Community and Economic Development
Planning Division

Jamie Bax
Deputy Director

- 200 W. 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
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- mc_planning@madera-county.com

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

AGENDA ITEM: **#1**

CUP	**#2020-007**	**To amend Conditional Use Permit #2012-001 to allow for expansion of facility**
APN	**#045-121-028**	**Applicant/Owner: El Dorado Almonds**
CEQA	**MND #2020-08**	**Mitigated Negative Declaration**

REQUEST:

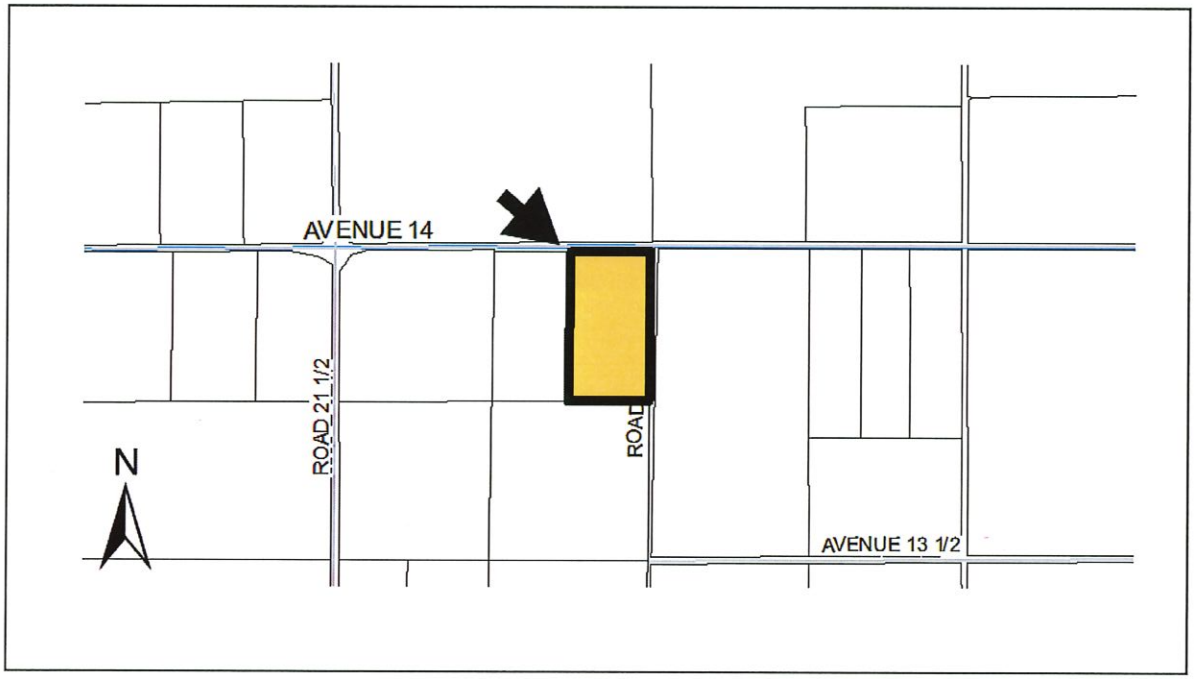
The applicant is requesting to amend existing Conditional Use Permit to allow expansion of existing almond processing facility.

LOCATION:

The subject property is located on the southwest corner of the intersection of Avenue 14 and Road 22 (21888 Avenue 14), Madera.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2020-08) (Exhibit L) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Staff recommends approval of CUP #2020-007, Mitigated Negative Declaration #2020-08 and Mitigation Monitoring Program.

CUP #2020-007
STAFF REPORT **August 4, 2020**

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

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation; PI (Public Institution)

ZONING (Exhibit B)**:**

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

SURROUNDING: ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District; ARE-40 (Agricultural, Rural, Exclusive – 40 Acre) District; IA (Institutional Area) District

LAND USE:

SITE: Almond Processing Plant

SURROUNDING: Agricultural

SIZE OF PROPERTY: 19.86 acres

ACCESS (Exhibit A)**:** Access to the site is via Road 22

BACKGROUND AND PRIOR ACTIONS:

Conditional Use Permit #99-40 was approved to allow the facility to operate. The conditions and mitigations have been complied with.

Conditional Use Permit #2012-001 was approved to allow for a building addition of approximately 38,750 square feet to an existing almond processing plant.

Setback Variance ZV #2014-017 to allow for an 8' – 8" rear setback where a 20' – 0" setback is required was heard on January 12, 2015 and approved.

Zoning Permit ZP #2014-003 was heard on May 12, 2014 to allow expansion of the facility.

PROJECT DESCRIPTION:

The proposed project would construct an additional 15,025 square feet of structure to an existing 138,135 square feet for a total of 153,160 square feet of structure.

ORDINANCES/POLICIES:

Section 18.56.010 of the Madera County Zoning Ordinance outlines the permitted uses within the ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) zone.

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

Part 1 of the Madera County General Plan outlines the AE (Agricultural Exclusive) designation.

Policy 1.E.3 of the Madera County General Plan supports the economic development of the County.

Policy 5.A.6 of the Madera County General Plan supports continued agricultural operations on lands designated for agricultural uses.

Policy 5.A.11 of the Madera County General Plan supports the allowing of agricultural services in agriculturally designated areas in support of that industry.

ANALYSIS:

The request is to amend Conditional Use Permit #2012-001 that was approved for an initial expansion of the project. The proposed project under this Conditional Use Permit would construct an additional 15,025 of square feet of processing floor area to the existing 138,135 square foot facility. This would bring the total square footage to 153,160 square feet for the buildings on site.

The facility will employ between 43 and 60 persons depending on need and season. The facility receives almonds that have been hulled and further process the meats (as the nuts are now referred to) for packaging. This process involves further sorting of foreign materials and by size. The purpose of this Conditional Use Permit is to amend the existing Conditional Use Permit to allow for the addition of a 15,025 square foot building to facilitate additional processing of the nuts.

The area surrounding the project is zoned ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District and has a general plan designation of AE (Agricultural Exclusive). The ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District allows for agricultural uses and single family residences by right.

The general plan designation of Agricultural Exclusive (AE) 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 zoning ordinance for the county designates a certain percentage of square footage that can be covered with buildings. In the case of the ARE-20 zoning, for an agriculturally oriented service (which this business is designated as), allows for 25% of the total acreage be covered by buildings. The site is 19.86 acres, which translates to 865,101.6 square feet (19.86 acres x 43,560 square feet per acre). This means the site can have 216,275.4 square feet of building space constructed. This proposed structure would leave approximately 63,115.4 square feet of building space that can be constructed prior to capping out in building area.

According to the Madera County Transportation Commission (MCTC), the traffic counts for the area range from 1,502 east bound and 1,470 west bound vehicles along Avenue 12 east of its' intersection with Road 23, which is the closest intersection to this project site for which there are traffic counts for 2017. Howard School is approximately ½ mile to the west.

The site includes 85 standard parking stalls, 6 handicapped parking stalls (indicated as van accessible), and a four slot loading dock for trucks. The parking ordinance for this type of facility (manufacturing/warehouse) requires a minimum of one space per employee on the highest number of employees scheduled to work on-site at any one time, and the number of truck spaces per the operational statement submitted for the project. The facility is expected to have between 43 and 60 employees, depending on the season. The facility will be receiving the almonds on a regular basis during picking season.

The project was circulated to internal departments as well as the County Sheriff, Agricultural Commissioner, California Regional Water Quality Control, State Water Resources Control Board, and the San Joaquin Valley Air Pollution Control Board. The Sheriff's Office was the only respondent and indicated that they had no concerns or comments on the project.

Pursuant to Public Resource Code (PRC) §21080.3.1(d), 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. This circulation allows for local native tribes the opportunity to indicate if they wish to be further consulted on the project, request various different levels of archaeological studies on site prior to continuing with the processing of the project or starting of constructing, or decline further consultation.

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* in that the property is ARE-20 (Agricultural, Rural, Exclusive 20-Acre District) which allows for agricultural activities by right. Section 18.56.010 requires a Conditional Use Permit for agriculturally oriented services. The facility was permitted by Conditional Use Permit #99-40 and has been in operation continuously since then. This CUP allows for expansion of the facilities on the site for the use permitted.

2. *The proposed project is not contrary to the public health, safety, or general welfare* in that the facility has been in operation for approximately twenty years without any known violations. The proposed project related to this CUP is to include additional square footage to the production facility structures. There is no impacts to public health, safety and welfare.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors,* in that the project must adhere to local and state health and building codes. No additional odors, noise, dust, smoke, or glare is being produced by the project.

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 surrounding parcels are agriculturally zoned and used for agricultural purposes, including other dairy facilities. This project is seen as a positive for the agricultural use of almond growers in the area to be able to ship more product out in to the economy.

