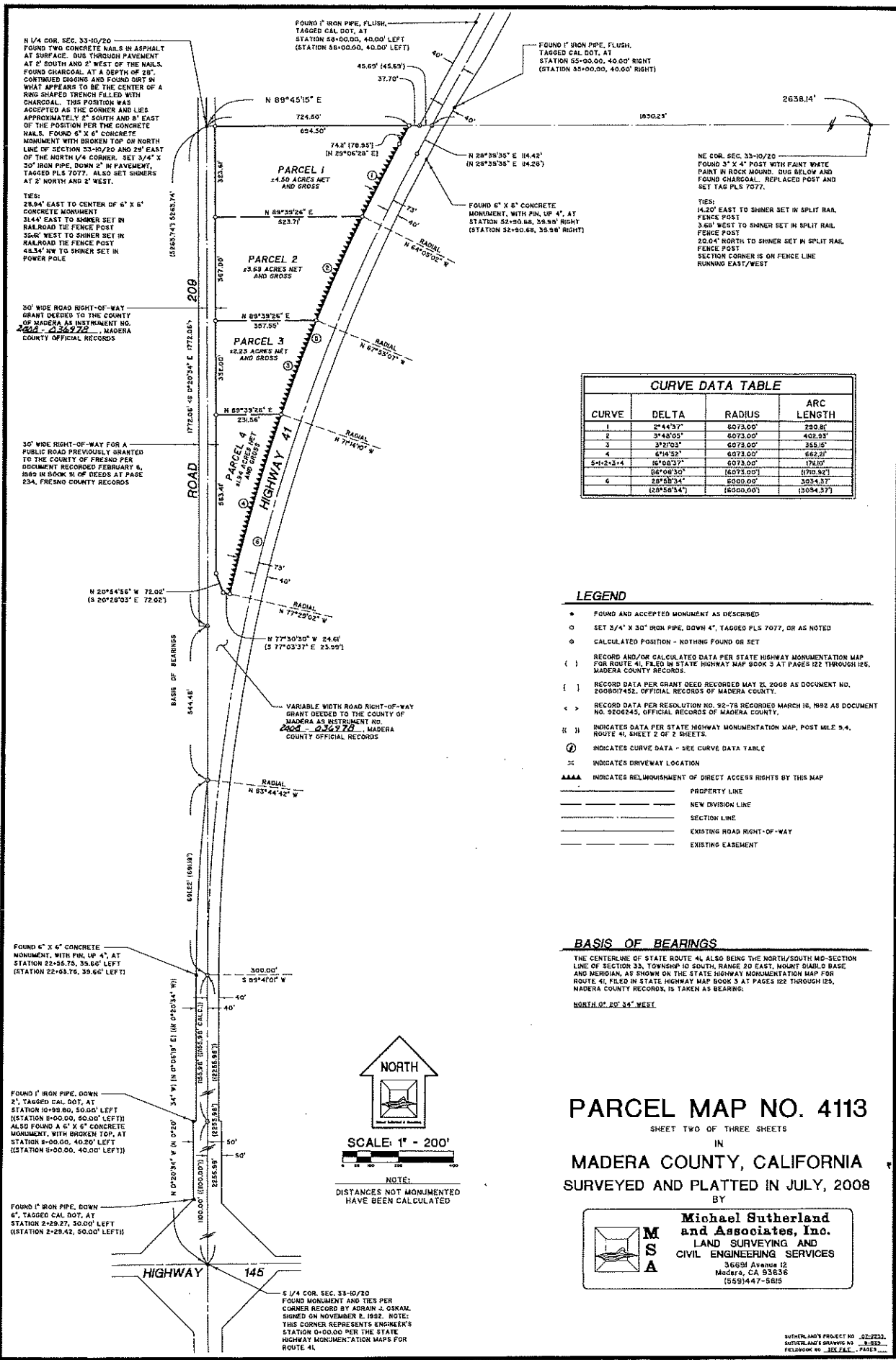
Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla".

DAVID PADILLA  
Associate Transportation Planner  
Division of Transportation Planning

Attachments: Parcel Map 4113  
Caltrans Madera 41 Right-of-Way Map

c: Michael Navarro, Chief, Planning North Branch, Caltrans



**PARCEL MAP NO. 4113**  
 SHEET TWO OF THREE SHEETS  
 IN  
**MADERA COUNTY, CALIFORNIA**  
 SURVEYED AND PLATTED IN JULY, 2008  
 BY

**Michael Sutherland and Associates, Inc.**  
 LAND SURVEYING AND CIVIL ENGINEERING SERVICES  
 36691 Avenida 12  
 Madera, CA 93636  
 (559)447-5815

