Community and Economic Development
Planning Division

Jamie Bax
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

PLANNING COMMISSION DATE: **July 7, 2020**

AGENDA ITEM: **#1**

CUP	**#2019-010**	**Conditional Use Permit to allow grape gondola storage on agricultural land**
APN	**#029-150-041**	**Applicant: Moreno, Armando** **Owner: Moreno Brothers Trucking, Inc.**
CEQA	**MND #2019-23**	**Mitigated Negative Declaration**

REQUEST:

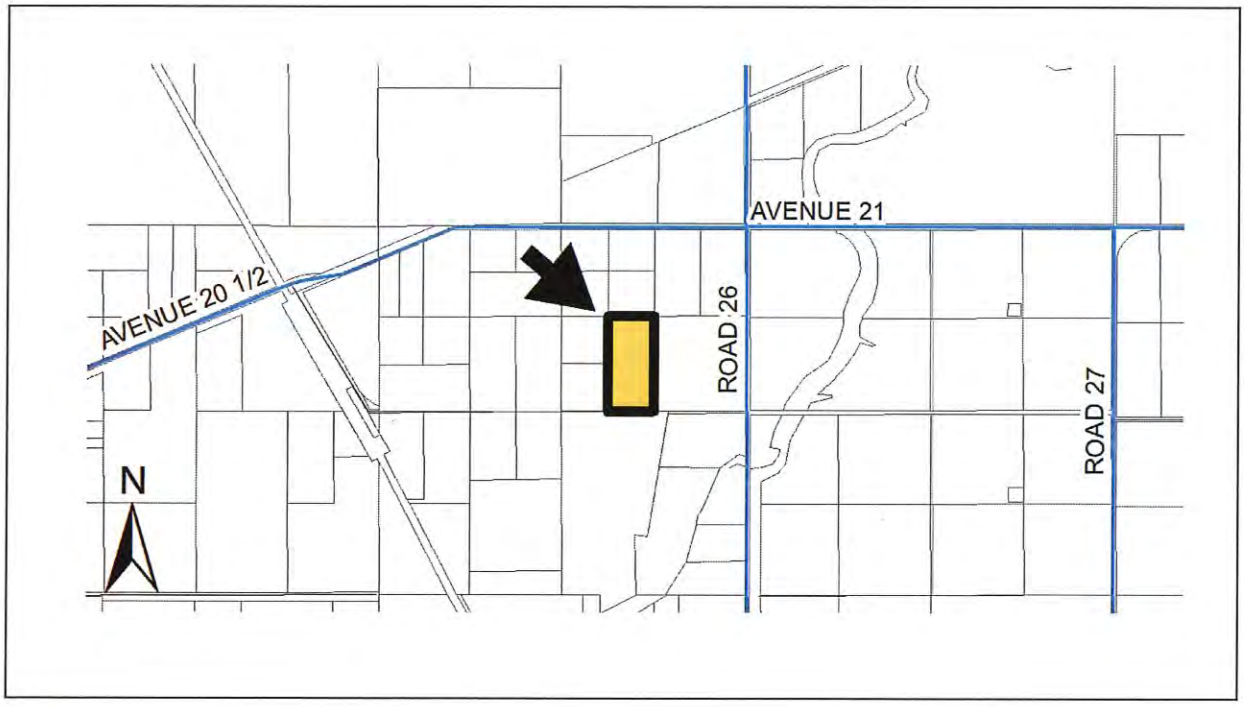
The applicant is requesting a Conditional Use Permit to allow for the storage of grape gondolas used for agricultural hauling during grape harvesting season.

LOCATION:

The subject property is located on the North side of Avenue 20 ½ approximately 0.25 of a mile west of its' intersection with Road 26 (no situs) Madera.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2019-23) (Exhibit O) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Staff recommends approval CUP #2019-010, Mitigated Negative Declaration #2019-23 and associated Mitigation Monitoring Program.

CUP #2019-010
STAFF REPORT **July 7, 2020**

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

SITE: A (Agricultural) Designation

SURROUNDING: A (Agricultural) Designation

ZONING (Exhibit B)**:**

SITE: ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District

SURROUNDING: ARE-20/MHA (Agricultural, Rural, Exclusive – 20 Acre with a Manufactured Housing Architectural Review Overlay) District; ARE-40 (Agricultural, Rural, Exclusive – 40 Acre) District

LAND USE:

SITE: Vacant

SURROUNDING: Vacant, Agricultural

SIZE OF PROPERTY: 20 Acres

ACCESS (Exhibit A)**:** Access to the site is via Avenue 20 1/2

BACKGROUND AND PRIOR ACTIONS:

None

PROJECT DESCRIPTION:

This is a request to allow for the storage of grape gondolas used for agricultural hauling during grape harvesting season (June to December). The site will include 10 designated spots for trailer storage, a well, 6' chain link fence, and a 40' x 60' office/shop. There will be tractor rigs and gondola trailers, port-a-potty, generators, compressors and related equipment in a storage container.

ORDINANCES/POLICIES:

Chapter 18.04.025 of the Madera County Zoning Ordinance defines Agriculturally Oriented Service.

Chapter 18.53 of the Madera County Zoning Ordinance outlines the permitted uses within the ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District.

Chapter 18.84 of the Madera County Ordinance outlines land use guidelines in the Manufactured Housing Architectural Overlay District.

Chapter 18.102 of the Madera County Zoning Ordinance outlines the parking requirements for various structures.

Part 1 of the Madera County General Plan outlines the A (Agricultural) districts.

ANALYSIS:

This is a request to allow for the storage of grape gondolas used for agricultural hauling during grape harvesting season (June to December). The site will include 10 designated spots for trailer storage, a well, 6' chain link fence, and a 40' x 60' office/shop. There will be tractor rigs and gondola trailers, port-a-potty, generators, compressors and related equipment in a storage container.

The parcel is currently vacant and is surrounded by vacant land, a poultry farm and residential units. While a creek is indicated on the applicants' site plan, a site visit, reviews of aerials and topographical maps do not indicate a creek being present. This can be attributed to the fact that the site visit and aerials were done during the summer months when there was no water flowing. There was no evidence of special status species habitat in the area. The Department of Fish and Wildlife (formerly the Department of Fish and Game) were sent a review packet on the project, but did not provide any response with concerns or conditions.

The parcel is zoned ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District and has a general plan designation of A (Agricultural). Surrounding parcels are similarly zoned and similar general plan designations.

The general plan designation of Agricultural (A) allows for limited agricultural support service uses (e.g. barns, animal feed facilities, silos, stables, fruit stands and feed stores), agriculturally-oriented services (e.g. wineries, cotton gins). Timber production, mineral extraction, airstrips, public and commercial refuse disposal sites, recreational uses, public and quasi-public uses, and similar and compatible uses. The ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District allows for all kinds of agricultural uses and single family residences by right, as well as agriculturally oriented services with a Conditional Use Permit.

Agriculturally oriented services is defined as three separate types: (1) Agricultural by product processing, (2) Agricultural supply services, and (3) Agricultural trucking facility. The closest definition to what the applicant is requesting to do on this parcel is the "Agricultural trucking facility." This definition means a specialized trucking business wholly devoted to hauling agricultural produce, seed, feed, animals, irrigation pipes and supplies, farm equipment, and soil amendments used exclusively in agricultural operations. While there is no agricultural activities on the parcel, the applicant is proposing to store the hauling trailers on the parcel when not in use.

The closest traffic counts done by the Madera County Transportation Commission (MCTC) in 2016 centers around Avenue 21 west of its intersection with Road 27, which is approximately 1.27 miles northeast of the project site. Per the MCTC, there were 1,124 east bound and 1,238 west bound trips on Avenue 21, west of Road 27. There will be a minor increase of traffic in the area for the duration of construction of the site. There is anticipated to be a minor, localized, increase in traffic upon completion of construction of the facility and dependent on the exact tenants.

No water usage or wastewater generation is proposed as a part of this project. No trash will be produced.

The project originally came before the Planning Commission on November 5, 2019. Surrounding property owners had concerns regarding how trucks were going to access and depart from the property as well as aesthetic and landscaping on site. The Planning Commission voted to continue the item to allow the applicant to meet with surrounding property owners and come up with plans that would satisfy all parties involved.

Since that time the applicant has met with the surrounding property owners. The applicants are agreeing to a screening fence with landscaping around the area where the gondolas will be stored, as well as a buffer between the road right of way and the gondola parking area. Per the operational statement, access to the site will be by entering Avenue 20 ½ from Road 26 and traveling west to the property entrance and making a right turn in to the driveway. The exit path of travel will be by making a left turn on to Avenue 20 ½ and traveling east towards Road 26.

The project was circulated to internal departments as well as the California Department of Fish and Wildlife, County Sheriff, Caltrans, California Regional Water Quality Control, State Water Resources Control Board, and the San Joaquin Valley Air Pollution Control Board. The project was also circulated to requesting tribes, including Table Mountain Rancheria, Dumna Wo Wah, Picayune Rancheria of Chuckchansi Tribe and the Chowchilla Yokuts Tribe. Table Mountain was the only response, indicating declining participation but a desire to be notified if any archaeological finds are located on site as a part of construction or operations.

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 OF FACT:

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

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance*. The parcel is zoned ARE-20 (Agricultural, Rural, Exclusive – 20 Acre District). Agriculturally oriented services is defined as three separate types: (1) Agricultural by product processing, (2) Agricultural supply services, and (3) Agricultural trucking facility. The closest definition to what the applicant is requesting to do on this parcel is the "Agricultural trucking facility." This definition means a specialized trucking business wholly devoted to hauling agricultural produce, seed, feed, animals, irrigation pipes and supplies, farm equipment, and soil amendments used exclusively in agricultural operations. While there is no agricultural activities on the parcel, the applicant is proposing to store the hauling trailers on the parcel when not in use. As the project is classified as an agriculturally oriented service, the filing of the Conditional Use Permit is in line with the spirit and intent of the Zoning Ordinance.

2. *The proposed project is not contrary to the public health, safety, or general welfare*. The facility is located in a predominately agricultural portion of the County where such transport vehicles are common. Properly maintained, driven and used they do not pose any issues with public health, safety or welfare.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors,* in that the project must adhere to the conditions of approval as well as mitigation measures. By its' nature, the project will not generate hazardous, harmful, noxious or offensive odors.

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.* The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties. Uses of properties in the area are agriculturally related (crops, poultry farm, etc.), as such there will be no conflicts in property values.

WILLIAMSON ACT:

The property is not subject to a Williamson Act Contract.

GENERAL PLAN CONSISTENCY:

The General Plan designation is currently A (Agricultural). The property is zoned ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District which allows for agricultural uses. These designations are compatible with the proposed use with approval of a conditional use permit.

RECOMMENDATION:

The analysis provided in this report supports approval of CUP #2019-010, Mitigated Negative Declaration (MND #2019-23) and Mitigation Monitoring Plan.