CUP #2020-007
STAFF REPORT **August 4, 2020**

WILLIAMSON ACT:

The property is not in the Williamson Act.

GENERAL PLAN CONSISTENCY:

The General Plan designation is currently AE (Agricultural Exclusive). The property is zoned ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District which allows for uses such as that proposed with a Conditional Use Permit. The proposed activity is consistent with these designations as submitted.

RECOMMENDATION:

The analysis provided in this report supports approval of CUP #2020-007, Mitigated Negative Declaration (MND #2020-08) 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-1, Site Plan Close-up
6. Exhibit D-2, Floor Plan
7. Exhibit D-3, Elevation
8. Exhibit E, Aerial Map
9. Exhibit F, Topographical Map
10. Exhibit G, Operational Statement
11. Exhibit H, Environmental Health Comments
12. Exhibit I, Fire Marshall's Comments
13. Exhibit J, Sheriff's Comments
14. Exhibit K, Initial Study
15. Exhibit L, MND #2020-08

RM

CONDITIONS OF APPROVAL

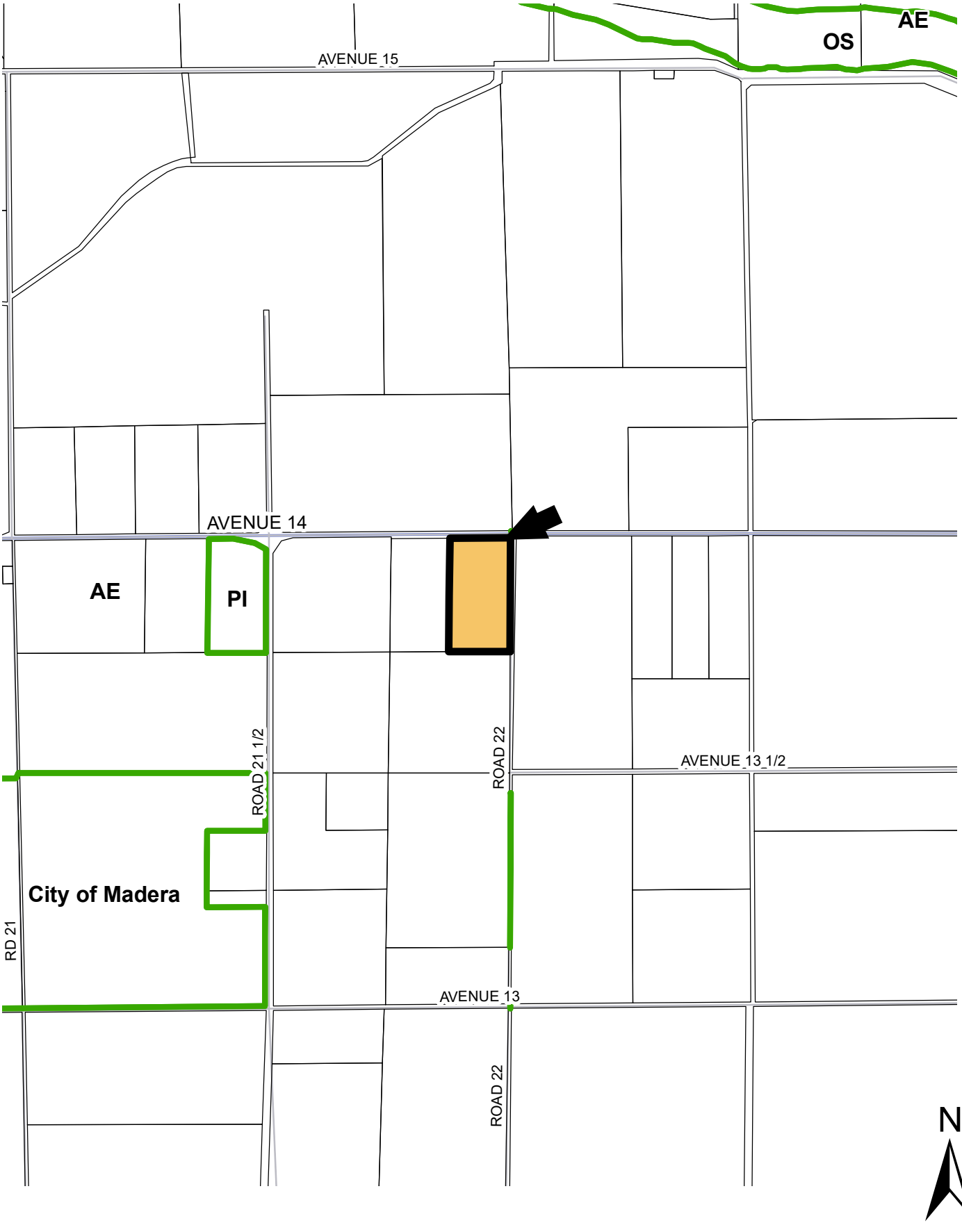
PROJECT NAME:	CUP #2020-007 - El Dorado Almonds
PROJECT LOCATION:	on the southwest corner of the intersection of Avenue 14 and Road 22
	(21888 Avenue 14) Madera
PROJECT DESCRIPTION:	to amend CUP #2012-001 to allow for new storage
APPLICANT:	El Dorado Almonds, LLC
CONTACT PERSON/TELEPHONE NUMBER:	559-412-4090

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
	The water well(s) to be used or constructed on site for this project, may require to be permitted by this Division if the facility meets the State definition as a "Public Water System". "Public Water System" means a system for the provision of water for human consumption through pipes or other constructed conveyances that regularly serves at least 25 individuals daily at least 60 days out of the year. Applicant will be required to complete a population determination questionnaire to determine if the project would be subject to become a public water system. Any creation of New Public Water systems are required to comply with Senate Bill (SB) 1263.				
	All individual building or structures that generate liquid waste is required to have its own private sewage disposal system unless they are served by a community sewer system approved by this Division or Regional Water Quality Control Board. Onsite Wastewater Treatment Systems must comply with Madera County Code (MCC) Title 13 and Madera County Local Agency Management Program (LAMP).				
	Solid waste collection with sorting for green, recycle, and garbage is required				
	If your facility handles/store any hazardous materials on-site or generates hazardous waste you may be subject to permitting requirements though our department. As of January 2013 all Certified Unified Program Agency (CUPA) regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at www.cers.calepa.ca.gov.				
	During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
	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					
	The proposal will require the Ca. Building Code and California Fire Code to look at the existing building plus proposed as one individual large building in excess of 67,000 sq. feet.				
	Extensive changes will be required to existing sprinkler systems, fire suppression tank and systems and building construction upon application of a building permit.				
Planning					
	The project shall operate in accordance with the operational statement and site plan submitted with the application, except as modified by the conditions of approval and mitigation measures required for the project.				
	All lighting to be hooded and directed away from adjoining properties				
	All signs shall comply with the regulations of the Madera County Zoning Ordinance and shall be approved by the Planning Department prior to placement.				
	All parking and circulation areas within the project site must be paved or otherwise covered to create a dust free environment.				
	Any hulls, shells or related byproducts of the onsite process left on site after processing shall be covered in such a manner so as not to be blown off site during wind events.				
	Provide landscaping around perimeter of site.				
	Provide one parking space per two employees based on the highest expected number of employees.				
	Noise levels from the plant are to be maintained per County Ordinance.				
	Conditions of approval from CUP #2012-001 remain in effect.				
Public Works - Engineering					
	None				

