



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: April 13, 2021

AGENDA ITEM: #1

CUP	#2020-016	To amend CUP #2010-008 to allow adjustments to commercial development within the Planned Development District (PDD).
APN	050-193-003	Applicant/Owner: Minarets Crossing, LLC
CEQA	2020-24	Mitigated Negative Declaration

REQUEST:

The applicant is requesting to amend CUP #2010-008 to allow adjustments to commercial development within the Planned Development District.

LOCATION:

On the northeast corner of the intersection of Highway 41 and Road 200 (no situs) O'Neals.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2020-024) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Approval of Conditional Use Permit #2020-016, subject to conditions, Findings of Fact, MND #2020-24 with corresponding Mitigation Monitoring and Reporting Program.

GENERAL PLAN DESIGNATION (Exhibit A-1):

SITE: CC (Community Commercial) Designation

SURROUNDING: OS (Open Space), LI (Light Industrial) and AE (Agricultural Exclusive) Designations

O'NEALS AREA PLAN (Exhibit A-2):

SITE: RCA & PL (Resource Conservation and Public Lands) Designation

SURROUNDING: RCA & PL (Resource Conservation and Public Lands) and IL (Light Industrial) Designations

ZONING (Exhibit B):

SITE: PDD (Planned Development District)

SURROUNDING: IL (Light Industrial), ARE-40 (Agricultural Rural Exclusive-40 Acre) District, POS (Public Open Space) District, ARF (Agricultural Rural Foothill) District

LAND USE:

SITE: Vacant

SURROUNDING: Grazing, Open Space, Light Industrial, Educational

SIZE OF PROPERTY: 31.34 Acres

ACCESS (Exhibit A): The property is accessed by Road 200.

BACKGROUND AND PRIOR ACTIONS:

General Plan Amendment (GP #2008-026) to allow the property to change its General Plan Land Use Designation from (AE) Agricultural Exclusive to CC (Community Commercial) was heard by the Planning Commission on February 3, 2009. The Board heard the item on March 9, 2009. Prior to the 2008 General Plan Amendment, the property was used as grazing land.

PRJ #2010-002 consisting of Rezone (CZ #2010-005) from Agricultural Rural Exclusive, 40 Acre (ARE-40) District to Planned Commercial District (PCD), and Conditional Use Permit (CUP #2010-008) to define future commercial uses was heard on September 14, 2010. The Board of Supervisors heard the project on October 28, 2010.

PROJECT DESCRIPTION:

This is a request to amend Conditional Use Permit #2010-008 to allow adjustments to commercial development to include a 2,500 square foot convenience store with a gas station and future commercial development within the Planned Development District (PDD). The project site is currently vacant. The property would be accessed from Road 200.

ORDINANCES/POLICIES:

Chapter 18.67.020 of the Madera County Zoning Ordinance outlines the allowable uses within the PDD (Planned Development District).

Chapter 18.92 of the Madera County Zoning Ordinance outlines the procedures for the processing of Conditional Use Permits.

Chapter 18.102 of the Madera County Zoning Ordinance outlines the parking regulations required for the type of use.

Chapter 18.106 of the Madera County Zoning Ordinance outlines the procedures for the processing of Variances.

Madera County General Plan Policy Document (page 10) outlines the allowable uses within the CC (Community Commercial) Designation.

Policy 1.D.1 of the Madera County General Plan indicates that the County shall require that new community commercial centers locate adjacent to major activity nodes and major transportation corridors.

Policy 1.D.2 of the Madera County General Plan indicates that the County shall encourage existing and new commercial centers to provide a variety of goods and services, both public and private.

Policy 1.D.4 of the Madera County General Plan indicates that the County shall provide new commercial development in rural communities that provides for immediate needs of the local residents and services to tourists and travelers. The scale and character of such commercial development should be compatible with and complement the surrounding area.

Policy 1.E.6 of the Madera County General Plan indicates that the County shall encourage flexibility in development standards to accommodate uses that provide substantial economic benefit to the community.

ANALYSIS:

The applicant is requesting to amend CUP #2010-008 to allow for adjustments to commercial development in a Planned Development District to include for a gas station and convenience store and future commercial development. The gas station will operate 24 hours a day, while the convenience store will operate from 6:00 AM to 10:00 PM daily. There will be no special activities held. The applicant anticipates between 125 and 200 vehicles per day. The site will be accessed by Road 200. There will be three employees to begin with, with an anticipation of five employees in the future. Typical gas price signage and canopy signs will be utilized. It is anticipated that the project will utilize 21,600 gallons of water per day and, per the applicant, the system will be annexed to the Minarets High School public water system. It is anticipated that the site will generate approximately 2,200 gallons per day of wastewater. EMADCO will be contracted to collect the expected 4 cubic yards of trash per week. Access will be from Road 200.

The project site consists of 31.34 acres of vacant property. The subject parcel is designated Community Commercial (CC) by the General Plan. The CC designation allows for a variety of commercial activities. The O'Neals Area Plan designates the parcel as RCA and PL (Resource Conservation and Public Land). This category encourages private land and timber production land within the area. The resource conservation and public land allows for a wide range of uses, including open space, agriculture, rural residential and commercial uses. The zoning is Planned Development District (PDD), which allows flexibility in development and what the general plan allows.

On September 14, 2010, PRJ #2010-002 consisting of a rezone to Planned Commercial Development and a conditional use permit were heard and approved by the Planning Commission. In October of that year, the Board of Supervisors heard and approved the project. The project was to help define the permitted uses and development standards of the property for future commercial development.

The rezoning to PCD (Planned Commercial Development) – the precursor to the Planned Development District that currently exists on the property -- was done to allow for future development to be reviewed on a case-by-case basis to determine its compatibility with the surrounding community. The application of the conditional use permit would set forth the permitted uses of the property as well as define the development standards for future development. The conditional use permit may set various building standards which would force future proposals to follow. The Planning Commission would also be required to review all future projects to verify their consistency with the adopted standards of the original conditional use permit.

At the time of PRJ #2010-002, a conceptual plan was also submitted (Exhibit D-7 of this report) that provided an outline of future development. The conceptual plan includes various commercial uses including a gas station, professional offices, restaurant, and an RV Park. When the General Plan Amendment for the parcel was adopted in 2009, the Board of Supervisors directed staff to study the area and to develop a list of acceptable uses for the property. Additionally, the O'Neals Area Plan states that only uses currently allowed with the CRM (Commercial, Rural, Median) District be allowed for properties zoned for commercial use within the plan area (Exhibit D-7a of this report). As such, the proposed RV Park would not be permitted on the property. The applicant for this Conditional Use Permit is proposing instead an area for which RV's and buses could park for the duration of their visit to the site. Other intensive uses such as, but not limited to, automobile repair, machine shops, or welding shops, would not be allowed due to their incompatibility with the surrounding uses, such as Minerets High School.

Primarily, the applicant is requesting to amend the existing Conditional Use Permit (CUP #2010-008) to allow for the construction of a gas station and convenience store which is to be put on Parcel #6 (Exhibit D-1). The applicant has submitted a multi-parcel project (a parcel map is being processed separately) for this site. The applicant has requested that in addition to a gas station and convenience store on what is labeled as Parcel #6 (at the intersection of Road 200 and Highway 41), but also a drive-in restaurant, dine-in restaurant, retail buildings, an area for bus and RV parking, offices, and nail salons be included in the project. The proposed businesses are consistent with previous Conditions of Approval associated with PRJ #2010-002 which allowed for any business permitted within the Commercial Rural Median Zone District as outlined in the O'Neal's Area Plan.

The applicant has provided plans for a three-story office building (Exhibit D-9) that includes a ground floor, second floor storage and third story "tower." The proposed 3-story office building poses inconsistencies with the O'Neals Area Plan. The O'Neals Area Plan, (Section B.2.e.3), explicitly restricts building height: "Buildings and structures shall not exceed two stories in height above ground level and should be sited and designed to not obstruct scenic view as determined by the Planning Department." Furthermore, the office building floor plan and elevations did not include a site plan. The proposed 3-story office will not be allowed unless the building is modified to 2-stories and a site plan is provided to clearly identify the proposed location of the building.

The application also proposed an array of aesthetic design standards for the commercial development. The O'Neals Area Plan, (Section B.2.e.1) requires that: "The architecture of a development should have a rustic theme and utilize earth tone colors that reflect the natural environment and rural atmosphere of the study area." The proposed Drive-In is intended to have a 1950's, mid-century aesthetic (as seen in the picture provided in Exhibit G). Unfortunately, this architectural style is not congruent with the O'Neals Area Plan. Exhibit D-10 shows one of the designs that the applicant submitted with the project. The building shown in Exhibit D-10 reflects the rural and rustic nature of the O'Neals Community. The convenience store does also provide a similar rural aesthetic that maintains the architectural characteristics intended in the O'Neals Area Plan. Staff recommends that all future buildings maintain similar architectural traits.

The project also proposes a "Theme Development" for Parcels 7, 8, 9, 10, 11 and 12. This use would be considered a public or semi-public use. The concept as outlined in the Minerets Crossings portion of the operational statement (Exhibit G) is "Early California" feel (examples like North Fork, Angels Camp, Downtown Mariposa are given). Parcel #7 is envisioned as having plans for a 4,000 to 5,000 square foot retail area. Concepts for an ice cream parlor, candy store, hair and nail salon, restaurants, beer tap rooms and similar establishments are being proposed for this area. The design will allow for approximately 9.34 acres of which 2.75 acres will be for buildings, and the remainder being for common areas.

The closest traffic counts done by the Madera County Transportation Commission (MCTC) in 2019 centers around Road 200 at its intersection with Highway 41, which is at the project site. Per the MCTC, there were 3,728 eastbound and 4,295 westbound bound trips on Road 200, east of Highway 41.

Caltrans had previously reviewed the area for two separate projects including the 2010 general plan amendment and conditional use permit (Exhibit K). They consider Road 200 driveway as a public road connection. They are recommending a 350-foot eastbound left-turn lane on Road 200 to the project's driveway.

Historical resources have not been identified on the property. In 2000, an Archaeological Study was conducted on the project site by J & R Environmental Services. Prior to fieldwork, a records and literature search was undertaken to determine the existence and characteristics of all previously recorded cultural resources within the general vicinity of the project site. Records from the Southern San Joaquin Valley Information Center of the California Archaeological Inventory, California State University, Bakersfield were also reviewed. On September 20, 2000, staff from J & R Environmental Services conducted a field inspection. After an intensive search, no conclusive evidence was found of any historical or archaeological resources on site. There is the potential for unanticipated discovery of historical resources during construction of the Project. Mitigation for the management of unanticipated discoveries are provided in the mitigation monitoring reporting form.

A biological study was conducted by Live Oaks and a letter summarizing their findings was presented to the applicant (Exhibit Q). The study reviewed previous communications on earlier projects as well as conducted a site reconnaissance level field survey. Per the author of the letter, the level of significance under the California Environmental Quality Act was not met on several points. The only recommendation made was that if any trees need to be removed as a part of the development, that it would be prudent to have the trees surveyed for active bird nests. If any trees were to have nests, it was furthered recommended that a qualified biologist determine if any young birds have fledged and the nests are no longer occupied prior to removal of such trees. This will ensure that the project is consistent with the requirements of the California Fish and Game code. The mitigation in the MMRP for this project (Exhibit S) is sufficient to cover this finding from Live Oak.

Planned Development District (PDD) Analysis

While the applicant is not proposing a re-zone of the property, it is essential to analyze the existing zoning designation as it relates to the project overall. In 2010, the property was rezoned to Planned Commercial Development (PCD), which is a precursor to the Planned Development District that currently exists on the property.

The zoning ordinance of any jurisdiction is sometimes referred to as the “beast of burden” for the general plan. While the general plan gives goals and policies on how the jurisdiction develops, the zoning ordinance is a rule that defines how property in specific geographic zones can be used and how the jurisdiction implements the general plan.

The purpose of the Planned Development District (PDD) is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of other parts of the title. The PDD district is designed to allow diversity in the relationship between buildings and open spaces so as to create unique, interesting physical environments that maximize usable open space, while at the same time to preserve the public health, safety and welfare. Development within the PDD district shall conform to the standards specified elsewhere in the title for similar uses except to the extent that benefits will accrue to the public by deviation from such standards. The application of the PDD district to land may only be initiated by application of the landowner or his/her representative.

Up until 2012, the Zoning Ordinance had five planned districts: Commercial, Industrial, Shopping Center, Residential and Recreational. These planned districts were designed to meet a specific need. When a developer finds that their proposed development cannot meet the specific regulation, such as land use, building setbacks and other ordinance impediments required, the planned district allows the developer to develop projects unique in design and unique to the site. The purpose of the planned development district is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of other parts of the ordinance. The planned district is designed to allow diversity in the relationship between buildings and open spaces to create unique, interesting physical environments that maximize usable open space, while at the same time to preserve the public health, safety, and welfare.

To clarify and streamline the planned districts, in 2012 it was proposed that the five districts be combined in to one district. This process of combining the five planned districts into one is not a rezone process. It is a zoning ordinance text amendment process where the jurisdiction clarifies, modifies, or updates the language of the ordinance section. Text amendments are requested to clarify certain provisions, correct contradictory clauses, or simply change the regulations to reflect evolving needs and concerns. Jurisdictions use the text amendment change process to clarify, streamline or otherwise refine the actual zoning designation on an as needed basis. As a zoning text change, no concurrent development needed to be considered. The County's intent was simply to make the zone designation more streamlined for future project considerations and to make one encompassing planned district. Once approved, all previous Planned Development designations were reverted to the Planned Development District designation. This was applied to all such zonings County wide, not on any one specific parcel. Text ordinance amendments do not require a conditional use permit (CUP) be brought forward at the same time.

In 2019 under another zoning text change process, the PDD zone designation was further clarified as to the need for a Conditional Use Permit. Up to that point, Staff had become aware that it was becoming increasingly difficult and confusing for the public when processing development within the Planned Development District (PDD). When the ordinance was amended in 2012, it was very difficult and unclear on how development was to be permitted in the zone district. Under permitted uses it read that no uses are allowed with a Conditional Use Permit (CUP), which is contrary to how this code is supposed to be interpreted. Also, it made making very minor changes within the district very difficult. There are also requirements for both Site Plan Reviews and CUPs within the section of the code, which are two different types of entitlements. The changes to the ordinance were meant to clarify those sections. The changes also allow the public to refer to existing sections of the Zoning Ordinance which describe application materials needed, processing, and amendments which will eliminate redundancies and confusion.

With the 2019 clarification, the PDD designation indicates that uses consistent with the General Plan specified for the subject parcel and not in conflict with the public health, safety and welfare may be permitted in the PDD subject to an approved Conditional Use Permit.

Conditional Use Permit Analysis

An administrative method of providing relief from the strict terms of a comprehensive zoning ordinance is a conditional use permit. Unlike the variance procedure, the Planning and Zoning Law is silent with respect to the proper criteria to evaluate whether a CUP should be issued. The CUP is well recognized by zoning administrators and the courts as a necessary and proper method to provide flexibility and alleviate hardship. The granting of use permits is a quasi-judicial administrative function. Use permits run with the land (*County of Imperial v. McDougal*, 19 Cal. 3d 505, 510 (1977)). Jurisdictions cannot condition a use permit on its' transfer (*Anza Parking Corp. v. City of Burlingame* 195 Cal. App. 3d 855, 860 (1987)). This basically means that if the facility were to be sold to a new owner, that new owner would have to abide by the conditions in place at time of sale. If the Conditional Use Permit were amended (increase in footprint of the site, new amenities, etc.), then new conditions can be applied dependent on what is being amended. The original conditions would remain in place and enforceable.

The Conditional Use Permit allows the jurisdiction to allow uses that are not typically seen on proposed sites with a series of conditions that would reduce (or eliminate) any potential impacts related to the project. In addition, should an applicant fail to adhere to any of the conditions of approval, having the CUP in place gives the County more leverage to enforce the conditions. This can include up to, and including, revocation of the CUP for failure to adhere to conditions. The county does not necessarily jump right to revocation hearings but goes through the steps of working with the applicant to come into compliance first. If failure to comply continues, then Staff has the standing to bring the CUP to a public hearing before the Planning Commission and to request revocation.

In the Planned Development District (PDD), uses consistent with the general plan land use category applicable to the property and which will not conflict with the public health, safety, and welfare may be permitted with a conditional use permit (Section 18.67.020). In the general plan designation (community commercial – or CC), uses allowed include retail, wholesale, services, restaurants, hotels and motels, public and quasi-public uses, and similar and compatible uses.

Local Economy

While there are no specific goals or policies in the O'Neals Area Plan related to economic development of the area that can be tied directly to this proposed project, there are policies and goals throughout the Area Plan that can indirectly tie into this project. There are, however, a few policies and goals mentioned in the County's General Plan that do address the economic side of this project in general terms.

Highway 41 provides access to the south entrance to Yosemite National Park, as well as a main corridor leading to other areas of interest such as Bass Lake, and Eastern Sierra. Travelers along this corridor will require services such as those proposed in this project. The facilities will also create long-term tax revenue to the County from property and sales tax revenues. These revenues will go to the various services that the County provides to unincorporated communities such as Oakhurst, Coarsegold, and North Fork.

The project will also provide direct and indirect job creation to the area. Directly, there will be employees at the site to maintain the site, run the gas station, restaurants, and convenience store.

The County's parking ordinance requires 1 parking stall per 200 square feet of gross floor area of convenience store area. At approximately 2500 square feet, that translates to 12 ½ parking stalls. The site plan shows 18 stalls (not counting those at the gas pumps) available for use. While a conceptual plan was provided for the remainder of the site (Exhibit D-7), there is no currently proposed plans provided as to exact nature of each remainder area. Once those plans are provided, the parking availability will be assessed.

The project has been circulated to County Departments and outside regulatory agencies for comments. This included the California Department of Transportation, Regional Water Quality Control Board, Department of Fish and Wildlife, San Joaquin Valley Unified Air Pollution Control District, the Chowchilla Yokuts Tribe, Dumna Wo Wah Tribal Government, Picayune Rancheria of Chukchansi, and Table Mountain Rancheria. Comments have been received from some of the agencies and have been incorporated into this Staff Report by reference and in the Exhibits.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,530.25 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. In lieu of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

FINDINGS OF FACT:

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

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance.* The project site is zoned PDD (Planned Development District). The proposed gas station and convenience store are consistent with the Planned Development District. The proposed building footprint is consistent with Zoning Ordinance. The other development proposed throughout the parcels are consistent with the O'Neals Plan and previous discussions in 2010.
2. *The proposed project is not contrary to the public health, safety, or general welfare.* The proposed project is not contrary to public health, safety, or general welfare. The proposed project is required to adhere to all applicable local, state, and federal regulations. Those businesses, such as the gas station and restaurants, are regulated at the local and state levels so ensure the health, safety, and welfare of those that work and visit there.
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.* The project has been required to comply with County Standards regarding Noise and Lighting. The landscaping incorporated into project is anticipated to also reduce glare and noise that may be generated from the sight.
4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The project site is currently vacant. The proposed project is anticipated to become a welcoming commercial center that maintains the character and aesthetics established within the O'Neal's Area Plan.

WILLIAMSON ACT:

The property is not subject to a Williamson Act Contract.

GENERAL PLAN CONSISTENCY:

The General Plan designation for the property is CC (Community Commercial) Designation which allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses and similar and compatible uses. The property is zoned PDD (Planned Development District) and allows for the proposed use with a conditional use permit. Based on Goal 1.D.1, commercial centers shall be located “adjacent to major activity nodes and major transportation corridors,” the proposed sign is ideally located to attract travelers along Highway 41. Goal 1.E.6 also states that, “the County shall encourage flexibility in development standards to accommodate uses that provide and substantial economic benefit to the community.” The proposed commercial development would provide a space for business along Highway 41 and Road 200.