CONDITIONS

See attached.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Site Plan
5. Exhibit D-2, Elevation of Storage Container
6. Exhibit D-3, Site Plan Closeup
7. Exhibit E, Aerial Map
8. Exhibit F, Topographic Map
9. Exhibit G, Operational Statement
10. Exhibit H, Environmental Health Comments
11. Exhibit I, Public Works Comments
12. Exhibit J, Public Works, Roads Comments
13. Exhibit K, Public Works, Roads Comments #2
14. Exhibit L, Sheriff's Department Comments
15. Exhibit M, Table Mountain Rancheria Comments
16. Exhibit N, Initial Study
17. Exhibit O, Mitigated Negative Declaration

RM

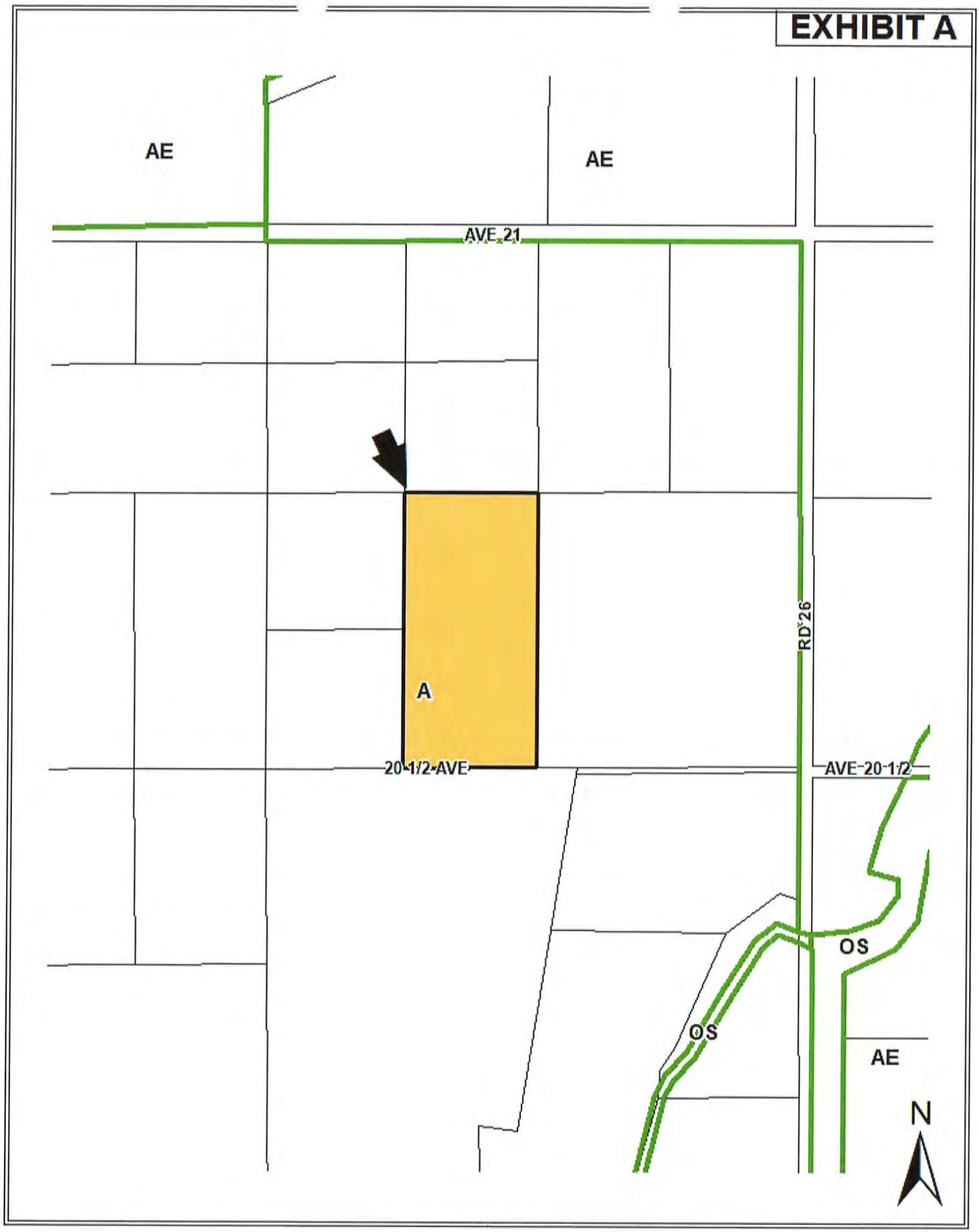
CONDITIONS OF APPROVAL

PROJECT NAME:	CUP #2019-010 - Moreno Brothers Trucking
PROJECT LOCATION:	on the north side of Avenue 20 1/2 approximately 0.25 of a mile west
	of its' intersection with Road 26 (no situs) Madera
PROJECT DESCRIPTION:	CUP to allow agriculturally oriented service (trailer storage)
APPLICANT:	Moreno Brothers Trucking
CONTACT PERSON/TELEPHONE NUMBER:	559-940-8371

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	No farm equipment maintenance and or repair allowed, unless approved by Planning Division.				
2	No hazardous material storage allowed, unless approved by Planning Division.				
3	Submit to Environmental Health a Well Construction application for review and approval when applicant proposes to drill a private well on-site.				
4	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.				
Fire					
1	None				
Planning					
1	Facility to operate in accordance with submitted Operational Statement and plans unless otherwise modified by conditions of approval and CEQA mitigation measures.				
2	The applicant shall be required to maintain the facility at an acceptable level as determined by the Planning Department regarding visual/aesthetic components of the facility until such time as the tower is removed.				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
3	Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.				
4	All parking and circulation areas within the project area shall be paved or surfaced with an approved material to reduce dust generation.				
5	No residential vehicles (RV trailers, etc.) to be stored or used on site.				
6	Landscaping will be drought tolerant.				
7	No storage of back-hauled materials is allowed on site.				
8	No storage of agricultural products on site.				
9	Noise levels to be kept in accordance with County Noise Ordinance.				
10	No equipment maintenance or repair to occur on site.				
11	No storage of oils, grease, fuels or related hazardous materials on site.				
12	All equipment related to the business shall be maintained in such a way as to not create a fire hazard.				
13	Provide for a ten-foot landscaped buffer measured from the right-of-way property line, to be located between the property line and the screening wall or fence surrounding the parking area.				
14	Provide for a minimum eight foot screening fence, with slats, surrounding the area being used for storage of trailers.				
Public Works - Engineering					
1	Project will require a grading and drainage permit. Please contact Public Works Department.				
Public Works - Roads					
1	The Driveway approach within the road right of way shall be constructed to Madera County Stan dards prior to final inspection of this structure by the engineering department				
2	The applicant shall obtain an Encroachment Permit from the Road Department prior to start of excavation within the road right of way.				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
3	In the Operational Statement (OS), under questions 12, the applicant needs to provide the total estimated number of vehicular trips per day generated by the proposed operation. Any vehicles, including rigs and trailers that will be traveling on public roads and coming in and out of the site will need be accounted for.				
4	It was stated in the OS under question 21, grading has occurred on the property. There is no record of a grading permit from Public Works was issued for the work. If there is one, please provide us a copy of the grading permit. If not, the work will be considered unpermitted and illegal grading. Every time if there is grading involved, the applicant/contractor is apply for a grading permit and provide a grading/drainage plot plan for the department to review and provide inspection on the work. The grading will need to be obtained from our department prior to commencing the work.				



GENERAL PLAN MAP

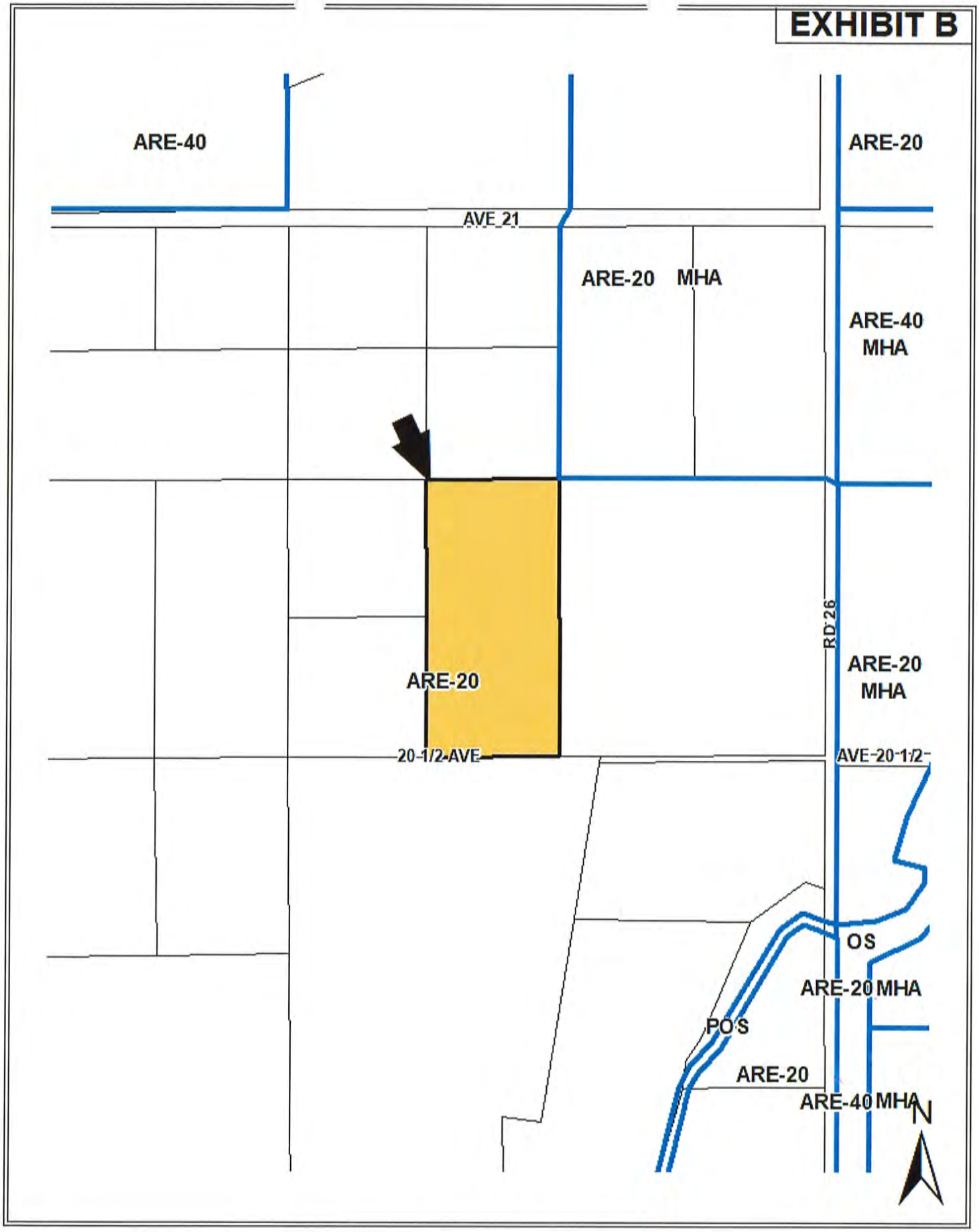


EXHIBIT B
ARE-40
ARE-20
AVE 21
ARE-20 MHA
ARE-40 MHA
ARE-20
20-1/2-AVE
RD 26
ARE-20 MHA
AVE 20-1/2
OS
ARE-20 MHA
POS
ARE-20
ARE-40 MHA
N