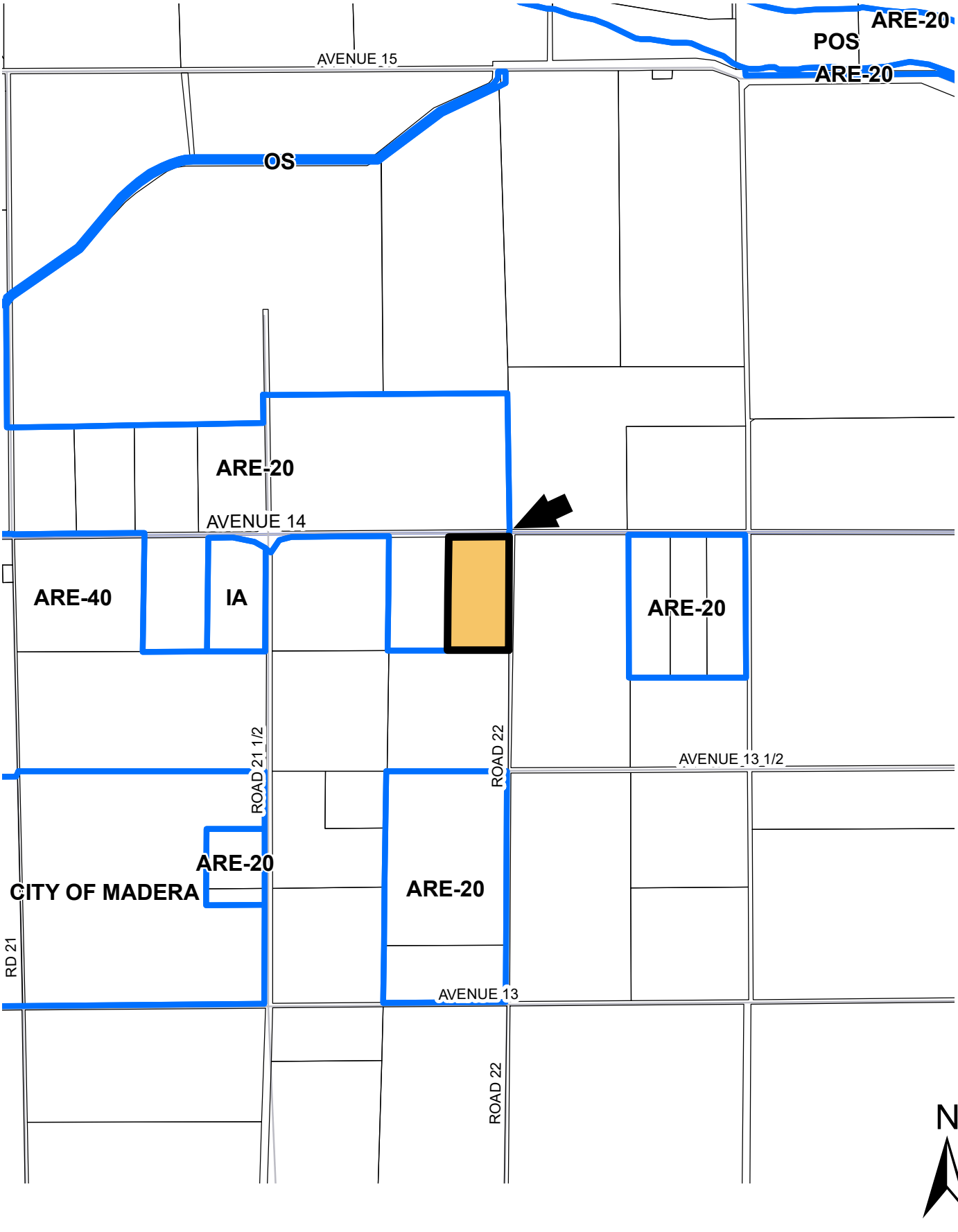
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Public Works - Roads					
	None				

EXHIBIT A



GENERAL PLAN MAP

EXHIBIT B



ZONING MAP

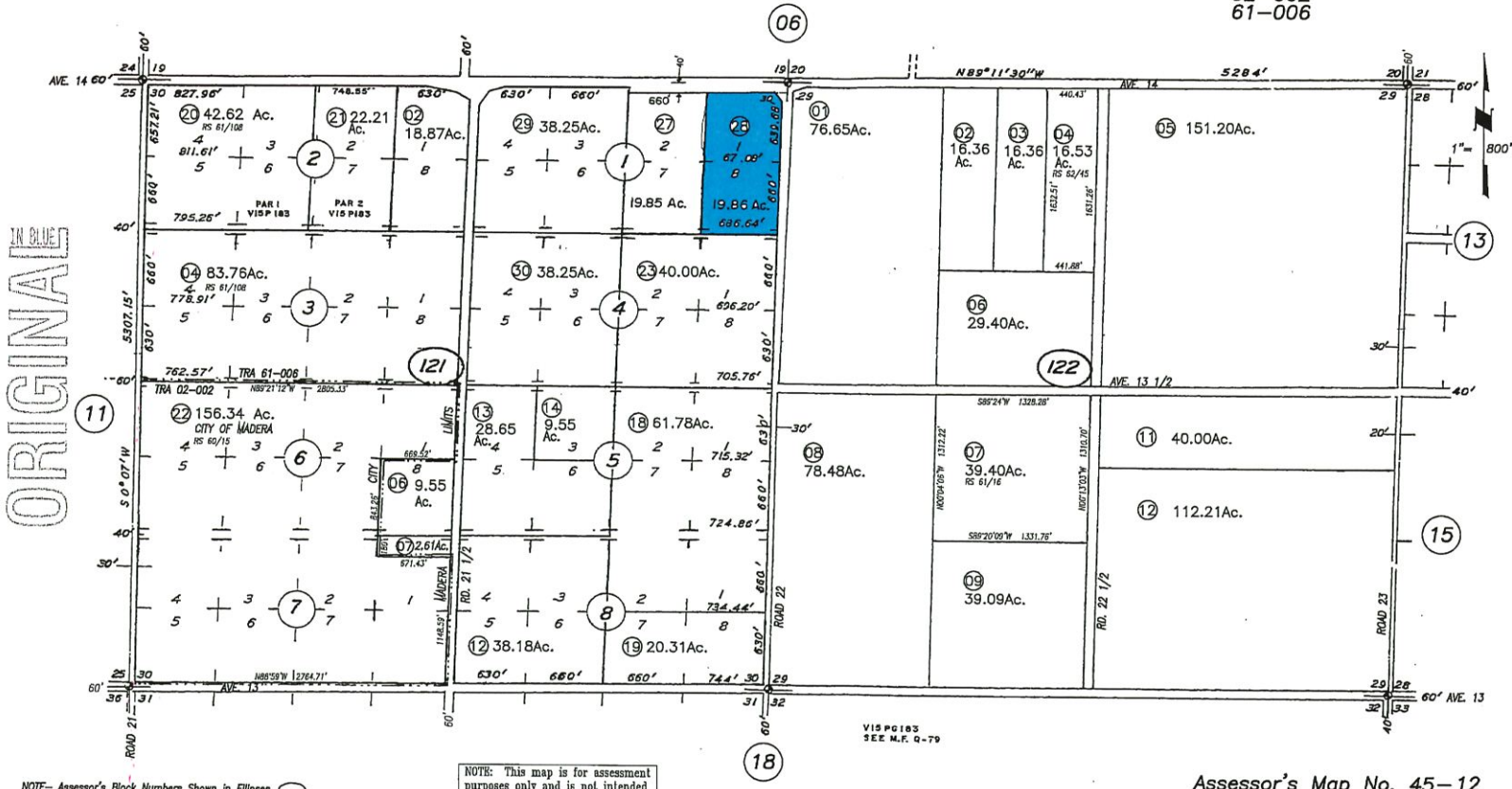
ASSESSOR'S MAP

EXHIBIT C

SEC. 29 & 30 T. 11S. R.17E. M.D.B.&M.
HOWARD & WILSON COLONY NO. 3

45-12

Tax Area Code
02-002
61-006



NOTE– Assessor's Block Numbers Shown in Ellipses. ⬭
Assessor's Parcel Numbers Shown in Circles. ○

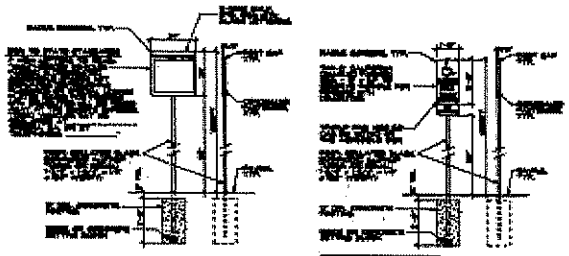
NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

NOTE– Assessor's Block Numbers Shown in Ellipses. ⬭
Assessor's Parcel Numbers Shown in Circles. ○

Assessor's Map No. 45–12
Madera Unified/Howard
County of Madera, Calif.
1954

15285-1-30
-2-12 CLR

SITE PLAN

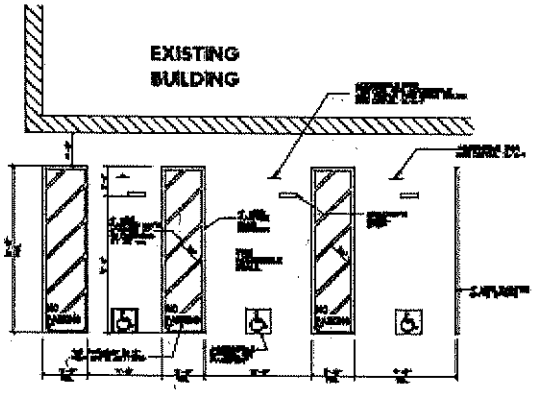


UNAUTHORIZED VEHICLE SIGNAGE

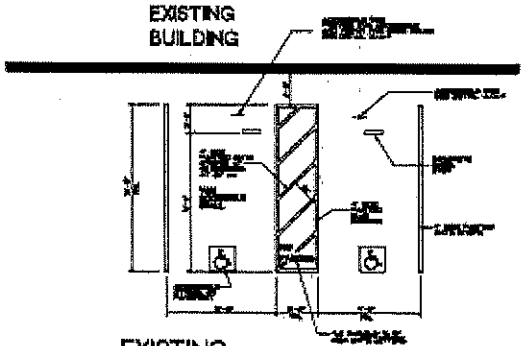
DETAIL

OPTION:

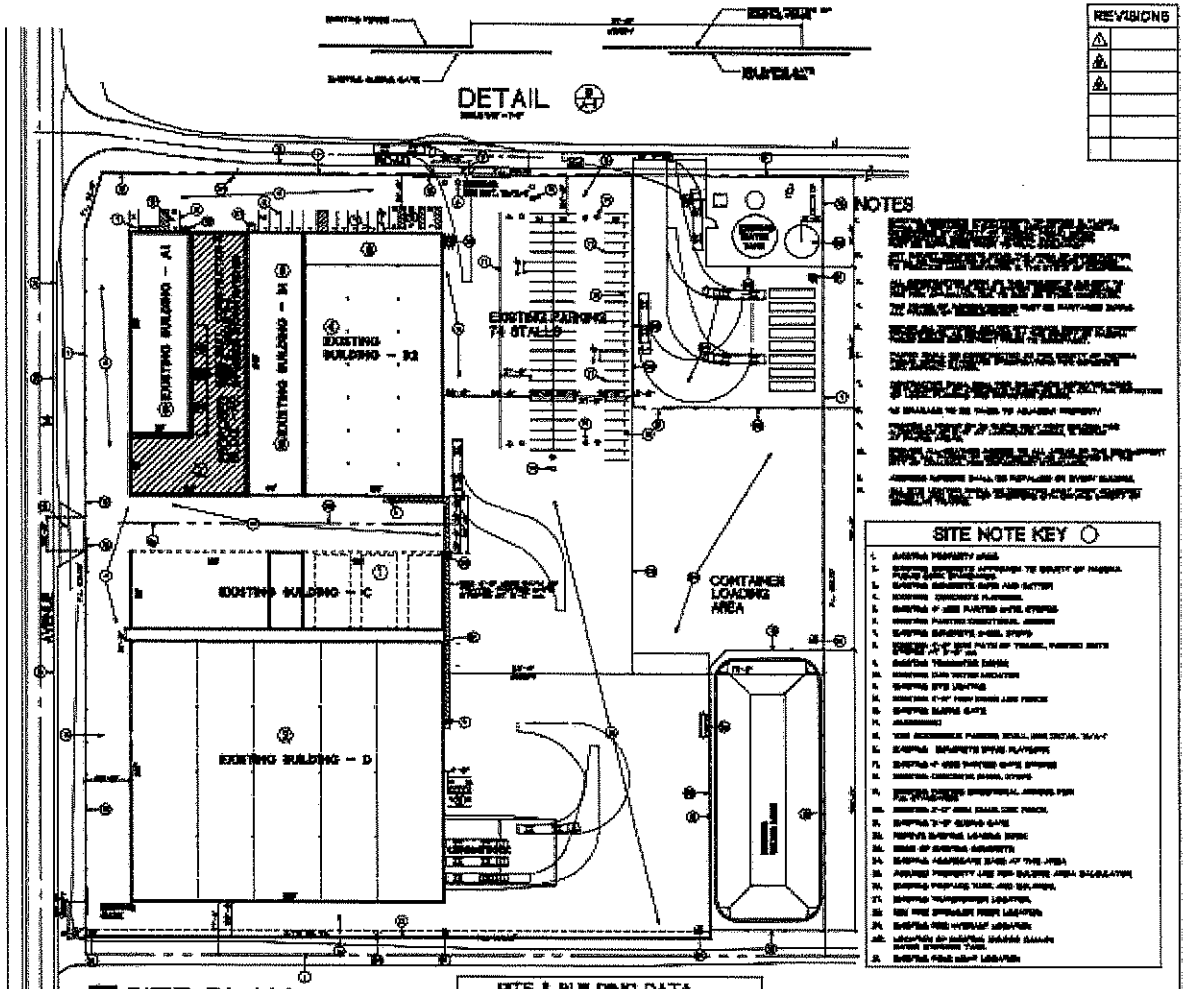
DETAIL



EXISTING
ACCESSIBLE PARKING STALL



EXISTING
ACCESSIBLE PARKING STALL



SITE PLAN

BUILDING USE KEY

SITE & BUILDING DATA

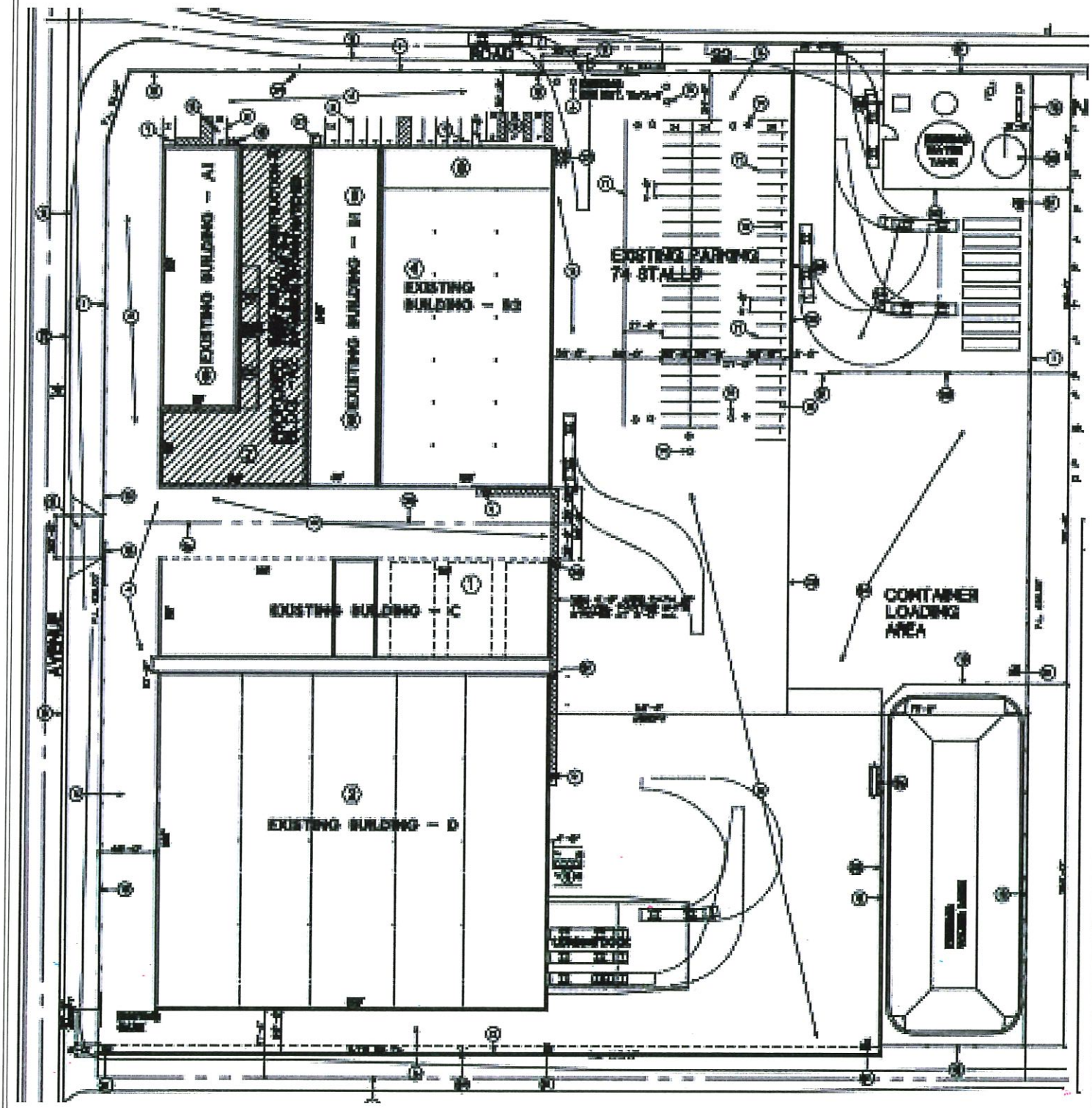
GENERAL INFORMATION

REVISIONS

A-1

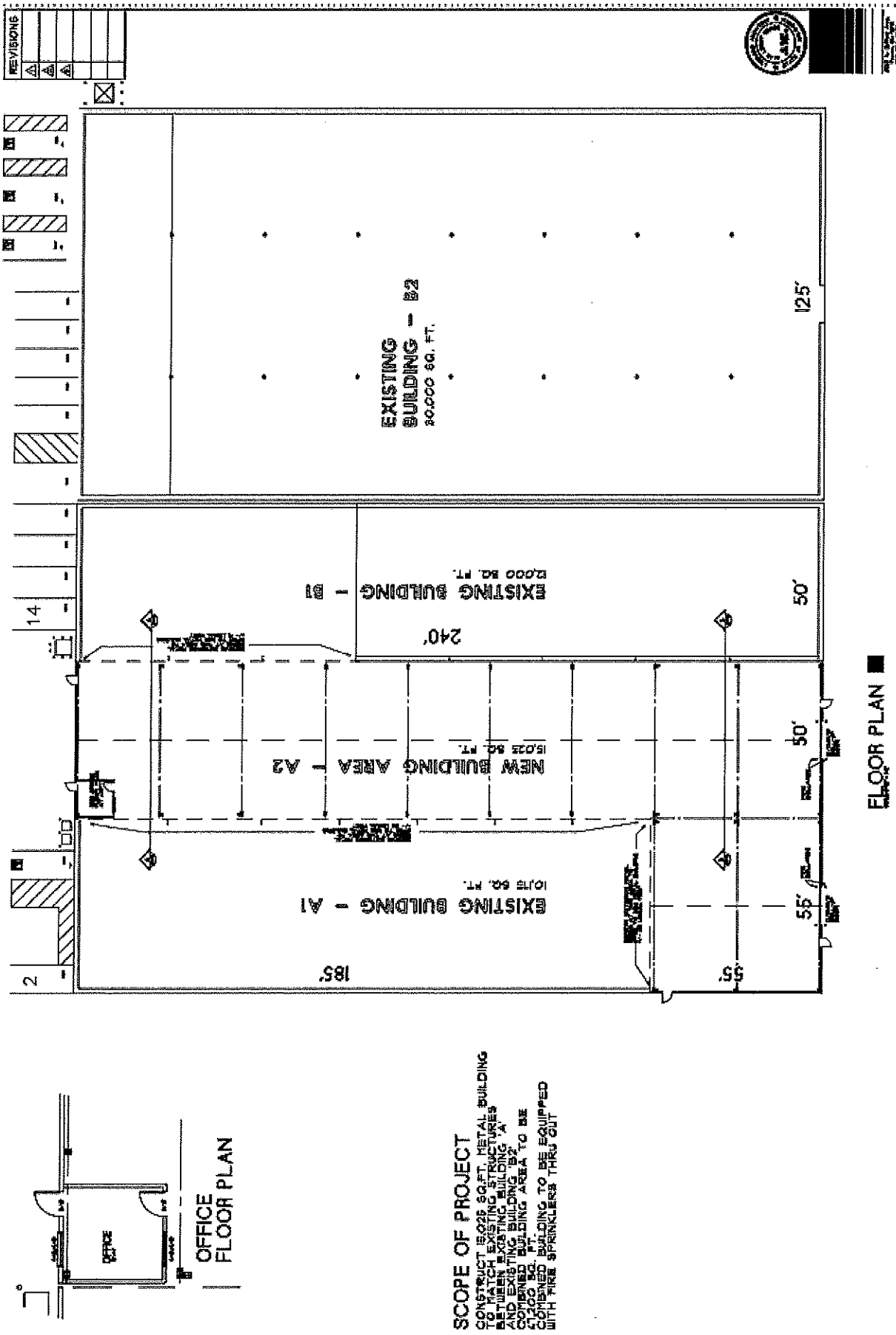
EXHIBIT D

EXHIBIT D-1



CLOSE-UP SITE PLAN

EXHIBIT D-2

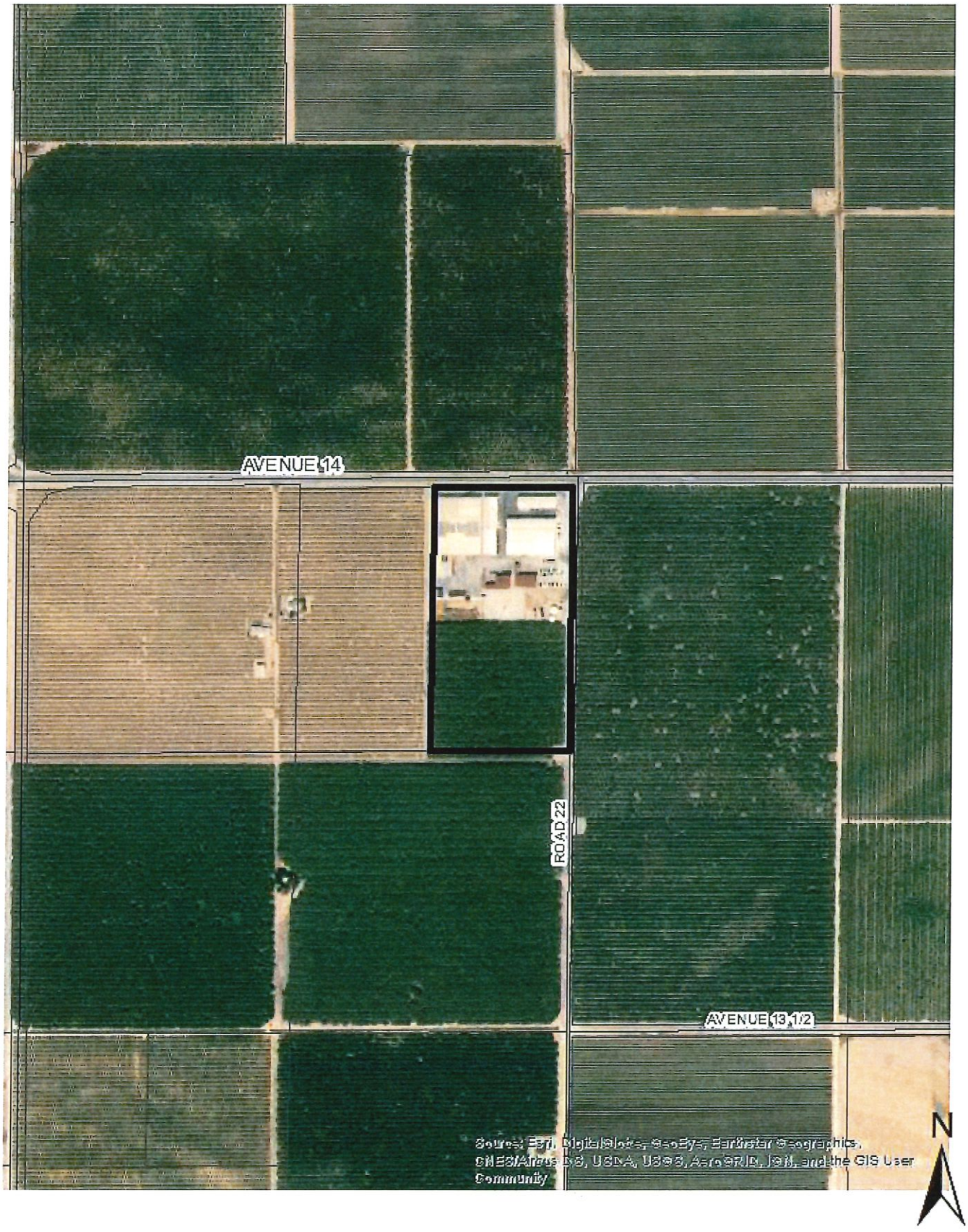


FLOOR PLAN

EXHIBIT D-3

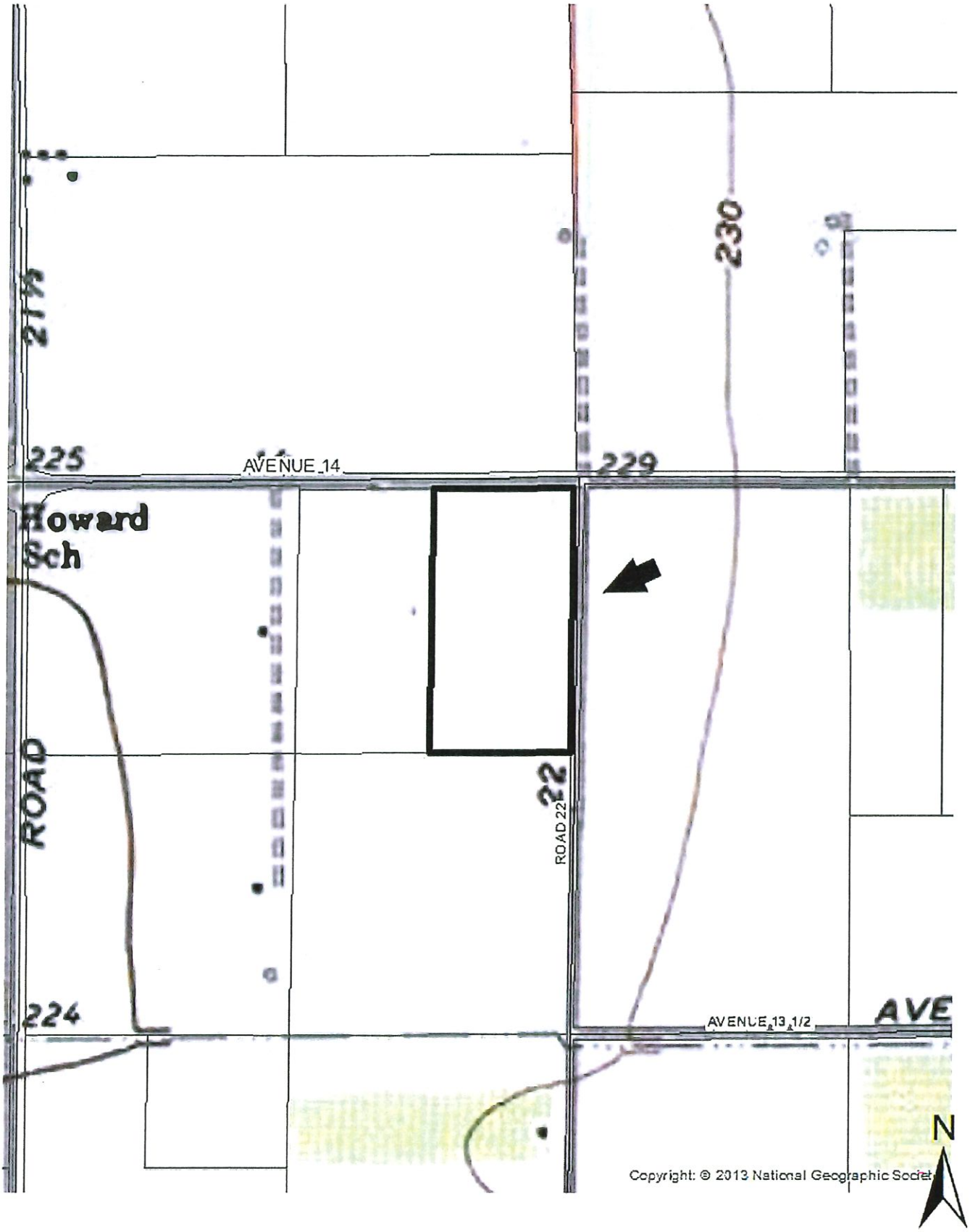
ELEVATION PLAN

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: 045-121-028
   Applicant's Name: El Dorado Almonds LLC
   Address: PO Box 1327, Madera, CA 93629
   Phone Number: 559-675-9000 x112

2. Describe the nature of your proposal/operation.
   Almond Processor

3. What is the existing use of the property?
   Almond Processing and Almond 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?
   Almonds only: stored, packed and shipped from this location. (not sold on site)

5. What are the proposed operational time limits?
   Months (if seasonal): August - July
   Days per week: 5 or 6 (depending on demand)
   Hours (from 7AM to 5PM): Total Hours per day: 10

6. How many customers or visitors are expected?
   Average number per day: +/- 1
   Maximum number per day: N/A
   What hours will customers/visitors be there? N/A

7. How many employees will there be?
   Current: 43
   Future: 60
   Hours they work: 5am-1:30pm or 7an-3:30pm or 12pm- 8pm
   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.
Same as current use

9. Will there be any service and delivery vehicles? No change
Number:
Type:
Frequency:

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.
90 Parking stalls (existing)
Parking lot is existing concrete

11. How will access be provided to the property/project? (street name)
Existing entry gate is on Road 22 (see site plan sheet A-1)

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.
No change in trip generation

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

14. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.
New addition will be metal building to match existing (see exterior elevation sheet A-3)

15. Is there any landscaping or fencing proposed? Describe type and location.
No landscaping - fence is existing chain link

16. What are the surrounding land uses to the north, south, east and west property boundaries?
Agricultural use all four directions

17. Will this operation or equipment used, generate noise above other existing parcels in the area?
No

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).
On site water well - On site water tank for fire sprinklers

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

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?
Red Rock Environmental

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)
NO

22. Are there any archeological or historically significant sits located on this property? If so, describe and show location on site plan.
NO

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

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

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

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

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