RECOMMENDATION:

The analysis provided in this report supports approval of Conditional Use Permit (CUP #2020-016), Findings of Fact, and the Mitigated Negative Declaration (MND #2020-24).

CONDITIONS

See attached.

ATTACHMENTS:

1. Exhibit A-1, General Plan Map
2. Exhibit A-2, O’Neal’s Area Plan Map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor’s Map
5. Exhibit D-1, Site Plan Map
6. Exhibit D-2, Floor Plan Map
7. Exhibit D-3, Northwest and Northeast Elevation Map
8. Exhibit D-4, Southwest and Southeast Elevation Map
9. Exhibit D-5, Tentative Parcel Map
10. Exhibit D-6, Building Area Site Plan Map
11. Exhibit D-7, Historical Site Plan from PRJ #2010-002
12. Exhibit D-7a, PRJ #2010-002 Allowed Uses
13. Exhibit D-8, Floor Plan Map for 3-Story Office
14. Exhibit D-9, Elevation Map for 3-Story Office
15. Exhibit D-10, Architectural Style
16. Exhibit E, Aerial Map
17. Exhibit F, Topographical Map
18. Exhibit G, Operational Statement
19. Exhibit H, Environmental Health Division Comments
20. Exhibit I, Building Division/Fire Marshal Comments
21. Exhibit J, Public Works Department Comments
22. Exhibit K, Caltrans Comments
23. Exhibit L, Native American Heritage Commission Comments
24. Exhibit M, Table Mountain Tribal Government Comments

STAFF REPORT
CUP #2020-016

April 13, 2021

25. Exhibit N, Dumna Wo Wah Tribal Government Comments
26. Exhibit O, Comment from Edward Bailey
27. Exhibit P, Comment from Daniel Merrill
28. Exhibit Q, Live Oaks Letter
29. Exhibit R, Initial Study
30. Exhibit S, Mitigation Negative Declaration MND #2020-24

CONDITIONS OF APPROVAL

PROJECT NAME:

Conditional Use Permit #2020-016, PM #4274 Minarets Crossing, LLC APN 050-193-003

PROJECT LOCATION:

the northeast corner of the intersection of Hwy 41 and Road 200 (no situs) O'Neals

PROJECT DESCRIPTION:

Conditional Use Permit (CUP #2020-016) and Parcel Map (4274) to allow for 16 parcels with 1 outlot on 31.34 acres of PDD (Planned Development District) zoned property and a Conditional Use Permit to allow a gas station with convenience store and future commercial development in PDD (Planned Development) zone district.

APPLICANT:

Minarets Crossing LLC

CONTACT PERSON/TELEPHONE NUMBER:

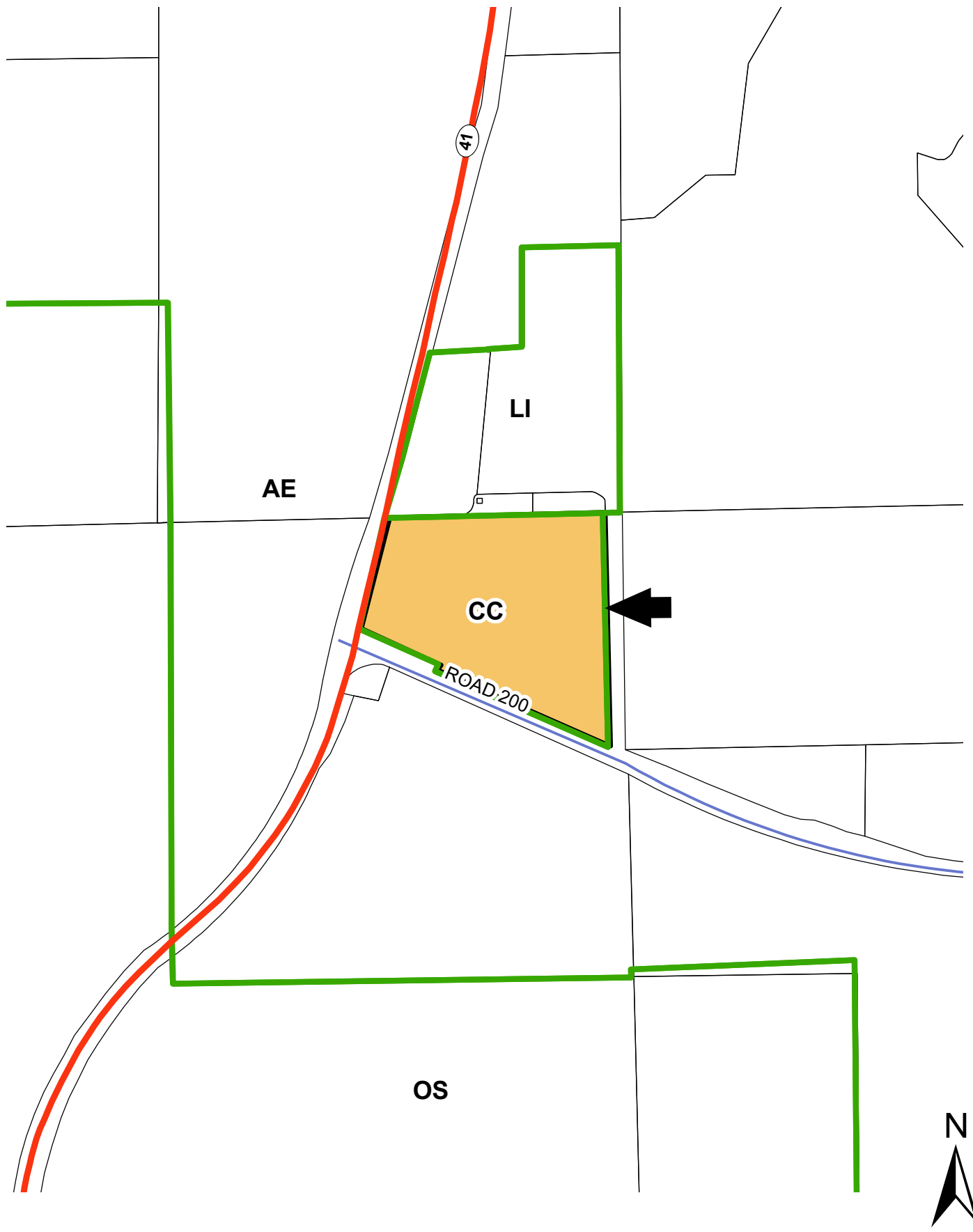
(559) 760-3485

No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	All parcels shall have adequate potable water that meets California Water Drinking Standards as required by Madera County Code Title 13. Potable Water shall be accomplished by means of a Community Water System. Senate Bill 1263 is required for new public/community water system(s) if created.	Environmental Health Division			
2	All parcels shall have adequate onsite wastewater treatment as required by Madera County Code Title 13. Wastewater dispersal shall be accomplished by means of an approved community sewer system.	Environmental Health Division			
3	Solid waste collection for recyclables, and garbage is required.	Environmental Health Division			
4	Environmental Health Division food plan check will be required for review and approval for food establishment.	Environmental Health Division			
5	Environmental Health Division Underground Storage Tank plan check will be required for review and approval.	Environmental Health Division			
6	The facility will be regulated under the Hazardous Material Business Plan (Article 1, Chapter 6.95, of the California Health & Safety Code). As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.caiepa.ca.gov	Environmental Health Division			

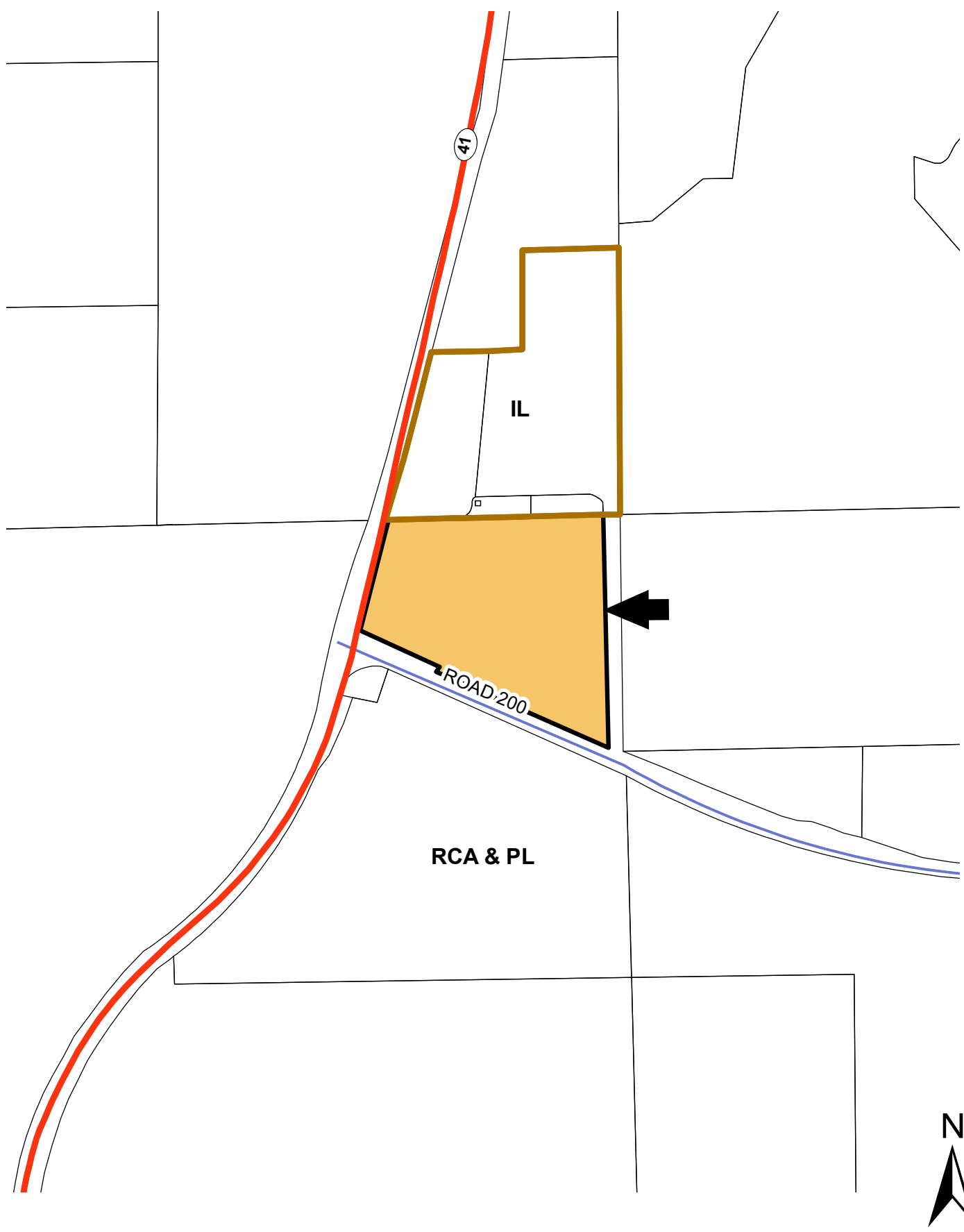
No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
7	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s): Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	Environmental Health Division			
8	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.	Environmental Health Division			
Planning					
1	Construction activities are limited to the hours of 7AM to 7PM Monday through Friday and 9AM to 5PM on Saturday. Construction activities will be prohibited on Sundays.	Planning Division			
2	All proposed uses, prior to obtaining building permits, shall submit a conditional Use Permit to be review by the Planning Commission. The Applicant shall, at minimum, submit: Site Plans, Landscape Plans, Building Elevations and Samples of the materials and colors associated with the structures.	Planning Division			
3	Exposed Foundation walls should be faced with materials such as stone or exposed aggregate concrete.	Planning Division			
4	Exterior siding materials shall be appropriate for the project area and harmonize with site and neighboring structures. The use of wood and wood-like materials and natural stone is strongly encouraged.	Planning Division			
5	Building façade colors are to be take from the natural setting of the O'Neals area and have low reflectivity and be subtle, neutral or earth-tone colors.	Planning Division			
6	All exposed metals, flashing, and trim shall be painted, anodized or ther treatment to blend in with overall color scheme of the structure.	Planning Division			
7	All signage shall be submitted with entitlement application for each proposed use in order to ensure that the signage conforms to the character of the O'Neals Area.	Planning Division			
8	Any signage must be affixed to the façade of the building and must conform to the overall architectural design of the structure. Free standing or banner signs are not permitted in conformance with O'Neals Area Plan.	Planning Division			
9	Roofs shall have a dominant form with design features such as change of height, taller accents, towers, roof dormers or special architectural features.	Planning Division			

No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
10	All buildings on site shall have common or complementary architectural design elements, materials and colors.	Planning Division			
Building Division					
1	Upon application for any Building Permits the project shall be reviewed for compliance with current adopted local, state and federal requirements.	Building Division Division			
Public Works					
1	The developer is to provide a dedicated left turn pocket for the eastbound traffic and a minimum 10' wide shoulder for the westbound traffic to merge out of the main traffic flow on Road 206.	Public Works Department			
2	Due to the location of the project relative to the SR 41 right of way, the developer must comply with conditions of approval imposed by Caltrans.	Public Works Department			
3	Driveway locations must be shown on the final map prior to recordation.	Public Works Department			
4	At any time during the operations of the proposed or existing development, at the County's discretion and depending on the condition of the roadways at the time, the County reserves the rights to require the applicant to repair and provide any necessary improvements to the existing roadways if there are damages to the existing pavement caused by the operations from the proposed the development	Public Works Department			
5	Driveway locations must be shown on the final map prior to recordation.	Public Works Department			
6	For any construction where such construction is proposed within an existing County right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be approved prior to commencing the work.	Public Works Department			
7	At the time of applying for the building permits, if any grading is to occur, the applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional	Public Works Department			
8	If access approaches or road improvements are to be added to the proposed development, the applicant is required to provide such improvement plans to the Public Works Department for review.	Public Works Department			
9	If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development.	Public Works Department			
10	AIR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER REGULATIONS AND standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination.	Public Works Department			

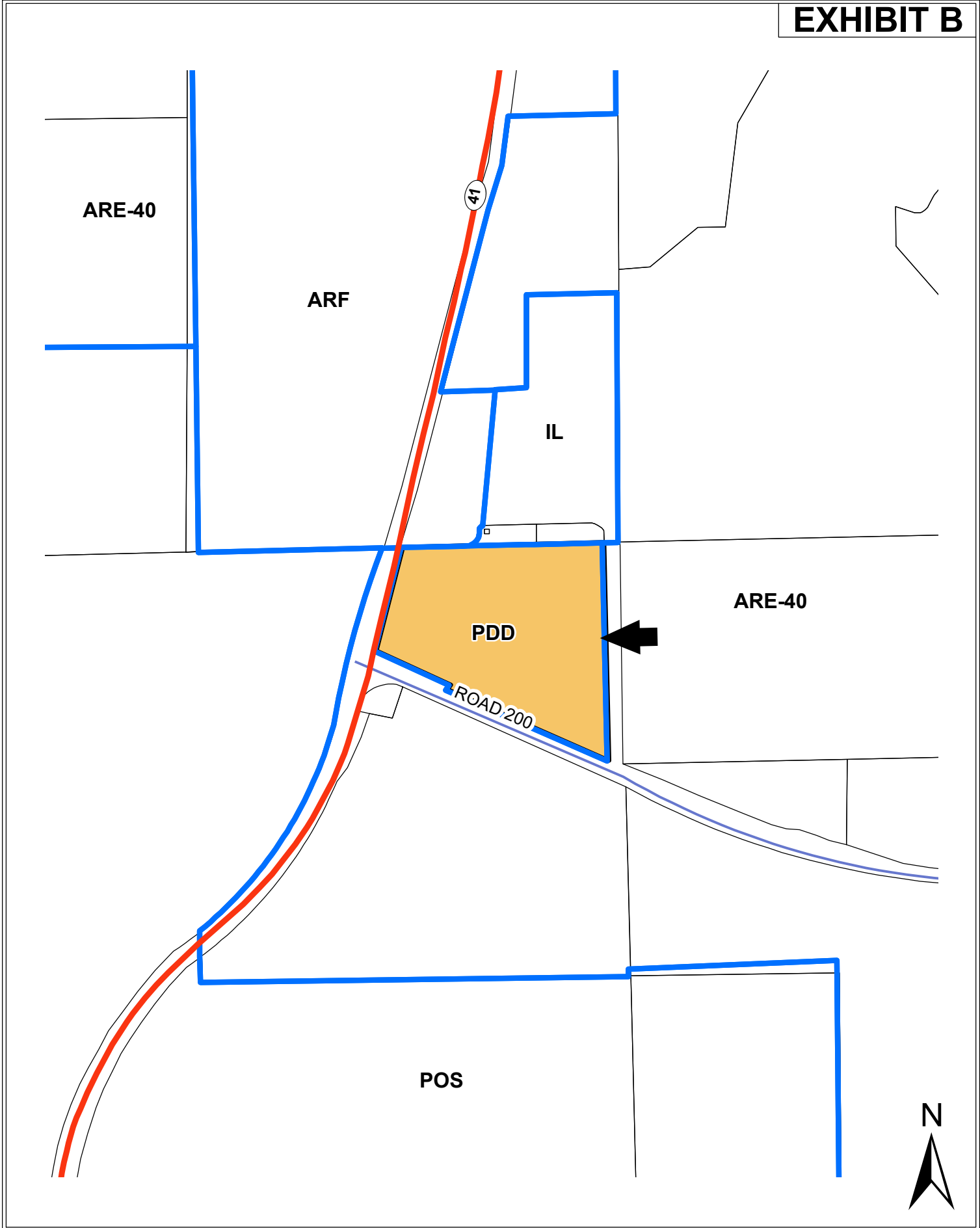
No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
11	All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPs to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.	Public Works Department			
12	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works Department			



GENERAL PLAN MAP



**O'NEALS
AREA PLAN MAP**



ZONING MAP

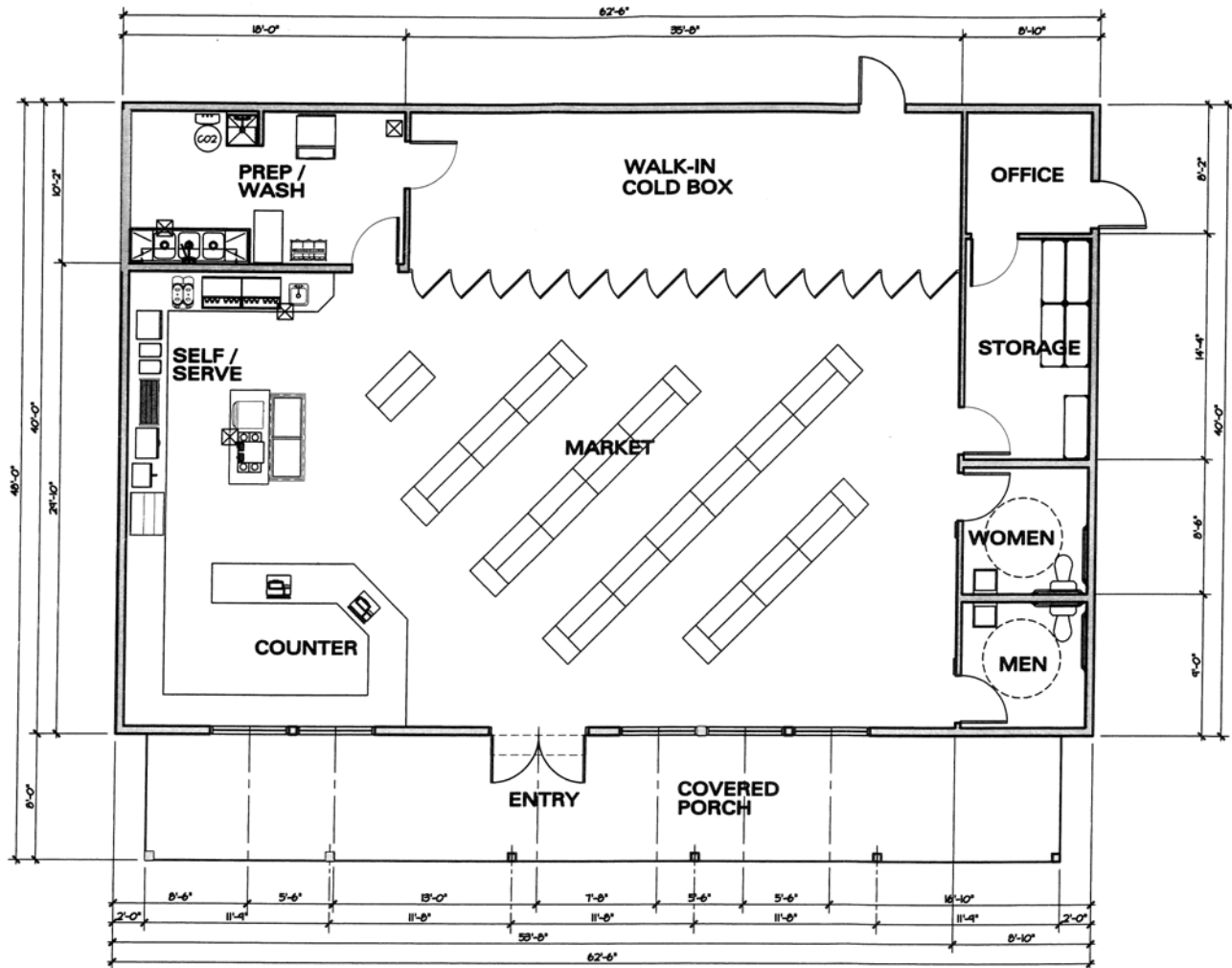


KEY NOTES :