ZONING MAP

ASSESSOR'S MAP

ORIGINAL IN BLUE

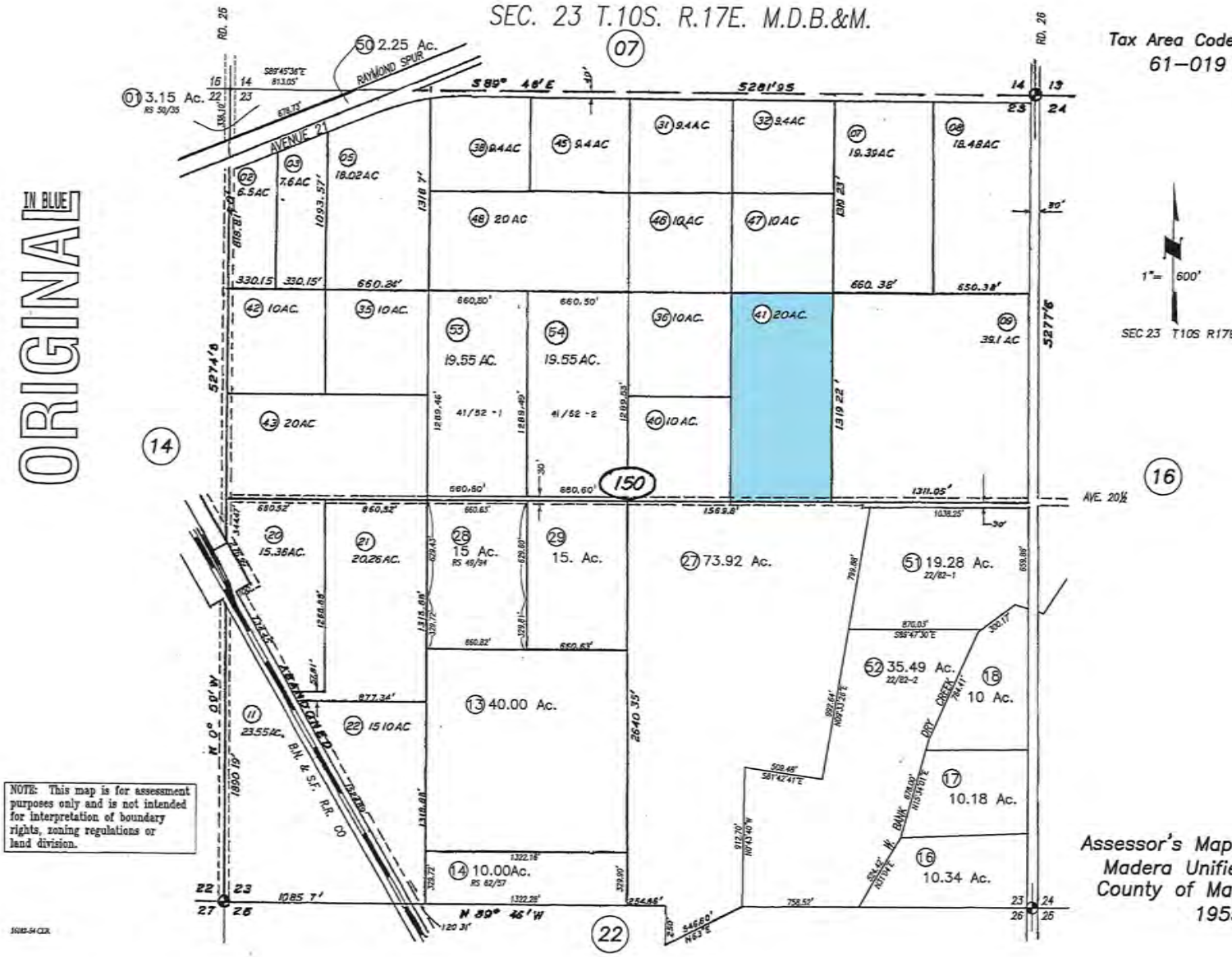


EXHIBIT C

EXHIBIT D

Gary A. Rogers - Architect
1816 HOWARD RD., SUITE 8
MADERA, CALIFORNIA 93637 OFFICE: (559) 674-6598
PLANNING * DESIGNING * CONSTRUCTION PROBLEM SOLVING

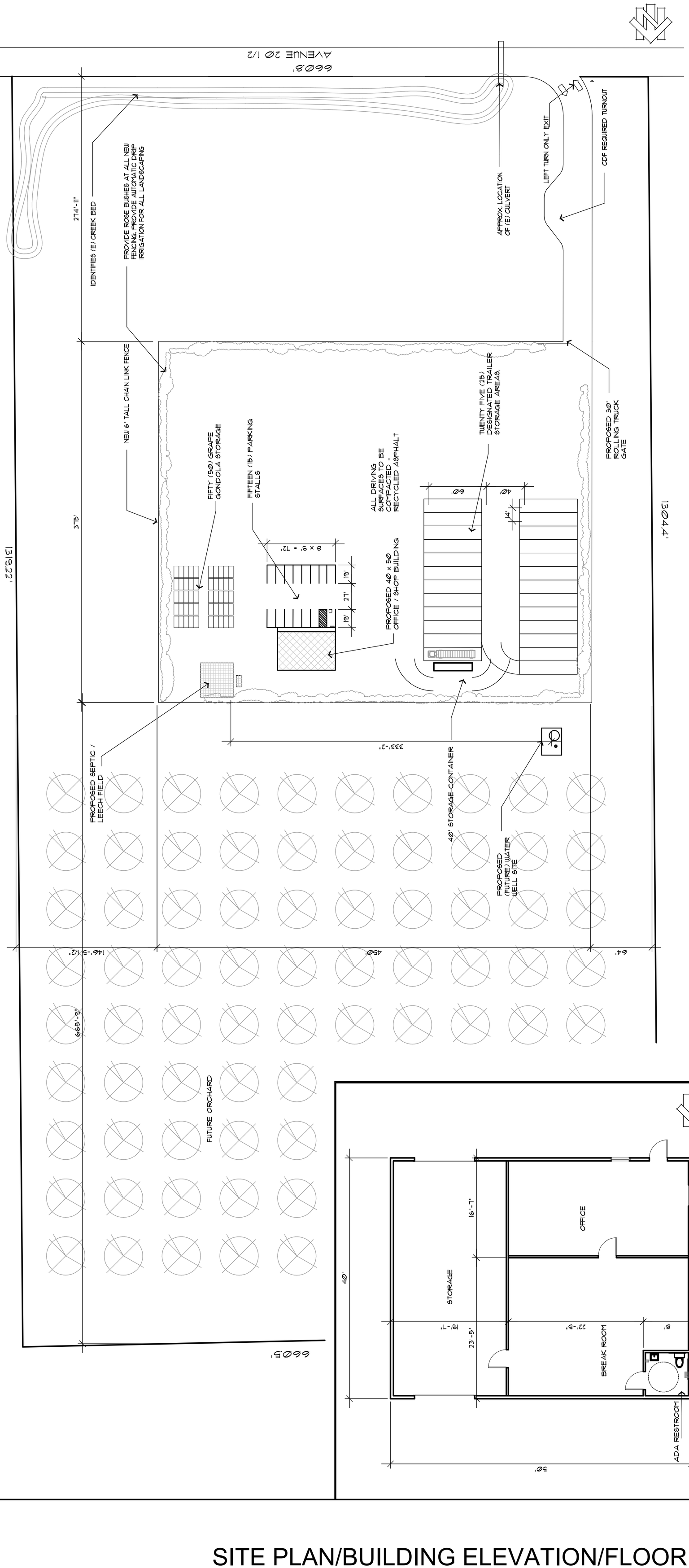
LICENSED ARCHITECT GARY A. ROGERS C-16583 REN. 10-31-21 STATE OF CALIFORNIA

MORENO BROTHERS TRUCKING

234234 AVE 20-1/2
MADERA, CA 93636

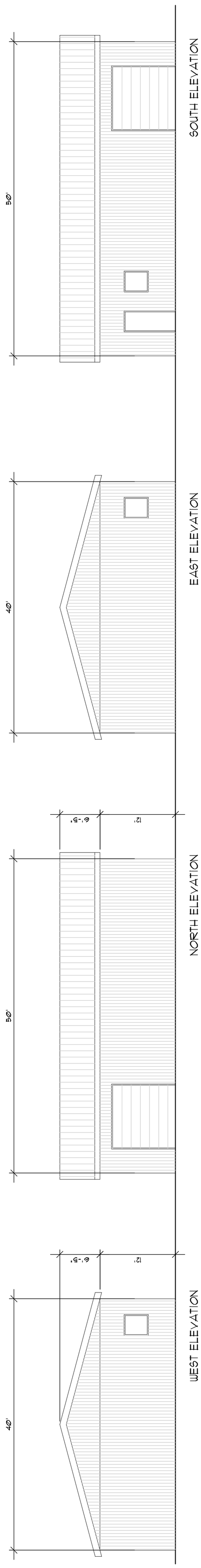
JOB NO.: 19-0010
DRAWN BY:
SHEET NO.: SD2