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

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): Almond Storage and Almond Processing
Square feet of building area(s): 138,135 Existing - ADD 15,025 Sq. Ft. = 153, 160 Sq. Ft
Total number of employees: 50 +/-
Building Heights: 26' +/- See Exterior Elevations sheet A-3

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

N/A

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: May 27, 2020

RE: El Dorado Almonds, LLC - Conditional Use Permit - Madera (045-121-028-000)

Comments

TO: Planning Division

FROM: Environmental Health Division

DATE: May 27, 2020

RE: Conditional Use Permit (CUP) #2020-007, El Dorado Almonds LLC – Madera, APN: 045121028

Environmental Health Division Comments:

The water well(s) to be used or constructed on site for this project, may require to be permitted by this Division if the facility meets the State definition as a "Public Water System". "Public Water System" means a system for the provision of water for human consumption through pipes or other constructed conveyances that regularly serves at least 25 individuals daily at least 60 days out of the year. Applicant will be required to complete a population determination questionnaire to determine if the project would be subject to become a public water system. Any creation of New Public Water systems are required to comply with Senate Bill (SB) 1263.

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

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

If your facility handles/store any hazardous materials on-site or generates hazardous waste you may be subject to permitting requirements though our department. As of January 2013 all Certified Unified Program Agency (CUPA) regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at www.cers.calepa.ca.gov.

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

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

Community and Economic Development
Fire Prevention Division

Deborah Mahler, Fire Marshal
Deputy Director

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

MEMORANDUM

TO: Robert Mansfield

FROM: Deborah Mahler, Fire Marshal

DATE: May 29, 2020

RE: El Dorado Almonds, LLC - Conditional Use Permit - Madera (045-121-028-000)

Conditions

The proposal will require the Ca. Building Code and California Fire Code to look at the existing building plus proposed as one individual large building in excess of 67,000 sq. feet.

Extensive changes will be required to existing sprinkler systems, fire suppression tank and systems and building construction upon application of a building permit.

EXHIBIT J

NOTE: PLEASE WRITE LEGIBILY OR TYPE:

Application(s): CUP #2020-007

Return to: Robert Mansfield, Planning Department

El Dorado Almonds, LLC

Responding Agency: MCSO Date: May 22, 2020

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:

Application(s): CUP #2020-007

Return to: Robert Mansfield, Planning Department

El Dorado Almonds, LLC

Responding Agency: MCSO

Contact Person: Jay Varney Signature: Jay Varney

Telephone No.: 559-675-7777 Date: 5/22/2020

ENVIRONMENTAL REVIEW:

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

   ✓ Yes

   ____ No, the following information is needed: ____

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