- | | | | |
|--|--|---|---|
| ① 2500 S.F. MINI-MART BUILDING WITH 468 S.F. COVERED PORCH | ⑦ 9x20' HANDICAP PARKING STALL | ⑭ TYP. 6x6 DF POST FOR COVERED PORCH | ⑳ 40'x 14' ASSIGNED DELIVERY LOADING ZONE |
| ② 52x32' CONC. PAD FOR GAS PUMPS | ⑧ CONC. ACCESS HANDICAP RAMP | ⑮ CONC. WALK FOR COVERED PORCH | ㉑ GASOLINE PUMPS / TYP. |
| ③ PRIMARY 30,000 GAL. UNDERGROUND GASOLINE TANK | ⑨ 6" WIDE x 5" HIGH CONC. CURB | ⑯ PEDESTRIAN CONCRETE WALK | ㉒ DIESEL PUMPS / TYP. |
| ④ CONC. BLOCK TRASH ENCLOSURE | ⑩ EXISTING TREES TO REMAIN | ⑰ 5'x6' CONC. LANDING | ㉓ ASPHALT CONC. PAVING |
| ⑤ 30'-4"x24'-0" CONC. PAD FOR DIESEL PUMPS | ⑪ 6" WIDE x 36" LG. CONC. WHEEL STOP | ⑱ LANDSCAPE AREA | ㉔ 4" WIDE PAINTED PARKING LINES / TYP. |
| ⑥ 9x20' TYP. PARKING STALL | ⑫ 8'x20' AREA FOR HANDICAP ACCESS WITH "NO PARKING" SIGN | ⑲ PAINTED SOLID DIRECTIONAL TRAFFIC ARROWS / TYP. | |
| | ⑬ LINE OF GAS PUMPS CANOPY | ㉕ PROPAANE TANK LOCATION WITH 6"φ STL. PROTECTION BOLLARD PIPES | |




SITE PLAN MAP



WALL LEGEND :

- 
INTERIOR WALL ASSEMBLY :
 2x4 DF #2 WOOD STUDS @ 16" O.C. W/
 1/2" GYP. BD. EACH SIDE OF STUD WALL

- 
EXTERIOR WALL ASSEMBLY :
 2x6 DF #2 WOOD STUDS @ 16" O.C. WITH
 1/2" GYP. BD. @ INTERIOR & 3/8" STRUCT.
 SHTG. AND HORIZONTAL HARDI-BOARD
 SIDING OVER 15# BUILDING PAPER AS
 SHOWN AT EXTERIOR AND MIN. R-19 BATT
 INSULATION AT INTERIOR PER T-24

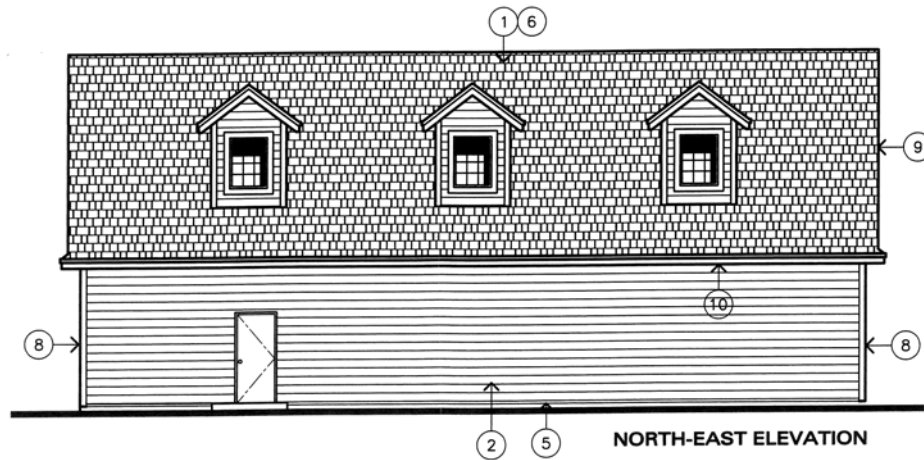
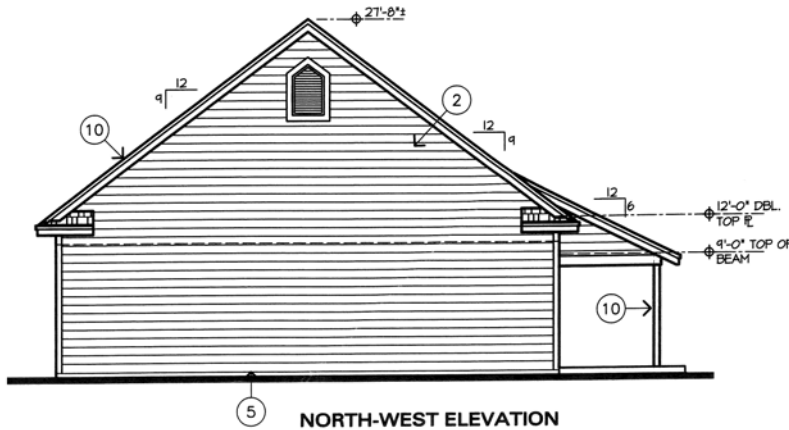
BUILDING DATA :

FLOOR AREA INSIDE BLD'G. : 2,500 S.F.
 FLOOR AREA COVERED PORCH : 468 S.F.
 TOTAL BLD'G. AREA : 2,968 S.F.
 OCCUPANCY GROUP : M
 OCCUPANCY LOAD : 33 PERSONS
 CONSTRUCTION TYPE : V-B (NON-SPRINKLERED)
 EXITS : (1) ONE EXIT REQUIRED (MIN.)

AREAS :
 MAIN BUILDING ... 2,500 S.F.
 COVERED PORCH ... 468 S.F.
 TOTAL AREA ... 2,968 S.F.



FLOOR PLAN



KEY NOTES :

- ① ROOF CONSTRUCTION ASSEMBLY :
PRE-MANUFACTURED ENGINEERED TRUSSES
W / 15/32" APA SOLID SHEATHING W Bd @
6" O.C. EN, EN, AND Bd @ 12" O.C. INT. / W
COMP. SHINGLE ROOFING OVER 30# FELT
UNDERLAYMENT
- ② EXTERIOR WALLS ASSEMBLY :
2x6 STUDS @ 16" O.C. WITH R-19 BATTS
INSULATION , & 3/8" STRUCT. SHEATHING
AND HORIZONTAL HARDI-BOARD SIDING
O/ 15# (LBS.) BUILDING PAPER AS SHOWN
- ③ FLOOR CONSTRUCTION ASSEMBLY :
6" THK. CONCRETE SLAB ON GRADE AS
NOTED ON FOUNDATION PLAN / AS NOTED
AT CAR WASH AREA
- ④ STOREFRONT WINDOW SYSTEM WITH NA-
TURAL ALUMINUM MULLION AND DUAL
GLAZED COOL SOLICE GREEN GLASS /
- ⑤ 24 GA. GALV. WEEP SCREED / A MIN. OF
4" ABOVE THE EARTH AND 2" ABOVE
PAVED AREAS
- ⑥ ROOF COVERINGS MUST CONFORM TO
THE STANDARDS OF CBC 1503
- ⑦ ATTIC VENTS PER LOCAL CODE :
SEE ROOF ATTIC VENT CALCULATIONS
FOR MINIMUM VENT AREA REQUIREMENTS
- ⑧ 2x6 VERT. TRIM / TYP. @ CORNERS .
- ⑨ 2x6 VERT. TRIM AT WINDOWS W 2x6
VERT. TRIM AT HEAD AND SILL / AS SHOWN
- ⑩ PAINTED 2x12 COMBED HEMLOCK VERT.
FASCIA W 2x6 SHINGLES TRIM END / TYP.
AT OVERHANG RAKE / TYP. 18" AT OVER-
OVERHANGS AND 12" AT RAKE
- ⑪ 6x6 DF POST
- ⑫ 3070 WOOD SOLID CORE MTL. GLAD DOOR

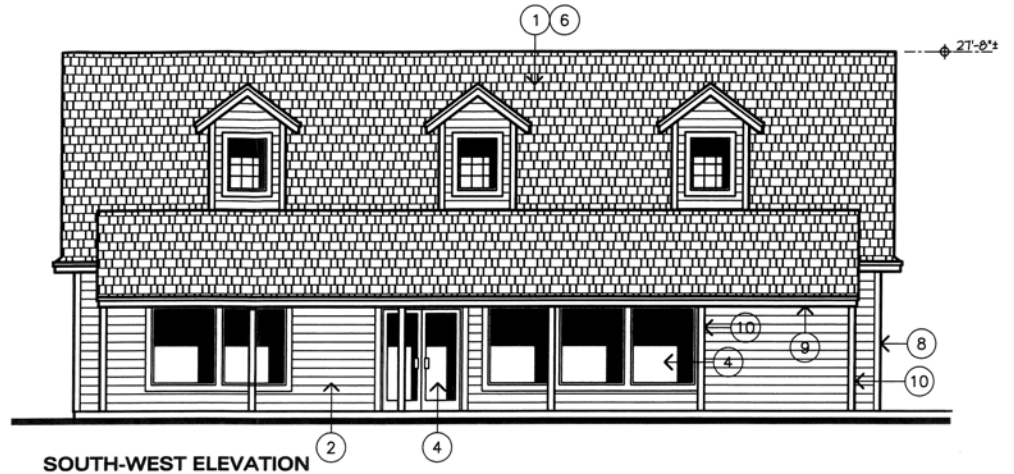
EXTERIOR ELEVATIONS

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

NORTHWEST AND NORTHEAST ELEVATION MAP

KEY NOTES :

- ① ROOF CONSTRUCTION ASSEMBLY :
PRE-MANUFACTURED ENGINEERED TRUSSES
W / 15/32" APA SOLID SHEATHING W 8d @
6" O.C. EN, BN, AND 8d @ 12" O.C. INT. / W
COMP. SHINGLE ROOFING OVER 30# FELT
UNDERLAYMENT
- ② EXTERIOR WALLS ASSEMBLY :
2x6 STUDS @ 16" O.C. WITH R-19 BATTS
INSULATION , & 3/8" STRUCT. SHEATHING
AND HORIZONTAL HARDI-BOARD SIDING
O/ 15# (LBS.) BUILDING PAPER AS SHOWN
- ③ FLOOR CONSTRUCTION ASSEMBLY :
6" THK. CONCRETE SLAB ON GRADE AS
NOTED ON FOUNDATION PLAN / AS NOTED
AT CAR WASH AREA
- ④ STOREFRONT WINDOW SYSTEM WITH NA-
TURAL ALUMINUM MULLION AND DUAL
GLAZED COOL SOLICE GREEN GLASS /
- ⑤ 24 GA. GALV. WEEP SCREED / A MIN. OF
4" ABOVE THE EARTH AND 2" ABOVE
PAVED AREAS
- ⑥ ROOF COVERINGS MUST CONFORM TO
THE STANDARDS OF CBC 1503
- ⑦ ATTIC VENTS PER LOCAL CODE :
SEE ROOF ATTIC VENT CALCULATIONS
FOR MINIMUM VENT AREA REQUIREMENTS
- ⑦ 2x6 VERT. TRIM / TYP. @ CORNERS .
- ⑧ 2x6 VERT. TRIM AT WINDOWS W 2x6
VERT. TRIM AT HEAD AND SILL / AS SHOWN
- ⑨ PAINTED 2x12 COMBED HEMLOCK VERT.
FASCIA W 2x6 SHINGLES TRIM END / TYP.
AT OVERHANG RAKE / TYP. 18" AT OVER-
OVERHANGS AND 12" AT RAKE
- ⑩ 6x6 DF POST
- ⑪ 3070 WOOD SOLID CORE MTL. GLAD DOOR



SOUTH-WEST ELEVATION



SOUTH-EAST ELEVATION

EXTERIOR ELEVATIONS

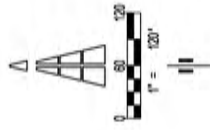
SCALE : 1/8" = 1'-0"

**SOUTHWEST AND SOUTHEAST
ELEVATION MAP**

SITE PLAN

A PORTION OF SECTION 25, T8S, R20E, M08W
 33.88 ACRES APR/00-193-003

MINARETS CROSSING
 BUILDING AREAS

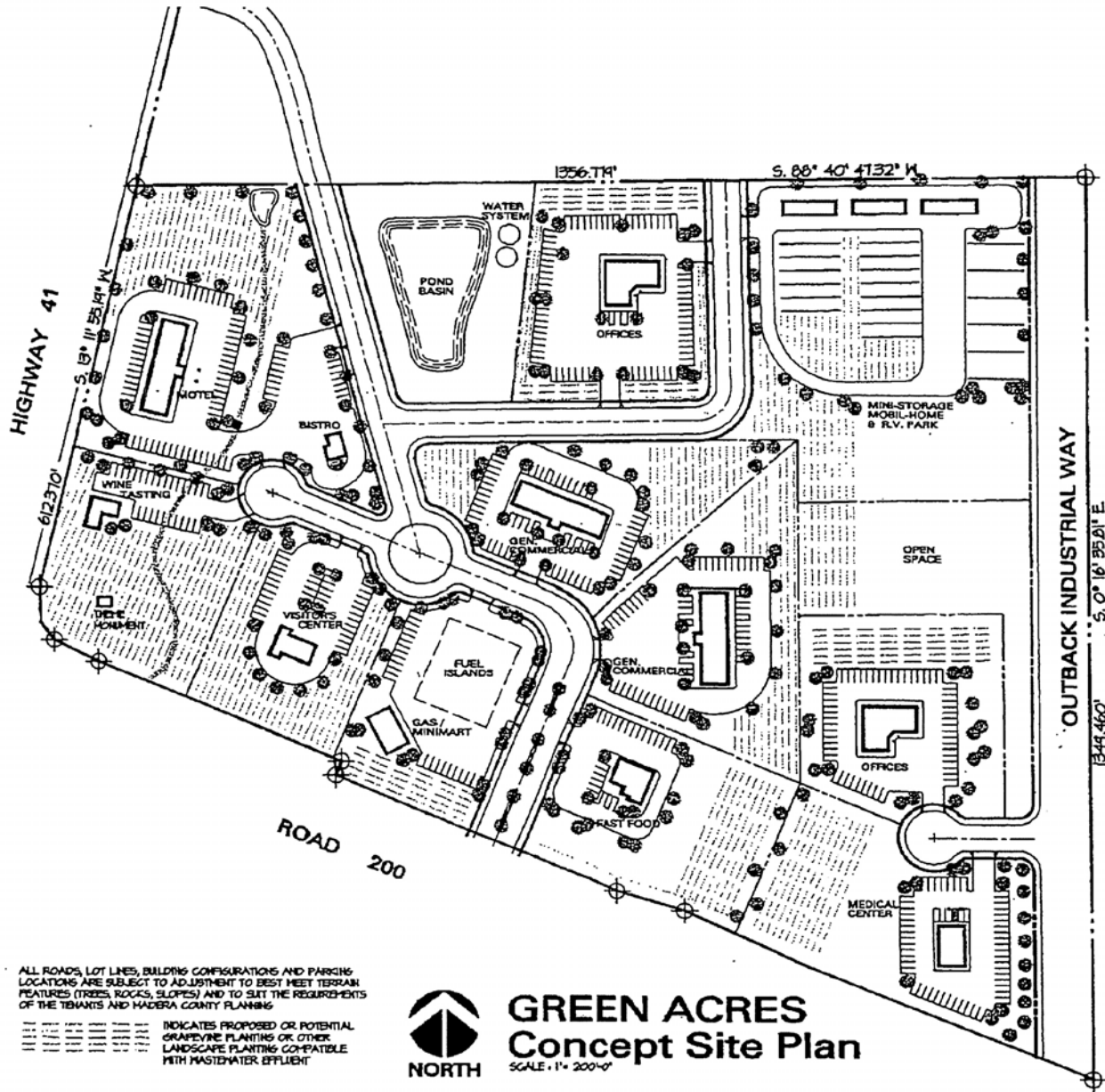


- LEGEND**
- Existing parcel boundary
 - - - Existing Offer of Dedication
 - Proposed parcel division
 - - - Proposed Offer of Dedication
 - # Proposed Phoenix
 - ↑ Proposed Traffic Direction
 - █ Proposed building area

DAVIS SURVEYS
 JOB: 20001
 DWG: 20001BLDCSITE
 DATE: 02/03/2021
 SHEET 1
 OF 1
 TEL: 559.863.2757
 info@outlook.com



BUILDING AREA SITE PLAN



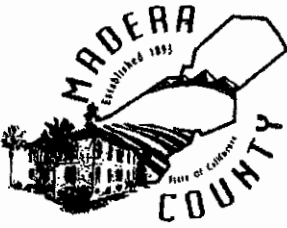
ALL ROADS, LOT LINES, BUILDING CONFIGURATIONS AND PARKING LOCATIONS ARE SUBJECT TO ADJUSTMENT TO BEST MEET TERRAIN FEATURES (TREES, ROCKS, SLOPES) AND TO SUIT THE REQUIREMENTS OF THE TENANTS AND HADERA COUNTY PLANNING

INDICATES PROPOSED OR POTENTIAL GRAPEVINE PLANTING OR OTHER LANDSCAPE PLANTING COMPATIBLE WITH WASTEWATER EFFLUENT



GREEN ACRES
Concept Site Plan
 SCALE: 1" = 200'-0"

SITE PLAN
FROM PRJ #2010-002



RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

Norman Allinder, Planning Director

EXHIBIT M

2037 W. Cleveland Avenue
Mall Stop G
Madera, CA 93637
(559) 675-7821
FAX (559) 675-6573
TDD (559) 675-8970
mc_planning@madera-county.com

MEMORANDUM

DATE: September 1, 2010

TO: Planning Commission

FROM: Jerome Keene, Planner

RE: PRJ #2010-002 – Green Acres - Allowable Uses and Conditions

The following uses are to be permitted on APN 050-193-003. These uses are compatible with the surrounding area, the O'Neals Area Plan and the CRM (Commercial, Rural, Median) zone district. :