OVERALL SITE PLAN 1/60 2



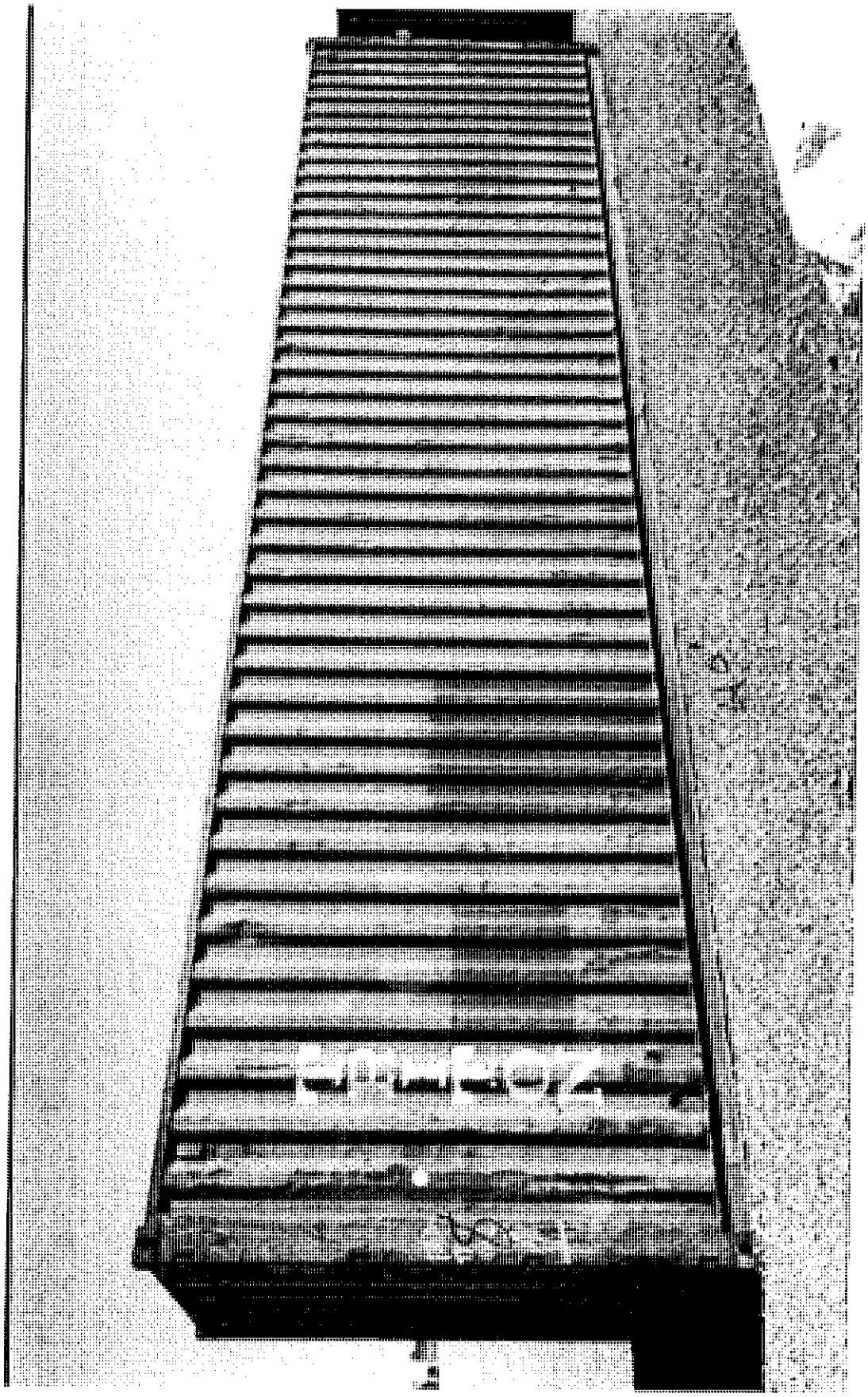
OFFICE FLOOR PLAN 1/8 14

OFFICE BUILDING ELEVATIONS 1/8 1



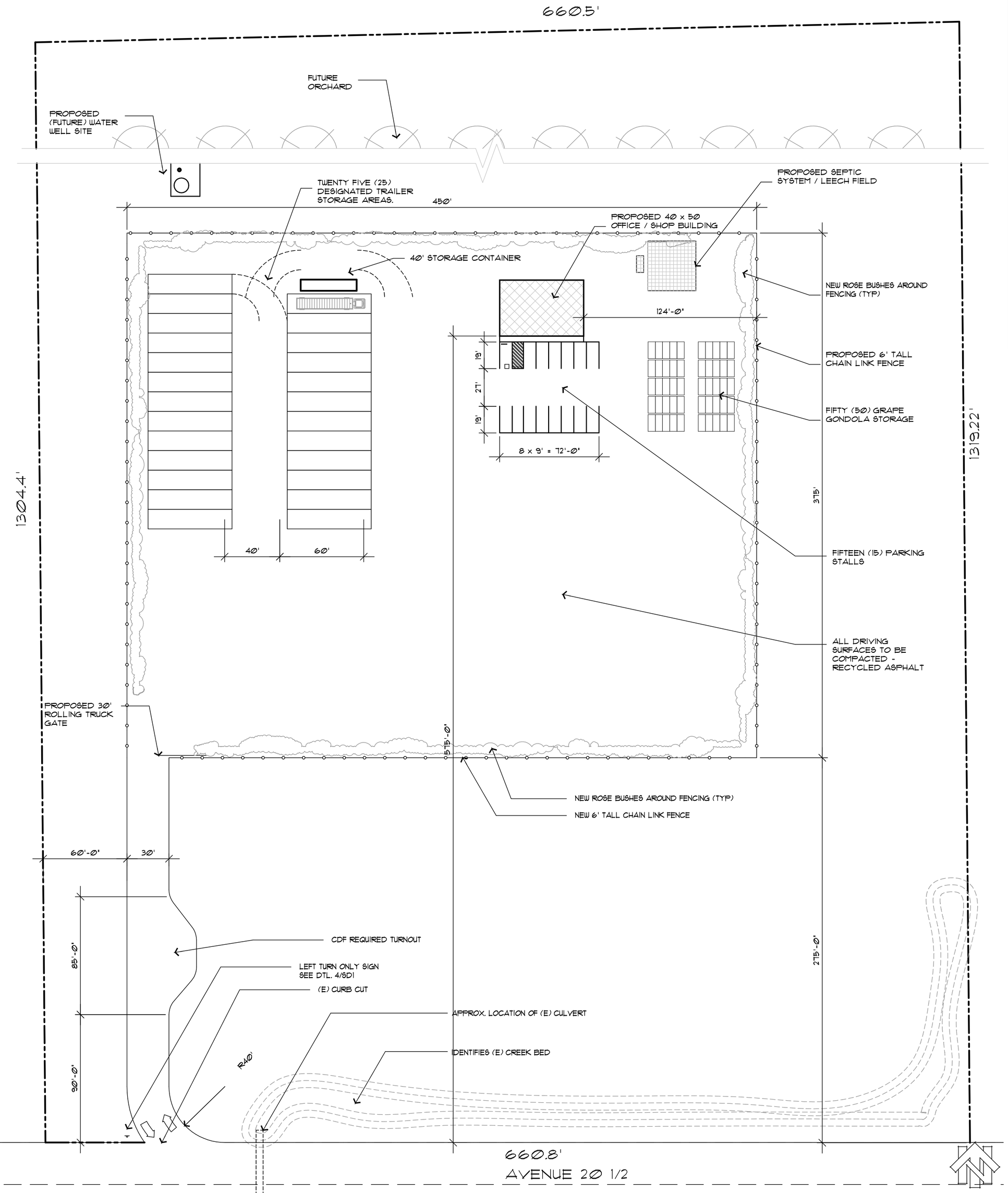
SITE PLAN/BUILDING ELEVATION/FLOOR PLAN

EXHIBIT D-2



ELEVATION PLAN

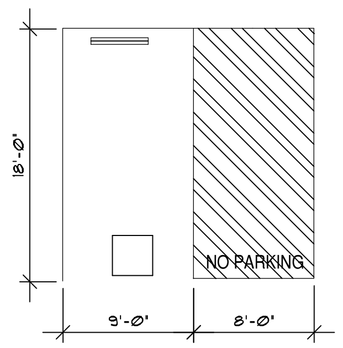
SITE PLAN CLOSE UP



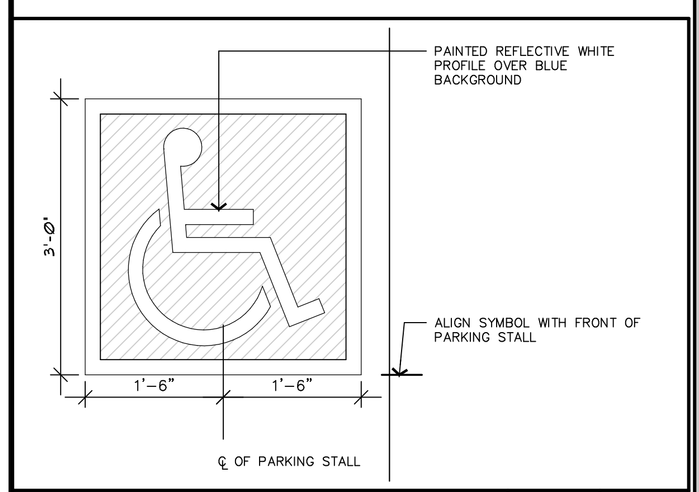
SITE PLAN | 1/40 | 5

LEFT TURN ONLY SIGN TO BE POSTED AT EXIT TO AVENUE 20 1/2

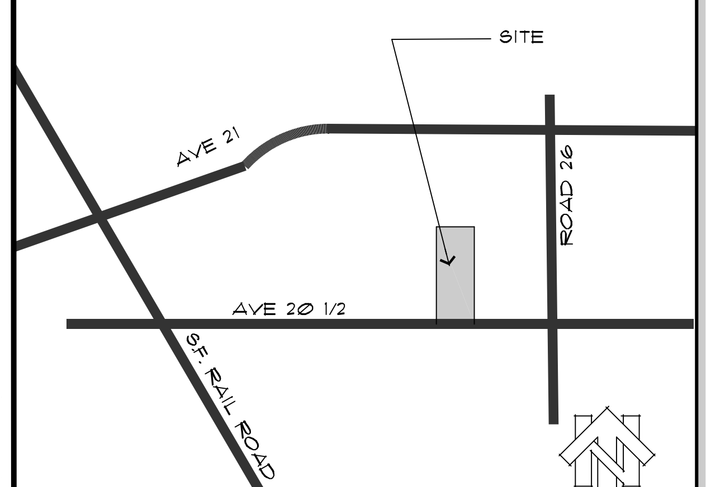
EXIT SIGNAGE | - | 4



ACCESS. PARKING | 1/8 | 3



ACCESSIBLE SYMBOL | 1" | 2



VICINITY MAP | - | 1

Gary A. Rogers - Architect
1816 HOWARD RD., SUITE 8
MADERA, CALIFORNIA 93637
OFFICE: (559) 674-6598
PLANNING * DESIGNING * CONSTRUCTION PROBLEM SOLVING

LICENSED ARCHITECT GARY A. ROGERS C-16583 REN. 10-31-21 STATE OF CALIFORNIA

MORENO BROTHERS TRUCKING

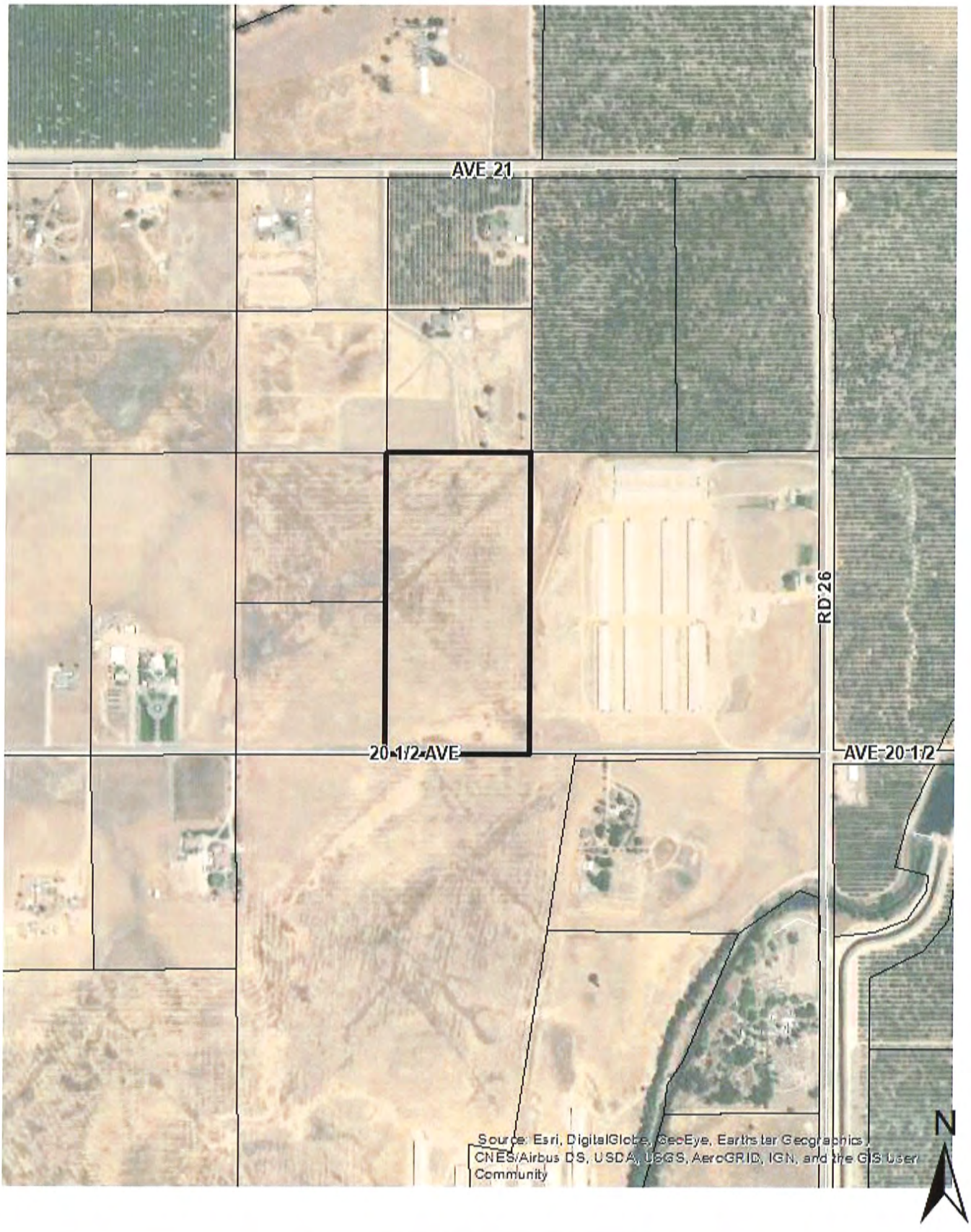
234234 AVE 20-1/2
MADERA, CA 93636

JOB NO.: 19-0010
DRAWN BY:
SHEET NO.:

SD1

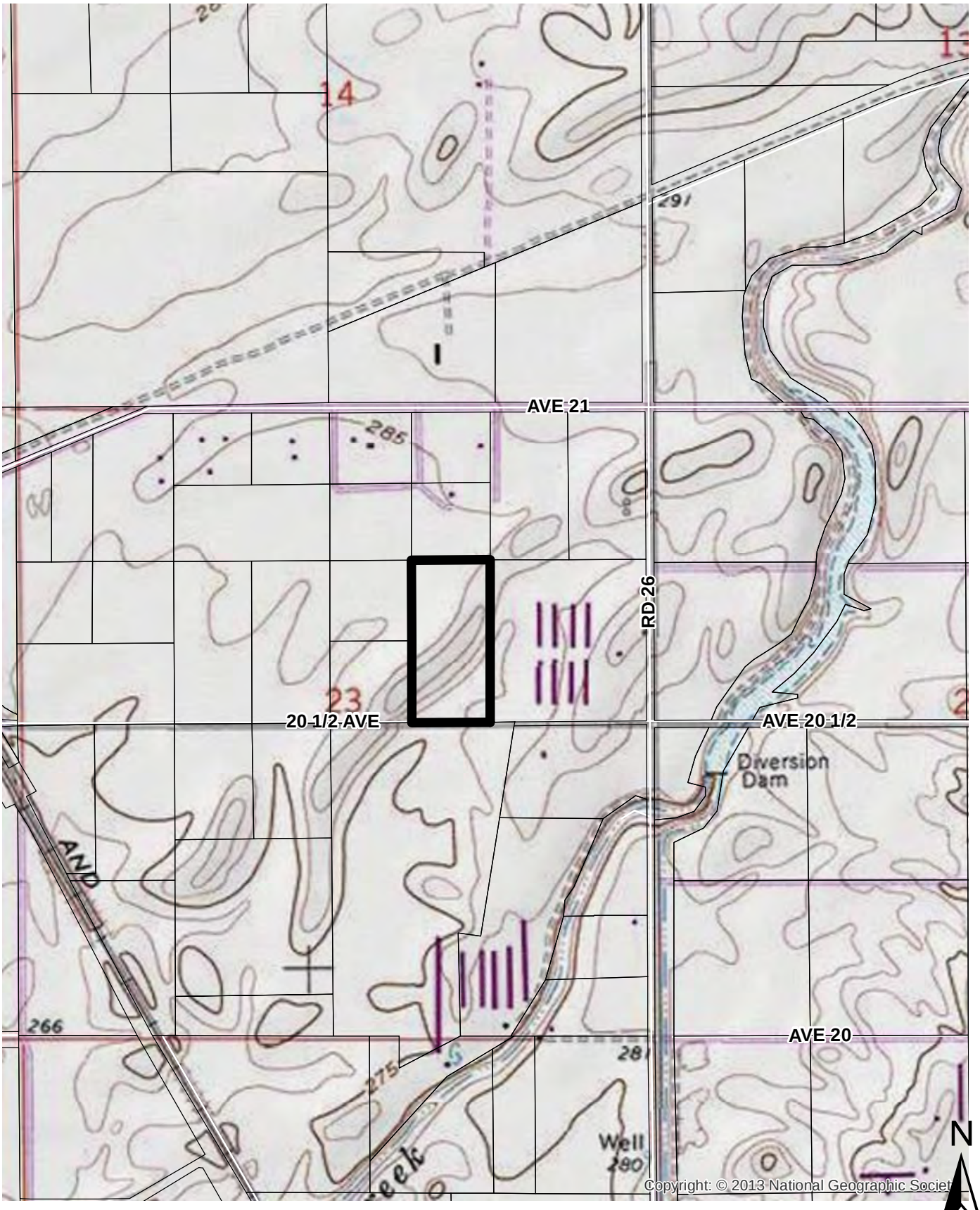
EXHIBIT D-3

EXHIBIT E



AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

EXHIBIT G

Community and Economic Development
Planning Division

Matthew Treber
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

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: 029-150-041
   Applicant's Name: Armando Moreno
   Address: 1008 Owen St. Madera Ca
   Phone Number: (559) 940-8371

2. Describe the nature of your proposal/operation.
   The storage and parking of tractor rigs, a variety of trailers, grape gondolas and other agricultural equipment used during grape harvest season.
   The proposed use of a future orchard and small office building for agriculture business needs.

3. What is the existing use of the property?
   The existing lot is vacant agricultural zoned land used for ag equipment storage.

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?
   No products will be produced or sold from the property

5. What are the proposed operational time limits?
   Months (if seasonal): Year round storage with peak season being July 15th through September 15th
   Days per week: 6 days per week July - December, 5 days per week January - June
   Hours (from 6am to 10 pm): Total Hours per day: 16 hour days

6. How many customers or visitors are expected?
   Average number per day: None
   Maximum number per day:
   What hours will customers/visitors be there?

7. How many employees will there be?
   Current: up to 15 persons during harvest
   Future: 15
   Hours they work: Up to 16 hour shift
   Do any live onsite? If so, in what capacity (i.e. caretaker)? No

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

Semi-tractor rigs, grape gondola trailer units, port-a-potties, generators, compressors, storage containers, fertilizer tankers, dry van trailer flat bed trailers, belt trailers.

9. Will there be any service and delivery vehicles? No

Number:

Type:

Frequency:

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

None currently, in the future parking surface will be refurbished asphalt and 10 parking spaces

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

Access will be from Avenue 20 1/2. Path of travel will be by entering Ave 20 1/2 from Road 26 and traveling west to the property entrance and making a right-hand turn in to the driveway. The exit path of travel will be by making a left-hand turn onto Ave 20 1/2 and traveling east towards Road 26.

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

Up to 50 trips per day for off peak season travel(January - June) for semi tractor rig & Ag equipment movement and employee personal cars

Up to 100 trips per day for peak season travel (July - December) of semi- tractor rigs, grape gondolas, Ag equipment and employee cars

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

No advertisment

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.

No existing buildings. One storage container measuring 9' tall x 53' long x 8'wide.

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

The storage yard area will be surrounded by a 6' chain link fence with 3 strand barb wire on top. Landscaping around the fence will be shrubs and roses

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

Agriculture land to the south east west and north

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

Temporary noise when the semi-tractor rigs are dropping off or picking up the grape gondolas.

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).

No well on property at the moment. Future use of water will be for the small orchard and office. Up to 100 gallons per day for the office and about 20,000 gallons on average for the future orchard.

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

No waste water currently generated, port a potties are being utilized. In the future an approved septic system will be in place for the proposed office and about a 100 gallons of waste water will be generated

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?

None generated currently. In future there is estimated to be about 100lbs of trash per week that will be disposed of by local trash service company.

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

Minor grading has occured to level an area for storage. More grading will need to be done for driveway, parking and storage areas and refurbished asphalt put down.

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

none

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

No permanent bodies of water.

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

See plot plan for location of seasonal dry creek.

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

None

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

No

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

There will be some increased traffic flows from vehicle movement to and from the property and some noise generation from empty trailers coming and going.

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

We do not foresee any significant impacts to these areas or districts.

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): No commercial, Agriculture zoned use

Square feet of building area(s):

Total number of employees:

Building Heights:

EXHIBIT H

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: Robert Mansfield

FROM Dexter Marr, Environmental Health Division

DATE: September 3, 2019

RE: Moreno Brothers Trucking, Inc. - Conditional Use Permit - Madera (029-150-041-000)

Comments

TO: Planning Division

FROM: Environmental Health Division

DATE: September 3, 2019

RE: Conditional Use Permit (CUP) #2019-010, Moreno Brothers Trucking – Madera, APN: 029-150-041

Environmental Health Division Comments:

No farm equipment maintenance and or repair allowed, unless approved by Planning Division.

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

Submit to Environmental Health a Well Construction application for review and approval when applicant proposes to drill a private well on-site.

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.

EXHIBIT I

COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS

AHMAD M. ALKHAYYAT
DIRECTOR

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

MEMORANDUM

DATE: August 9, 2019

TO: Robert Mansfield

FROM: Madera County Public Works

SUBJECT: Moreno Brothers Trucking, Inc. - Conditional Use Permit - Madera (029-150-041-000)

Comments

Project will require a grading & drainage permit. Please contact the Public Works Department with any questions.

Haden Hinkle
Engineer II
559-675-7811

EXHIBIT J

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: September 5, 2019

TO: Robert Mansfield

FROM: Phu Duong, Public Works

SUBJECT: Moreno Brothers Trucking, Inc. - Conditional Use Permit - Madera (029-150-041-000)

Comments

In the Operational Statement (OS), under questions 12, the applicant needs to provide the total estimated number of vehicular trips per day generated by the proposed operation. Any vehicles, including rigs and trailers that will be traveling on public roads and coming in and out of the site will need be accounted for.

It was stated in the OS under question 21, grading has occurred on the property. There is no record of a grading permit from Public Works was issued for the work. If there is one, please provide us a copy of the grading permit. If not, the work will be considered unpermitted and illegal grading. Every time if there is grading involved, the applicant/contractor is apply for a grading permit and provide a grading/drainage plot plan for the department to review and provide inspection on the work. The grading will need to be obtained from our department prior to commencing the work.

Avenue 20.5 is classified as a Minor roadway per the County General Plan. Its pavement condition is in very poor condition. It does not have the capacity to handle heavy rigs and trailers. Once we have the correct amount of vehicular traffic generated by the operation, we can determine the appropriate mitigation measures for the road conditions and its impacts due to the additional traffics.

Under question 27, it states this development will not impact the surrounding area. This is incorrect. The department has received calls on this development regards to noise, dust, and the amount of trailers coming in and out of the site and being generated by the current operation.

EXHIBIT K

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: September 3, 2019

TO: Robert Mansfield

FROM: Road Department

SUBJECT: Moreno Brothers Trucking, Inc. - Conditional Use Permit - Madera (029-150-041-000)

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

EXHIBIT L

NOTE: PLEASE WRITE LEGIBILY OR TYPE:

Application(s): CUP #2019-010

Return to: Robert Mansfield, Planning Department

Moreno Brothers Trucking, Inc.

Responding Agency: Madera County S.O. Date: August 27 2019

Respondent's Signature:

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

✓ Approve _____ Deny

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

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

None

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

4. General Comments - Please attach on additional sheet.

NOTE: PLEASE WRITE LEGIBILY OR TYPE:

Return to: Robert Mansfield, Planning Department

Application(s): CUP #2019-010

Moreno Brothers Trucking, Inc.