   minor increase to traffic if additional jobs are created by the additional building. Impact of this traffic would be very minimal to not noticed.

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

   ____ Yes ✓ No

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

1. Project title:	CUP #2020-007 – El Dorado Almonds Amendment to CUP #2012-001
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 southwest corner of the intersection of Avenue 14 and Road 22 (21888 Avenue 14) Madera. APN #: 045-121-028
5. Project sponsor's name and address:	El Dorado Almonds 21888 Avenue 14 Madera, CA 93637
6. General Plan Designation:	AE (Agricultural Exclusive)
7. Zoning:	ARE-20 (Agricultural, Rural, Exclusive – 20 Acre) District

8. Description of project:

The proposed project would amend Conditional Use Permit #2012-001 to allow the construction of an additional 15,025 square foot structure for storage.

Existing Conditions:

Land use in the surrounding area is predominantly agricultural including annual crops, vineyard orchards and other semi-agricultural uses or agricultural related infrastructure. Almonds, grapes and pistachios are the top crops in addition to milk from local dairies.

This is an existing almond processing facility with a current built out square footage of 138,235 square feet of buildings. The proposed structure would bring that to 153,160 square feet.

The site is 19.86 acres in size.

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: June 16, 2020

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
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.

Public Resource Code §21099, specifically section (d), looks at infill projects and their impacts to aesthetics of residential, mixed-use residential, or employment center projects.

Land uses common in the area include agricultural uses (crops, grazing land, etc.). There are several vacant parcels also in the area.

The proposed project includes a new storage structure of 15,025 square feet at an already existing almond processing facility.

The request is to amend Conditional Use Permit #2012-001 that was approved for an initial expansion of the project. The proposed project under this Conditional Use Permit would construct an additional 15,025 of square feet of processing floor area to the existing 138,135 square foot facility. This would bring the total square footage to 153,160 square feet for the buildings on site.

The zoning ordinance for the county designates a certain percentage of square footage that can be covered with buildings. In the case of the ARE-20 zoning, for an agriculturally oriented service (which this business is designated as), allows for 25% of the total acreage be covered by buildings. The site is 19.86 acres, which translates to 865,101.6 square feet (19.86 acres x 43,560 square feet per acre). This means the site can have 216,275.4 square feet of building space constructed. This proposed structure would leave approximately 63,115.4 square feet of building space that can be constructed prior to capping out in building area.

(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 and land uses. There are few residential type structures in the vicinity.

The proposed structure would not significantly alter the overall character of the surrounding area. There is no new lighting or sources of glare associated with this project being proposed.

(d) Less Than Significant Impact. 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.

There are no new substantial light sources proposed for this project. There is the potential of security lighting that will be included on the exterior of the structure, but these generate minimal impact overall to light pollution concerns. The slight increase in lighting as a result would be minimal in light of the whole.

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.

	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 is agricultural, with scattered residential structures. The facility is recognized as an agriculturally oriented service (pistachio packing).

(a - e) No Impact. The parcel and surrounding parcels are zoned agriculturally and are used for agriculturally oriented purposes as defined by County ordinance. No farmland will be affected directly or indirectly as a result of this project. There is no forest land, or zoning for forest land, in the vicinity of the project site.

The property involved in this project is considered Farmland of Statewide Importance and Prime Farmland in the Rural Land Mapping Project of the Farmland Mapping and Monitoring Program of the California Resources Agency. This is consistent with the proposed project.

The project will not violate the intent of the zoning ordinance in that it is consistent with current and expanding technologies being utilized in agricultural operations. No rezoning will be required.

While there are properties in the area that may be within the Williamson Act, this project as designed will not interfere with any of those properties or contracts.

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) Less Than Significant Impact. Construction related emissions are temporary in nature, for the duration of the construction of the structure.

Construction emissions will predominately be related to $PM_{2.5}$ and PM_{10} (Particulate Matter of 2.5 and 10 micron in size respectively) from fugitive emissions. $PM_{2.5}$ and PM_{10} emissions will occur during any earthmoving (grading) activities. There will also be a limited increase in diesel emissions from the heavy equipment associated with the grading and construction activities. These emissions will be temporary in nature for the duration of the construction process.

Project operations would not significantly change post construction air quality. In review of previous Conditional Use Permit number of employees indicated and those indicated for this amendment, there is no significant change. The number of trucks for shipment purposes is not proposed to change as a result of the new structure.

(c & d) Less Than Significant Impact. 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).

While there are residences in the vicinity of the project, the concentration of those residences is such that any pollutant concentrations will have dispersed enough to not be a significant factor. Howard School is approximately ½ mile west of the project.

The operations in and of themselves do not lend to objectionable odors. Due to the increased storage capability, additional deliveries via delivery trucks from the fields could emit additional diesel emissions. However, given the distance to sensitive receptors, the emissions would have dissipated to a point where there would be no issue.

During construction of the storage structure, there is the potential of increased diesel emissions from trucks delivering construction material.

There have been no known odor complaints from the facility.

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.

The area surrounding the proposed project site has been disturbed through agricultural uses, roads, canals, and residential units.

(a) Less Than Significant Impact. While species have been identified as being potentially in the quadrangle of this project, no impacts to those species have been identified as a result of this project, directly or indirectly. While the list below shows a few 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.

There are other species indicated in adjacent quadrangles, but again due to the limited nature of this project and the fact that the land uses of the area have been occurring for countless years, it is less than likely that the proposed use will have any impacts to those species.

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.

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 species listed in the quadrangle in which this project is located, this does not necessarily mean that this species is 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 Red Legged Frog	Threatened	None	SSC	None
Mountain Plover	None	None	SSC	None
Vernal Pool Fairy Shrimp	Threatened	None	None	None
Fresno Kangaroo Rat	Endangered	Endangered	None	None
American Badger	None	None	SSC	None
Blunt-nosed Leopard Lizard	Endangered	Endangered	FP	None
Coast Horned Lizard	None	None	SSC	None
Valley Sacaton Grassland	None	None	None	None
Spiny-Sepaled Button-Celery	None	None	None	1B.2
Heartscale	None	None	None	1B.2
Lesser Saltscale	None	None	None	1B.1
Vernal Pool Smallscale	None	None	None	1B.2
Subtle Orache	None	None	None	1B.2
California Alkali Grass	None	None	None	1B.2
Ewan's Larkspur	None	None	None	4.2
Recurved Larkspur	None	None	None	1B.2

Bonita Ranch Quadrangles

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

Surrounding quadrangles have the same species indicated.

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.

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

A vernal pool is defined as a contained basin depression lacking a permanent above ground outlet. They contain water for a few months in the spring and early summer. There are no vernal pools or habitats identified on the project site, nor any that would be impacted directly or indirectly as a result of this project. There are no federally identified wetlands on the project site. The parcel already has structures on it, as does parcels in the immediate vicinity. The chances of any of the species identified in the area being on this parcel are minimal at best.

(d) Less Than Significant Impact. There may be minimal impact to migration as a direct result of construction activities. But once those activities have concluded, the migratory nature of the species could return to normal. The facility has been in operation for a number of years, so most species may be "comfortable" with it being there.

As the construction is being conducted on an already existing facility, the impact will mainly be due to noise above that of ambient existing noise. This will be temporary in nature for the construction of the storage shed.

Operationally, there may be a slight increase in noise levels with the potential increase in the number of delivery trucks coming in to the facility. However, given that the project is located on a regularly used roadway and it's common to have agriculturally related vehicles traveling through the area, the impact would be less than significant. Wildlife in the area may already be accustom to the noise and passing traffic so as not to be adversely impacted.

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

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.

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

Responses:

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.

California Environmental Quality Act (CEQA) §15064.5 mainly describes historical and archaeological resources that need to be taken in to consideration for evaluating impacts from any proposed project. The primary factor is determining if there is any potential resources on site, and this is typically done through consultation of tribal members with knowledge of the site or its surroundings, as well as review of jurisdictional documentation. In some cases, tribal members will request any number of site inspections to determine if there are any Native American resources.

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) No Impact. There are no historically significant structures on the property

The area surrounding the project site, as well as the parcel itself, has been developed for agricultural purposes or agriculturally oriented services for years with significant ground disturbances as a result (infrastructure, roadways, agricultural uses, etc.). This project is going on already disturbed ground.

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 §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.

If any of the tribes did respond and requested additional reviews, consultations or studies of the site prior to further processing of the project, the County would have coordinated contact with the applicant and tribal representatives.

If any resources were found on site, their exact nature and location would not be identified by the County for safety, confidentiality and respect of the tribal resource. That said, mitigations would be incorporated in conjunction with tribal input as necessary.

	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:

PG&E is the primary provider of energy to the area, and by all accounts has sufficient supplies to support growth within the County.

Construction vehicles and construction worker vehicles utilize fossil fuels. The increased fuel consumption during the construction would be of temporary nature, and would not require any additional fuel or energy of any significant value.

There is no operational increase in vehicle traffic as a result of this project.

(a - b) Less Than Significant Impact. There will be some construction related activities occurring during the connection of piping for the digester. Operationally, there may be some vehicle related impacts in regards to vehicle trips for maintenance and end use.

The project will result in a reduction of energy usage during pumping. Current construction equipment and methods are mandated to conserve energy resources. Overall, the project would use equal or less energy than current uses. To the extent that Greenleaf Orchards uses surface water made available by the proposed project, less groundwater would be pumped so its well pumps would run for shorter time periods. As the recharge efforts of MID and Greenleaf Orchards take effect, the groundwater level will improve, reducing energy usage from the lifting load on the well pumps.

	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.

All soils of the site and on surrounding lands no longer maintain their native soil characteristics due to soil disturbing activities associated with agricultural practices.

(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.

While the County has not been affected directly by any known recent earthquakes, there still stands the possibility of being affected by those elsewhere. The 2019 Ridgecrest earthquake (Ridgecrest, CA near China Lake Military Installation) is an example of this. While the quake was centered in proximity to Ridgecrest, Madera County and surrounding communities felt the vibrations.

There will be no direct impact as a result of the actual construction process, but the addition of storage facilities has the indirect impact in that people could be trapped or injured by falling debris as a result of any sizeable earthquake. While there have been no major earthquakes in the County in some time, sizeable quakes elsewhere have been felt here.

(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. Due to the topographically flat nature of the project site, the erosion may be minimal. The area surrounding where the venue is on the property is paved, so rainfall will flow off in accordance to the sloping nature of the paved area, no matter how minimal the slope is.

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

The Project site and surrounding areas do not contain substantial grade changes. Risk of landslides, lateral spreading, subsidence, liquefaction, and collapse are minimal. The Project does not propose significant alteration of the topography of the site and it does not involve development of structures or facilities that could be affected by expansive soils or expose people to substantial risks to life or property.

No septic tanks or alternative wastewater disposal systems are proposed as a part of this project.

The proposed project is not in an area known for paleontological resources.

	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 Earth's climate has been warming for the past century. It is believed that this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the Earth. As the infrared energy is absorbed, the air surrounding the Earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past two decades. The 10 warmest years of the last century all occurred within the last 15 years. It appears that the decade of the 1990s was the warmest in human history (National Oceanic and Atmospheric Administration, 2010). Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases.

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.