58112

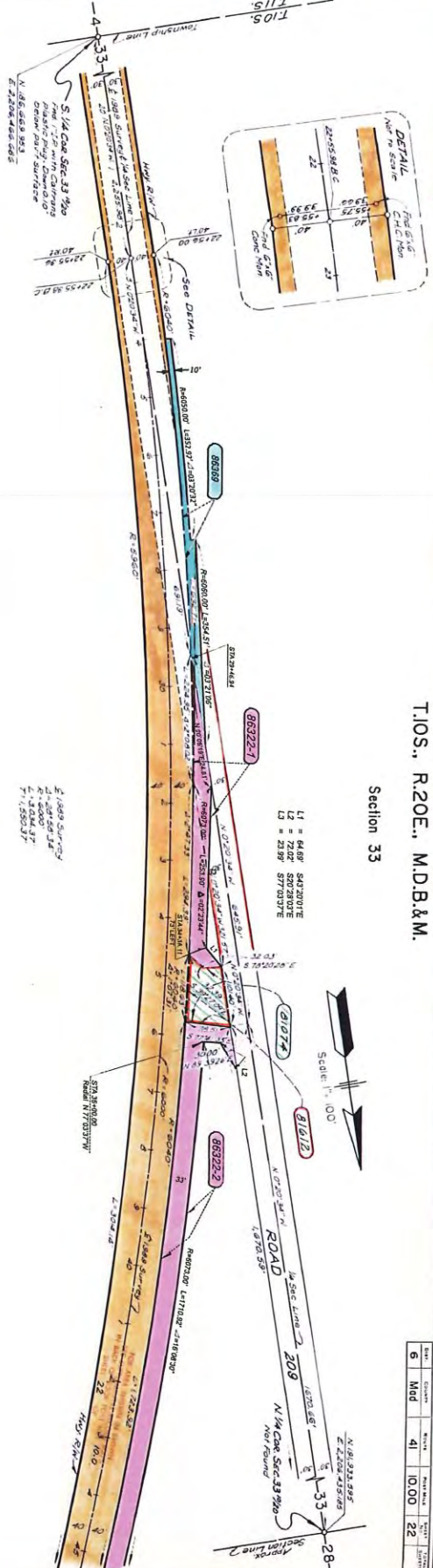
58112



Checked for Sufficiency:

Drawn By: <i>CVP</i>	Date: <i>7/20/08</i>	Revised By:	Date:	Revised By:	Date:	Revised By:	Date:
Checked By: <i>RGM</i>	Date: <i>7/20/08</i>	Checked By:	Date:	Checked By:	Date:	Checked By:	Date:

THIS SURVEY IS BASED ON THE CALIFORNIA COORDINATE SYSTEM. DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. ALL DISTANCES ARE GROUND DISTANCES UNLESS OTHERWISE NOTED TO BE AIR DISTANCES. ALL DISTANCES ARE TO BE CONVERTED TO GRID.



T.10S., R.20E., M.D.B.&M.  
Section 33

6	41	10.00	22
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Aug 14, 2008

INST. NO.	GRANTOR	INST. RECORD	DATE	REMARKS	INST. NO.	GRANTOR	INST. RECORD	DATE	REMARKS
81612	HARRY KACHAGORIAN State of California County of Modera	914477	Nov 11, 1991						
86369		322230	SEP 2, 1992	To County of Modera					
863261		200907992	OCT 29, 2009						
		200907469	AUG 14, 2009						

Posted To:  
Transmitted:

**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



*Making Conservation  
a California Way of Life.*

January 8, 2020

06-MAD-41-09.915  
Boat RV Storage  
CUP 2019-027  
2<sup>nd</sup> Amendment

SENT VIAL EMAIL

Mr. Kamara Biawogi  
Community & Economic Development-Planning  
200 W. 4<sup>th</sup> Street, Suite 3100  
Madera, California 93637

Dear Mr. Biawogi:

The purpose of this letter is to amend our previous comment letter dated December 17, 2019 based on recent information obtain regarding the trip generation:

- The estimated number of vehicular trips generated by this use is approximately 64 average daily trips; 5 A.M. peak hour trips; and 7 P.M. peak hour trips. The trip generation is based on Institute of Transportation Engineers, Trip Generation, 10<sup>th</sup> Edition, Land Use Code 151 – Mini-Warehouse, using number of storage units. Based on the proposed use, this methodology is most appropriate.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla".

DAVID PADILLA  
Associate Transportation Planner  
Division of Transportation Planning

c: Michael Navarro, Chief, Planning North Branch, Caltrans



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



December 13, 2019

Kamara Biawogi  
Madera County Community and Economic Development Planning Division  
200 West 4<sup>th</sup> Street  
Madera, California 93637

**Subject: CUP #2019-027, Rosato, Craig – Conditional Use Permit  
(051-146-010-000) (Project)  
Request for Comments**

Dear Mr. Biawogi:

The California Department of Fish and Wildlife (CDFW) received a Request for Comments from the Madera County Community and Economic Development Planning Division for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

---

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required. Please be advised that issuance of a Lake or Streambed Alteration Agreement (LSAA) (Fish & G. Code, § 1602) or an Incidental Take Permit (ITP) (Fish & G. Code, § 2081(b)) is a discretionary approval that will require the appropriate level of CEQA environmental review to support CDFW's Responsible Agency authority. If inadequate or no environmental review occurs, CDFW will not be able to issue the LSAA or the ITP until CEQA for the project is complete.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Craig Rosato

**Objective:** The Project proposes to allow a 24-hour access unmanned RV and boat storage facility.

**Location:** The Project is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, Madera, California.

**Timeframe:** Unspecified.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist Madera County Community and Economic Development Planning Division in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

CDFW is unable to provide substantive comments due to the limited nature of the information provided to us. Therefore, the following comments are based on the assumption that Project approval could result in ground-disturbing activities. Special-status species have been documented in the Project area and CDFW has concerns about the Project-related impacts that could result in activities occurring in close proximity to vernal pool and upland grassland habitat, and the associated impacts to species that utilize these habitat types.

In particular, CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State endangered and federally threatened succulent owl's-clover (*Castilleja campestris var. succulenta*), and the State species of special concern burrowing owl (*Athene cunicularia*) and western spadefoot (*Spea hammondi*). In order to adequately assess any potential impact to biological resources, CDFW recommends focused biological surveys be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special status species may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture and to identify any Project-related impacts under CESA and other species of concern. Biological survey results may be submitted to CDFW.

#### **I. Environmental Setting and Related Impact**

**Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?**

##### **COMMENT 1: California Tiger Salamander (CTS)**

**Issue:** CTS have the potential to occur on the Project site (CDFW 2019). Aerial imagery shows that the Project site has upland habitat, swales, and vernal pools which likely serve as refugia and breeding habitat for CTS that are dispersing from and into the areas within 1.5 miles of the Project site. The Project may have a significant impact on CTS including take of CTS.