Responding Agency: Madera County Sheriff's Office

Contact Person: Jay Varney

Telephone No.: 559-675-7777

Signature:

Date: 8/27/2019

NVIRONMENTAL 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.

none.

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

____ Yes

✓ No

EXHIBIT M

TABLE MOUNTAIN RANCHERIA
TRIBAL GOVERNMENT OFFICE

Leanne Walker-Grant
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Craig Martinez
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member

CERTIFIED 3675 4661

September 9, 2019

Robert Mansfield, Planner
Madera County
200 W. 4th Street, Suite 3100
Madera, Ca. 93637

RE: Conditional Use Permit, Madera, 029-150-041-000

Dear: Robert Mansfield

This is in response to your letter dated, August 5, 2019, regarding, Conditional Use Permit, Madera, 029-150-041-000. Thank you for notifying us of the potential development and the request for consultation.

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

Sincerely,

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

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

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

1. **Project title:** CUP #2019-010 – Moreno Brothers Trucking

2. **Lead agency name and address:** County of Madera
Community and Economic Development Department
200 West 4th Street, Suite 3100
Madera, California 93637

3. **Contact person and phone number:** Robert Mansfield, MURP, AICP, Senior Planner
559-675-7821
Robert.mansfield@maderacounty.com

4. **Project Location & APN:** The subject property is located on the north side of Avenue 20 ½, approximately ¼ of a mile west of its' intersection with Road 26 (No Situs) Madera

   APN #: 029-150-041

5. **Project sponsor's name and address:** Moreno Brothers Trucking, Inc.
1008 Owens Street
Madera, CA 93637

6. **General Plan Designation:** A (Agricultural)

7. **Zoning:** ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District

8. **Description of project:**

This is a request to allow for the storage of empty gondola style truck trailers used for hauling harvested goods to processing when not in use. Per submitted documents, there will also be a well, a 40' x 60' office/shop, a 40' storage container, a 6' tall chain link fence, and 10 designated spots for the gondolas.

Existing Conditions:

The existing parcel is vacant and undeveloped. Surrounding parcels are agricultural in nature.

9. **Surrounding Land Uses and Setting:**

Agricultural

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.?

Under AB 52, Tribal Governments that have requested to be notified of any ministerial projects being processed have been notified pursuant to those requirements. (See Section XVIII for additional discussion.)

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.

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

DETERMINATION (to be completed by Lead Agency)

On the basis of this initial evaluation:

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

Signed: _____ Date: Sept. 13, 2019

I. AESTHETICS Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Responses:

Regional views in the western portion of Madera County are characterized by the broad plains of the Central Valley and Sierra Foothills. Lower-elevation views in the region are generally rural in nature with concentrated pockets of small communities. Higher-elevation views in the region include the edge of the Coast Mountain range to the west, Sierra Nevada range to the east, and the Tehachapi Mountains to the south. The primary scenic resources in the County include the ridgelines and steep slopes of the prominent major relief features, such as the mountain ranges listed above, as well as undeveloped rural areas that have retained their nature and scenic integrity.

Land uses common in the area include agricultural uses (crops, grazing land, poultry farm, etc.). There are several vacant parcels also in the area. Some parcels have structures on them including the poultry farm adjacent to the project site and residential units.

(a - c) No Impact. There are no designated scenic vistas by the true definition (scene, view or panorama; it's what one stops to see when one climbs to the top of a mountain, or pull off the road at the "scenic view") in the vicinity of the project site.

The closest areas that are being considered as scenic highways by the California Department of Transportation (CALTRANS) are the areas surrounding the Highways 41 and 49 intersection in and north of Oakhurst.

The visual character of the parcel and the area surrounding it is agriculturally based in terms of structures. There are few residential type structures in the vicinity. The additions of a well and 40 x 60 office/shop would not substantially degrade the public views in the area.

The gondola type trailers will also not degrade the visual character of the area, as one might see these types of equipment servicing surrounding agricultural businesses.

(d) Less Than Significant Impact. 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.

As designed, there is a proposed 40' x 60' office/shop on site. There is the potential of security type lighting being installed as a result. This type of lighting is typically minimal overall, and not expected to shed to much light to surrounding properties. There is a chicken farm immediately adjacent to this site that would generate more light than this project.

However, there is the potential that trucks entering and leaving during the early morning or late evening could generate minimal lights via their headlights as they drop off or pick up the gondolas. Given the surrounding land uses, and the limited residential make-up of the area, the impacts of this operation would be less than significant.

With mitigation incorporation this will remain less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Responses:

Land uses common in the area include agriculturally oriented purposes (crops, etc.). There is also a poultry farm adjacent to this project site. The site itself is vacant.

(a - e) No Impact. The project parcel and its' surroundings are not zoned for timberland uses, so there will be no impacts.

Under the Farmland Mapping and Monitoring Program of the California Resources Agency, the parcel is designated as Confined Animal Agriculture (CL). Land use "CL" is defined as: those lands primarily for poultry facilities, dairy facilities, and fish farms.

There is no agricultural uses (crops, crop processing, etc.) on the property at this time, and none are proposed. However, the proposed project does consist of what the County terms an agriculturally oriented service.

The proposed project would not result in the conversion of farmland, or in this case Confined Animal Agriculture, to non-agriculture use.

Surrounding properties are classified as Grazing (G), Farmland of Local Importance (L), Prime Farmland (P) and Unique Farmland (U). This project will not impact those parcels, and will not require the re-classification of any of those parcels.

The parcel is not under a Williamson Act Contract.

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.

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:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Responses:

The primary factors that determine air quality are the locations of air pollutant sources and the amounts of pollutants emitted. Meteorological and topographical conditions, however, also are important. Factors such as wind speed and direction, and air temperature gradients interact with physical landscape features to determine the movement and dispersal of criteria air pollutants.

The area within Madera County lies within the San Joaquin Valley Air Basin (SJVAB), basically a flat area bordered on the east by the Sierra Nevada Mountains; on the west by the Coast Ranges; and to the south by the Tehachapi Mountains. Airflow in the SJVAB is primarily influenced by marine air that enters through the Carquinez Straits where the San Joaquin-Sacramento Delta empties into the San Francisco Bay. The region's topographic features restrict air movement through and out of the basin. As a result, the SJVAB is highly susceptible to pollutant accumulation over time. Frequent transport of pollutants into the SJVAB from upwind sources also contributes to poor air quality.

Wind speed and direction play an important role in dispersion and transport of air pollutants. During summer periods, winds usually originate from the north end of the San Joaquin Valley and flows in a south-southeasterly direction through the valley, through the Tehachapi pass and into the neighboring Southeast Desert Air Basin. During winter months, winds occasionally originate from the south end of the valley and flow in a north-northwesterly direction. Also, during winter months, the valley experiences light, variable winds, less than 10 miles per hour (mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high concentrations of certain air pollutants.

The SJVAB has an inland Mediterranean climate that is characterized by warm, dry summers and cooler winters. Summer high temperatures often exceed 100 degrees Fahrenheit, averaging from the low 90s in the northern part of the valley to the high 90s in the south. The daily summer temperature variation can be as high as 30 degrees Fahrenheit. Winters are for the most part mild and humid. Average high temperatures during the winter are in the 50s, while the average daily low temperature is in the 40s.

The vertical dispersion of air pollutants in the valley is limited by the presence of persistent temperature inversions. Air temperatures usually decrease with an increase in altitude. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Air above and below an inversion does not mix because differences in air density restrict air pollutant dispersal.

(a, b & d) Less Than Significant Impact. The applicant is proposing storing gondola style trailers that are used during harvest seasons on a vacant parcel. There are no other uses of the parcel at this time, and none proposed.

Vehicular exhaust will be generated, especially during the harvest season as trucks come and go to retrieve the trailers. However, given the nature of the proposed project, and given the sparse population of the area, it is not anticipated to significantly impact air quality.

(c) No Impact. No impacts have been identified as a result of this project.

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 pollutants. Hospitals, schools, convalescent facilities and residential areas are examples of sensitive receptors." (GAMAQI, 2002).

With mitigations and conditions of approval, this impact will remain less than significant.

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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:

The area where the facility's located includes a large portion of western Madera County. The climate of this region is characterized by hot, dry summers and cool, wet winters. Urban areas are centered within the cities of Madera and Chowchilla, while the remaining portions of the area are characterized as agricultural lands. The San Joaquin River delineates the area boundary to the south and west, while the northern boundary is established by the Chowchilla River. The Fresno River and Chowchilla Canal are other major water bodies in the area.

The evaluation of biological resources includes a programmatic review of vegetation and wildlife habitat, special-status species, and wetland habitats that may meet the criteria for jurisdictional waters of the U.S. which occur or potentially occur in the area. The results of this programmatic evaluation are based upon literature searches and database queries of known and existing data.

(a – b) Less Than Significant Impact. There is a creek bed indicated on the project's site plan, but when visited by Staff it was dry. There was no indication of when water last flowed through it.

Riparian habitats are found along rivers, creeks, streams, and lakes and are made up of plant communities of woody vegetation. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. There was no indication of a riparian habitat in or around the noted creek bed.

(c - f) No Impact. No impacts have been identified as a result of this project.

Special-status species are those plants and animals that, because of their recognized rarity or vulnerability to various causes of habitat loss or population decline, are recognized in some fashion by federal, state, or other agencies as deserving special consideration. Some of these species receive specific legal protection pursuant to federal or state endangered species legislation. Others lack such legal protection, but have been characterized as "sensitive" on the basis of adopted policies and expertise of state resource agencies or organizations with acknowledged expertise, or policies adopted by local governmental agencies such as counties, cities, and special districts to meet local conservation objectives.

Vernal pools are temporary pools of water that provide habitats. They are considered to be a distinctive type of wetland usually devoid of fish, and thus allow the safe development of natal amphibian and insect species. Most vernal pools are dry for at least part of the year. There are no indications of vernal pools present on the project site.

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. The CNDB only lists species in the quadrangle where the project is located, but this never is an indication of whether these species are or ever were on the project site. The Department of Fish and Wildlife was contacted in the early stages of the project for review and comment on the proposal. They did not provide any feedback as to whether there were any potential impacts on the site.

Special Status Species is a general term that refers to all taxa tracked by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB), the USFWS IPac, and the CNPS (Resource Agencies), regardless of their legal or protection status. 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 the Department of Fish and Wildlife's databases for special status species has identified the following species:

Species	Federal Listing	State Listing	Dept. of Fish and Game Listing	CNPS Listing
California Tiger Salamander	Threatened	Threatened	WL	None
Western spadefoot	None	None	SSC	None
Swainson's Hawk	None	Threatened	None	None
Burrowing Owl	None	None	SSC	None
Vernal Pool Fairy Shrimp	Threatened	None	None	None
Midvalley Fairy Shrimp	None	None	None	None
California Linderiella	None	None	None	None
Moestan Blister Beetle	None	None	None	None
Northern Hardpan Vernal Pool	None	None	None	None
Spiny-sepaled button-celery	None	None	None	1B.2
San Joaquin Valley Orcutt Grass	Threatened	Threatened	None	1B.1
Hairy Orcutt Grass	Endangered	Endangered	None	1B.1
Greene's Luctoria	Endangered	Rare	None	1B.1
Shining navarretia	None	None	None	1B.2

Kismet 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.

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.