1. Retail sales establishment as defined by County Code 18.04.450

- | | | |
|---|---|--|
| ➤ Apparel store | ➤ Hardware store | ➤ Photographic supplies shop |
| ➤ Automobile sales and service | ➤ Health food store | ➤ Plumbing, heating and ventilating equipment showroom with floor samples only |
| ➤ Automobile supply store | ➤ Hobby supply store | ➤ Radio and television broadcasting studio |
| ➤ Bakery | ➤ Home furnishing store | ➤ Radio and television store and repair shop |
| ➤ Bicycle shop | ➤ Hotel | ➤ Secondhand store |
| ➤ Billiard and pool hall | ➤ Household appliances and minor repair shop | ➤ Secretarial service establishment |
| ➤ Blueprint and photostat shop | ➤ Jewelry store | ➤ Shoe repair shop |
| ➤ Boat sales and service store | ➤ Leather goods and luggage store | ➤ Shoe store |
| ➤ Bookstore Cafe, including restaurant and outdoor cafe | ➤ Liquor store | ➤ Soda fountain |
| ➤ Camera shop | ➤ Locksmith | ➤ Sporting goods store |
| ➤ Candy store | ➤ Messenger office | ➤ Stamp and coin store |
| ➤ Catering shop | ➤ Millinery shop | ➤ Stationery store |
| ➤ Clothing and costume rental establishment | ➤ Motel and apartment hotel | ➤ Supermarket |
| ➤ Dairy product store | ➤ Motorcycle and automobile parts sales rooms for new parts | ➤ Tailor and dressmaker |
| ➤ Delicatessen | ➤ Music store | ➤ Taxidermist |
| ➤ Department store | ➤ Office machines and business machines store | ➤ Tea room |
| ➤ Dressmaking shop | ➤ Office supply store | ➤ Telephone answering service |
| ➤ Drive-in restaurant | ➤ Offices and office buildings other than professional and administrative offices | ➤ Telegraph office |
| ➤ Drug store | ➤ Paint and wallpaper store | ➤ Toy store |
| ➤ Dry goods store | ➤ Parcel delivery service | ➤ Travel bureau |
| ➤ Electrical appliance store | ➤ Pawn shop | ➤ Upholstery shop |
| ➤ Employment agency | ➤ Pet and bird store | ➤ Variety store |
| ➤ Florist | | |
| ➤ Food locker | | |
| ➤ Food store | | |
| ➤ Furniture store | | |

2. Restricted retail sales establishment as defined by County Code 18.04.445

- Art and antique stores
- Art and craft school and college
- Art gallery
- Clinic
- Delicatessen
- Florist shop
- Funeral home
- Gift shop
- Interior decorating shop
- Medical building
- Mortuary
- Optician and optometrist office
- Photography studio
- Picture framing shop
- Professional office or studio
- Tobacco store
- Tourist home, but not hotel or motel
- Wedding chapel

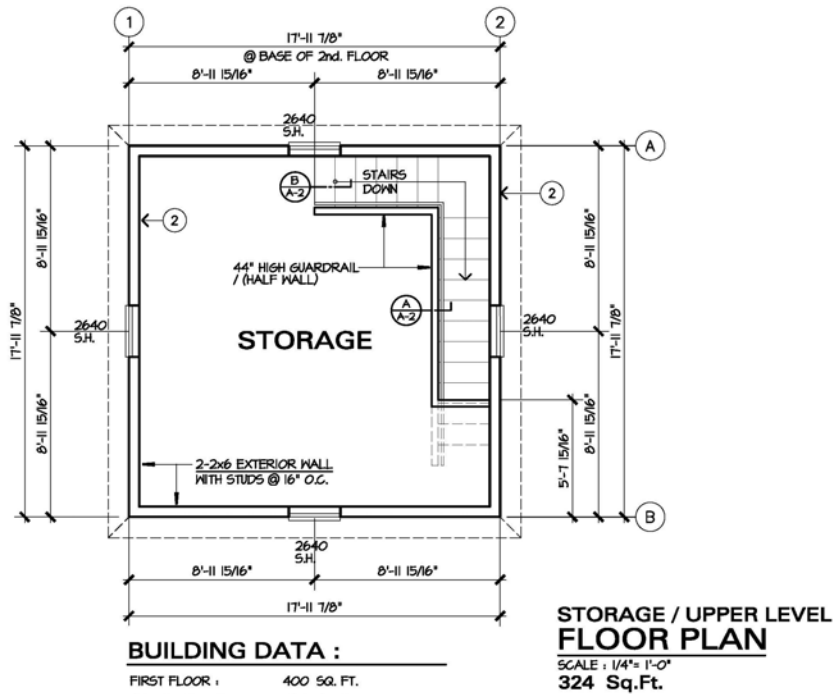
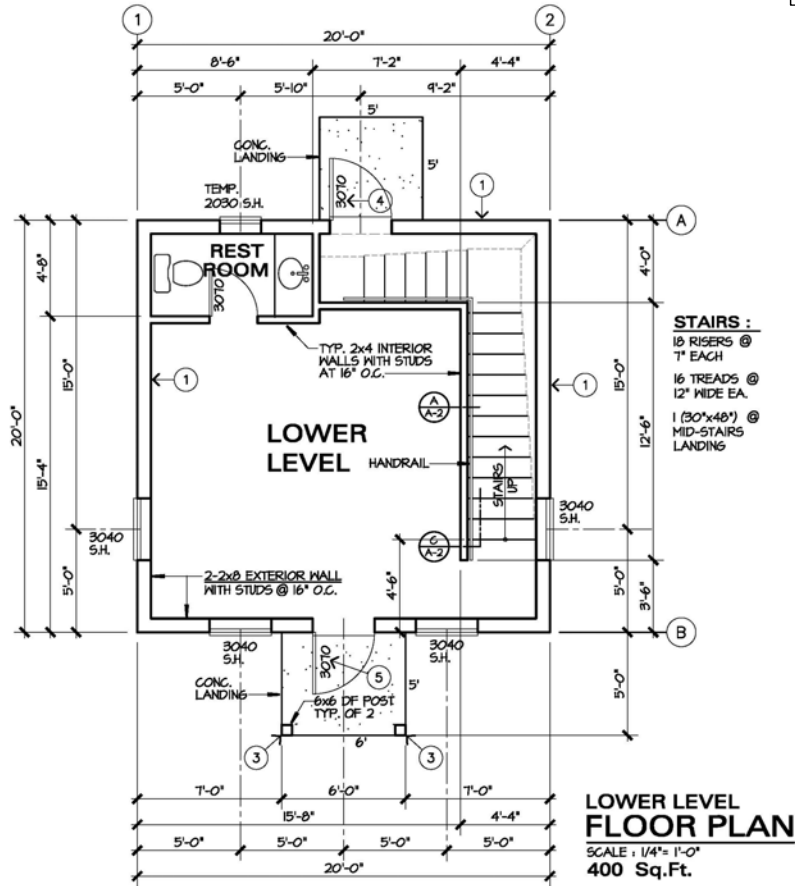
3. Customer service establishment as defined by County Code 18.04.130

- Art and craft school and college
- Artist studio
- Bank or savings and loan office
- Barber shop
- Beauty shop
- Cafe, including outdoor cafe, excluding the sale of alcoholic beverages
- Clinic
- Massage and physical culture studio
- Medical building
- Mortuary and crematorium
- Newsstand and magazine store
- Optician and optometrist office
- Photographer
- Photography studio
- Private club
- Reading room
- Restaurant
- Telegraph office
- Wedding chapel

4. Professional offices as defined by County Code 18.04.420

5. Other Permitted Uses as defined by County Code 18.34.010(c), but excluding automobile repairing, overhauling, rebuilding, and painting; machine shops, building materials yard, welding shops.

- Animal hospitals, kennels and laboratories using animals or animal products,
- Automobile service stations,
- Cemeteries and mausoleums,
- Cleaning plant,
- Cold storage plant,
- Contractor's storage area,
- Drive-in establishment,
- Equipment rental yard,
- Feed and seed store,
- Laboratories for testing, experimental or analytical purposes,
- Machinery sales and rental,
- Multiple family dwelling in permanent structure(s),
- Nursery and garden supply store,
- Outdoor theaters,
- Packing and crating service,
- Plumbing, heating, ventilating, and air conditioning shop, including sheet metal shop,
- Private clubs and outdoor recreational facilities,
- Public and semipublic buildings and uses,
- Public utility yard,
- Tire sale store,
- Warehouse, except those used for fuel and other flammable liquids or explosives,
- Wholesale establishments,
- Communications tower/wireless communications facility,
- Mini storage facility



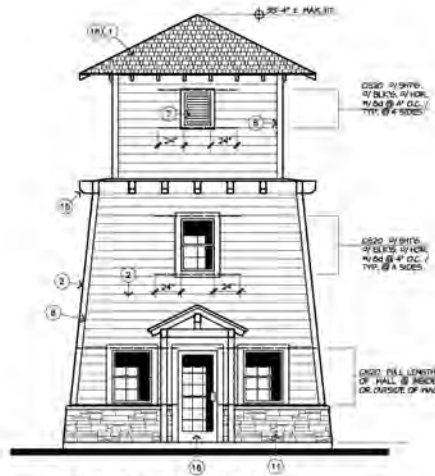
BUILDING DATA :

FIRST FLOOR :	400 SQ. FT.
SECOND FLOOR :	324 SQ. FT.
TOTAL AREA :	724 SQ. FT.
OCCUPANCY GROUP :	A-2
OCCUPANCY LOAD :	4 PERSONS
CONSTRUCTION TYPE :	V-B (NON-SPRINKLERED)
EXITS :	1 REQUIRED / 2 PROVIDED

**FLOOR PLAN MAP
FOR 3-STORY OFFICE**



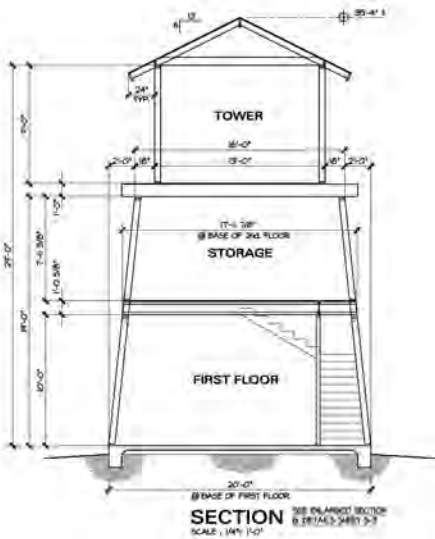
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



SECTION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

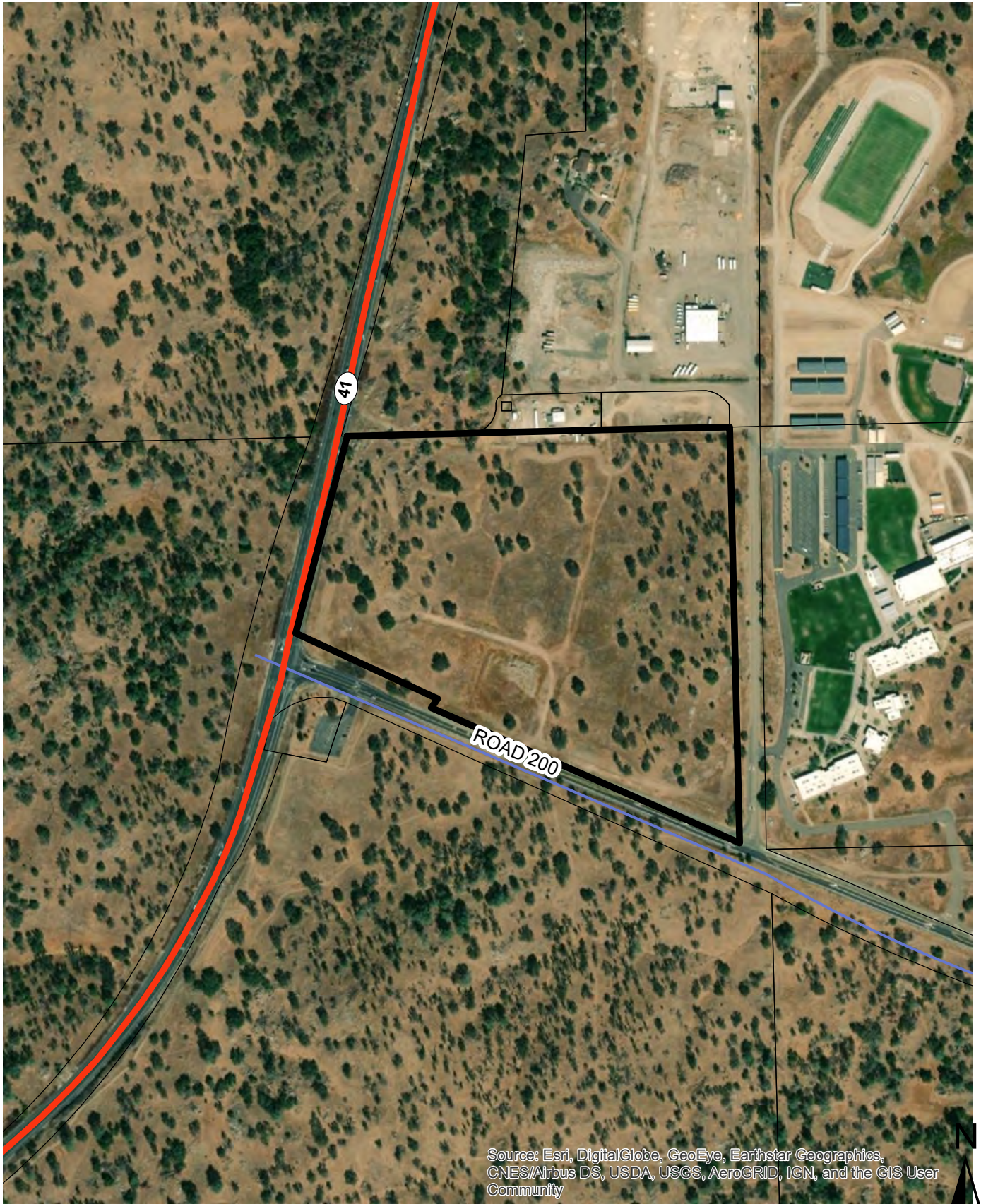
KEY NOTES :

- 1) ROOF CONSTRUCTION ASSEMBLY:
2x6 RAFTERS @ 24" O.C. 8' OVER,
200# APA SOLID SHEET W/ 3/4" @ 12"
O.C. IN BR. AND PG. @ 12" O.C. NO.
NEW COMPOSITE SIMILAR ROOFING
OVER 30# FELT UNDERLAYMENT
- 2) CONCRETE SLAB
FLOOR CONSTRUCTION ASSEMBLY:
3" FC-TOP CONCRETE SLAB ON
GRADE OVER WATERPROOF MEM-
BRANE @ OVER 1" TRICK SAND FILL
- 3) SECOND FLOOR
FRAME FLOOR CONSTRUCTION:
3/4" FLOOR SHEATHING OVER 1.5-2.0
AT 18" O.C. AS NOTED ON FLOOR FRAMING
PLAN AND STRUCTURAL DRAWING /
INSULATION PER TITL-24 ENERGY
DOCUMENTATION
- 4) FIRST FLOOR
EXTERIOR WALLS ASSEMBLY:
2-2x6 STUDS @ 16" O.C. W/ 3/4" BATT
INSULATION @ 2x2" STRUCT. SITES,
8' HORIZONTAL HARD-BOARD SIDING
OVER 2" BUILDING PAPER AS SHOWN
- 5) SECOND FLOOR
EXTERIOR WALLS ASSEMBLY:
2-2x6 STUDS @ 16" O.C. W/ 3/4" BATT
INSULATION @ 2x2" STRUCT. SITES,
8' HORIZONTAL HARD-BOARD SIDING
OVER 2" BUILDING PAPER AS SHOWN
- 6) TOWER
EXTERIOR WALLS ASSEMBLY:
2x6 STUDS @ 16" O.C. W/ 3/4" BATT
INSULATION @ 2x2" STRUCT. SITES,
8' HORIZONTAL HARD-BOARD SIDING
OVER 2" BUILDING PAPER AS SHOWN
- 7) ATTIC VENTS PER LOCAL CODE.
SEE ROOF ATTIC VENT CALCULATIONS /
RETAIL (A) 24" x 30" CUSTOM VENTS
- 8) 2x6 VERT. TRIM / TYP. @ CORNERS
- 9) 2x6 VERT. TRIM AT WINDOWS W/ 2x6
ROCK WOOL AT HEAD AND SILL
- 10) SHAPED 2x6 CORNER HEWLOCK FASCIA
W/ 1/2" SHIMULES TRIM OUT @ 24" OVER-
HAND / 1" AT RAKE OVERHAND
- 11) TRIM-SET MASONRY VENEER AS SPECIFIED
BY BUILDER CULTURED STONE OR EQUAL
OVER 1" EXTRUDED POLYSTYRENE INSUL-
TION OVER 3 LAYERS KEAT PAPER OF
WALL FINISHING AS NOTED ON STRUCTURAL
STRUCTURAL DRAWING & MANUFACTURERS
INSTRUCTIONS SUPERSEDE ABOVE REPORT
NO. REC-200
- 12) 6x6 DF POST
- 13) 6x6 BEAMS / OUTRISERS
- 14) 300# EXTERIOR SOLID CORE METAL GLAZ
SAFETY GLASS ENTRANCE DOOR
- 15) 6x4 DF OUTRISERS SPACED EQUALLY
- 16) 4" STORMDOOR DOOR WITH WITH NATURAL
ALUMINUM MULLION AND TEMPERED GLASS
- 17) 24 GA. GALV. SHEET SIDING / A MIN. OF
4" ABOVE THE EARTH AND 2" ABOVE
FINISH AREAS
- 18) ROOF COVERINGS MUST CONFORM TO THE
STANDARDS OF CGC 509

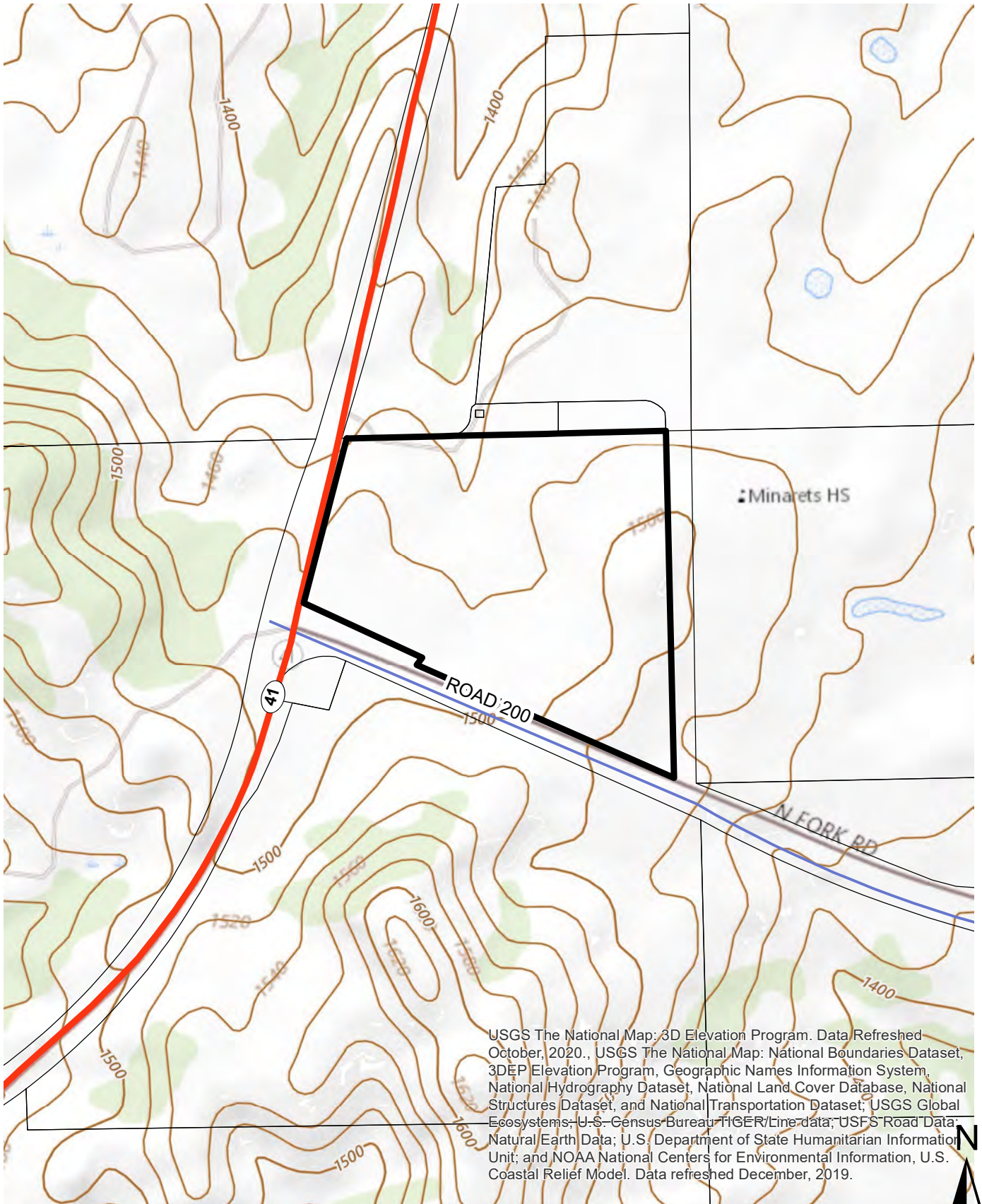
**TOWER
Exterior Elevations**
SCALE: 1/4" = 1'-0"



**ARCHITECTUAL
STYLE**



AERIAL MAP



MINARETS GAS STATION CUP

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

1. Please provide the following information:
Assessor's Parcel Number **POR 050-193-003**
Applicants Name: **Brad Ditton**
Address: **PO Box, 2036, Oakhurst, CA, 93644**
Phone Number **559.760.3485**

2. Describe the nature of your proposal/operation (please be specific).
Construct a gas station, Convenience store

3. What is the existing use of the property?

Vacant land

4. What products will be produced by the operation? **Gasoline, diesel, propane and typical Convenience Store retail items**

5. Will they be produced on-site or at some other location?
Produced Off site

6. Are these products to be sold on-site? Explain:
The items normally found in the facility described in #4 above are what will be sold at this location.