**Specific Impacts:** Aerial imagery shows that the proposed Project site has upland habitat for refugia and vernal pools which function as breeding habitat. Potential ground- and vegetation-disturbing activities associated with the proposed RV and boat storage facility include: collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact would be significant:** Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS in both the Central and San Joaquin valleys. Contaminants and vehicle strikes are also sources

of mortality for the species (CDFW 2015, USFWS 2017). The Project site is within the range of CTS and has suitable habitat (i.e., grasslands interspersed with burrows and vernal pools). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2019). Given the presence of suitable habitat within the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

### **Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable habitat for CTS is present throughout the Project site, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 1: Focused CTS Protocol-level Surveys**

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) in areas with vernal pools and swales and associated uplands at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that CDFW typically considers protocol-level survey results accurate for two years from the date surveys are completed.

#### **Recommended Mitigation Measure 2: CTS Avoidance**

Absent CDFW reviewed and approved protocol-level survey results demonstrating a negative finding as described in the above Recommended Mitigation Measure 1, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable habitat within and/or adjacent to the Project site and potential and occupied breeding pools within and/or adjacent to the Project site. CDFW also recommends avoiding any impacts that could alter the hydrology or result in sedimentation of breeding pools. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

### **Recommended Mitigation Measure 3: CTS Take Authorization**

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site (i.e., small mammal burrows present) and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b). Alternatively, in the absence of protocol surveys as described in Recommended Mitigation Measure 1, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

### **COMMENT 2: Swainson's Hawk (SWHA)**

**Issue:** SWHA have the potential to nest near the Project site, and forage within the Project site. SWHA have been documented to occur in the vicinity of the Project site (CDFW 2019).

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include: nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project may lead to subsequent ground-disturbing activities that involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment and loss of foraging habitat, significantly impacting local nesting SWHA.

### **Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable foraging habitat for SWHA is present throughout the Project site, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project:

### **Recommended Mitigation Measure 4: SWHA Surveys**

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the

Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

**Recommended Mitigation Measure 5: No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

**Recommended Mitigation Measure 6: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

**Recommended Mitigation Measure 7: Loss of SWHA Foraging Habitat**

If SWHA nests occur in the Project vicinity, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within one mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than one mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.



### **COMMENT 3: Burrowing Owl (BUOW)**

**Issue:** BUOW may occur within the Project site. BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Habitat both within and bordering the Project site, supports grassland habitat.

**Specific impact:** Potentially significant direct impacts associated with subsequent activities and development include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project site contains and is bordered by some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture or housing developments. Therefore, subsequent ground-disturbing activities associated with Project approval have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

#### **Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)**

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 8: BUOW Surveys**

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

**Recommended Mitigation Measure 9: BUOW Avoidance**

CDFW recommends no-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

**Recommended Mitigation Measure 10: BUOW Passive Relocation and Mitigation**

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

**COMMENT 4: Western spadefoot**

**Issue:** Western spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Review of aerial imagery indicates that the Project contains these requisite habitat elements.

**Specific impact:** Without appropriate avoidance and minimization measures for western spadefoot, potentially significant impacts associated with ground disturbance include nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

**Evidence impact is potentially significant:** Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot (Thomson et al. 2016). The Project area is within the range of western spadefoot and contains suitable upland habitat (i.e., grasslands interspersed with burrows) and breeding habitat (i.e., vernal pools and swales). As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

#### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to western spadefoot associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 11: Western Spadefoot Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for western spadefoot and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance.

#### **Recommended Mitigation Measure 12: Western Spadefoot Avoidance**

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows and breeding ponds.

#### **COMMENT 5: Special-Status plants**

**Issue:** Special-status plant species have been documented to occur in the vicinity of the Project site (CDFW 2019). The Project site contains habitat that may support special-status plant species meeting the definition of rare or endangered under CEQA Guidelines section 15380 including, but not limited to, the State endangered and federally threatened succulent owl's-clover (*Castilleja campestris* var. *succulenta*). Avoidance and minimization measures are necessary to reduce impacts to these special status plant species to a level that is less than significant.

**Specific impact:** Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities following Project approval include inability to reproduce and direct mortality.

**Evidence impact would be significant:** Special-status plant species known to occur in the vicinity of the Project site are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants. In addition, remaining populations of these plants are very small (CNPS 2019). Therefore, impacts to existing populations have the potential to significantly impact these species.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 13: Special-Status Plant Surveys**

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

#### **Recommended Mitigation Measure 14: Special-Status Plant Avoidance**

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

#### **Recommended Mitigation Measure 15: State-listed Plant Take Authorization**

If a plant species listed pursuant to CESA or the Native Plant Protection Act is identified during botanical surveys, consultation with CDFW is warranted to

determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

**Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?**

**COMMENT 6: Lake and Streambed Alteration**

**Issue:** Aerial imagery shows that swales and vernal pools are present within the Project site. Ground-disturbing activities that have the potential to change the bed, bank, and channel of streams and other waterways or alter riparian habitat, may be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 *et seq.*

**Specific impact:** Work within or adjacent to stream channels has the potential to result in substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); deposition of debris, waste, sediment, toxic runoff or other materials into water may cause water pollution and degradation of water quality.