With mitigations, the impacts will remain as less than significant.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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:

Cultural resources can be defined as buildings, sites, structures, objects, or places of importance that may have historical, architectural, archaeological, cultural, or scientific importance (including those associated with Native Americans or Native American activities). Preservation of the County's unique cultural heritage should be considered when planning for future development of the area.

The western area of the County was originally inhabited by the Northern Valley Yokuts. Ethnographic information about this group is sparse due to the early dissemination of the aboriginal populations in the lower San Joaquin Valley.

The Northern Valley Yokuts territory is defined roughly by the crest of the Diablo Range on the west, and the foothills of the Sierra Nevada on the east. The southern boundary is approximately where the San Joaquin River bends northwards, and the northern boundary is roughly half way between the Calaveras and Mokelumne Rivers.

Principle settlements were located on the tops of low mounds, on or near the banks of larger watercourses. Settlements were composed of single family dwellings, sweathouses, and ceremonial assembly chambers. Dwellings were small and lightly constructed, semi-subterranean and oval. The public structures were large and earth covered.

With the development of Spanish Ranchos throughout California, cattle husbandry was prevalent, while dairy farms remained crude and sparse.

(a – c) Less Than Significant Impact. The area surrounding the project site has been developed for agricultural purposes for years with significant ground disturbances as a result (infrastructure, roadways, agricultural uses, etc.). However, ground disturbing activities on this specific parcel could uncover previously unknown finds.

Most of the archaeological survey work in the County has taken place in the foothills and mountains. This does not mean, however, that no sites exist in the western part of the County, but rather that this area has not been as thoroughly studied. There are slightly more than 2,000 recorded archaeological sites in the county, most of which are located in the foothills and mountains. Recorded prehistoric artifacts include village sites, camp sites, and bedrock milling stations, pictographs, petroglyphs, rock rings, sacred sites, and resource gathering areas. Madera County also contains a significant number of potentially historic sites, including homesteads and ranches, mining and logging sites and associated features (such as small camps, railroad beds, logging chutes, and trash dumps).

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.

As a result of AB 52, which requires jurisdictions to notify Tribal Governments that request such outreach, the County alerted Tribal Entities that requested initial review packets. The only Tribe that responded back was the Table Mountain Rancheria, and they indicated they had no concerns with the project.

With mitigations, the impact will remain less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No 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?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Responses:

(a & b) Less Than Significant Impact. There is no construction proposed as a result of the project and thus no energy usage. Operationally, there will be fuel usage from the trucks 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.

With mitigations, the impact will remain less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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:

The regional geology of the area is influenced by the Great Valley, a topographically dominant northwest-trending valley approximately 50 miles wide and 400 miles long that formed between the Coast Range Mountains to the west and the Sierra Nevada Mountains to the east. The Great Valley itself is divided into northern and southern portioned, named the Sacramento and San Joaquin Valleys respectively. The western portion of the county, which consists of the rich alluvial bottom lands of the San Joaquin Valley, is predominately agricultural. Most of the County's agricultural activities occur here, due to the level topography, prime cultivable soils, and excellent drainage.

Soils in the western (or valley) portion of Madera County can generally be placed in one of three major groups: recent alluvial fans and flop plains, the basin area, and older alluvial fans and terraces. The recent alluvial fans are gently sloping cone-shaped features located primarily along the Chowchilla, Fresno and San Joaquin Rivers. Flood plain soils along the San Joaquin River resulted primarily from flood events now largely controlled by Friant Dam. The basin area is located in the western portion of the valley and is nearly level. The area contains fine soil carried beyond the alluvial fans and deposited in the slower water of the flatlands. The older alluvial fans and terraces are areas that no longer receive flood deposits and have been subject to erosion and weathering in the time since their deposition.

(a i - iii) Less than Significant Impact. 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 Nevadas.

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.

(a – iv) No Impact. The area is topographically flat, so landslides are not likely.

(b) Less Than Significant Impact. The parcel is subject to potential erosion due to rain events. There are no structures proposed as a result of this project, and there are no structures currently on the property. The gondola style trailers are parked on dirt, and the area matches topographic surroundings.

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

With mitigations, impacts will remain as less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Responses:

The primary factors that determine air quality are the locations of air pollutant sources and the amounts of pollutants emitted. Meteorological and topographical conditions, however, also are important. Factors such as wind speed and direction, and air temperature gradients interact with physical landscape features to determine the movement and dispersal of criteria air pollutants.

The area within Madera County lies within the San Joaquin Valley Air Basin (SJVAB), basically a flat area bordered on the east by the Sierra Nevada Mountains; on the west by the Coast Ranges; and to the south by the Tehachapi Mountains. Airflow in the SJVAB is primarily influenced by marine air that enters through the Carquinez Straits where the San Joaquin-Sacramento Delta empties into the San Francisco Bay. The region's topographic features restrict air movement through and out of the basin. As a result, the SJVAB is highly susceptible to pollutant accumulation over time. Frequent transport of pollutants into the SJVAB from upwind sources also contributes to poor air quality.

Wind speed and direction play an important role in dispersion and transport of air pollutants. During summer periods, winds usually originate from the north end of the San Joaquin Valley and flows in a south-southeasterly direction through the valley, through the Tehachapi pass and into the neighboring Southeast Desert Air Basin. During winter months, winds occasionally originate from the south end of the valley and flow in a north-northwesterly direction. Also, during winter months, the valley experiences light, variable winds, less than 10 miles per hour (mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high concentrations of certain air pollutants.

The SJVAB has an inland Mediterranean climate that is characterized by warm, dry summers and cooler winters. Summer high temperatures often exceed 100 degrees Fahrenheit, averaging from the low 90s in the northern part of the valley to the high 90s in the south. The daily summer temperature variation can be as high as 30 degrees Fahrenheit. Winters are for the most part mild and humid. Average high temperatures during the winter are in the 50s, while the average daily low temperature is in the 40s.

The vertical dispersion of air pollutants in the valley is limited by the presence of persistent temperature inversions. Air temperatures usually decrease with an increase in altitude. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Air above and below an inversion does not mix because differences in air density restrict air pollutant dispersal.

(a - b) No Impact. No greenhouse gases are anticipated to be generated as a result of this project.

It is acknowledged that diesel trucks do generate exhaust, and that exhaust might have components related to GHG generation, given that this is not anticipated to be a 24/7 operation, there would be negligible if any impacts.

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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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:

The western part of Madera County has historically experienced several concerns related to hazardous materials. The dominant land use in the area consists of existing dairies and irrigated agricultural crop production. Additional land uses include agricultural crop processing facilities, grain storage facilities and irrigation water supply canals and reservoirs.

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR Title 22 Division 4.5 Chapter 10 Article 2 §66260.10).

Hazardous wastes are defined in the same manner. Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated or are being stored prior to proper disposal. Hazardous materials and hazardous wastes are classified according to four properties: toxicity, ignitability, corrosively, and reactivity.

The use and management of chemicals, including hazardous materials, within the agricultural areas of the County are dominated by the application of fertilizer and pesticides for crop production. Hazardous materials management in agricultural areas also includes storage and use of hydrocarbon fuel. Diesel fuel is used to power mobile farm equipment (trucks, tractors, combines) and stationary equipment, including irrigation pumps and groundwater well pumps. Gasoline is stored at some facilities. Other hazardous materials used at dairies can include chlorine and other disinfectants, oils and lubricants, and antifreeze.

The greatest wildland fire hazards exist in areas with quickly ignitable, dense understory vegetation, such as grasses, adjacent to slower and hotter burning fuels such as trees. These conditions exist in varying degrees over approximately two-thirds of Madera County, to the north and east of the Madera Canal.

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

No chemicals or hazardous materials will be used as a result of the operation. The gondolas that are proposed to be stored at this location are not designed for hazardous materials storage or transportation, and do not have diesel fuel tanks.

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

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

1) A total of 55 gallons,
2) A total of 500 pounds,
3) 200 cubic feet at standard temperature and pressure of compressed gas,
4) Any quantity of Acutely Hazardous Material (AHM).

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

The site is not located on or near any hazardous waste storage facilities, or on or near any brownfields sites as indicated by the Environmental Protection Agency.

The project is located approximately one mile from Madera airport. The project parcel is tin an airport/airspace overlay zone. The project is located outside of the County's Airport Land Use Compatibility Zone.

(g) Less Than Significant Impact. Due to the nature of the project and its' location, there is the potential of unintentional ignition of wildland fires. These fires can be sparked by scraping of chains or loss cables along the roadway causing sparks, or from hot engines creating an ignition source on dry grass.

The California Department of Forestry and Fire Protection (Cal-Fire) provides for protection services to most of Madera County.

County services such as fire suppression continue to remain inadequate and seriously underfunded. While not normally an environmental concern, new residential development in the foothills represents a heightened potential for fire risks, risks that the County does not have the resources to counter. While new development is required to maintain a fire safe area around each home site, little if any efforts are extended to the majority of large rural home sites to maintain a fire safe perimeter.

With mitigations, this impact will remain as less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:	☐	☐	☒	☐
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
(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	☐	☐	☒	☐
(iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒

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

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. 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.

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.

There is the potential of localized flooding that could occur in the vicinity of the project. This is dependent on rain fall, site features and drainage.

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

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
XI. LAND USE AND PLANNING Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Responses:

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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
XIII. NOISE Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Responses:

The proposed project is located in an area of western Madera County, or more specifically, the area of the County considered most likely to accommodate future growth in agricultural facilities. The noise sources associated with these type of facilities are mainly agricultural equipment, and vehicles operating on local roadways. Noise levels away from these noise sources can be quite low depending on the amount of nearby human activity.

(a – b) Less than Significant Impact. There is no construction anticipated as a result of this project, so there will be no construction related noise generated.

Operationally, trucks will be entering and leaving the site to pick-up and return the gondolas as needed. Trucks will generate some noise as is expected. However, given distances to surrounding residences and poultry farm, the noise levels will dissipate the farther they go from the source of generation.

Regarding ground-borne vibration levels, none are significantly expected. There might be some minor vibrations as trucks enter and leave, but they are not expected to be significant.

(c) No Impact. No airports or private airstrips are in the vicinity of the project. The closest airport is the Madera airport, at approximately 7 ½ miles north-northeast of the project area.

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.

Reaction of People and Damage to Buildings from Continuous Vibration Levels		
Velocity Level, PPV (in/sec)	**Human Reaction**	**Effect on Buildings**
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
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Responses:

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

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Responses:

County services such as fire and law enforcement continue to remain inadequate and seriously underfunded. While not normally an environmental concern, new residential development in the foothills represents a heightened potential for fire risks, risks that the County does not have the resources to counter. While this is not technically a residential development by the strict determination, given that RV Park Facilities are considered a type of housing in the Health & Safety code, it is still a concern.

(a - i) Less Than Significant Impact. Operationally, there is the chance that unanticipated occurrences of wildfire could happen. Unsecured chains or related parts of the gondolas and trucks could spark, causing surrounding grass to catch fire. Overgrown grass could be proximate to hot engines, which could then ignite.

Madera County Fire Department provides fire protection services to all unincorporated areas of Madera County, which has an estimated 2000 population of 74,734 persons. MCFD provides fire protection services to unincorporated areas of the County. The Fire Department has 17 fire stations, a fleet of 56 apparatus and support vehicles; and 32 career fire suppression personnel and 175 paid call firefighters, and seven support personnel. The Fire Department responds to structure fires, vehicle accidents, medical aide, or any other emergencies. Sever of Madera County's fire stations are staffed 24 hours a day by a full-time career fire captain or fire apparatus engineer, and five of these stations are augmented by paid call firefighters. The remaining 10 fire stations are staffed exclusively by paid call firefighters.