7. What are the proposed operational time limits? **Employees will occupy the store between 6 AM and 10 PM daily. The gas pumps will function 24 hours per day.**

Months (if seasonal): **12 moths per year**

Days per week: **7 days a week**

Total hours per day: **16 hours per day**

8. Will there be any special activities or events? **No special activities at the gas station**
Frequency: **NA**
Hours: **See # 7 above**
Are these activities indoors or outdoors? **NA**

9. How many customers or visitors are expected?
Average number per day **Estimate 125 vehicles per day:**
Maximum number per day: **Estimate 200 max per day**
What hours will customers/visitors be there? **As explained in #7 above**

10. How many employees will there be? **3**
Current: **0**
Future: **5**
Hours they work: **6 AM to 10 PM**
Do any live on-site? **No**
If so, in what capacity (i.e., caretaker)? **NA**
11. What equipment, materials, or supplies will be used and how will they be stored?
If appropriate, provide pictures or brochures. **Typical gas stations, Convenience Store retail items and operational items (I.e. cleaning material and items)**
12. Will there be any service and delivery vehicles? **Yes**
Number: **3 per week**
Type: **Bobtail + one fuel transfer truck**
Frequency: **2 retail supply delivery per week and one fuel transfer per week.**
13. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area **28, Concrete or asphalt**
14. How will access be provided to the property/project? **See the map for access routes**
15. Estimate the number and type (i.e., cars, trucks) of vehicular trips per day that will be generated by the proposed development. **125 vehicles per day**
16. Describe any proposed advertising including size, appearance, and placement.
Typical Gas Station price signage and Valero Canopy signage, see attached.
17. Will existing buildings be used or will new buildings be constructed? **New**
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 appropriate. **Wood frame and siding, white building, floor plan is being designed, elevations submitted herewith.**
18. Is there any landscaping or fencing proposed? Describe type and location.
Hwy 41 right of way will be fenced, Road 200 right of way is fenced. The area will include a hard scape of granite rocks and plant (colorful lantana) landscaping.
19. What are the surrounding land uses to the north, south, east, and west boundaries of the property? **Land to the North is JS West propane and Chawanakee School District now leasing the land formerly used as the Outback Materials plant. Also north is land owned by EMADCO. The entire East boundary of the development fronts on "Outback Industrial Way" a public road and the Minarets High School campus fronts along the entire easterly boundary of**

that roadway. County Road 200 exists along the entire south boundary of the project. The land owner south of Road 200 is Linda Richburg who owns 77 +/- acres. She has a few cattle on the property to keep the grass down. There is a "Caltrans Park and Ride" on the south side of Road 200 across from the SW corner of my project. Highway 41 extends along the entire westerly boundary of my property from south to north. The USFS owns land directly west of and across Highway 41 from my project.

20. **Will this operation or equipment used generate noise above existing parcels in the area? This retail development is not expected to generate noise and will generate less noise than JS West, outdoor high school sports activities and Outback Materials when they were operating out of their location. In the event that an Amphitheater is allowed I will make every effort to insure that the sound will not interfere with any neighboring property. The nearest neighbor is 8.10 miles to the east.**

On a daily or annual basis, estimate how much water will be used by the proposed project and how will it be disposed of? Estimating 21,600 gallons per day. The water system serving the gas station will be annexed to the Minarets High School public water system in accordance with a written water agreement. I am now seeking the approval of the California Regional Water Quality Control Board, drinking water division and the Madera County Environmental Health Department.

The wastewater system will be annexed to the Minarets high school public waste water system.

I will install a dedicated pipeline from a 500 gpm onsite water well for landscape irrigation

Ponderosa Telephone Company presently operates Fiber optic service on project site.

PGE 3 phase power is available and will be installed underground throughout the project.

JS West Propane operates a 30,000 gallon LPG tank on the property north of the town. Propane will be piped throughout the project by JS West.

A Verizon cellular telephone tower is 80' north of the town property.

On a daily or weekly basis, how much waste water will be generated by the proposed project and who will it be disposed of? Estimated 2,200 gallons per day. The wastewater system will be annexed to the Minarets High School waste water system.

21. 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? **EMADCO will remove approximately 4 cu yards (1 dumpster) per week.**
22. Will there be any grading? (Please state the purpose, i.e., for roads, building pads, drainage, etc.) **Grading for building pads and roadways as shown on plans that have been submitted to the Madera County Public Works Department.**
23. Are there any archeological or historically significant sites located on this property? **None as per a Chukchansi Onsite investigation. No evidence of prior Native American habitation on the subject property.**
24. Locate and show all bodies of water on application plot plan or attached map.
None
25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan. **As shown on the plans. The drainage course that cross's the subject property will be contained in an engineered culvert under and across the subject parcel.**
26. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of? **No**
27. Will your proposal require use of any public service or facilities? (i.e., schools, parks, fire and police protection or special districts?) **We will only need public services in the event of an emergency.**
28. How do you see this development impacting the surrounding area? **Positively**
29. How do you see this development impacting schools, parks, fire and police protection or special districts? **Only school impact is that the students might work at this facility, no impact on "Parks", as stated above, I am donating the Fire, Air Ambulance and Sheriff/CHP sites making public services available to this project.**
30. If your proposal is for commercial or industrial development, please complete the following:
Proposed Use(s): **Gas station, Convenience Store**
Square Feet of Building Area(s) **2,500 sq. ft.**
Building Height(s): **18'**
31. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map. **See topo on the map.**

MINARETS CROSSING CUP

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

1. Please provide the following information:
Assessor's Parcel Number 050-193-003
Applicants Name: Minarets Crossing, LLC, Bad Ditton Managing Member
Address: 49015 Road 426, Oakhurst, CA 93644
Phone Number 559.760.3485
2. Describe the nature of your proposal/operation (please be specific). **This CUP application is being processed concurrently with the CUP application for the gas station being submitted with this CUP application. I am making the applications separately because I have more specific information for the gas station CUP than the balance of the project. Combining the two applications on the same form was confusing.**
This CUP application pertains to all parcels shown on the attached map except parcel #6, the gas station parcel which is the subject the concurrent CUP/site plan submittal. Regarding the proposed parcel map submitted herewith;
I intend to donate Parcel #1 of the enclosed map to the County of Madera for their use, hopefully to be used in time as a Fire or Sheriff Facility.
I believe that Parcel #2 will be built out as a restaurant.
Parcel # 3 is being planned for use as a 1950's/60's Drive-in style restaurant. See sample picture of the Drive-in the picture gallery.
Parcel #4 is under consideration for use as a retail building and coffee drive through facility. I do not see this use specifically however I am hoping the Zoning Administrator will make the finding that this type use is a permitted use.
Parcel #5; 2 buildings, an antique/yard art retail facility and food service.
Parcel #6 will be the Gas Station/Convenience Store.
Parcels #7, 8, 9, 10, 11 and 12 are planned be built out as a "theme development" the theme being an "Early California" town. The town will be similar to the "Early California" settlements, for example Columbia, Sonora, Downtown Mariposa, Angles Camp, the Town Center of North Fork or the Village at Bass Lake with adjoining or clustered buildings and common area parking being separated from "town." The only planned vehicle traffic "in town" will be to accommodate handicapped persons and parking, deliveries to businesses within the town and/or emergency traffic.
The common parking area is east of the town, will have a paved surface. A dedicated travel way from the parking to the town approximately 350' east of the parking area. The parking will is to be 2.26+/- acres and with additional room available if needed to accommodate bus and RV parking. A town owned shuttle cart is planned to be available transport those who desire not to walk from the parking area to town.
Within the "town area:"
Parcel #7 has been reserved by a local business person who plans to build a 4,000 to 5,000 retail facility (Ice Cream, Candy, Hair and Nail salons with the

possibility of 2 apartments on the second floor for onsite employees or a manager or private professional offices.

Parcels #8, 9, 10, and 11 are planned for retail uses permitted of the present PDD zoning.

I have inquiries for a portion of Parcel 12 to be used for a Brewery. Again, I am in hopes that this can be considered a permitted use. Parcel 13 will be an “outlot, not a building site” to be used for parking, utilities, ingress and egress, storm water detention pond, dog exercise area, etc.

As of the time this application is being written I have been approached by a drive through coffee/food facility, a BBQ restaurant, Beer Tap Room, Dine in and take out Restaurants, and a brewery in addition to the antiques, ice cream, candy, apartment/business offices and hair and nail salons.

The town will be approximately 9.34 acres of which 2.75 acres will be available as building area which leaves 6.51+/- acres of common area.

The common area of town will be controlled by an Owners Association. The owners association will be responsible for the maintenance and operation of the roads, landscaping, building design, etc.

All roadways will be private roads constructed to Madera County Class 4 road standards, asphalt surfaced, utilizing asphalt berms and gutters as needed and maintained at the expense of the development. The roads within the town area will be 22' wide with access limited to handicapped, deliveries and emergency vehicles.

The water system will be annexed to the Minarets High School public water system in accordance with a written water agreement. I am now seeking the approval of the California Regional Water Quality Control Board, drinking water division and the Madera County Environmental Health Department. The wastewater system will be annexed to the Minarets High School waste water system in accordance with a written waste water agreement.

I will install a dedicated pipeline from a 500 gpm onsite water well for landscape irrigation.

Ponderosa Telephone Company presently operates Fiber optic service on project site.

PGE 3 phase power is available and will be installed underground throughout the project.

JS West Propane operates a 30,000 gallon LPG tank on the property north of the town. Propane will be piped throughout the project by JS West.

A Verizon cellular telephone tower is 80' north of the town property.

3. What is the existing use of the property? **The property is vacant. This will be the first development of the subject property. Formerly the property was used for cattle grazing.**
4. What products will be produced by the operation? **Food or drink preparation and other products found in similar developments.**

5. Will they be produced on-site or at some other location? **Some products will be prepared onsite, others will be deliver to and sold at this development.**
6. Are these products to be sold on-site? **Food, drink, retail items will be sold in the project.**
7. What are the proposed operational time limits? **I am estimating the hours of operation will be 6 AM to midnight.**

Months (if seasonal): **12 months per year**

Days per week: **7 days per week**

Total hours per day: **18 hours per day**

8. Will there be any special activities or events?
Frequency: **Unknown, maybe quarterly if I am able to build an amphitheater.**
Hours: **10 PM to 10 PM**
Are these activities indoors or outdoors? **Both in and outside**

9. How many customers or visitors are expected?
Average number per day: **I am estimating that there may be 300 visitors per day.**
Maximum number per day: **Estimating 500 per day**
What hours will customers/visitors be there? **Retail facilities are generally open from 10 AM to 10 PM, possibly until midnight.**

10. How many employees will there be?
Current: **0**
Future: **Estimating 50 employees**
Hours they work: **Generally 6 AM until 10 PM**
Do any live on-site? **An onsite caretaker/manager is planned primarily for night security.**
If so, in what capacity (i.e., caretaker)? **Caretaker**

11. What equipment, materials, or supplies will be used and how will they be stored?
If appropriate, provide pictures or brochures. **Materials and supplies typical of a retail development.**

12. Will there be any service and delivery vehicles?
Number: **Depends on the build out.**
Type: **Bobtail trucks**
Frequency: **10 trucks weekly**

13. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area **Asphalt surface. I would like to**

have "opening day" parking improved in accordance with the amount of retail space complete or under construction at the time of the opening. Then expand and increase the parking area as additional permits are issued. This verses paving and maintaining a large parking area prior to the parking demand.

14. How will access be provided to the property/project? **The project has three public entrances. 1) The main entrance "Red Barn Road" is off of Road 200; 830'+/- east of the intersection of Hwy 41 and Road 200. 2) A second access, "Windmill Way" commences across Outback Industrial way from the SW entrance into Minarets High School and 3) A third access is the continuation of "Red Barn Road" at the SE corner of JS West Propane.**
15. Estimate the number and type (i.e., cars, trucks) of vehicular trips per day that will be generated by the proposed development. **Opening day, possibly 125 visiting vehicles. As the area develops I am estimating 300 vehicles per day.**
16. Describe any proposed advertising including size, appearance, and placement. **Only one sign is allowed. The sign will be at the SW corner of the project. The sign is planned to be a monument sign within a natural granite rock hardscape to include a life size stage coach and horse feature with low level lantana plants with planed the rocks. Muted night lighting will shine on the sign and this feature.**
17. Will existing buildings be used or will new buildings be constructed? **There are no existing buildings within this project. 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 appropriate. Elevation views of various Early California buildings are being submitted with this package. There are an endless number of designs possible. The pictures submitted are only samples of Early California buildings and are being used by Architects and draftsmen as a guide to design other Early California buildings for the town. Modifications to the pictures will no doubt be made. New buildings will generally be single story with some 2 story building not to exceed 35' in height. Colors will be as seen in the pictures. Buildings will be new construction with materials used to give the seasoned appearance.**
18. Is there any landscaping or fencing proposed? Describe type and location. **I intend to plant and irrigate trees and shrubs/plants throughout the project as areas are developed. Several types of trees are under consideration taking into account future growth, maintenance and the wildlife attracted to various trees.**

19. What are the surrounding land uses to the north, south, east, and west boundaries of the property? **Land to the North is JS West propane and Chawanakee School District now leasing the land formerly used as the Outback Materials plant. Also north is land owned by EMADCO. The entire East boundary of the development fronts on "Outback Industrial Way" a public road and the Minarets High School campus fronts along the entire easterly boundary of that roadway. County Road 200 exists along the entire south boundary of the project. The land owner south of Road 200 is Linda Richburg who owns 77 +/- acres. She has a few cattle on the property to keep the grass down. There is a "Caltrans Park and Ride" on the south side of Road 200 across from the SW corner of my project. Highway 41 extends along the entire westerly boundary of my property from south to north. The USFS owns land directly west of and across Highway 41 from my project.**
20. Will this operation or equipment used generate noise above existing parcels in the area? **This retail development is not expected to generate noise and will generate less noise than JS West, outdoor high school sports activities and Outback Materials when they were operating out of their location.**
21. On a daily or annual basis, estimate how much water will be used by the proposed project and how will it be disposed of? **In the beginning the water demand is estimated to be approximately 1,600 gallons per day (gpd). It is possible, depending on the total build out and the uses proposed that the water use may increase to 20,000 gpd. Water conservation will be stressed throughout the development.**
22. On a daily or weekly basis, how much waste water will be generated by the proposed project and who will it be disposed of? **The amount of waste water will very closely equal domestic water use.**
23. 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? **In the beginning, 1 each 4 cu. yd. dumpster will be used. At full buildout is it estimated that 4 dumpsters may be used per week.**
24. Will there be any grading? (Please state the purpose, i.e., for roads, building pads, drainage, etc.) **Grading is 90% complete for the entire project.**
25. Are there any archeological or historically significant sites located on this property? **None as per a Chukchansi Onsite investigation. No evidence of prior Native American habitation on the subject property.**
26. Locate and show all bodies of water on application plot plan or attached map. **No bodies of water other than the required storm water detention pond which**

will not hold water for a long period of time. Water will be drained out at a controlled rate.

27. Show any ravines, gullies, and natural drainage courses on the property on the plot plan. **Delineated on the map.**
28. Will hazardous materials or waste be produced as part of this project? **None anticipated.** If so, how will they be shipped or disposed of?
29. Will your proposal require use of any public service or facilities? (i.e., schools, parks, fire and police protection or special districts?) **This proposal when built will generate jobs for students, will include common area for the enjoyment of the visiting public, will include fire hydrants with fire flow, and hopefully will not require sheriff protection.**
30. How do you see this development impacting the surrounding area? **Positively in terms of offered services and future employment.**
31. If your proposal is for commercial or industrial development, please complete the following:
Proposed Use(s): **See attached permitted uses attached.**
Square Feet of Building Area(s) estimating **70,000 sq. ft at full buildout.**
Building Height(s): **35' maximum**
32. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map. **Delineated on the map.**

Minarets Crossing (aka Green Acres)

Gas Station Site Plan

Dimensions and topography of the site and dimensions of existing buildings, structures or extensive uses; **Dimensions are provided on the site plan. The parcel has been graded and is within 2" of final grading.**

Names and addresses of owners of all abutting properties and properties within three hundred feet of this site;

- 1) **I own the land to the north and east of the gas station site;**
- 2) **Caltrans (Hwy 41) owns the land adjoining the west boundary of the site;**
- 3) **The USFS owns the land west of Hwy 41;**
- 4) **Madera County owns the land adjoining the south boundary of the gas station, this is County Road 200;**
- 5) **Linda Richburg, 2669 W. Lake Van Ness Circle, Fresno, 93711-7024 owns the land on the south side of Road 200 adjacent to the Gas station site plan,**

Building and structure locations; **The proposed 2,500 sq. ft. Convenience Store building and gas dispenser bay is shown to scale on the site plan.**

Parking area design, including pedestrian and vehicular flow designations, pavement, curbs, signs, lining and associated drainage facilities, as well a truck and passenger loading zones where applicable; **All shown on the site plan. The site has been planned so as to provide ample room**

General landscaping design plans; **A granite rock feature will be constructed in the SW corner of the Gas Station parcel. Colorful, low level plants (multicolor Lantana) will be planted and irrigated in the rock feature. "Synlawn" will be installed in the parking area where night lighting is shown. Natural grass and/or landscaping never survives in high foot traffic areas such as these. I will install a dedicated 4" waterline from an onsite water well. This well will be solely for irrigation of landscaping within the project.**

Plans for coordinated sign controls; **Directional signs will be provided as needed to direct traffic to insure the free flow of traffic.**

Drainage plan; **See the drainage plan included. Storm water will be collected via "drop inlets" into and underground 24" ADS storm drainage system which ultimately drains into an engineered storm water detention pond located within the project boundaries. See the gas station drainage plan included in this package.**

Fire control plan; **I am annexing to the Minarets High School public water system. That system currently has the proper amount of water storage, flow and recharge capacity. I have discussed my fire system plans and I will install fire hydrants with proper spacing and fire flow within the required distances to all buildings.**

Water system plan; **I am annexing to the Minarets High School public water system.**

Sewerage plan; **I am annexing to the Minarets High School Sewerage system.**

Plan of general uses of all floor area and land area. **The floor area of the Convenience Store will stock and sell typical gas station retail items. The store will have typical sales racks for items to be sold to the public. Locations of the cold boxes, storage area, (gas dispenser electronic control systems will be located in the Storage area), men's and women's ADA restrooms and sales counter.**









COSMOPOLITAN HOTEL.