**Evidence impact is potentially significant:**

Lake and Streambed Alteration (LSA): Project activities that have the potential to impact streams may be subject to CDFW's LSA regulatory authority. Streams function in the collection of water from rainfall, storage of various amounts of water and sediment, discharge of water as runoff and the transport of sediment, and they provide diverse sites and pathways in which chemical reactions take place and provide habitat for fish and wildlife species. Disruption of stream systems due to potential impacts (e.g., ground-disturbing activities) from the Project site can have significant physical, biological, and chemical impacts that can extend into the adjacent properties, thereby adversely affecting the flora and fauna in the adjacent habitat.

**Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting)**

CDFW recommends conducting the following evaluation of the Project site and implementing the following mitigation measures.

### **Recommended Mitigation Measure 16: Notification of Lake or Streambed Alteration**

Ground-disturbing activities that have the potential to substantially change the bed, bank, and channel of streams or alter riparian habitat, may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 *et seq.* Fish and Game Code section 1600 *et seq.* requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593.

## **II. Editorial Comments and/or Suggestions**

**Federally Listed Species:** CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, California tiger salamander and succulent owl's-clover (*Castilleja campestris var. succulenta*). Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Kamara Biawogi  
Madera County Community and Economic Development Planning Division  
December 13, 2019  
Page 13

## **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist Madera County Community and Economic Development Planning Division in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

cc: United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

### Literature Cited

- California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.
- California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.
- CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.
- California Department of Fish and Wildlife (CDFW). 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- CDFW. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife, March 2018.
- CDFW. 2019. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed December 9, 2019.
- California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed December 9, 2019].
- Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.
- Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? In Research and Recovery in Vernal Pool Landscapes, D. G. Alexander and R. A. Schlising, Eds. California State University, Chico, California.



Searcy, C.A., E. Gabbai-Saldate, and H.B. Shaffer. 2013. Microhabitat use and migration distance of an endangered grassland amphibian. *Biological Conservation* 158: 80-87.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

USFWS. 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.

USFWS. 2017. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U. S. Fish and Wildlife Service, Region 8, Sacramento, California. June 2017.



# TABLE MOUNTAIN RANCHERIA

## TRIBAL GOVERNMENT OFFICE

CERTIFIED 2768 5063

January 7, 2020

Kamara Biawogi  
Madera County  
200 W. 4<sup>th</sup> Street, Suite 3100  
Madera, CA. 93637

RE: Conditional Use Permit 051-146-010-000

Dear: Kamara Biawogi

Table Mountain Rancheria is responding to your letter dated, December 03, 2019, regarding, Conditional Use Permit 051-146-010-000. Thank you for notifying Table Mountain Rancheria of the potential development and request for consultation. The Rancheria is very interested in this project as it lies within our cultural area of interest.

If you have already conducted a record search, please provide Table Mountain Rancheria with copies of any cultural resource report you may have.

At this time, please contact our office at (559) 325-0351 or [rpennell@tmr.org](mailto:rpennell@tmr.org) to coordinate a discussion and meeting date regarding your project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Pennell", is written over a blue oval scribble.

Robert Pennell  
Tribal Cultural Resources Director

23736  
Sky Harbour Road  
Post Office  
Box 410  
Friant  
California  
93626  
(559) 822-2587  
Fax  
(559) 822-2693



Picayune Rancheria  
of  
**CHUKCHANSI INDIANS**  
49260 Chapel Hill, PO Box 2226 \* Oakhurst, CA 93644 \* (559) 412-5590

RECEIVED

JAN 06 2020

MADERA COUNTY  
PLANNING DEPARTMENT

January 2, 2020

**Kamara Biawogi**  
Madera County Planning Department  
200 W. 4<sup>th</sup> Street Suite #3100  
Madera, CA 93637

Dear Kamara,

Picayune Rancheria of the Chukchansi Indians has received your letter in regards to CUP –(051-146-010-000). At this time, we do not have concerns in regards to this project application.

*Sincerely,*

**Heather Airey**  
THPO/Cultural Resources Director  
559-676-9299  
hairey@chukchansi-nsn.gov



## Community and Economic Development Planning Division

Becky Beavers  
Deputy Director

200 W. 4th Street  
Suite 3100  
Madera, CA 93637  
(559) 675-7821  
FAX (559) 675-6573  
TDD (559) 675-8970  
mc\_planning@madera-county.com

### PROJECT REVIEW REQUEST

DATE December 03, 2019

#### Community Advisory Councils

- Ahwahnee Community Council  
 Coarsegold Area Plan Committee

- North Fork Community Development Council  
 Oakhurst Community Advisory Council

#### Review Agencies

- Madera County Agricultural Commissioner  
 Madera County Sheriff's Office  
 City of Chowchilla Planning Department  
 City of Madera Planning Department  
 California Department of Fish and Game  
 California Department of Housing  
 California Department of Transportation (CALTRANS)  
 California Department of Water Resources  
 California Regional Water Quality Control Board  
 California Department of Conservation  
 California Division of Oil and Gas  
 San Joaquin Valley Unified Air Pollution Control District  
 Archaeological Information Center - Bakersfield

#### Homeowners Associations

- Bass Lake Homeowners Assn  
 Bonadelle Ranchos #5  
 Bonadelle Ranchos Neighborhood Committee  
 Cascadel Homeowners Assn  
 Goldside Estates  
 Hidden Lake Estates Homeowners Assn  
 Indian Lakes Estates Property Owner Assn  
 Lake Shore Park Subdivision  
 Madera Ranchos Neighborhood Committee  
 Pierce Lake Estates  
 Pines Civic Council  
 Rolling Hills Citizens Assn  
 Sumner Hill Homeowners Assn  
 Yosemite Lakes Park Owner Assn

- Requesting Tribes  
 Other: B.O.S. - Tom Wheeler

#### RETURN TO:

**KAMARA BIAWOGI, Planning Department**  
200 West 4th Street  
Madera, CA 93637  
Phone: (559) 675-7821

#### REGARDING:

CUP #2019-027, Rosato, Craig - Conditional Use Permit - (051-146-010-000)

The request consists of a Conditional Use Permit to allow a 24-hour access unmanned RV and boat storage facility. The project is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, (no situs) Madera.

The attached application is being forwarded to you for your agency's review and comment. Please complete the attached Development Review form and return it to us prior to: December 17, 2019. If we do not receive comments from your Agency prior to this date, we will assume that your Agency has no comments to offer.

**PLEASE ATTACH A COPY OF THIS COVER SHEET TO THE FRONT OF YOUR COMMENTS**

NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-027

Return to: Kamara Biawogi, Planning Department

Rosato, Craig

Responding Agency: Picayune Rancheria of the Chukcheansi Indians Date: Jan 2, 2020

Respondent's Signature: [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.

N/A

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

N/A

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

N/A

4. General Comments - Please attach on additional sheet.

NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2019-027

Return to: **Kamara Biawogi, Planning Department**

Rosato, Craig

Responding Agency: Picayune Rancheria of the Chukchehansi Indians  
 Contact Person: Heather Aren Signature: [Signature]  
 Telephone No.: 559-795-5984 Date: 1/2/20

ENVIRONMENTAL REVIEW:

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

X 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.

N/A  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

X Yes \_\_\_\_\_ No

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

- 1. Project title:** CUP #2019-027 – Craig Rosato
- 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:** Kamara Biawogi, Planner II  
559-675-7821  
Kamara.Biawogi@maderacounty.com
- 4. Project Location & APN:** The subject property is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, (no situs) Madera.  
  
APN #: 051-146-010, -015
- 5. Project sponsor's name and address:** Craig Rosato  
12078 Nelson Road  
Moorpark, CA 93021  
[jerome.keene@qkinc.com](mailto:jerome.keene@qkinc.com)
- 6. General Plan Designation:** HSC (Highway Service Commercial)
- 7. Zoning:** CRM (Commercial, Rural, Median) District
- 8. Description of project:**  
The applicant is requesting a 24-hour access unmanned RV and boat storage facility
- 9. Surrounding Land Uses and Setting:**  
Agricultural, Commercial
- 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.?**

Table Mountain Rancheria has shown interest in the project as it lies within their cultural area of interest. Mitigation has been placed to have an onsite Tribal Monitor once construction and ground disturbance commences.

**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 |

<b>DETERMINATION</b> (to be completed by Lead Agency)	
On the basis of this initial evaluation:	
<input type="checkbox"/>	I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<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 <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> 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 <b>ENVIRONMENTAL IMPACT REPORT</b> 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 <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signed: \_\_\_\_\_ Date: Jan. 21, 2020

	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 checked="" type="checkbox"/> | <input 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 - b) Less Than Significant Impact.** There are no scenic vistas in the vicinity of this project site. There are no scenic resources on this property that will be damaged as a result of this project. Limited grading will take place on-site.

**(c - d) Less than Significant with Mitigation Incorporation.** The proposed storage facility will have a less than significant impact due to the rural vacant nature of the parcel and surrounding areas. To mitigate this potential eye-sore, conditions have been placed for a screening wall or fence surrounding the project boundaries. A 25 foot and 20 foot landscape buffer will also be implemented on the boundaries that border the public right-of-ways.

There is the potential of new light source as a result of this project. Mitigation will be associated to any new lighting on the site to hood and direct light away from adjacent properties to help with nighttime views and light.

	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"/> |

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?

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.

**Responses:**

**(a - e) No Impact.** The project parcel and is zoned for commercial use, so there will be no impacts. The parcel is not currently a part of the Williamson Act.

**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) produces 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 land 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 no 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.

**VACANT OR DISTURBED LAND (V):** Open field areas that do not qualify as an agricultural category, mineral and oil extraction area, off road vehicle areas, electrical substations, channelized canals, and rural freeway interchanges.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**III. AIR QUALITY**

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?

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a - d) Less Than Significant Impact with Mitigation Incorporation.**

A less than significant impact have been identified as a result of this project. During the construction phase of the project, there is the potential for a slight increase in emission, yet this increase is considered temporary. The general operations of a boat and RV storage facility will not have significant impacts to air quality.

Comments were received by the San Joaquin Valley Air Pollution Control District. Per District Rule 9510, (Indirect Source Review) mitigations have been enforced by the district to help mitigate the potential impact the project can have on air quality. If subject to rule, an Air Impact Assessment (AIA) application will be required prior to project-level approval. The applicant is required to follow all mitigations listed by the San Joaquin Valley Air Pollution Control District (Exhibit M).

Sensitive receptors are facilities that “house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollution. Hospitals, schools, convalescent facilities and residential areas are examples of sensitive receptors.” (GAMAQI, 2002).

The project is consistent with the Air Quality Element of the General Plan and does not impact it at all.

**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.

The California Environmental Quality Act (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.

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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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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?

**Responses:**

**(a - f) Less Than Significant with Mitigation Incorporation.** The proposed storage facility is located on an undeveloped lot surrounded by agricultural land. Although there is not an excessive amount of construction, ground disturbance will be associated with the proposed project. There are no activities associated with this project off-site, therefore there will be no indirect impacts to habitats as a result. There are candidate species identified in the quadrangle in which this project is located.

There are no federally protected wetlands on or in the vicinity of this project. There are no streams or bodies of water of which migratory fish or other species that would use bodies of water would be impacted by this project.

Comments were received from California Department of Fish and Wildlife (CDFW) expressing concern regarding the potential impacts to special-status species including but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State endangered and federally threatened succulent owl's-clover (*Castilleja campestris var. succulenta*), and the State species of special concern burrowing owl (*Athene cunicularia*) and western spadefoot (*Spea hammondi*). The applicant is required to follow all mitigations listed by the California Department of Fish and Wildlife pertaining to the proposed RV and boat storage facility (Exhibit Q).

While the list below shows a number of species listed in the quadrangle in which this project is located, this does not necessarily mean that these species are actually located on the project site either in a habitat setting or migrating through. As mentioned, given the development in the immediate area, the chances of disturbing any species are considerably minimal.

**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 Wildlife's databases for special status species have identified the following species::

Species	Federal Status	State Status	Dept. of Fish and Game Listing	CNPS Listing
California tiger salamander	Threatened	Threatened	WL	-
western spadefoot	None	None	SSC	-
golden eagle	None	None	FP ; WL	-
Swainson's hawk	None	Threatened	-	-
great egret	None	None	-	-
great blue heron	None	None	-	-
tricolored blackbird	None	Threatened	SSC	-
loggerhead shrike	None	None	SSC	-
burrowing owl	None	None	SSC	-
vernal pool fairy shrimp	Threatened	None	-	-
midvalley fairy shrimp	None	None	-	-
California linderiella	None	None	-	-
Crotch bumble bee	None	Candidate Endangered	-	-
western mastiff bat	None	None	SSC	-
American badger	None	None	SSC	-
pallid bat	None	None	SSC	-
western pond turtle	None	None	SSC	-
Northern Hardpan Vernal Pool	None	None	-	-
spiny-sepaled button-celery	None	None	-	1B.2
Hoover's cryptantha	None	None	-	1A
orange lupine	None	None	-	1B.2
Madera leptosiphon	None	None	-	1B.2
Ewan's larkspur	None	None	-	4.2

### **Little Table Mountain 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

Movement corridors are characterized by the regular movements of one or more species through relatively well defined landscape features. They are typically associated with ridgelines, wetland complexes, and well-developed riparian habitats.

The area surrounding the parcel site has been developed for agricultural purposes, and there are some residential uses in the area, so the chances of habitats being present for nesting or migratory species are minimal. There is no construction proposed on the parcel, so there will be no disruptions in that regard. The storage of the gondolas is the only operational component proposed, with these units being hauled in and out on a periodic basis. Operations of the facilities will have negligible impacts.

**General Information**

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 (VELB) 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 USFWWS, 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.

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

**V. CULTURAL RESOURCES**

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those interred outside of formal cemeteries?

**Responses:**

**(a - c) Less Than Significant with Impact.** The proposed project is not projected to have an adverse change in the significance historical or archaeological resource. Table Mountain Rancheria has shown interest in the project as it lies within their cultural area of interest.

**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.

Reference CEQA Guidelines §15064.5 for definitions.

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

**VI. ENERGY**

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a & b) Less Than Significant Impact.** Minimal energy resources will be used due to the lack of buildings on site. The only proposed construction are for shaded structures covering select parking stalls. Operationally, there will be fuel usage from the vehicles entering and leaving the site.

During the operational period of the project, there will be ongoing trip generation. The length of these trips and the individual vehicle fuel efficiencies are not known; therefore the resulting energy consumption cannot be accurately calculated. Adopted federal vehicle fuel standards have continually improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful and unnecessary use of energy by vehicles.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**VII. GEOLOGY AND SOILS**

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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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?

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?

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?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Responses:**

**(a – e) No Impact.** The parcel is in an area where it is topographically not conducive to landslides, so therefore there will be no impacts. Topographical maps indicate a relatively flat area with minimal increases in elevation heading from west to east on the property. 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**VIII. GREENHOUSE GAS EMISSIONS**

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 checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a - b) Less than Significant Impact.** What little greenhouse gases generated will be from vehicular traffic by customers accessing the storage facility. Project construction will also play a temporary role in gas emissions. On a 24-hour average, the applicant has estimated a 35 trip based total.

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.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. HAZARDS AND HAZARDOUS MATERIALS</b>				
Would the project:				
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 type="checkbox"/>	<input checked="" 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"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

**Responses:**

**(a – b) Less than Significant Impact.** The project proposal will not bring significant hazardous impact to the surrounding area. There will be a slight increase in traffic due to the projected number of customers facilitating the storage facility. A condition has been placed on the proposed project that prohibits the use or storage of hazardous materials. Mitigations has also been request by the San Joaquin Valley Air Pollution Control District to prevent a significant impact on air quality.

Possible accident conditions that could involve the release of hazardous materials could result from hazardous fluids associated with vehicle and equipment operation during the construction phase. To alleviate the chance of a foreseeable accident, conditions have been established to prohibit any maintenance and or repair on boats or trailers, unless approved by the Planning Division and Environmental Health.

**(c – d) No Impact.** No impacts have been identified as a result of this project. The project is not listed a hazardous site nor is located with one-quarter mile of an existing school.

**(e - h) No Impact.** The project is not located within the vicinity of a private airstrip. No impacts have been identified as a result of this project

**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).

	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"/>

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

**Responses:**

**(a, b & d - e) No Impact.** No impacts identified as a result of this project. No water quality standards will be impacted. Water usage will be minimal for the proposed RV/Boat storage facility. Majority of the water usage will come from landscape irrigation methods. The project is not in a known flood area. While there may be localized flooding, it would have to be a severe rain type event to cause significant amounts of flooding.

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 (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. Additionally, there are no bodies of water (lakes, etc.) within proximity of the site. Madera County is geographically located in the center of the state, therefore not affected by tsunamis.

**(c) Less Than Significant Impact.** The applicant has proposed landscaping plans that would include appropriate sized bioswales to help mitigate any type of run-off. While there are no rivers or streams in the immediate vicinity of the project, having an additional non-porous surface (the pad where the equipment will be) has the potential of redirecting rainfall. A drainage plan that identifies onsite retention for any increase in storm water runoff generated by the development is required by the Madera County Public Works Department.

Rainfall is unable to percolate into paving that is expected to be on each site (building pad, driveways, structures, etc.) and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts. It is possible that the quality of storm water may be affected by pollution such as, but not limited to, oil, grease, fuel, dissolved metals from batteries, and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by 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 (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. 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, flood proofed, 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.

With mitigations, this impact will be maintained as less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. LAND USE AND PLANNING</b>				
Would the project:				
a) Physically divide an established community?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

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

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. MINERAL RESOURCES</b>				
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?                                | <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? | <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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. NOISE</b>				
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 checked="" type="checkbox"/>	<input 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 – b) Less than Significant Impact with Mitigation Incorporation.** The nature of the proposed storage facility does not generate excessive noise levels. Construction will be very minimal due to the lack of buildings the project is required to have. The proposed storage facility is in an ideal location due to the rural agricultural setting surrounding the site.

**(c) No Impact.** 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).

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 vibration	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

With mitigations, this impact will be maintained as less than significant.

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

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

**Responses:**

**(a-i) Less Than Significant Impact.** The Madera County Fire Department exists through a contract between Madera County and 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.

The building construction will be governed by the requisite Building, Life, Safety and Fire Codes applicable at the time of construction. The mitigation tied to this finding is written in such a manner as to leave open as to what year the applicable codes will be enforced at the time of construction. This will ensure that the most current codes are followed instead of being tied to outdated codes.

**(a - ii) No Impact.** 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.

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.

County Sherriff's Department personnel are strapped for resources as well. With new development, the potential for criminal activity (including but not limited to: home burglaries, assaults, auto thefts) increases.

Currently, the Madera County's Sherriff's Department provides law enforcement and patrols in the planning area, operating from substations in Oakhurst on Road 425B and the Mountain Government Center in Bass Lake.

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.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. RECREATION</b>				
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 as a result of this project. The project does not include any recreational facilities.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION</b>				
Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

**Responses:**

**(a) Less than Significant Impact.** The proposed project consist of a 24-hour access unmanned RV and boat storage facility. The estimated number of vehicular trips generated by this use is approximately 64 average daily trips; 5 A.M. peak hour trips; and 7 P.M. peak hour trips. The trip generation is based on ITE Trip Generation, 10<sup>th</sup> Edition, Land Use Code 151 – mini-warehouse, using number of storage units. Based on the proposed use, this methodology is most appropriate.

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

**(c) Less Than Significant Impact with Mitigation Incorporation.** Caltrans stated that SR 41 between Road 209 and south of Coarsegold is planned for a 4-lane conventional highway within 146 feet of right-of-way. According to the freeway agreement for SR 41, future freeway SR 41 would end just north of Road 209. When the four-lane roadway is constructed, the left-turn out movement from Road 209 to northbound SR 41 would be restricted.

*Caltrans has also stated: Caltrans has established a fair share cost for the intersection improvement on SR 41/SR 145. The fair share cost was estimated to be \$916.56/trip. The improvements would widen the intersection to dual left-turn lanes, 2 through lanes, and a right-turn lane on all approaches. The Project should contribute their fair share for the intersection improvement on SR 41/SR 145. However, the Project may pay into the Madera County Road Impact Fee Program.*

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.

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 long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	> 55-80
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 this project is not within an airport/airspace overlay district, or in proximity to any airport or airstrip within the County, no impacts to airspace or air flight will occur as a result.

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

**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:

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

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.

**Responses:**

**(a) Less Than Significant With Mitigation Incorporation.** Table Mountain Rancheria has shown interest in the project as it lies within their cultural area of interest. Mitigation has been placed to have an onsite Tribal Monitor once construction and ground disturbance commences.

\_\_\_\_\_

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

**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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:**

Water Quality Issues

Erosion and sedimentation/siltation are two potentially significant impacts related to development with the entire Oakhurst area. These impacts are generally proportional to the intensity of development which occurs in an area, including the amount of the clearing and grading which is necessary.

Rainfall is unable to percolate into the portions of each site that are paved over and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts. Pollutants associated with parking lots (oil & grease predominately) will be found in high quantities after the first rain of the season. These pollutants have the potential of contaminating ground and surface water sources.

Groundwater availability issues

Groundwater within the area is generally limited and unpredictable as a result of geologic formation which characterizes the mountain and foothill regions of Madera County. These

areas are generally underlain by impervious bedrock, and “groundwater” is available only through water bearing fractures within these formations. Within these “fracture” systems the ability to store and transmit water is solely dependent on the development of secondary openings such as faults, joints and exfoliation planes.

Due to these concerns regarding the uncertainty of groundwater, the Area Plan outlines the need to both understand groundwater availability for the area, and to examine opportunities to develop a source of surface water for the community. Several potential surface water sources for the greater eastern Madera County area have been evaluated over the years. Planning documents for the area beginning in the early 1960's identified the potential for a “Soquel” reservoir above Oakhurst within the Sierra National Forest. Later concepts included purchasing surface rights and delivering water from Bass Lake or the Fresno River. Most recently, the potential to purchase and deliver water from Redinger Lake has been studied. The development and implementation of a plan for surface water source been hindered by the presence of existing commitments for all surface water in the area. Additionally, environmental clearances, technical requirements, and the costs associated with developing a surface water source are significant. Despite these hurdles, the Area Plan notes that a surface water source must be viewed as the long-term solution and includes as a policy the initiation of a study to examine opportunities for a surface water source. The following Area Plan policies are proposed to address issues related to the provision of water.

### Wastewater Issues

The reliance on septic systems has generated concerns regarding potential impacts to both surface and ground water quality, particularly where septic systems are concentrated on individual lots. This project will have an on-site treatment facility.

### Solid Waste Issues

According to the Madera County General Plan Background report, all solid waste generated in the unincorporated area is currently disposed of at the Fairmead Landfill, which is owned by the County and operated by Madera Disposal Systems, Inc. The landfill facility is located on 48 acres at the southeast corner of Road 19 and Avenue 22. The landfill is expected to reach capacity in 2020. If additional waste can be diverted, the life of the expansion area could be increased. There is the potential for approximately 28 residential units' total that would be in need of disposing of residential related waste material to this landfill. Recycling measures are strongly encouraged. According to the California Integrated Waste Management Board, the generation rate per resident is 0.63 pounds per day of trash.

**(a - e) No Impact.** No impacts have been identified as a result of this project. The project will be an unmanned facility with no office, and would not require any permanent restroom facilities.

### 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE</b>				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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?

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, c – d) No Impact.** No impacts identified as a result of this project.

**(b) Less Than Significant Impact.** As previously discussed, there is no direct ignitions sources that could spark a wildfire in the area. County code restricts any hazardous materials to be stored within a storage facility. However, loose chains or cables from incoming or outgoing equipment could inadvertently cause a spark that could trigger a wildfire. Additionally, overgrown grass could be proximate to hot engine blocks that could then erupt in to wildfires.

With mitigations, this impact will be maintained at less than significant.

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	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?

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.)

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**Responses:**

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).
- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2).
- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts

from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

•  
**(a - c) Less Than Significant Impact.** While there have been some minimal impacts identified through this study, none are considered significant in and of themselves, and/or cumulative inducing enough to be considered significant. With appropriate mitigations, those impacts can be reduced to less than significant or not significant.

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### **Mitigation Measures**

See attached.

### **Bibliography**

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 Wildlife "California Natural Diversity Database" <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data#43018410-cnddb-quickview-tool>

Madera County Airport Land Use Compatibility Plan

Madera County Dairy Standards Environmental Impact Report

Madera County General Plan

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Fire Marshall's Office

Madera County Department of Public Works

Madera County Roads Department

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark*. Sacramento, California, May 2012

MND 2019-28

1

February 4, 2020

## MITIGATED NEGATIVE DECLARATION

MND

RE: CUP #2019-027 – Craig Rosato

LOCATION AND DESCRIPTION OF PROJECT:

The project is located on the east side of Road 209, approximately 1,700 feet north of its intersection with Highway 41, (no situs) Madera. The applicant is requesting approval for a 24-hour access unmanned RV and boat storage facility.

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:

See attached

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Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 200 West Fourth Street, Ste. #3100, Madera, California.

DATED: February 4, 2020

FILED:

PROJECT APPROVED:

## MITIGATION MONITORING REPORT

**MND # 2019-028**

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Aesthetics</b>								
1	Any proposed lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.	Operations	Planning					
2	Prior to ground disturbance, landscape plans are required showing landscape buffering developments stated on site plan submittal along with appropriate irrigation methods. Landscape development shall be established within the first six months of construction. Minimum landscape buffering standards for a mini storage facility can be located within Madera County's Municipal Code (18.94.075).	Permitting Phase	Planning					
3	The proposed facility shall be surrounded by a minimum eight-foot screening wall or fence and constructed during preliminary stages of development.	Construction Phase	Planning					
<b>Agriculture/Forestry Resources</b>								
<b>Air Quality</b>								
1	Comply with San Joaquin Valley Air Pollution Control District conditions.							
2	The project is subject to District Rule 9510 (Indirect Source Review) if (1) it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space, or (2) if it has or will receive a project-level approval from a public agency and will equal or exceed 10,000 square feet of commercial space. If subject to rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.	Prior to Building Permit	SJVAPCD					

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
3	In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.	Operations	SJVAPCD					
4	The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earth moving activities as described in district Rule 8021 - <i>Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities</i> .	Operations	SJVAPCD					
<b>Biological Resources</b>								
	Comments were received from California Department of Fish and Wildlife (CDFW) expressing concern regarding the potential impacts to special-status species including but not limited to, the State and federally threatened California tiger salamander ( <i>Ambystoma californiense</i> ), the State threatened Swainson's hawk ( <i>Buteo swainsoni</i> ), the State endangered and federally threatened succulent owl's-clover ( <i>Castilleja campestris var. succulenta</i> ), and the State species of special concern burrowing owl ( <i>Athene cunicularia</i> ) and western spadefoot ( <i>Spea hammondi</i> ). The applicant is required to follow all mitigations listed by the California Department of Fish and Wildlife	Operations	CDFW					
<b>Cultural Resources</b>								
<b>Energy</b>								
<b>Geology and Soils</b>								
<b>Greenhouse Gas Emissions</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>								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Population and Housing</b>								
<b>Public Services</b>								
<b>Recreation</b>								
<b>Transportation</b>								
1	Caltrans has established a fair share cost for the intersection improvement on SR 41/SR 145. The fair share cost was estimated to be \$916.56/trip. The improvements would widen the intersection to dual left-turn lanes, 2 through lanes, and a right-turn lane on all approaches. The Project should contribute their fair share for the intersection improvement on SR 41/SR 145. However, the Project may pay into the Madera County Road Impact Fee Program.	Operations						
<b>Tribal Cultural Resources</b>								
1	A Tribal Monitor must be on site once construction and ground disturbance commences.	Construction Phase						
<b>Utilities and Service Systems</b>								
<b>Wildfire</b>								
<b>Mandatory Findings of Significance</b>								