Commonly identified greenhouse gases and sources include: Carbon dioxide (CO_2), Methane (CH_4), Nitrous Oxide (N_2O), water vapor, Ozone (O_3), Chlorofluorocarbons (CFC_s), Hydrofluorcarbons (HFC_s), Perfluorocarbons (PFC_s), and Sulfur hexafluoride (SF_6).

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About three-quarters of human emissions of CO_2 to the global atmosphere during the past 20 years are due to fossil fuel burning. Atmospheric concentrations of CO_2, CH_4, and N_2O have increased 31 percent, 151 percent, and 17 percent respectively since the year 1750 (CEC 2008). GHG emissions are typically expressed in carbon dioxide-equivalents (CO_2e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 21 tons of CO_2. Therefore, CH_4 is a much more potent GHG than CO_2.

The impacts of climate change have yet to fully manifest. A hotter plant is causing the sea level to rise, disease to spread to non-endemic areas, as well as more frequent and severe storms, heat events, and air pollution episodes. Also affected are agricultural production, the water supply, the sustainability of ecosystems, and therefore the economy. The magnitude of these impacts is unknown.

(a - b) Less than Significant Impact. There is the potential of a slight increase of greenhouse gas generation during the construction phase of the project. This will be temporary in nature for the duration of the construction of the building. Operationally, based on no indications of increase in vehicle or employee trips, there will be no increase of greenhouse gases as a result of this project.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led

many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

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

IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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 - g) No Impact. The western part of Madera County has historically experienced several concerns related to hazardous materials. Typically these hazards are in line with agriculturally based operations (fertilizers, pesticides, equipment oils and grease, etc.). 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.

Construction activities would likely require use of limited quantities of hazardous materials such as fuels for construction equipment, oils, lubricants, and the like. The improper use, storage, handling, transport or disposal of these materials could result in accidental release. Due to the minimal amounts typically in these vehicles, no real impact is anticipated.

Handling of hazardous materials is covered by federal and state laws which minimize worker safety risks from both physical and chemical hazards in the workplace. Businesses are required to submit a Hazardous Materials Management Plan with the local CUPA which performs routine inspections to ensure compliance with regulations. Transportation of materials is covered by the Department of Transportation (DOT).

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 project is not located near either airport in the County. The project is located approximately 2.67 miles southwest to the nearest airport (Madera Municipal Airport). The parcel lays just outside the airport/airspace overlay district for the Madera Airport. There have been no reports of aeronautical accidents in the vicinity of this project.

According to the Department of Toxic Substance Control (DTSC), there are no sites on or near this project site that is or was hazardous waste sites.

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.

X. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Responses:

The area where the project is proposed consists of the construction of a new storage structure on an existing almond processing facility.

(a - b) No Impact. No impacts have been identified as a result of this project. No wastewater sources will be added as a result of this project.

(c i - iii) Less Than Significant Impact. The project in and of itself is not anticipated to create or contribute to erosion or runoff. The site has been in operation for years and already has been looked at in regards to potentially diverting rainwater to areas where minimal erosion already occurs. This project will not alter those flows.

It is not expected that the project will substantially create runoff that exceeds the stormwater drainage capacity nor produced polluted runoff.

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

(d) No Impact. 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.

(e) Less Than Significant Impact. Due to the nature of the project, it is potentially an impact to groundwater. It is potential a SWPPP and adherence to Regional Water Quality Control requirements will be in order.

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.

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

The project in and of itself is not proposing any changes in land use or zoning. The construction and operations do not propose any changes to existing land uses. Nor will it require the removal of any crops or land as a result of the project.

XII. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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.

XIII. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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.

The proposed project is comprised of constructing an additional storage facility on an existing almond processing facility

(a - b) Less than Significant Impact. During construction phase of the project, there is the chance of an increase in localized noise and groundborne vibration.

It is not anticipated that the proposed project would generate excessive groundborne vibration or noise level. Operations are anticipated to be similar to those of existing agricultural operations. The project is expected to minimally contribute to groundborne vibration and noise levels in the area.

c) No Impact. The project is not within proximity to a known airport. The project is located approximately 2.67 miles southwest to the nearest airport (Madera Municipal Airport). The parcel lays just outside the airport/airspace overlay district for the Madera Airport. There have been no reports of aeronautical accidents in the vicinity of this project.

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		

	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:

The closest residential area is approximately ½ mile away.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
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.

(a - i) No Impact. It is not anticipated that there will be any need for additional fire services as it relates to this project.

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

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

There is the minor chance of equipment being stolen or vandalized. Given the remoteness of the project site, the theft may go unnoticed for some time.

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. The Sherriff's Office had no comment for this project.

A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1.7 law enforcement officials per 1,000 population.

(a – iii through v) No Impact. No impacts identified as a result of this project.

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.

	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.

XVII. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
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.

According to the Madera County Transportation Commission (MCTC), the traffic counts for the area range from 1,502 east bound and 1,470 west bound vehicles along Avenue 12 east of its' intersection with Road 23, which is the closest intersection to this project site for which there are traffic counts for 2017. Howard School is approximately ½ mile to the west.

Initially, traffic generated for the project will predominately be associated with the construction phase of the project. Operationally, there is the potential for a slight increase of traffic in to the site for the increased storage of materials.

(a & b) Less Than Significant Impact. The proposed project is not anticipated to generate any additional traffic that could significantly impact the area. It is anticipated to be up to 60 employees entering/leaving the site.

(c & d) No Impact. The proposed project does not propose any roadway changes or infrastructure.

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.

In 2013, the State of California passed Senate Bill 743 (SB 743) which mandates that jurisdictions can no longer use automobile delay – commonly measured by "level of servce" – when doing transportation analysis under CEQA. Rather, the State has issued guidelines suggesting using a more holistic metric that can better support smart growth – called "vehicle miles traveled."

CEQA §15064.3(b) considers any project that would decrease the amount of traffic in a region, or is located within ½ mile of a transit stop (sometimes considered "within walking distance") as less than significant. This particular project does not fit either of those categories.

	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.

(a – i, ii) No Impact. No impacts identified as a result of this project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
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 – d) No Impact. No impacts identified as a result of this project.

The proposed Project would not exacerbate wildfire risks. The Project does not propose any habitable structures and would therefore have no occupants. Further analysis of the Project's potential impacts to wildfire are not warranted. There would be no impacts.

The project does not propose any actions that would expose people or structures to significant risks.

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. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project, with incorporation of mitigation measures, would have a less than significant effect on the environment. The potential for impacts to biological resources, geology and soils, and cultural resources from the implementation of the proposed Project would be less than significant with the incorporation of the mitigation measures. Accordingly, the Project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory

(b) Less Than Significant Impact. CEQA Guidelines Section 15064(i) States that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. The Project would include the construction of approximately 0.5 miles of pipeline and a new turnout at an existing canal. No additional roads would be constructed as a result of the Project, nor would any additional public services be required. The Project is intended to allow Greenleaf Orchards to utilize surface water for its irrigation operations and would not result in direct or indirect population growth. Therefore, implementation of the Project would not result in significant cumulative impacts and all potential impacts would be reduced to less than significant through the implementation of mitigation measures and basic regulatory requirements incorporated into future Project design

(c) Less Than Significant Impact. The project would include the construction of a 15,025 square foot storage structure. The project in and of itself would not create significant hazard to the public or the environment. Air quality/dust exposure impacts could occur temporarily as a result of project construction. However, implementation of basic regulatory requirements would ensure that impacts are less than 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

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

U.S. Department of the Interior, Bureau of Reclamation Categorical Exclusion Checklist. 2019.

EXHIBIT L

MITIGATED NEGATIVE DECLARATION MND

RE: CUP #2020-007 – El Dorado Almonds

LOCATION AND DESCRIPTION OF PROJECT:

The subject property is located on the southwest corner of the intersection of Avenue 14 and Road 22 (21888 Avenue 14), 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.

The applicant is requesting to amend Conditional Use Permit #2012-001 to allow for additional storage facility of 15,025 square feet.

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: June 16, 2020
FILED:
PROJECT APPROVED:

MITIGATION MONITORING REPORT

MND # 2020-08

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
	All lighting shall be hooded and directed away from neighboring properties							
Agricultural Resources								
Air Quality								
	No idling of trucks or other vehicles longer than 10 minutes							
Biological Resources								
Cultural Resources								
Geology and Soils								
Greenhouse Gas Emissions								
Hazards and Hazardous Materials								
	No construction shall interfere in any fashion with the flight patterns in to and out of the Madera Airport (including but not limited to glare, dust, electronic interference)							
Hydrology and Water Quality								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Land Use and Planning								
Mineral Resources								
Noise								
	No noise sall exceed County established ordinances.							
Population and Housing								
Public Services								
Recreation								
Transportation and Traffic								
Utilities and Service Systems								
Tribal Cultural Resources								
Energy								
	Utilize energy efficient materials in the construction and operations of the facility							
Wildfire								