Aerial view of the building





MINARETS





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: Emily Lane

FROM: Dexter Marr, Environmental Health Division

DATE: November 23, 2020

RE: Minarets Crossing, LLC - Conditional Use Permit - O'Neals (050-193-003-000)

Comments

TO: Planning Division

FROM: Environmental Health Division

DATE: November 23, 2020

Conditional Use Permit (CUP) #2020-016, Minarets Crossing, LLC, O'Neals APN 050-193-003

Environmental Health Division Comments:

All parcels shall have adequate potable water that meets California Water Drinking Standards as required by Madera County Code Title 13. Potable Water shall be accomplished by means of a Community Water System. Senate Bill 1263 is required for new public/community water system(s) if created.

All parcels shall have adequate onsite wastewater treatment as required by Madera County Code Title 13. Wastewater dispersal shall be accomplished by means of an approved community sewer system.

Solid waste collection for recyclables, and garbage is required.

Environmental Health Division food plan check will be required for review and approval for food establishment.

Environmental Health Division Underground Storage Tank plan check will be required for review and approval.

The facility will be regulated under the Hazardous Material Business Plan (Article I, Chapter 6.95, of the California Health & Safety Code). As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

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

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



Community and Economic Development
Fire Prevention Division

Deborah Mahler, Fire Marshal
Deputy Director

EXHIBIT I

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

MEMORANDUM

TO: Emily Lane
FROM: Deborah Mahler, Fire Marshal
DATE: December 1, 2020
RE: Minarets Crossing, LLC - Conditional Use Permit - O'Neals (050-193-003)

Conditions

Upon application for any Building Permits the project shall be reviewed for compliance with current adopted local, state and federal requirements.



**COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS**

EXHIBIT J

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

MEMORANDUM

DATE: November 25, 2020
TO: Emily Lane
FROM: Phu Duong, Public Works
SUBJECT: Minarets Crossing, LLC - Conditional Use Permit - O'Neals (050-193-003)

Comments

The developer is to provide a dedicated left turn pocket for the eastbound traffic and a minimum 10' wide shoulder for the westbound traffic to merge out of the main traffic flow on Road 206.

Due to the location of the project relative to the SR 41 right of way, the developer must comply with conditions of approval imposed by Caltrans.

Driveway locations must be shown on the final map prior to recordation.



COUNTY OF MADERA

DEPARTMENT OF PUBLIC WORKS

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

MEMORANDUM

DATE: December 1, 2020
TO: Emily Lane
FROM: Fahed Mosleh, Public Works
SUBJECT: Minarets Crossing, LLC - Conditional Use Permit - O'Neals (050-193-003)

Comments

At any time during the operations of the proposed or existing development, at the County's discretion and depending on the condition of the roadways at the time, the County reserves the rights to require the applicant to repair and provide any necessary improvements to the existing roadways if there are damages to the existing pavement caused by the operations from the proposed the development.

Prior to any construction where such construction is proposed within an existing County right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be approved prior to commencing the work.

At the time of applying for the building permits, if any grading is to occur, the applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.

If access approaches or road improvements are to be added to the proposed development, the applicant is required to provide such improvement plans to the Public Works Department for review.

If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development.

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

All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.

From: Emily Lane
To: ["Dave.Padilla@dot.ca.gov"](mailto:Dave.Padilla@dot.ca.gov)
Subject: Request for Review: Conditional Use Permit #2020-016
Date: Thursday, November 19, 2020 4:11:00 PM
Attachments: [Madera County Request for Review - Conditional Use Permit \(CUP #2020-016\) Minarets Crossing, LLC.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Hello Mr. Padilla,

To this email I have attached the review packet for Conditional Use Permit #2020-016. The proposed project includes a gas station with convenience store and future commercial development in PDD (Planned Development) zone district. The project is located on the northeast corner of the intersection of Hwy 41 and Road 200 (no situs), O'Neals. Please let me know if you have any comments. Please complete the attached Development Review form and return it to us prior to: December 14, 2020. If I do not receive comments from Caltrans prior to this date, I will assume that Caltrans has no comments to offer.

If you have any questions please let me know.

Thank you,



Emily Lane | Planner II

COMMUNITY AND ECONOMIC DEVELOPMENT, PLANNING

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

Office: (559) 675-7821 Ext. 3222



DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 488-4088

TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

July 6, 2010

2134-IGR/CEQA
6-MAD-41-17.910
PRJ 2010-02
GREEN ACRES

Mr. Jerome Keene
County of Madera
Resource Management Agency
2037 W. Cleveland Avenue
Madera, CA 93637

Dear Mr. Keene:

Caltrans has completed its review of the proposed rezone from ARE-40 (Agricultural, Rural Exclusive, 40-acre) to PCD (Planned Commercial Development) for the project known as Green Acres. The application indicates that a conditional use permit will be needed to allow future commercial development of the property. The site is located at the northeast quadrant of State Route (SR) 41 and Road 200. Caltrans has the following comments:

Our previous comments dated October 23, 2008 and January 20, 2009 (copies enclosed) continue to be valid.

It is Caltrans understanding that the conditions for GP 2008-026 placed on this project would also apply to this rezone application (PRJ 2010-02). Caltrans request clarification whether this project will be contributing to the County of Madera's Road Impact Fee Program which includes SR 41. In our January 20, 2009 correspondence, Caltrans requested that the mitigation cost included in traffic study should be calculated and submitted for our review; however this not occurred.

In the conditions of approval for GP 2008-026, it states that no access would be permitted to SR 41. Project representatives recently met in the field with a Permit Engineer representing Caltrans regarding an existing gated access along SR 41 that was said to serve an existing easement. It was explained to Caltrans staff that Madera County, on behalf of the project, would apply for encroachment permit from Caltrans to upgrade the existing gated access so that the gate may be removed so that the road connection could be utilized by this development. Caltrans was told that the encroachment permit application is forthcoming. Caltrans requests clarification on this issue.

Mr. Jerome Keene
July 6, 2010
Page 2

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any questions, please contact me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO
Office of Transportation Planning
District 06

Enclosures



Flex your power!
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DEPARTMENT OF TRANSPORTATION

DISTRICT 6
352 WEST OLIVE AVENUE
D. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4199
FAX (559) 488-4088
TTY (559) 488-4066

January 20, 2009

2134-IGR/CEQA
6-MAD-41-17.910
GREEN ACRES

Mr. Matthew Treber
County of Madera
Resource Management Agency
2037 W. Cleveland Avenue
Madera, CA 93637

Dear Mr. Treber:

We have completed our review of the revised Traffic Impact Study for Green Acres. The project proposes to develop an 18-pump gas station, 3,500 sq.ft. fast-food restaurant, 3,800 sq.ft. office building, 12,000 shopping center, 75-unit campground/RV park, 100-unit motel, and a 3,500 sit-down restaurant on a 32-acre site. The site is located on the northeast corner of State Route (SR) 41 and Road 200 in the County of Madera. Caltrans has the following comments:

Our previous comments dated October 21, 2008 (copy enclosed) still apply.

The Project driveway on Road 200 is considered as a public road connection. A minimum of 800 feet of spacing to SR 41 is recommended. Caltrans recommends a 350-foot eastbound left-turn lane on Road 200 to the Project driveway since the deceleration length was not added in the storage.

The existing southbound left-turn lane and northbound right-turn lane at the intersection of SR 41 and Road 200 are approximately 500 feet in length which is less than the proposed turn lanes as stated in Table 13. The project will not be required to construct these improvements prior to the opening day assuming the project agrees, as a mitigation measure, to conduct one year traffic monitoring at the southbound left-turn and northbound right-turn at the intersection of SR 41 and Road 200 after opening day and provide this information to Caltrans for review. If the traffic volumes caused by the Project meets the opening day mitigation requirement as determined in the study, then the project would be required to construct the improvements.

The Project mitigation cost identified in Table 15 of the traffic analysis should be calculated and submitted to Caltrans for review.

"Caltrans improves mobility across California"

Mr. Matthew Treber
January 20, 2009
Page 2

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any questions, please contact me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO
Office of Transportation Planning
District 06

Enclosure

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4199
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

October 23, 2008

2134-IGR/CEQA
6-MAD-41-17.910
GP 2008-026
GREEN ACRES

Mr. Matt Treber
County of Madera
Resource Management Agency
2037 W. Cleveland Avenue
Madera, CA 93637

Dear Mr. Treber:

Caltrans has completed its review of the Green Acres Traffic Impact Study. The proponent is proposing to develop an 18 pump gas station, 3,500 square-foot (sf) fast food restaurant, 3,800 sf office building, 12,000 sf shopping center, 75 unit campground/RV park, 100 unit motel, and 3,500 sf sit-down restaurant on a 32 acre site. The site is located on the northeast corner of State Route (SR) 41 and Road 200 in the County of Madera. Caltrans has the following comments:

No driveways shall be allowed on SR 41. Access to the development should be from Road 200 at a minimum distance of 800 feet from SR 41 (curb return to curb return).

The project should be required to construct opening day mitigation for the intersection improvement on SR 41 and Road 200. The intersection improvements would include extending the existing southbound left-turn lane to 700 feet plus bay taper and approach taper, and extending the existing northbound right-turn lane to 650 feet. A back-to-back left-turn lane should be constructed on Road 200 between SR 41 and the project driveway. A minimum of 450 foot westbound left-turn lane to SR 41 and a minimum of 350 foot eastbound left-turn lane to project driveway should be provided.

The level of service in the northbound segment SR 41 between Road 200 and Yosemite Spring Parkway would drop from LOS "D" to LOS "F" after the project is constructed as shown in Table 14. It is recommended that the County of Madera establish a County Traffic Impact Fee Program for the 2-lane widening on the northbound SR 41 between Road 200 and Yosemite Spring Parkway. The project should contribute their fair share for this improvement.

Dual southbound left-turn lanes on SR 41 and dual westbound left-turn lanes on Road 200 will be required at the Cumulative 2030 with Project traffic conditions. Two eastbound receiving

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lanes on Road 200 will be required. Road 200 between SR 41 and the project driveway will need to have 5 lanes (2 eastbound through lanes, 2 westbound left-turn lanes, and 1 westbound right-turn lane). Dual northbound right-turn lanes on SR 41 to Road 200 may be needed in the future. It is recommended that the project contribute their fair share for these improvements.

According to the Caltrans Route Concept Report and the 1992 cross-section agreement between Caltrans and Madera County, SR 41 at the proximity of the project is planned for a four-lane conventional highway with median on 146 feet right-of-way, 73 feet from the highway centerline. The existing right-of-way on SR 41 at the project site is 130 feet, 60 feet from the highway centerline. An irrevocable offer of dedication to Caltrans of 13 feet of right-of-way is needed to accommodate the ultimate configuration of SR 41. Additional right-of-way on Road 200 between SR 41 and the project driveway should be preserved to allow for the future 5-lane roadway widening. Dedications required by the Lead Agency need to be shown on a revised site plan and forwarded for our review. A summary of the requirements for right-of-way dedications is enclosed.

The study estimated 12% and 15% captured trips for A.M. and P.M. peak travel hour as stated on page 2. The percentage captured trip calculation should be provided in the study.

Referring to page 4, 15% pass-by reductions was applied to the project trips. However, pass-by trips should not be applied to the project trips that originate from SR 41. The project trips would increase the left-turn traffic volumes in the southbound left-turn lane on SR 41 and the westbound left-turn lane on Road 200, and utilize the intersection twice. An explanation should be provided for the pass-by trip reductions that are applied to through lanes and left-turn lanes on SR 41 as shown in Figure 6.

The actual percentage of k and D factors as stated on page 4 should be provided.

The Florida Table was used for segment analysis on SR 41 in the study. The HCM methodology should be used for segment analysis on SR 41 to be consistent with other studies.

The segment analysis for SR 41 was divided into 2 sections between Road 200, Outback Industrial Way, and Yosemite Spring Parkway. Outback Industrial Way should be shown on all figures. Outback Industrial Way should not be connected to SR 41.

The traffic volumes leaving and approaching the intersection of SR 41/Road 200 and SR 41/Yosemite Avenue in the northbound and southbound directions are not consistent in all figures.

A 12-second All-Red Time was used in Synchro analysis for the existing AM Peak Hour for the intersection of SR 41 and Road 200 on page 1. A one-second All-Red Time is used for the existing signal cycle length.

Referring to page 11, the left-turn and right-turn storage length for signalized intersection should be calculated based on the worst case of 90 second cycle length and a factor safety of 1.5 to 2.0

Mr. Matt Treber
October 21, 2008
Page 3

plus deceleration length for 55 mph speed plus bay taper. A standard approach taper should be used at the left-turn lane (Caltrans HDM Chapter 400).

A Caltrans project to construct the intersection improvements on SR 41 and Yosemite Spring Parkway includes installing a traffic signal, widening the northbound approach to 2 through lanes and 1 left-turn lane, widening the southbound approach to 1 through lane and 1 right-turn lane, and widening the eastbound approach to 1 left-turn lane and 1 right-turn lane. The proposed lane configuration in Synchro analysis for the Near-Term with Project should be revised accordingly.

The intersection improvements on SR 41 at Yosemite Spring Parkway for the Cumulative 2030 With Project would include additional dual northbound left-turn lanes, 2 southbound through lanes, and dual eastbound right-turn lanes.

It is recommended that the traffic study be revised and submitted to Caltrans for review.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights of way. Activity and work planned in the State right of way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right of way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approved the activity and work in the State right of way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." (Revision: 02/23/05)

No advertising signs are allowed in or over the State right-of-way.

Landscape and irrigation should be kept outside of the State right-of-way. If not, a landscape and maintenance agreement is required between the Department and the local jurisdiction for the landscape and irrigation proposed before an encroachment permit is issued.

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any questions, please contact me at (559) 488-4199.

Sincerely,



AMY BARNES
Office of Transportation Planning
District 06

Enclosure

"Caltrans improves mobility across California"

NATIVE AMERICAN HERITAGE COMMISSION

December 15, 2020

Robert Lewis

County of Madera

Via Email to: robert.lewis@maderacounty.com

Re: Tentative Parcel Map No. 4274 and CUP 2020-016, Madera County

Dear Mr. Lewis:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez

Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
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William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

CERTIFIED 2768 5032

October 26, 2020

Madera County
Bob Lewis, Planner
200 W. 4th Street, Suite 3100
Madera, Ca. 93637

Brenda D. Lavell
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member


RE: Parcel Map No. 4274 (CUP-2020-16) - O'Neals (050-193-003-000)

Dear: Bob Lewis

This is in response to your letter dated, October 19, 2020, regarding, Parcel Map No. 4274 (CUP-2020-16) - O'Neals (050-193-003-000).

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

Sincerely,


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

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

Dumna Wo Wah Tribal Government

2191 W. Pico Ave., Fresno, CA 93705



Madera County
 Planning Department
 400 w 4th St., Ste 3100
 Madera, CA 93637

10/12/2020

RECEIVED

NOV 23 2020

MADERA COUNTY
 PLANNING DEPARTMENT

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b), (d) and (e) for the Ditton, Bradford Parcel Map No 4272 (CUP-2020-16- O'Neals (050-193-003-000), Madera, CA.

Dear Planners:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The Dumna Wo Wah Tribal Government received notification on 7/2/17 regarding the above referenced project.

The Dumna Wo Wah Tribal Government requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The Dumna Wo Wah Tribal Government also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

(1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;

(2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following: a. Protecting the cultural character and integrity of the resource; b. Protection the traditional use of the resource; and c. Protecting the confidentiality of the resource.

(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(4) Protecting the resource.

Additionally, the Dumna Wo Wah Tribal Government would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The Dumna Wo Wah Tribal Government expects to begin consultation within 30 days of your receipt of this letter. Please contact the Dumna Wo Wah Tribal Government's lead contact person identified in the attached request for notification.

Robert Ledger, Tribal Chairman
2216 E Hammond Ave., Fresno, CA 93703
559-540-6346
ledgerrobert@ymail.com

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Ledger', with a blue 'x' mark at the end of the signature.

Robert Ledger, Tribal Chairman
Dumna Wo Wah Tribal Government

CC: Native American Heritage Commission

CHRIS AGREE
262 N. GLENN AVE
FRESNO CA 93701
DOWNTOWN TRIBEAL COURT

COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION - PLANNING
200 W. 4TH ST STE 3100
MADISA CA 93637

RE: CUP 2020-16

FRESNO CA 936
19 NOV 2020 PM 2 L



93637-324800





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FEB 04 2021

January 31, 2021

MADERA COUNTY
PLANNING DEPARTMENT



Dear County Planner and Planning Commissioners,



I am very much in support of Brad Ditton's planned project at the corner of Highway 41, and Madera County Road 200. I am happy to see some "old town" flavor coming to our rural mountain community.

I hope you will give the project favorable consideration.



With kindest regards,



Edward Bailey, MS, GRI, SRES
Broker



"Important!"

If this property is actively listed with any real estate agent, please do not consider this letter a solicitation.

Post Office Box 308, Oakhurst, CA 93644-0308

Website: www.EdBaileyRealty.com

E-Mail: edbailey@sti.net

Home (559)683-5193, Cell (559)676-2424, Toll Free (888)683-5193, FAX: (559)683-5183

February 1, 2021

Madera County Planning Department
200 W. 4th St., Suite 3001
Madera, CA 93637

RECEIVED
FEB 04 2021
MADERA COUNTY
PLANNING DEPARTMENT

Commissioners,

I am a retired small business owner and homeowner in Madera County and writing in support of the proposed project located northeast corner of Hwy 41 and Road 200, across Road 200 from the Park and Ride.

This project will add needed jobs and services to the foothill areas of Eastern Madera County.

Thank you for your consideration.

Regards,



Daniel Merrill
31364 Quartz Mountain Rd.
Coarsegold, CA 93614



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

March 2, 2021

Minarets Crossing, LLC
Brad Ditton, Managing Member
49015 Road 426
Oakhurst, CA 93644

RE: Biological study on the 32-acre Minarets Crossing project site in Madera County.

Dear Brad:

This letter summarizes the results of my reconnaissance level biological study of the 32-acre Minarets Crossing project site in Madera County. The site is in the northeast corner of the intersection of Highway 41 and Road 200 just west of the Minarets High School. It occupies the northeast corner of Section 25, Township 9 south, Range 20 east. The project is the development of the site with commercial facilities including a gas station, convenience store, food facilities, a gift shop, artisan suites and other light retail shops.

The objective of the study was to (1) identify the site's existing biological conditions, (2) assess project impacts to existing biological conditions, (3) determine which impacts, if any, might be considered "significant" as defined by the California Environmental Quality Act (CEQA), and (4) propose mitigation that would reduce the magnitude of significant impacts to a less than significant level. Jamie Bax of the Madera County Planning Department provided me guidance in the preparation of this report during a phone call on February 9, 2021. She advised me that the purpose of the study was to update available information about the biological conditions of the project site since the previous environmental work was conducted in 2001 and again in 2010. She felt that a reconnaissance level survey and brief letter report would meet the objectives of Madera County and comply with the requirements of CEQA.

The information I gathered for this report came primarily from two sources. One source was a reconnaissance level field survey I conducted on the site on February 17, 2021. A second source was a detailed study of the Minarets High School project site conducted by Live Oak Associates, Inc. (LOA) over the course of several months in the mid to late 1990s. Minarets High School is located immediately to the east of the Minarets Crossing project site, and the biotic resources of the two sites would be similar.

Ms. Bax also provided me a copy of the Conditional Use Permit for the project dated October 28, 2010. The CUP included a letter addressed to Matt Treber of the Madera County Planning Department from the California Department of Fish and Wildlife (CDFW) dated October 16, 2008. This letter provided the County recommendations for minimizing and/or mitigating

Oakhurst: P.O. Box 2697 • 39930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • Fax: (559) 642-4883
San Jose: 6840 Via Del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411
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project impacts to streams, wetlands, state and federally listed threatened and endangered species, oak trees, and nesting birds. The CUP also included the environmental checklist for biological resources. This checklist concluded that the project would result in less than significant impact with the incorporation of mitigation measures. However, to date, a comprehensive biological study upon which the conclusions of the checklist were based has not been available for my review. The only known previous biological study conducted on the site was one conducted by Dale Keyser, a biologist living in Sonora, California. His study was limited to a survey for special status plant species.

In the interest of full disclosure, my study was limited by two issues. One was the timing of the study. My February 17th site survey was conducted in the winter before most herbaceous plant species (i.e. grasses and forbs) had begun blooming. Flowers or fruits are typically necessary for the identification of annual grasses and forbs. I was able to identify 13 species during my field survey, a small subset of the 50 to 70 species likely to be present on the site. April and May would be the best months for identifying the on-site flora. A second issue was the condition of the site. The western half of the site had been extensively disturbed from project grading, and I could only infer what biological resources might have been present in disturbed areas from my observations of undisturbed areas of the project site, my review of the environmental studies conducted on the Minarets High School site, and my review of Dale Keyser's 2001 vascular plant survey.

Existing Site Conditions

Biotic Habitats

Blue Oak Woodland. Blue Oak Woodland is the primary habitat of the project site. While other tree species are extensively present on lands adjoining the project site, widely spaced blue oaks (*Quercus douglasii*) are the only tree species observed on the project site itself. The understory consists of annual grasses and forbs such as ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), miner's lettuce (*Claytonia perfoliata*), broad-leaf filaree (*Erodium botrys*) and rusty popcornflower (*Plagiobothrys nothofulvus*). Summer-blooming forbs include Heerman's tarweed (*Holocarpha heermanii*), turkey mullein (*Croton setigerus*), and nude buckwheat (*Eriogonum nudum*).

Blue Oak Woodland provides habitat for a variety of native animals. Representative reptiles occurring within the project site would include western fence lizard (*Sceloporus occidentalis*), California alligator lizard (*Elgaria multicarinata multicarinata*), gopher snake (*Pituophis melanoleuca*), California kingsnakes (*Lampropeltis californiae*), and northern Pacific rattlesnake (*Crotalus oregonus oregonus*). Common birds would include acorn woodpecker (*Melanerpes formicivorus*), scrub jay (*Aphelocoma californica*), oak titmouse (*Baeolophus inornatus*), and white-breasted nuthatch (*Sitta carolinensis*). The most common mammal observed on the site was the California ground squirrel (*Otospermophilus beecheyi*). Other mammal species using the site would include Botta's pocket gopher (*Thomomys bottae*), gray fox (*Urocyon cinereoargenteus*) and bobcat (*Lynx rufus*), to name a few.

Seasonal Drainage. A seasonal drainage passes through the northern half of the project site from south to north. This drainage had been substantially disturbed from grading and the creation of a stormwater detention basin in the drainage just south of the project site's northern boundary. Therefore, I could not observe this drainage's pre-project condition. Accordingly, a description of its features prior to grading would be somewhat speculative. What is known is that the drainage is shown as a blue-line stream on the O'Neals, California U.S.G.S. topographic quadrangle. This blue line stream is a tributary of Coarsegold Creek. Where this drainage passes from the project site on to the adjoining property to the north, flow patterns as evidenced by silt deposits clearly show that surface flows had occurred in this drainage within a month of my site visit. What is not known is whether this drainage consisted of a channel with a defined bed and bank, or if it was vegetated with wetland indicator plant species such that it might be considered a wetland. The flora of this drainage had been removed at the time the drainage was disturbed by grading.

Special Status Plant and Animal Species

Special Status Plants. The project site is located within the geographic range of seven special status plant species (i.e., species designated by the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, or the California Native Plant Society for some level of protection from human disturbance). Dale Keyser reports observing no special status plant species on the site during transect surveys of the site in April and May of 2001. The dates of these surveys were appropriate for observing the special status plant species potentially present. Therefore, it appears that special status plant species are absent from the Project Site. However, I present additional evidence that special status plant species are absent from the site below.

The occurrence of two special status plant species, the Mariposa pussypaws (*Calyptridium pulchellum*) and orange lupine (*Lupinus citrinus* var. *citrinus*), is limited to exposed slabs of exfoliating granite. Both species occur in the decomposed granite that has accumulated in depressions in the exposed granite, or around the margins of granite outcrops. While both species occur within 10 miles of the project site, they would not occur on the site itself due to the absence of large domes of exposed granite and decomposed granite substrate.

One species, Hartweg's golden sunburst (*Pseudobahia bahiifolia*), occurs in the vicinity of Millerton Lake, but only in Rocklin sandy loam, pumiceous variant, a soil mapping unit absent from the Project Site. Hartweg's golden sunburst has edaphic requirements not met on the Project Site and would therefore not be present.

Four species of special status plants, Greene's tuctoria (*Tuctoria greenei*), hairy Orcutt grass (*Orcuttia pilosa*), San Joaquin Orcutt grass (*Orcuttia inaequalis*), and succulent owl's clover (*Castilleja compestris* ssp. *succulenta*) all occur in vernal pools. No vernal pools were present on the Project Site at the time of my site survey. A review of Google Earth imagery dating back to 1998 satisfies me that vernal pools have never been present on the project. Therefore, these four vernal pool species never occurred on the Project Site.

One species, the Madera leptosiphon (*Leptosiphon serrulatus*), occurs near the site (approximately two miles to the south) in similar grassland habitat. I am skeptical that this species occurs in undisturbed areas of the project site. I examined such areas carefully and observed several locations where the identifiable remains (from last year) of a different and unlisted species of *Leptosiphon* were present. This species is known as whiskerbrush (*Leptosiphon ciliata*). I am certain that I would have observed the remains of Madera Leptosiphon had it been present. Dale Keyser conducted two spring transect surveys over the entire site in 2001. Madera linanthus was not observed during these surveys.

Special Status Animal Species. While some special status animal species may pass through or over the site from time to time, habitats of the site are not suitable for breeding populations of special status animals.

Jurisdictional Waters

Jurisdictional waters include most surface waters such as rivers, their tributaries, and wetlands. Such waters typically are within the jurisdiction of the U.S. Army Corps of Engineers (with authority over waters of the United States), the State Water Resources Control Board (with authority over waters of the state of California), or the California Department of Fish and Wildlife (with authority over drainages meeting the definition of a stream within the state of California). California Fish and Game Code and the Code of Federal Regulations define streams over which the USACE and CDFW have jurisdiction to be drainages with a defined channel having a bed and bank. The USACE and the SWRCB define wetlands to be areas experiencing significant periods of inundation or soil saturation, having hydric soils, and supporting hydrophytic vegetation. The filling of and grading within jurisdictional waters generally requires a permit issued by one or more of these three resource agencies.

The aforementioned drainage passing through the northern half of the Project Site may have met the regulatory definition of a “jurisdictional water.” This reach of the drainage may have had a defined channel with a bed and bank. It may have met the regulatory definition of a wetland. The physical and biotic features of potential jurisdictional waters could not be observed due to extensive disturbance of the drainage from grading and the creation of a stormwater detention basin.

Previously conducted environmental studies of the Project Site do not reference this drainage. For example, Dale Keyser surveyed the site for special status plant species, but makes no mention of this drainage. Therefore, the pre-project physical and biotic features of this drainage are not known at this time.

Project Impact to Biological Resources

Most construction projects, such as the Minarets Crossing Project, result in some impact to biological resources. However, per *California Environmental Quality Act, Statute & Guidelines*

(Association of Environmental Professionals 2021) not all impacts are significant. CEQA defines a “significant” environmental impact as follows:

“Significant impact on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Site grading and the construction of commercial facilities will permanently eliminate some biotic resources occurring in the construction footprint, and the operation of these facilities will change the use of the site by native wildlife. My impact analysis is as follows:

Significant Impact to Biological Resources

Impacts to biological resources that will have occurred from project development will not meet the CEQA threshold of a “substantial” change in the environment. Therefore, project impacts to biological resources would be less than significant. Accordingly, mitigation measures have not been proposed in this report to offset project impacts, aside from avoidance of disturbance to active bird nests (per state Fish and Game Code) discussed in greater detail below.

Less than Significant Impact to Biological Resources

Project Impact to Jurisdictional Waters. Site grading and the creation of a stormwater detention basin may have disturbed a natural drainage meeting the regulatory definition of a “jurisdictional water.” This would only be true if the drainage consisted of a defined channel or if the drainage met the regulatory definition of a wetland. Given that the U.S.G.S. mapped this drainage as a blue-line stream, it seems likely that this drainage experienced surface flows often enough to meet the regulatory definition of a stream and/or a wetland.

I estimate that a 400 - 500 linear foot reach of natural drainage was disturbed. If the drainage averaged 5 feet in width (which is certainly possible), then upwards of 2,500 square feet of channel/possible wetland was disturbed. Small headwater drainages such as the one occurring on the project site are extremely numerous throughout the foothill region within which the Project Site is located. Given the number of such drainages in the foothill region, the disturbance to the drainage on the project site does not meet the CEQA threshold of “substantial impact on the environment.”

Because some portion of the drainage passing through the project site may be a “jurisdictional water”, permits to disturb the drainage might be required by state and federal resource agencies.

Project Impacts to State and Federally Threatened and Endangered Plant Species. State and federally listed threatened and endangered plant species do not presently occur on the project site and would not have occurred on the Project Site prior to the commencement of site grading. The project would have no effect on such species.

Project Impacts to State and Federally Threatened and Endangered Animal Species. State and federally listed threatened and endangered animal species do not presently occur on the project site and would not have occurred on the Project Site prior to the commencement of site grading. The project would have no effect on such species.

Project impact on Birds and Nests. As noted in the CDFW comment letter of October 16, 2008, Fish and Game Code sections 3503 , 3503.5, and 3513 protect active bird nests, birds of prey, and the unlawful “take” of migratory birds. Project disturbance has been on-going since prior to the beginning of the bird nesting season (February 1 through August 31). Birds initiating nesting activities while construction activities are occurring will probably not be adversely affected by the project so long as nest trees are not removed during the nesting season. Raptors were not observed nesting on the Project Site during my February 17 site survey, so the “take” of nesting raptors is not expected.

Should project development require the removal of any trees during the bird nesting season, it would be prudent to have those trees surveyed for active nests, and to refrain from removing trees with active nests until a qualified biologist determines that the young have fledged and the nests are no long occupied. Doing so will ensure that the project is consistent with the requirements of California Fish and Game Code.

Please give me a call should you or the County have any questions or concerns regarding the results of my site survey.

Sincerely,



Dave Hartesveldt, Senior Biologist

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

- 1. Project title:** Conditional Use Permit 2020-016 and Tentative Parcel Map No. 4274
- 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:** Bob Lewis, Senior Planner
Robert Mansfield, AICP, Senior Planner
559-675-7821
robert.lewis@maderacounty.com,
Robert.mansfield@maderacounty.com
- 4. Project Location & APN:** Located on the northeast corner of Road 200 and State Route 41 (no situs) O'Neals (APN 050-193-003)
- 5. Project sponsor's name and address:** Minarets Crossing, LLC
Attn: Bradford Ditton
49015 Road 426
Oakhurst, CA 93644
B.Ditton@C21ditton.com
- 6. General Plan Designation:** CC (Community Commercial)
- 7. Zoning:** PDD (Planned Development District)
- 8. Description of Project:** This project is a request to allow a Parcel Map to allow for 16 parcels with 1 outlot on 31.34 acres of PDD (Planned Development District) zoned property and to amend a previous Conditional Use Permit to allow minor changes regarding a gas station with convenience store and future commercial development in PDD (Planned Development) zone district.
- 9. Surrounding Land Uses and Setting:** Vacant, Industrial, Public School, 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.

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

DETERMINATION	
On the basis of this initial evaluation:	
<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. (MND 2020-024)
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed: 

Date: March 15, 2021

I. AESTHETICS

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Responses:

(a – b) No Impact. A scenic vista is generally characterized as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The proposed project site is located on the northeast corner of State Route 41 and Road 200 in O’Neals. There are no scenic vistas in the immediate vicinity of this project site. The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no State Scenic Highways designated under the Scenic Highway Act located in the proposed project vicinity. There are no scenic resources on this property that will be damaged as a result of this project.

(c) Less than Significant Impact with Mitigation Incorporated. The site is currently vacant. To the north of the project site is industrial property; to east of the project site is Minarets High School, part of the Chawanakee Unified School District; to the south of the project site is a small property that serves as a Park and Ride location and a larger property that is used as grazing land; to the west of the is project site is property that is part of the San Joaquin Experimental Range and is managed by the U.S. Forest Service. The visual character of the surrounding properties is largely consistent with the existing native landscape of the Sierra Nevada foothills. Since the subject property is readily visible from State Route 41 and Road 200, design features for the development should incorporate as many natural features as possible.

(d) Less than Significant Impact with Mitigation Incorporated. The site is currently vacant and is not a source for light nor glare. With the introduction of a construction site and eventual development of a gas station and commercial space, there may be a new substantial source for light or glare. Even though, the project will be partially screened by proposed landscaping; the construction and operation of the facility may generate excess light that may adversely affect day or nighttime views in the area. The impact of new light sources from construction and operation of the project site will be less than significant with the mitigation measure of shielding light and directing it away from neighboring properties and adjacent roadways. Landscape screening will be required to mitigate any potential for visual impacts to the surrounding area. All future development will be subject to the provisions of the Zoning Ordinance and future project reviews.

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

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered "sensitive" to this unwanted light include residences, hospitals, and care homes.

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

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

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

Would the project:

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

Responses:

(a - e) No Impact. The project site is currently vacant. The project site is within the PDD (Planned Development) Zone District which allows for commercial and innovative land uses. The project does not entail a rezone. There will be not be any impacts in regards to the conversion of forest land to non-forest use nor any change of farmland to non-agricultural

use. The property is not within the Timberland Zone District. The parcel is not part of the Williamson Act. The surrounding properties are largely zoned for agricultural use, with the exception of the property to the north which is zoned Lighted Industrial and the properties to the west which are zoned Public Open Space and are used as a research facility by the U.S. Forest Service. The property to the east of the project site is zoned for agricultural use and has been developed by Chawanakee School District as a high school.

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 non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

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

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

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

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

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Responses:

(a) No Impact. No impacts have been identified as a result of this project. The project will not impact implementation of any air quality plans.

(b - c) Less than Significant Impact with Mitigation Incorporation. Currently there is no traffic to or from the site as there is no project or development on the site. There will be construction activity for a temporary period of time, causing a temporary increase in emission levels in the area. This will cease on completion, only to be replaced by operational levels of emissions from personal vehicle trips and site servicing vehicles (delivery trucks, etc.).

The contribution of emissions is not expected to be substantial or significant overall, given the small size of the project and the small size of operations. However, it will contribute to emissions already occurring as a result of surrounding businesses and State Routes 41 traffic.

(d) Less than Significant with Mitigation Incorporation. The Project Site is adjacent to Chawanakee School District's Minarets High School. There is potential for sensitive receptors to be exposed to particulate matter during construction. The parcel will be required to maintain a dust free environment on all driveways and parking areas. The project is above a non-obtainment basin within the Central Valley that is overseen by the San Joaquin Air Pollution Control District. Therefore, the project must comply with the rules and regulations related to site construction and operation. Plans adopted by the Air District will be adhered to through the air Impact Assessment process and other permits needed through the district.

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

General Information

Global Climate Change

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

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

Responses:

Live Oaks conducted a reconnaissance level field survey of the site on February 17, 2021. There were no significant findings.

(a) Less than Significant Impact. The elderberry longhorn beetle and as well as the Mariposa pussy paw plant are the only specially listed species. While the list below shows a number of species listed in the quadrangle in which this project is located, this does not necessarily mean that these species are actually located on the project site either in a habitat setting or migrating through. If any of the listed species are identified on the project site the applicant must stop all

construction activity and contact the County Planning Department and California Department of Fish and Wildlife.

(b) No Impact. No creeks, stream or rivers exist on the Project site. No riparian habitats or other sensitive natural communities identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or United States Fish and Wildlife Service have been identified on the Project site. The Project would have no impact in this area.

(c) No Impact. No federally protected wetlands have been mapped within the Project site. Thus, the Project would have no impact in this area.

(d) Less than Significant Impact. The Project is bordered by Highway 41, Road 200, Minarets High School and an Industrial site to the North. The Project site has been graded over the past decade. The Project contains no waterways and thus would not impact the migration of fish. The Project site does contain trees that will be incorporated into the commercial development. The Project is anticipated to have a less than significant impact on native wildlife nursery sites.

(e) Less than Significant Impact. The Project will maintain the existing trees on the subject site and integrate said trees into the landscaping of the commercial development. As such no local policies or ordinances for tree protection would apply. There would be less than significant impact in this area.

(f) No Impact. There are currently no adopted or proposed habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that affect the Proposed Project.

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
Western Pond Turtle	None	None	SSC	None
Valley Elderberry Longhorn Beetle	Threatened	None	None	None
An Andrenid Bee	None	None	None	None
California tiger salamander	Threatened	None	WL	None
Foothill yellow-legged frog	None	Candidate Threatened	SSC	None
California red-legged frog	Threatened	None	SSC	None
Western spadefoot	None	None	SSC	None
Oak titmouse	None	None	None	None
Great gray owl	None	Endangered	None	None
American badger	None	None	SSC	None
Orange Lupine	None	None	None	1B.2
Madera Leptosiphon	None	None	None	1B.2
Mariposa Pussypaws	Threatened	None	None	1B.1
Slender-Stalked Monkeyflower	None	None	None	1B.2

O'Neals Quadrangle

List 1A: Plants presumed extinct

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

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

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

List 4: Plants of Limited Distributed - a watch list

Ranking

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

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

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

SSC Species of Special Concern

WL Watch List

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.

V. CULTURAL RESOURCES

Would the project:

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

Responses:

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) Less Than Significant with Mitigation Incorporated. Historical resources have not been identified on the property. In 2000, an Archaeological Study was conducted on the project site by J & R Environmental Services. Prior to fieldwork, a records and literature search was undertaken to determine the existence and characteristics of all previously recorded cultural resources within the general vicinity of the project site. Records from the Southern San Joaquin Valley Information Center of the California Archaeological Inventory, California State University, Bakersfield were also reviewed. On September 20, 2000, staff from J & R Environmental Services conducted a field inspection. After an intensive search, no conclusive evidence was found of any historical or archaeological resources on site. There is the potential for unanticipated discovery of historical resources during construction of the Project. Mitigation for the management of unanticipated discoveries are provided in the mitigation monitoring reporting form.

(b) Less Than Significant with Mitigation Incorporated. Based on the 2000 Archaeological Study, cultural resources have not been identified on the project site. There is the potential for unanticipated discovery of cultural resources during construction of the Project. Mitigation for the management of unanticipated discoveries are provided Review Mitigation monitoring report form for listed mitigations.

(c) Less Than Significant with Mitigation Incorporated. Human remains have not been identified on the project site. Although no cultural or archaeological resources, paleontological resources or human remains have been identified on the project site, the possibility exists that such resources or remain may be discovered during excavation or grading activities. Mitigation for the management of unanticipated discoveries are provided Review Mitigation monitoring report form for listed mitigations.

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.

Reference CEQA Guidelines §15064.5 for definitions.

VI. ENERGY

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Responses:

(a - b) Less Than Significant Impact. Minimal energy resources will be used during construction. The ongoing operation of the project is not anticipated to have a significant impact on energy resources due to the nature of the operation. The project is not anticipated to conflict with any state or local renewable energy plan or energy efficiency plan.

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?

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

Responses:

(a i - iv) No Impact. No earthquake faults are known to exist in the project area or vicinity. The Alquist-Priolo Earthquake fault Zoning Map does not identify any faults nearby that may pose a threat to the project area. The Project site is not located within a landslide hazard area nor a liquification hazard area.

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

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

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

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep.

However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

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

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

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

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

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

According to the Madera County General Plan Background Report, ground shaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater ground shaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from ground shaking 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.

(b) Less than Significant Impact. The parcel itself is currently Planned Development district and vacant. The future projects incorporates structures and parking. This will directly and indirectly either induce or contribute to existing erosion patterns. The amount of said erosion will be dependent on the amount of rain and the amount of impervious surfaces resulting from the project.

(c - e) No Impact. There are no known impacts that will occur as a direct or indirect result of this project. As discussed previously, the Project site has little potential for landslides as the Project site is relatively flat.

(f) Less than Significant Impact with Mitigation Incorporated. Although no paleontological resources sites are known to exist in the Project Area, there is a possibility that unanticipated paleontological resources will be encountered during ground-disturbing project-related activities. Therefore, impacts to unknown paleontological resources would be less than significant with incorporation of mitigation measure.

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

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Responses:

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. The construction and operation of the proposed project is anticipated to have a less than significant impact. The proposed project would also be required to build to California Building Code standards, Title 24 energy efficiency standards (or subsequently adopted standards during the construction term), and CALGreen code, which includes design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. As a result, the proposed project would comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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 of which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Responses:

(a - b) Less Than Significant. The proposed commercial development would require the transportation and storage of gasoline and diesel fuel. California Vehicle Code Section 31303 sets forth standards to reduce the likelihood of a vehicle accident with the potential to release hazardous waste (California Legislative Information 1991). California Health and Safety Code, Section 25290.1(a) sets standards for petroleum tank safety and Section 2.4 of the Flammable and Combustible Liquids Code requires that storage tanks be tested for integrity and quality prior to installation. Although the project involves the storage and use of petroleum gasoline, standards that currently exist in California help to ensure the risk of an accident would be minimized (CHSC

2014, National Fire Protection Association [NFPA] 2018). Due to the legal standards set in place, the Proposed Project would have a less than significant impact.

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the subject property during the construction phases of the Project. This heavy equipment would likely be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which is considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the proposed Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, storage, and potential accidental upset of hazardous construction-related materials. With mandatory compliance with applicable hazardous materials regulations, the Project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. Impacts would be less than significant.

(c) Less Than Significant Impact. The Project is immediately west of Minarets High School. As stated above, the Proposed Project would require the transportation and storage of gasoline and diesel fuel. Although the Proposed Project involves the storage and use of petroleum gasoline, standards that currently exist in California help to ensure the risk of an accident would be minimized (CHSC 2014, National Fire Protection Association [NFPA] 2018). Due to the legal standards set in place, the Proposed Project would have a less than significant impact.

(d) No Impact. No hazardous waste sites exist in the vicinity or within the project site. As a result, the project would not create a significant hazard to the public or to the environment and would have no impact.

(e) No Impact. The closest airport to the project area is approximately 25 miles away. Therefore, there is anticipated to be no impacts associated with airports.

(f) No Impact. The Proposed Project does not include any actions that would impair or physically interfere with any adopted emergency response plan or emergency evacuation plan. All construction activities would occur on-site and would not impede the use of surrounding roadways in an emergency evacuation.

(g) Less Than Significant Impact. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents), and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point. When the applicant is ready to submit building permits, the County Building Division will review the plans and determine what fire suppression infrastructure may be required by CAL FIRE and CBC standards. Implementation of these requirements would reduce the potential wildfire impacts to a less than significant level.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Responses:

(a) Less Than Significant with Mitigation Incorporated. The applicant at time of development will be required to comply with Environmental Health Division requirements for development as well as any applicable standards required by the Regional Water Quality Control Board. With the mitigation that that the applicant must consult both agencies prior to construction and provide any documentation or update information to prior documentation submitted, the impact are anticipated to be less than significant.

(b) Less Than Significant Impact. The project is anticipated to have a less than significant effect on groundwater supply or recharge.

(c-i – c-ii) Less Than Significant Impact. The project will include grading permits for the proposed commercial development. Prior to any earth moving activities the project will need to obtain a permit from the Public Works Department.

(c-iii) No Impact. No storm water drainage systems exist in the project area or are planned for future development.

(c-iv) No Impact. The project site is not within a 100-year flood hazard area, therefore the potential of the project to impede or redirect flood flows is anticipated to be negligible.

(d) No Impact. The project site is not within a 100-year flood hazard area, therefore there is anticipated to be no risk from a release of pollutants due to project inundation.

(e) Less than Significant Impact. The project is anticipated not anticipated to conflict or obstruct the implementation of a water quality control plan or sustainable groundwater management plan.

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.

General Information

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

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

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major

historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

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

	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Responses:

(a) No Impact. The project will not physically divide an established community.

(b) Less than Significant with Mitigation Incorporated. The Project includes a Parcel Map that would adjust the dimensions of the 2010 proposed lots, building envelopes for future commercial development, a convenience store and gas station and a proposed 3-story office design. The Project is with the O'Neals Area Plan. At this time, the 3-story office is in conflict with criteria stated within the O'Neals Area Plan, (Section B.e.3):

Buildings and structures shall not exceed two stories in height about ground level and should not obstruct scenic view as determined by the Planning Department.

In light of this restriction, the proposed 3-story office is not compatible with the O'Neals Area Plan. The Project must comply with design criteria set forth in the O'Neals Area Plan.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a - b) No Impact. There are no known minerals in the vicinity of the project site. No mineral resources of value to the local area or state are known to exist in the project area. No locally important mineral resource recovery sites have been identified by any land use plans that include 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

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 indoor light industrial equipment, and vehicles operating on local roadways. Noise levels away from these noise

sources can be quite low depending on the amount of nearby human activity.

(a) Less than Significant Impact. The proposed project would have temporary impacts related to construction that would be required to comply with various ordinance as it relates to time or operation. In addition, there are few residences in the area that could be impacted due to the terrain of the area obstructing the travel of sound. The largest generation of noise in the area is from Highway 41. Therefore, this impact is considered less than significant.

(b) Less than Significant Impact. The development of the project site will entail grading and trenching. The project site has had previous grading and trenching activity. The project is anticipated to have a less than significant impact on noise generated from ground borne vibrations.

(c) No Impact. No private airstrips nor airport land use plans are located within the project's vicinity. Therefore, the project will not have any impact in regards to public or private use airports.

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	Architectural damage and possibly minor structural damage

Source: Whiffen and Leonard 1971

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)?

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

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Responses:

(a - b) No Impact. This project is not anticipated to directly or indirectly induce population growth. No housing would be displaced as a result of this project. No people will be displaced as a result of this project.

According to the California Department of Finance, in January of 2012, the County wide population was 152,074 with a total of 49,334 housing units. This works out to an average of 3.33 persons per housing unit. The vacancy rate was 11.84%.

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:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a-i) No Impact. The proposed project will result in additional commercial use in the area. It is anticipated that Fire Protection will be sufficient but would be impacted by a potential increase in medical and fire calls to the future commercial development. It is not anticipated to result in significant impact than what is currently seen in the project vicinity for fire protection.

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

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

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

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

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

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

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

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

XVI. RECREATION

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

Responses:

(a - b) No Impact. No impacts have been identified to recreational facilities as a result of this project. The project does not include the development of any recreational facility.

XVII. TRANSPORTATION

Would the project:

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

Responses:

(a) Less than Significant Impact. In the area around the proposed project, opportunities for bicycles and pedestrians, especially as an alternative to the private automobile, are significantly limited by lack of developed shoulders, sidewalks or pavement width accommodating either mode. The condition is not uncommon in rural areas where distances between origins and destinations are long and the terrain is either rolling or mountainous. In the locations outside urbanized portions of the County, the number of non-recreational pedestrians/cyclists would likely be low, even if additional facilities were provided. This project is required by Caltrans to provide public traffic improvements which will provide improvements to the site.

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.

(b) Less than Significant Impact. The Project is proposing changes to the design, building locations and property lines of a previously approved commercial development. Any adjustments to Vehicle Miles Traveled are anticipated to be less than significant.

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

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

Unsignalized intersections.

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

Signalized intersections.

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

Capacity per hour per lane for various highway facilities

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

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

Source: MCTC 2007 RTP

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

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections projected to operate at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

(c) Less Than Significant with Mitigation Incorporated. The Project is adjusting the design and layout of a previously approved commercial development. At this time, Caltrans has not commented on the project. Traffic Studies were previously conducted as part of the environmental review for the subject site. The most recent entitlement project PRJ #2010-002 (CZ #2010-005 and CUP #2010-008), included a Mitigated Negative Declaration (MND 2010-013) that incorporated mitigation measures required by Caltrans. The intended use and approximate vehicular activity on the project site is not anticipated to be a significant change from the predictions made for the 2010 Project. In light of the absence of new comments from Caltrans regarding the proposed Project, the conditions required by Caltrans from 2010 will remain part of the mitigation measures for the subject site.

(d) Less than Significant Impact. The Project is readily accessible from Road 200. The project is not anticipated to result in inadequate emergency access.

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

- | | | | | | | | | | |
|---|---|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <ul style="list-style-type: none"> 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. | <table border="0"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |

Responses:

(ai - aii) Less Than Significant with Mitigation Incorporated. No known cultural resources or significant archaeological resources have been identified within the Project Area. The site has not been identified as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe. Furthermore, as mentioned previously, the

Project site has been graded several times over the years. However, unanticipated, and accidental discovery of California Native American tribal cultural resources are possible during project implementation, especially during excavation and grading, and has the potential to impact unique cultural resources. As such, the Mitigation Measure addressed in Cultural Resources Environmental Factor has been included to reduce the potential for impacts to tribal resources to a less than significant level.

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

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

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

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

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

(a) Less than Significant Impact with Mitigation Incorporated. The project site is absent of any cultural resource of significance. However, the project will need to cease all grading and trenching activities in the event that human remains or artifacts are found and have a qualified professional verify if in fact they are of cultural significance.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

Responses:

Water Quality Issues

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

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

Groundwater availability issues

Groundwater within the area is generally limited and unpredictable as a result of geologic formation which characterizes the mountain and foothill regions of Madera County. These areas are generally underlain by impervious bedrock, and "groundwater" is available only through water bearing fractures within these formations. Within these "fracture" systems the ability to store and transmit water is solely dependent on the development of secondary openings such as faults, joints and exfoliation planes.

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

Wastewater Issues

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

Solid Waste Issues

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

(a) Less Than Significant. During the construction phase, the Project would require the use of water for various construction and erosion control elements. However, the water use for construction would be temporary and not significant enough to require the expansion of water facilities. The Project would result in minimal wastewater production during the construction. Construction employees would be supplied with outhouses. During the operational phases, there would be a slight increase in wastewater production. Implementation of the Proposed Project would not significantly increase the amount of impervious surface on the Project site. There are no natural gas facilities in that area. The Project would be served by PG&E. However, no new PG&E facilities will be required to provide electricity to the Project. Therefore, the Project would have a less than significant impact in this area.

(b) Less Than Significant. The Project is anticipated to have a less than significant impact on water supply.

(b) Less Than Significant. The Project will have water system that will be annexed to the Minarets High School wastewater system. This area of the project is anticipated to have a less than significant impact.

(c) Less Than Significant. The Project will be service by EMADCO for solid waste removal and recycling. This area of the project is anticipated to have a less than significant impact.

(d) No Impact. The Proposed Project is required to comply with all state and federal statutes regarding solid waste. The Project would have no impact in this area

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.

XX. WILDFIRE

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

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

Responses:

(a) Less than Significant Impact. The Project involves a commercial development and construction of a fueling station and gasoline storage tanks. Neither the Project construction nor operation would occur within a roadway used as a part of an adopted emergency response plan or emergency evacuation plan. Therefore, the project would be anticipated to have a less than significant impact on an emergency evacuation plan.

(b) Less than Significant Impact. The Project site is located in a moderate fire hazard severity zone. However, the Project site is surrounded by an industrial site to the north, Highway 41 the west and Minarets High school to east and thus is not highly susceptible to wildfire. Further, the Project site is not located on a steep slope and has been graded several time over the years. Thus, the Project would have a less than significant impact in this area.

(c) Less than Significant Impact. The Project will include the construction of roads and maintenance of infrastructure. Fortunately, the Project site is easily accessible by Highway 41 and Road 200. The install and maintenance of the project infrastructure is not anticipated to exacerbate the potential for causing a fire.

(d) Less than Significant Impact. No recent wildfire have occurred within the Project Area. No rivers, creeks or streams exist on the project site. The property is slightly sloped. If a future wildfire were to occur in the area, because of no natural waterways or significantly steep slopes in the project site or immediate area, the potential for flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes would be less than significant/

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIX. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Responses:

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).
- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including

ecosystems (CEQA §15358(a)(2)).

- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

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

Mitigation Measures

Attached

Bibliography

California Building Standards Commission. California Code of Regulations. <https://www.dgs.ca.gov/BSC>. 2016a. *Hazardous Materials*. <https://up.codes/viewer/california/ca-fire-code-2016/chapter/50/hazardous-materials-general-provisions#5001>

California Code of Federal Regulations. 2019. *Hazardous Materials Regulations parts 100-185*. https://www.ecfr.gov/cgi-bin/textidx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab_02.tpl

California Department of Transportation (CALTRANS)

<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

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/CNDDDB/Maps-and-Data#43018410-cnddb-quickview-tool>

Madera County Airport Land Use Compatibility Plan

Madera County Dairy Standards Environmental Impact Report

Madera County General Plan

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Fire Marshall's Office

Madera County Department of Public Works

Madera County Roads Department

National Fire Protection Association. 2018. Flammable and Combustible Liquids Code. <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=30>

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

MND 2020-24

1

March 15, 2021

MITIGATED NEGATIVE DECLARATION

MND

RE: CUP #2020-001 – RNDS Properties LLC.

LOCATION AND DESCRIPTION OF PROJECT:

The subject property is located on the northeast corner of the intersection of Hwy 41 and Road 200 (no situs) O'Neals. This request is for a Conditional Use Permit (2020-016) and Parcel Map (4274) to allow for 16 parcels with 1 outlot on 31.34 acres of PDD (Planned Development District) zoned property and a Conditional Use Permit to allow a gas station with convenience store and future commercial development in PDD (Planned Development) zone district.

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project.

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: March 15, 2021

FILED:

PROJECT APPROVED:

MITIGATION MONITORING REPORT

ENVIRONMENTAL DOCUMENT

PROJECT NAME: Conditional Use Permit #2020-016, PM #4274 Minarets Crossing, LLC APN 050-193-003

PROJECT LOCATION: On the northeast corner of the intersection of Hwy 41 and Road 200 (no situs) O'Neals

PROJECT DESCRIPTION: The applicant is requesting a Conditional Use Permit (2020-026) and Parcel Map (4274) to allow for 16 parcels with 1 outlet on 31.34 acres of PDD (Planned Development District) zoned property and a Conditional Use Permit to allow a gas station with convenience store and future commercial development in PDD (Planned Development) zone district.

LEAD AGENCY: Madera County Planning Division

CONTACT PERSON/TELEPHONE NUMBER: Emily Lane (559) 675-7821 ext 3222

APPLICANT: Minarets Crossing, LLC

CONTACT PERSON/TELEPHONE NUMBER: (559) 760-3485

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
1	All parking areas shall be landscaped and cars screened from view of neighboring road ways by landscaping and/or by buildings. All landscaping must comply with the County's Water Efficient Landscape Ordinance. Drought Tolerant plants native to O'Neals shall be used for landscaping. Landscape design shall maximize the retention of existing trees and vegetation.	Permitting Phase	Planning Department	Planning Department	Finalized Building Permit			
2	Any proposed lighting shall be shielded, hooded and directed away from surrounding properties and roadways.	Permitting Phase	Planning Department	Planning Department	Finalized Building Permit			
Agricultural Resources								
Air Quality								
1	All roadways and parking areas associated with the project are to be covered and maintained with material sufficient to create a dust free environment.	Site Inspection	Planning Department	Planning Department	Site Inspection Verification Prior to Operation			
2	The Construction Phase of the project may be subject to District Regulations, administered by the San Joaquin Valley Unified Air Pollution Control District, and may be subject to the permitting requirements of Air District.	Site Inspection	Planning Department	Planning Department	Site Inspection Verification Prior to Operation			
Biological Resources								

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1	If any endangered or threaten species is found the Project Site immediately stop all construction activity and contact the Department of Fish and Wildlife for assistance.		Department of Fish and Wildlife	Department of Fish and Wildlife				
Cultural Resources								
1	In the potential event that buried archaeological deposits are encountered by construction staff during earthmoving activities, work in the immediate vicinity of the find should cease until the significance of the find can be evaluated by a qualified archaeologist, and appropriate treatment recommendations are implemented.							
2	If human remains are encountered during earthmoving activities within the project area, all work in the adjacent area shall stop immediately and the County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants shall be notified by the coroner, and recommendations for treatment and disposition of remains solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).							
Energy								
Geology and Soils								

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1	In the event that paleontological resources are discovered, the project proponent shall notify a qualified paleontologist, who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If a break1 or other fossil is discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology, 1995). The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before construction is allowed to resume at the location of the find. If the County determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project on the qualities that make the resource important. The plan shall be submitted to the County for review and approval prior to implementation.							
Hazards and Hazardous Materials								
Hydrology and Water Quality								
1	The applicant must consult with the Regional Water Quality Control Board and the Madera County Environmental Health Division prior to development of the subject property.		Environmental Health Division					
Land Use and Planning								
1	The O'Neals area plan only allow for buildings that are two-stories or lower.		Planning Division					
Mineral Resources								
Noise								

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Population and Housing								
Public Services								
Recreation								
Transportation and Traffic								
1	No driveways are allowed onto State Route 41		CALTRANS					
2	Access to the development shall be from Road 200 a minimum of 800 feet east from the intersection of State Route 41 and Road 200.							
3	The applicant must extend the existing southbound left turn lane to 700 feet plus bay taper and approach taper.							
4	The applicant must extend the existing north-bound right-turn lane 650 feet.							
5	The Applicant must construct a back-to-back left-turn lane on Road 200 between State Route and the project driveway. A minimum of 450 foot westbound left-turn lane to State Route 41 and a minimum of 250 foot eastbound left-turn land to project driveway should be provided.							
6	Road 200 between State Route 41 and the project driveway will need to have 5 lane (2 eastbound thorough lanes, 2 westbound left/turn lanes, and 1 westbound right turn lane). Dual northbound right-turn lanes on State Route 41 and Road 200 may be needed in the future. IT is recommended that the project contribute their fair share for these improvements.							
Utilities and Service Systems								

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						Initials	Date	Remarks