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 California Department of Forestry and Fire Protection (CDF) provides for protection services to most of Madera County. There are CDF fire stations located within the vicinity of Oakhurst, staffed mostly by a volunteer personnel on a paid per call basis. Other stations in the area include facilities in Coarsegold, O'Neals, and Ahwahnee. There is a CDF (Cal-Fire) station just south and west of the site on the west side of Highway 41.

(a - ii through 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.

A project that adds homes and commercial buildings to a community typically increases the need for various municipal services, such as fire and police protection. As the Court of Appeal recently confirmed in *City of Hayward v. Board of Trustees*, that need, though, is not itself an "environmental impact" of the project that the California Environmental Quality Act ("CEQA") requires the project proponent to mitigate.

In *City of Hayward*, a state university prepared an environmental impact report ("EIR") evaluating the environmental effects of its proposed master plan for the expansion of its campus, including two specific building projects, one for student housing and one for a parking structure. It concluded that building out the master plan would result in significant effects on aesthetics, air quality, cultural resources, and traffic, notwithstanding implementation of all feasible mitigation. All other effects, including effects on public services, were found to be insignificant or fully mitigated. The EIR concluded that the increase in campus population would not result in a significant environmental effect regarding fire and emergency medical services provided by the city fire department. It explained that the increased population would call for the addition of 11 firefighters, roughly the equivalent of one fire company, in order to maintain an adequate service ratio of one staff person for 1,000 people and that the facilities to house the added staff would be

achieved by adding a bay to an existing fire station or constructing a new fire station. Noting that construction of such facilities would be subject to review under CEQA, the EIR concluded that since construction of such facilities would affect only a small area (an acre or less) in an urban location, it would not cause significant environmental effects. Based on this analysis, the EIR concluded that no mitigation regarding fire protection services was required.

The City of Hayward, in which the campus is located, sued alleging that the university had failed to comply with CEQA. The city contended that the university first should have concluded that the project would have a significant effect on emergency response times and thus the health and safety of the community, owing to the nonexistence of the additional firefighters and facilities needed to serve the increased population, and then should have assessed possible measures to mitigate that effect, such as hiring additional firefighters and building facilities to house them. The trial court agreed, explaining that it is not the increased demand for fire protection services that must per se be evaluated as an environmental impact, but rather that the lack of adequate fire protection services resulting from the project would have adverse effects on people and property. The university appealed.

The Court of Appeal reversed. With respect to the contention that the campus population increase would delay emergency response times and that would have real effects on the spread of fire and the safety of people and property, the Court responded: "While this may be true, the obligation to provide adequate fire and emergency medical services is the responsibility of the city [under the California Constitution.] The need for additional fire protection services is not an *environmental* impact that CEQA requires a project proponent to mitigate." The Court noted that the EIR analyzes response times and their impact on public safety, "concludes that the project will cause response times to fall to an inadequate level and finds that 11 additional fire fighters will be required to maintain adequate service levels," and "sets forth measures needed to provide adequate emergency services and concludes . . . that those measures will not have a significant effect on the environment." In the Court's view, that sufficed. It explained: "Although there is undoubtedly a cost involved in the provision of additional emergency services, there is no authority upholding the city's view that CEQA shifts financial responsibility for the provision of adequate fire and emergency response services to the project sponsor. The city has a constitutional obligation to provide adequate fire protection services. Assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings."

The Court found the EIR adequate as well in all other respects, except one, its discussion of the project's effects on two neighboring parks, and ordered a writ of mandate to issue accordingly.

The Court's opinion may serve to help stem the practice of some agencies to use CEQA as a mechanism to help fund municipal services by treating projects' needs for such services as environmental impacts and calling on project proponents to mitigate those impacts by paying for municipal services and facilities.

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.

No impacts are anticipated as a result of this project as it does not relate to any educational programs, or increase the surrounding population. With the exception of an on-site manager, the facility will act more of a transient use type facility geared towards the tourism industry,

The area's public schools are provided by Yosemite Union High School District and Bass Lake Elementary School District; each head-quartered in Oakhurst adjoining the Oak Creek Intermediate School. The high school has an approximate attendance of 1000 students from ninth to twelfth grade. A bond issue was passed to assist in the expansion of school facilities including, but not limited to: addition of new classrooms, new multi-use buildings, new performance arts building, parking and recreation facilities. The Oak Creek Intermediate School provides enrollment for grades 6-8 and has a student population of approximately 225, while Oakhurst Elementary serves grades K-6 and has a student population of approximately 400. Wassuma Elementary School in Ahwahnee provides k-8 facilities for approximately 360 students. The remainder of student enrollments for the area is in Mountain Home K-10, Bass Lake K-5 and Wawona K-6 schools.

Most facilities within the district rely on portable classrooms to accommodate current enrollment with little or no reserve space. Both Yosemite Union High School District and Bass Lake Elementary School district report a trend towards declining enrollment. Long term forecasts for enrollment are not available.

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

Ambulance and paramedic service within the community is provided by Sierra Ambulance. Emergency medical care services are privately provided from commercial facilities in Oakhurst, and 12 hour emergency treatment is available at the medical clinic (an extension of Community Hospital in Fresno) at Highway 41 and Victoria Lane in Oakhurst. While 24 hour emergency treatment facilities have undergone trial operations, this service has not yet been proven to be financially feasible. A source or provider of permanent 24 hour emergency care has not been identified.

With mitigations, any impacts will be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. RECREATION				
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Responses:

(a - b) No Impact. No impacts as a result of this project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION Would the project:				
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:

State Route 99 (SR 99) is a four lane freeway that links the County with the entire State and is the eastern boundary of where most of the dairies are located. SR 99 is one of the most important corridors to the economic livelihood of the San Joaquin Valley because it serves as a main shipping line for agricultural products and other commercial goods. SR 99 is also the primary link to Interstate 5, connecting the Valley with Los Angeles and Sacramento metropolitan areas.

Stare Route 145 (SR 145) is a two- and four-lane highway extending north/south from the Fresno County line to the City of Madera, then east/west to its intersection with SR41, SR 145 provides secondary access to Yosemite National Park via SR 41, and provides an important link to both SR 99 and Interstate 5. It runs north/south through an eastern portion of the County where the majority of dairies exist, and is also a key shipping route for agricultural products.

State Route 152 (SR 152) is a four land divided expressway extending east and west from the Merced County Line to SR 99. SR 152 is a primary access route from the central San Joaquin Valley to Monterey and Santa Clara Counties. This state route is considered an important agricultural, commercial and recreational access route and runs east/west through the northern portion of where the dairies exist in the county.

State Route 233 (SR 233) is a two- and four-lane highway extending four miles northeasterly from its intersection with SR 152 to the interchange with SR 99. This route serves primarily to provide for northbound traffic movement from SR 152 and SR 99 as well as local access to Chowchilla.

In addition to the regional state routes, a variety of County maintained roadways pass through the area. These include Avenue 7, Avenue 14, Avenue 18 ½, Road 16 and Road 9.

As with most rural areas, Eastern 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. Oakhurst is therefore dependent on private automobile and truck access.

The site would be expected to have its own access to the adjacent local roadway. Therefore, each facilities traffic will be well dispersed geographically, precluding concentrated traffic flows at any access point. All local roadways in the rural areas of the county are typically straight, two-laned roads in a relatively flat terrain. Overall, visibility and sight distances are considered good and most of the area is currently used for agricultural purposes.

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

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 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).

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.

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.

Local circulation improvement is needed to support state highways and county roads forming the majority of the existing network of through streets. Many local streets are dead-end drives (some of which do not conform to current County improvement standards). Emergency access is, therefore, an important issue for area residents.

Several natural barriers such as the Fresno River, numerous tributary creeks and rocky and steep mountain terrain have precluded or complicated a more complete network of regional or community circulation routes. Financial constraints in the past prevented the design and construction of transportation routes which serve the community as a whole rather than individual private development. New developments occurring within the county are required to provide adequate access in the form of local roads to serve development.

The maneuvering of project construction vehicles and equipment among general purpose vehicles on local roads could cause safety hazards. Haul trucks and other on-road vehicles to be used during project construction could increase the hazard risk on existing roadways. The traffic safety hazard risk could increase because of conflicts with construction vehicles entering a public right-of-way from a project worksite; conflicts where road width is narrowed or a roadway is closed during construction activities, which could result in delays to emergency vehicles passing through a project area; or increased traffic (necessitating slower speed and a wider turning radius) during construction.

In addition to these potential impacts, the use of large trucks to transport equipment and material to and from the worksite could affect road conditions on the access roads by increasing the rate of road wear.

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

Cultural resources can be defined as buildings, sites, structures, objects, or places of importance that may have historical, architectural, archaeological, cultural, or scientific importance (including those associated with Native Americans or Native American activities). Preservation of the County's unique cultural heritage should be considered when planning for future development of the area.

The western area of the County was originally inhabited by the Northern Valley Yokuts. Ethnographic information about this group is sparse due to the early dissemination of the aboriginal populations in the lower San Joaquin Valley.

The Northern Valley Yokuts territory is defined roughly by the crest of the Diablo Range on the west, and the foothills of the Sierra Nevada on the east. The southern boundary is approximately where the San Joaquin River bends northwards, and the northern boundary is roughly half way between the Calaveras and Mokelumne Rivers.

Principle settlements were located on the tops of low mounds, on or near the banks of larger watercourses. Settlements were composed of single family dwellings, sweathouses, and ceremonial assembly chambers. Dwellings were small and lightly constructed, semi-subterranean and oval. The public structures were large and earth covered.

With the development of Spanish Ranchos throughout California, cattle husbandry was prevalent, while dairy farms remained crude and sparse.

As a result of AB 52, which requires jurisdictions to notify Tribal Governments that request such outreach, the County alerted Tribal Entities that requested initial review packets. The only Tribe that responded back was the Table Mountain Rancheria, and they indicated they had no concerns with the project.

(a) No Impact. No impacts have been identified as a result of this project. Tribes were contacted as a result of standard review process. Table Mountain Rancheria was the only tribe to reply, and indicated no involvement.

XIX. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

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.

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
XX. WILDFIRE 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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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. 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.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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.)	☐	☐	☐	☒
d) 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) Less than Significant Impact. While there are some species of note in the quadrangle, there is no direct evidence that these species are exactly on the footprint of where this is going.

(b - c) No 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.

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 accessed October 31, 2008

California Department of Fish and Wildlife "California Natural Diversity Database" https://www.wildlife.ca.gov/Data/CNDDB/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

EXHIBIT O

MITIGATED NEGATIVE DECLARATION MND

RE: CUP #2019-010 – Moreno Brothers

LOCATION AND DESCRIPTION OF PROJECT:

The subject property is located on the north side of Avenue 20 ½, approximately ¼ of a mile west of its' intersection with Road 26 (No Situs) Madera

Madera County, California, is located in the central portion of California's Sacramento/San Joaquin Valley. Located in the center of the state, Madera County comprises 2,147 square miles. Elevations above mean sea level (msl) range from less than 180 feet msl in the western portion of the county to over 13,000 feet msl along the crest of the Sierra Nevada Mountains.

This is a request to allow for the storage of empty gondola style truck trailers used for hauling harvested goods to processing when not in use.

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

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: September 13, 2019
FILED:
PROJECT APPROVED: