

RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

2037 W. Cleveland Avenue
Madera, CA 93637
(559) 675-7821
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mc_planning@madera-county.com

Norman L. Allinder, AICP
Director

PLANNING COMMISSION DATE: December 4, 2012

AGENDA ITEM: #4

| | | |
|------|--------------|--|
| CUP | #2012-016 | Conditional Use Permit to allow an outdoor recreational facility for special events such as rodeos and equestrian events and an agricultural oriented services that include horse breeding |
| APN | #026-310-041 | Applicant: Alan Hendry and Alejandro Vieja Property Owner: Abdon Gutierrez |
| CEQA | | EXEMPT |

REQUEST:

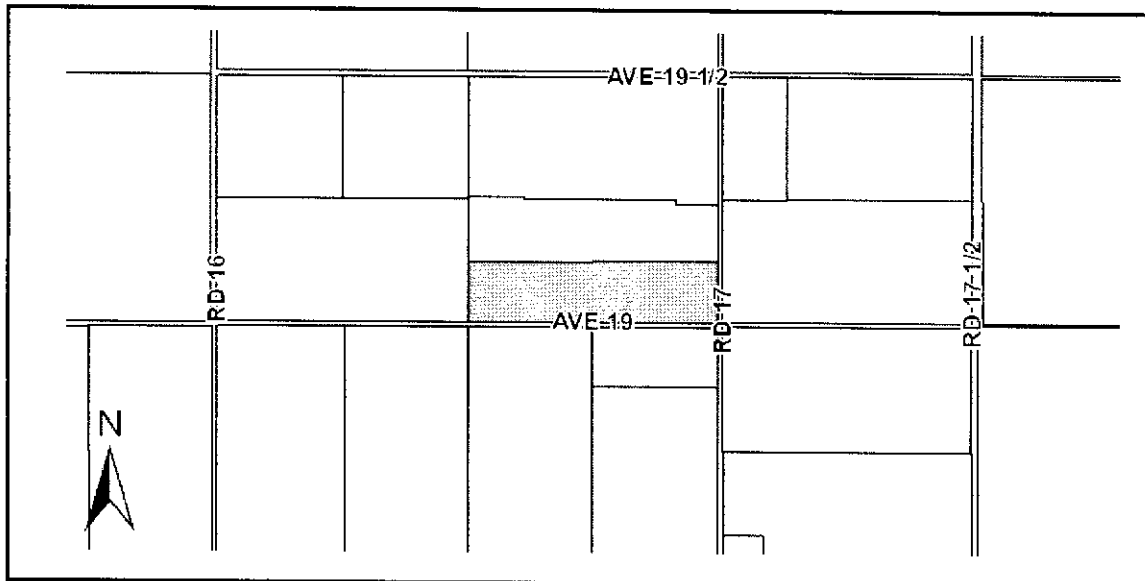
The application is for a conditional use permit to allow an outdoor recreational facility which would include a special event center for rodeos and concerts as well as a horse breeding facility (agriculturally oriented services).

LOCATION:

The project is located on the west side of Road 17, on the northwest corner of its intersection with Avenue 19 (19188 Road 17), Madera.

ENVIRONMENTAL ASSESSMENT:

The project would be exempt under the California Environmental Quality Act under Section 15270 (Projects which are Disapproved).



RECOMMENDATION: Denial

GENERAL PLAN DESIGNATIONS (Exhibit A):

SITE: AE (Agricultural Exclusive)

SURROUNDING: AE (Agricultural Exclusive)

ZONING (EXHIBIT B)

SITE: ARE-40 (Agricultural, Rural, Exclusive, 40-Acre) District

SURROUNDING: ARE-40 (Agricultural, Rural, Exclusive, 40-Acre) District, ARE-20 (Agricultural, Rural, Exclusive, 20 Acre) District

LAND USE:

SITE: Single Family Dwelling, Agricultural

SURROUNDING: Agricultural and rural residential

SIZE OF PROPERTY (EXHIBIT C): 38.14 acres

ACCESS (EXHIBIT C):

The property would be accessed on Road 17.

WILLIAMSON ACT:

The property involved in this proposal is subject to a Williamson Act (Agricultural Preserve) contract.

BACKGROUND AND PRIOR ACTIONS:

The property was entered into the Williamson Act on 1971.

On April 13, 2011, the property was cited for a code enforcement violation for having operating as a special event center that included rodeos, horse racing, horse shows, and music concerts. The sale of food and alcohol appeared to be present at these events.

The conditional use application was subsequently submitted in order to bring the property into compliance with the Zoning Ordinance on August 27, 2012.

Following submittal of the application and during the review of the project another code enforcement violation was levied against the property on October 9, 2012 for unpermitted structures and growing marijuana contrary to regulations within County Code.

PROJECT DESCRIPTION:

The application is for a conditional use permit to allow an outdoor recreational facility that consists of a special event center that would allow for equestrian and rodeos with other entertainment such as music in addition to a breeding facility.

ORDINANCES/POLICIES:

Madera County Code 18.58 governs allowed uses within the ARE-40 (Agricultural, Rural, Exclusive, 40-Acre) district.

Madera County County Code 18.92 governs the requirements for processing and reviewing conditional use permits.

Madera County General Plan Policy Document (page 7) outlines the allowable uses within the AE (Agricultural Exclusive) designation.

Agricultural Preserve Rules and Procedures outlines the rules and regulations within the Agricultural Preserve (Williamson Act) in the County.

ANALYSIS:

The proposed project consists of an outdoor recreational facility that consists of a special event center that would allow for equestrian, horse racing and rodeos with other entertainment such as music in addition to a breeding facility. The project is divided into three phases. The first phase would include a kids area, covered eating area, breeding barn, and stables with pasture. Phase two would include a shop and additional horse corrals. Phase three would include a 1,000 person open air arena, 2 additional horse barns and stables, an office building, and additional parking stalls that would total 312 spaces.

The surrounding area is predominantly agriculture with only 2 dwellings within a quarter mile of the facility. The existing site has dwelling but is mostly vacant with the remnants of unpermitted structures visible from aerial photographs.

The project location is adjacent to two non-major roads in the County. Both Road 17 and Avenue 19 are not considered arterial roadways for the County but are instead local roads. Access to the site for public services such as ambulance, fire or police would be considered rather limited as no facilities are located in the area. In the event of an emergency, the response times for the facility could pose a problem, as there is no direct access to either Highway 99 or 152. For activities such as horse racing and sale of alcohol, the need for access to emergency services should be readily available to service.

The site is also subject to noise requirements for the County. The general plan and zoning ordinance limit average noise levels to below 50 decibels (dB) during the day and 45 dB at night with maximums single event of 70 dB and 65 dB, respectively. The general plan specifically provides an exemption for agriculturally related activities from this requirement. The proposal only has one use that could be considered agricultural, breeding. The event center and associated events that could include amplified music or announcements could likely exceed the required limits for noise. No acoustic information was submitted by the applicant pertaining to sound to model noise impacts to adjacent areas.

The subject parcels is also subject to the Williamson Act. The property was entered into the Williamson Act by a previous property owner. However, subsequent owners that take control of a Williamson Act property inherit the limitations of the land use contract under State Law and local rules and procedures of the Act. The Department of Conservation, which oversees the administration of the Act, has stated the act is for agriculture or activities that contribute "directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping." Breeding may be deemed as a producing a product directly related to agriculture. However, the use of the event center and associated activities such as concerts or rodeos would likely be considered mostly commercial and not specifically agricultural or contributing towards agriculture in a specific way and would therefore be inconsistent with rules and policies of the Williamson Act program within the County.

Subsequent and recurring code violations are also a concern pertaining to future operations. Although the applicant has submitted the conditional use application to correct the land use issues, multiple violations pose the question if this will be cyclical event with the proposal. Additional concerns are raised when one of the violations, growing of marijuana outside of the cultivation regulations of County Code, require abatement by the Madera County Sheriff's Office. Lastly, the proposal of horse racing has limited regulation unless it is permitted through the California Horse Racing Board,

which typically only permit larger facilities such as the Fresno Fair Grounds. These types of facilities have strict regulations related to serving of alcohol, money exchanges/gambling, horse lineage information among other requirements. The Board did not formally submit comments for the project but in discussions with Staff, the local law enforcement agency, the Sheriff's Department, would be in charge of regulation any gambling activities. With limited access to the property, it is questionable as to what kind of service the Sheriff's Office could provide in the event that illicit gambling occurred onsite. In discussions with Sheriff Office personnel in regards to their supervision, it did not appear that the location of the operation was favorable. The parcel is located within Beat #4 that expands all the way to Firebaugh. After discussion with the Sheriff's Office staff, response times could average anywhere from 10 to 20 minutes depending on the location of an available unit.

Comments were received from the Engineering, Fire, Roads and Environmental Health Departments as well as the San Joaquin Air Pollution Control District. The Road Department is requiring a 5'-0" section along Road 17 be granted deed to the County as well as possible mitigation to Road 17 such as patching due additional trips generated by the project. Environmental Health expressed concerns regarding noise and that some acoustics monitoring should be done in order to ensure noise levels are adequate and compatible for surrounding properties. In addition, all operations will need proper vending and declaration forms through the Environmental Health Department. A fire suppression tank would be required for all buildings constructed on site per the Fire Marshal in addition to providing drivable access within 150'-0" of all structure on the property for fire purposes. The Air Pollution Control District stated that the project is also subject to District Rule 9510 which is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees due to the site being 20,000 square feet of recreational space.

GENERAL PLAN CONSISTENCY STATEMENT:

The Conditional Use Permit application, as submitted, has potential to violate some policies of the General Plan. Although the application could be considered consistent with various policies related to recreational facilities such as promoting and designated land for recreational activities, the proposed use would not be consistent with policies related to health and safety for the general public. The facility location is also of concern related to providing the needed emergency services to the site in accordance with the requirements with the General Plan. The portion of the facility related to horse breeding would be consistent with principles and policies associated with agriculture within the General Plan. However, the recreational and mostly commercial nature of the facility through special events, equestrian, food sales and concerts would not be consistent with policies related to promoting agricultural uses within existing agricultural areas as well as the Williamson Act.

FINDINGS

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

1. *The proposed project does not violate the spirit or intent of the zoning ordinance.* The property is zoned ARE-40 (Agricultural, Rural, Exclusive, 40-Acre) district. Outdoor recreational facilities and agricultural oriented services are both allowed by conditional use permit within the zone district. However, other factors of the proposal such as the active Williamson Act contract, may violate the intent of the spirit of the use of the zone district as the ARE-40 district is designated as the consistent land use for the Act. Many of the proposed uses are inconsistent with

The project, due to its location to public services, may put the general welfare, safety and health of the public at risk. Both roadways are not major roadways and access to the project would require significant response times by existing emergency service providers in the County.

3. *The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.*

The proposed project would have some uses that would generate noises that are likely above the requirements and limits designated in the general plan. Supplemental information disputing adjacent noise impacts was not submitted by the applicant. However, the associated uses, with the exception of horse breeding which is considered an agricultural activity, must meet the requirements of County Code and the General Plan and it cannot be confirmed that the proposal would do so.

4. *The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.*

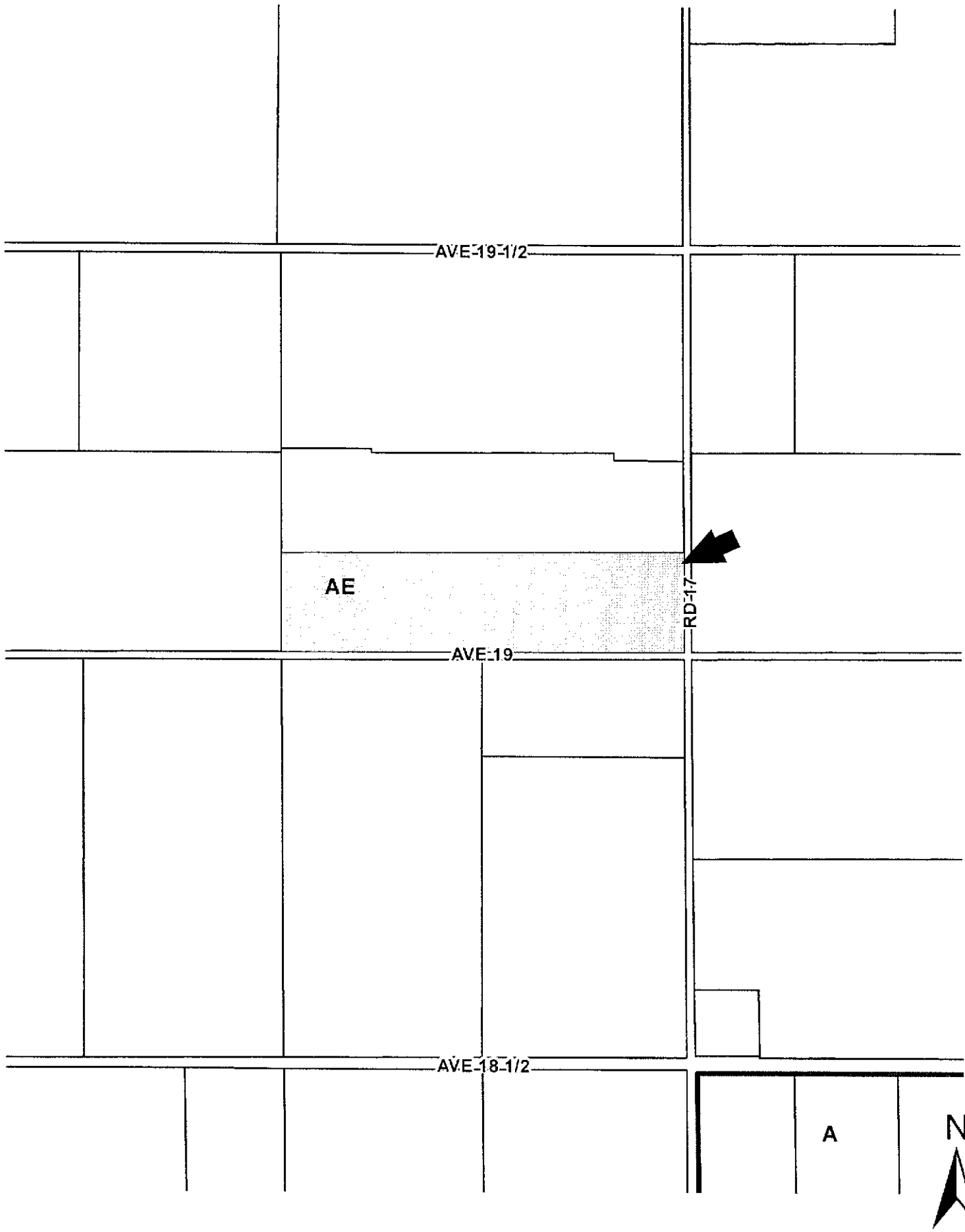
The project proposal would likely not effect agriculturally cultivated properties' value, however, homes within the area may be directly affected mainly by noise and traffic impacts of the project. Without additional information, it is difficult to directly quantify the impacts to adjacent properties.

RECOMMENDATION:

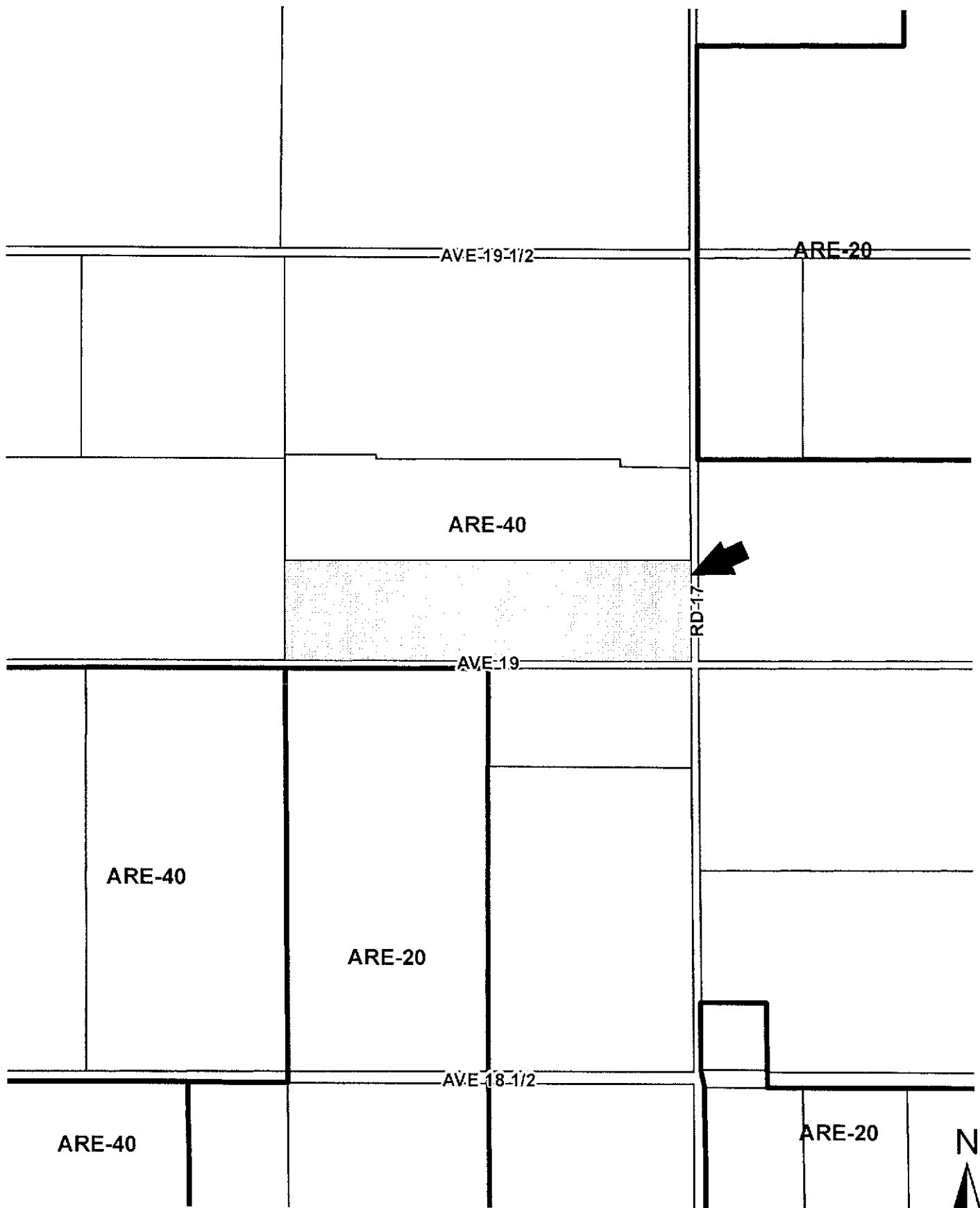
Staff recommends denial of the proposal.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Site Plan
5. Exhibit F, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, Operational Statement
8. Exhibit H, Environmental Health Department Comments
9. Exhibit I, Engineering Department Comments
10. Exhibit J, Fire Department Comments
11. Exhibit K, Road Department Comments
12. Exhibit L, San Joaquin Air Pollution Control District Comments



GENERAL PLAN MAP

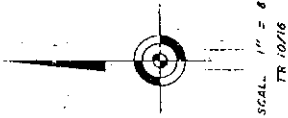


ZONING MAP

EXHIBIT C

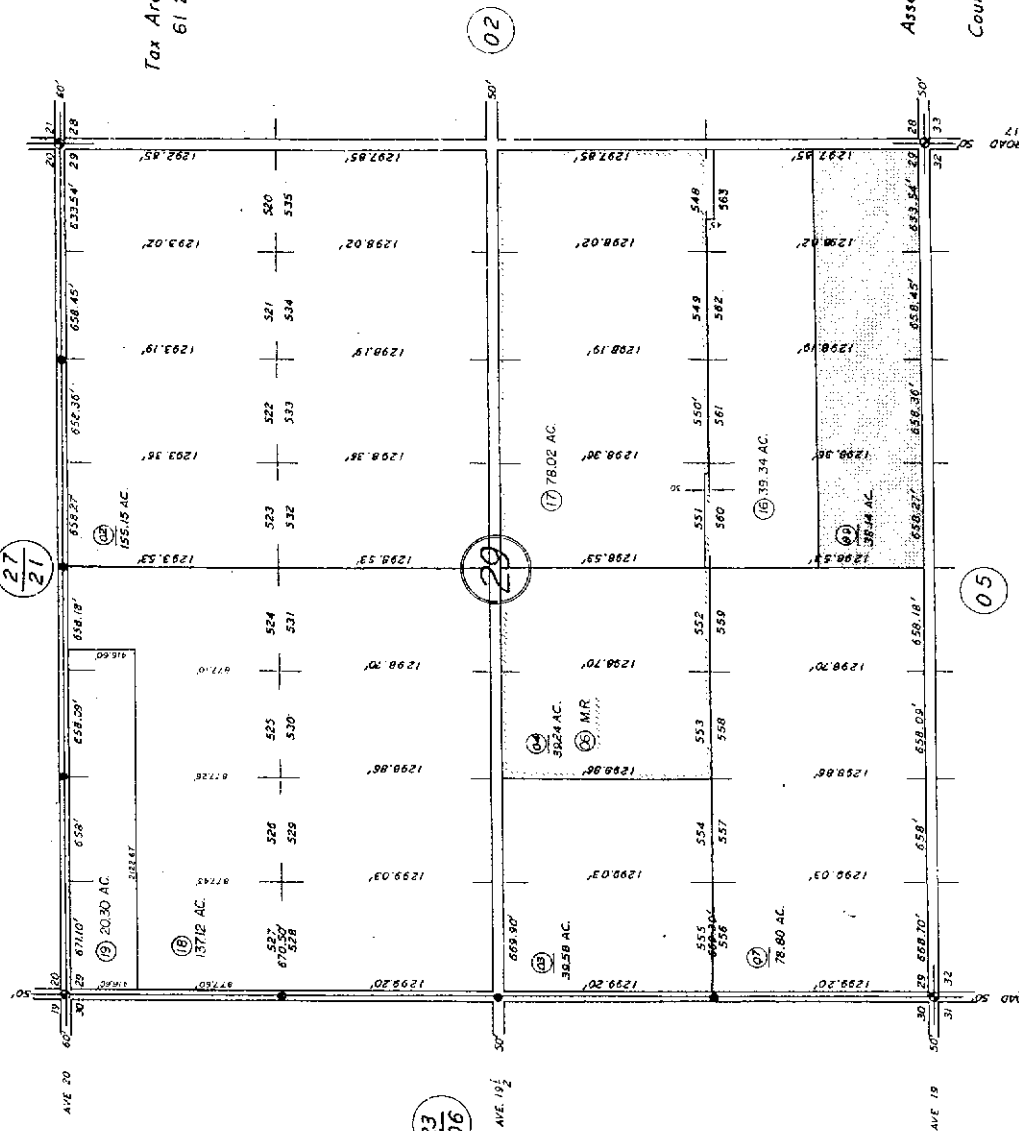
28-01

Tax Area No.
61 24



Assessor's Map No. 28-01
Dixieland
County of Madera, Calif.
1954

FAIRMEAD COLONY NO. 5

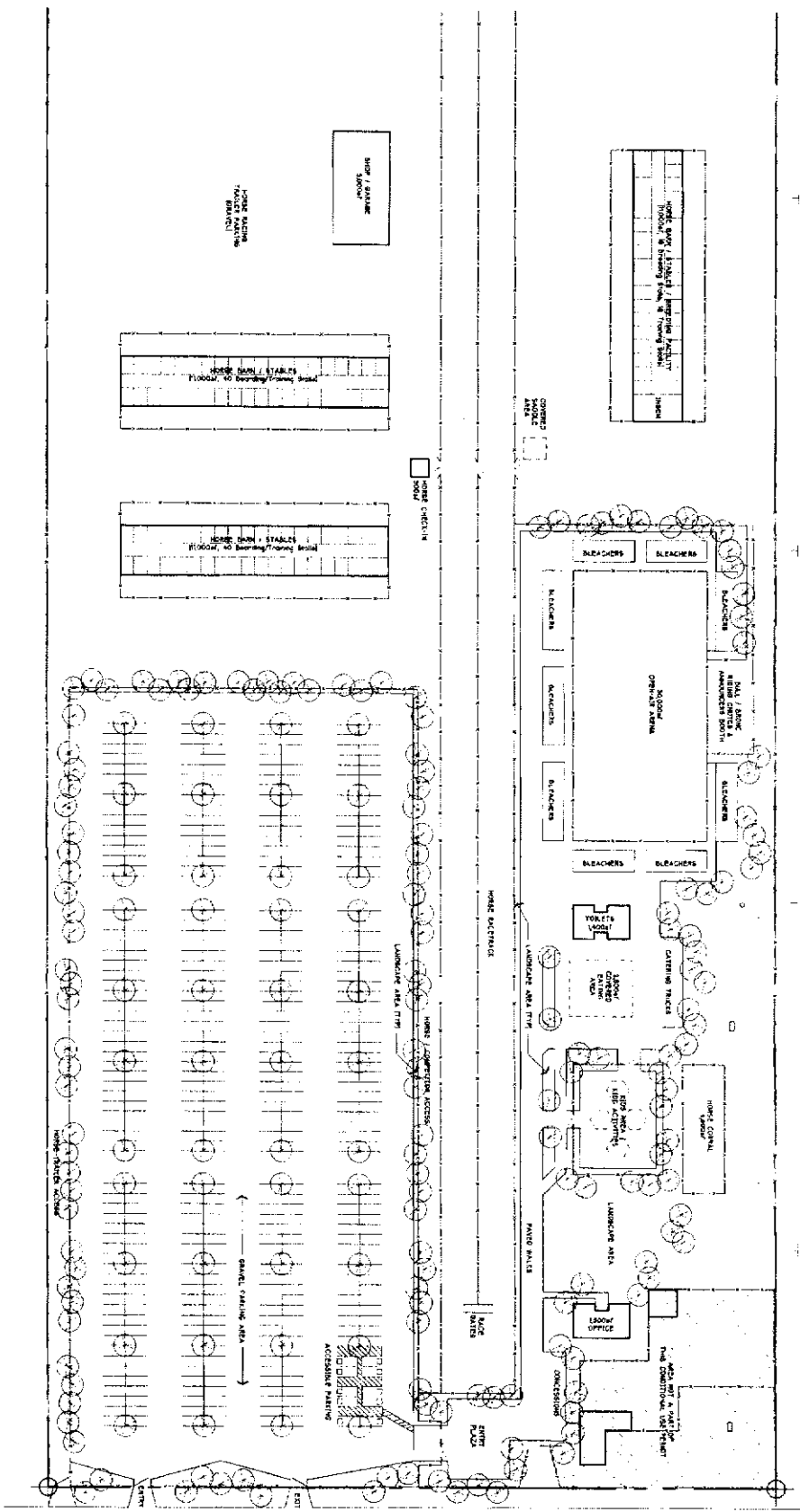


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06

6272 -3-19 LLW

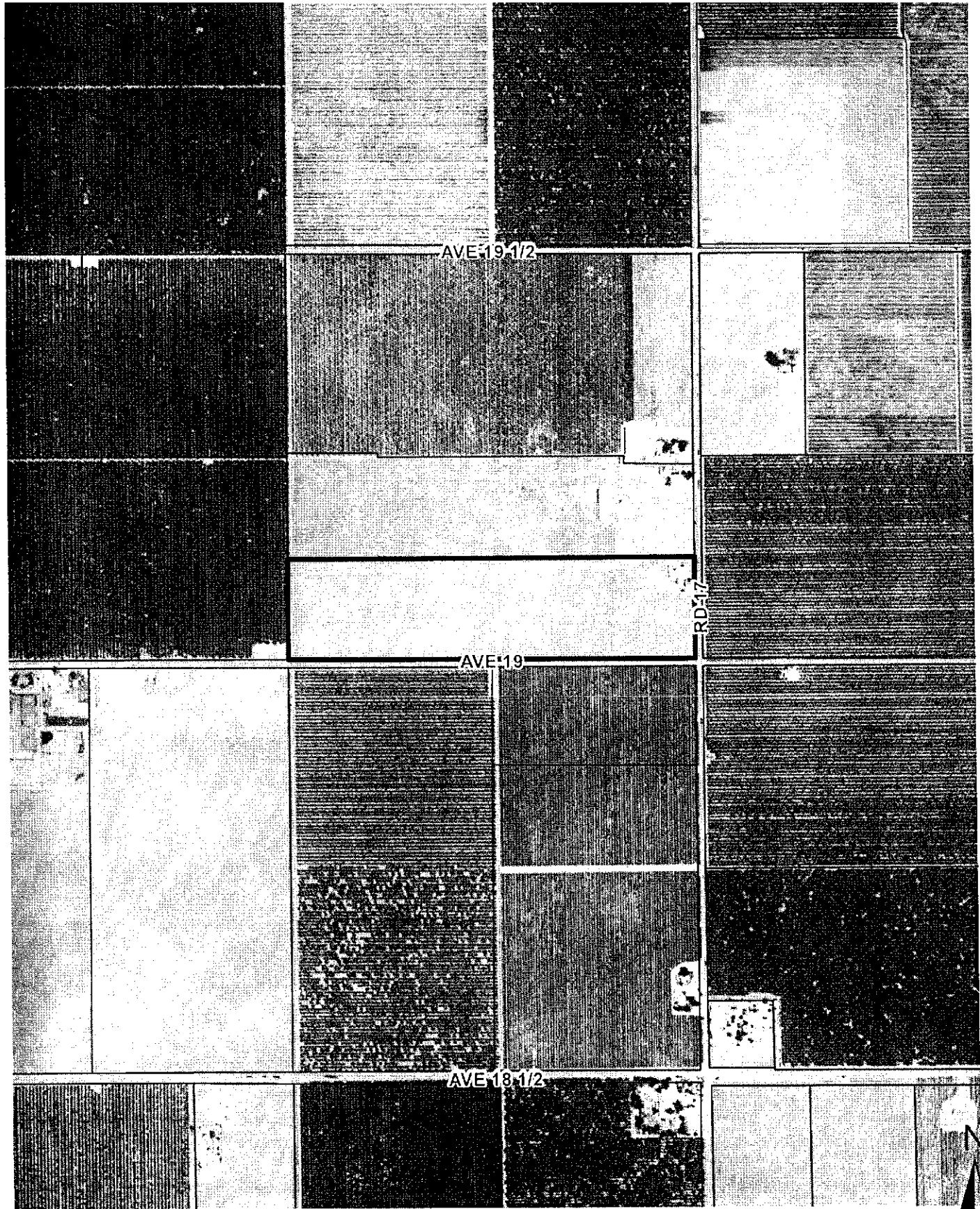
ASSESSOR'S MAP

EXHIBIT D



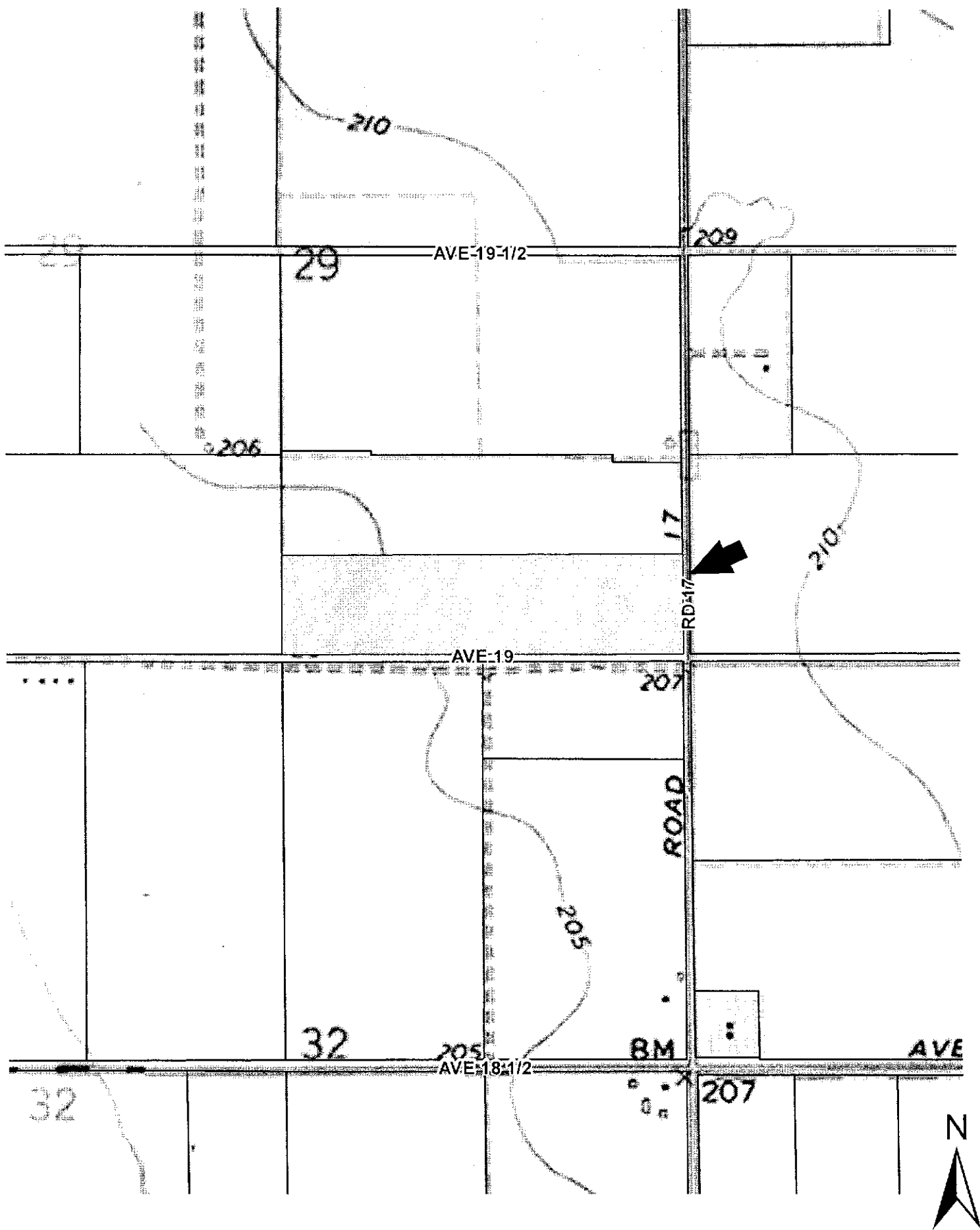
Road 17

SITE PLAN



AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

Madera County Planning Department
2037 W. Cleveland Avenue MS-G, Madera CA 93637

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information

Assessor's Parcel Number: 028-010-009
Applicant's Name: Rancho Alegre (Alejandro Vieyra)
Address: 28656 Avenue 14, Madera, California 93638
Phone Number: 559.474.9961

2. Describe the nature of your proposal/operation.

A proposed 3-phase equestrian, breeding, and event center. Ph. 1 to include pkg lot for 186 stalls, kids area, covered eating area, toilet bldg, breeding barn & stables w/alfalfa field & pastures. Ph. 2 to include shop and horse corrals. Ph. 3 to include 1,000 person open air arena, 2 additional horse barns and stables, an office bldg, & additional pkg lot for 312 stalls.

3. What is the existing use of the property?

Single family home with vacant agricultural area.

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

None.

5. What are the proposed operational time limits?

Months (if seasonal):

Days per week: 5 (equestrian/breeding), 2 (events)

Hours (from ___ to ___): 7am - 7pm (equestrian/breeding), 7am -10:45pm (events)

Total Hours per day: 12 (equestrian/breeding), 15.75 (events)

7. How many customers or visitors are expected?

Average number per day: Ph1&2 10-15 (eques/brdg), 250 (events); Ph3 25-30 (eques/brdg), 1,000 (events)

Maximum number per day: Phase 1&2 -250 (events only); Phase 3 - 1,000

What hours will customers/visitors be there? 7am - 7pm (equest/breeding), 7am -10:45pm (events)

8. How many employees will there be?

Current: 1

Future: Phase 1&2 - 8; Phase 3 - 15-20

Hours they work: 7am - 7pm (equestrian/breeding), 8am - 11pm (events)

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

Eventually 3 will live onsite tending the animals for Phase 3.

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

The equipment, materials and supplies used will be general farm equipment, horse tack and feed supplies for livestock. All items to be stored in shop building, tack room and hay loft.

10. Will there be any service and delivery vehicles?

Number: 2 for Phase 1, 3 for Phase 2, and 4 for Phase 3

Type: Flatbed w/ animal food; panel trucks during events

Frequency: Once a week

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

There is a designated parking lot with a total of 488 parking stalls with an additional 10 allocated for handicapped accessibility. There is additional parking available by the horse stalls for trailers. All parking area surfaces will be all-weather gravel/grindings capable of supporting 35,000 pounds.

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

Off Road 17.

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

30-40 trucks w/ horse trailers (equestrian/breeding) once all phases have been built out; 5 per day during Phase 1&2. Additional trips of 200-500 car trips per day during events.

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

Only banners on fences during events.

15. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.

The existing buildings will not be used for this project. All new buildings will be constructed. Horse barns will be pre-fab metal and concrete block; cover and eating area to be hipped pre-fab metal; toilet building & office building to be concrete block and wood framing.

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

New landscaping of grass, shrubs and trees, and chain link fencing are proposed.

17.

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

North - vacant agricultural; south - orchard; east - orchard; and west - orchard.

18.

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

No noise generated will be above the existing parcels in the area.

- 19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).**

During the week the only water needed will be for the animals, estimated 200 gallons per day. Events are estimated to require an additional 200 gallons per day of the event.

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

During the week the only wastewater generated would be from 1 or 2 toilets, estimated at 8 gallons per day. During an event it is estimated to generate 100 gallons per day.

- 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?**

It is estimated that during the week there would be +/-4cy generated; it is estimated that events will generate +/-20cy. During the week the solid waste would be on a weekly disposal service; during events the disposal service would be daily.

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

There will be minimal grading for drainage only. There will be no tree removal (no trees currently exist onsite).

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

There are no archeological or historically significant sites located on the site.

- 24. Locate and show all bodies of water on application plot plan or attached map.**

There are no bodies of water on the site.

- 25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.**

There are no ravines, gullies or natural drainage courses on the site.

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

There will be no hazardous materials or waste produced on the site.

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

No public services or facilities will be required.

- 28. How do you see this development impacting the surrounding area?**

The only impact to the surrounding area will be increased traffic during events.

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

There will be no impact on the schools, parks or special districts; there would be minimal impact on fire and police protection.

- 30. If your proposal is for commercial or industrial development, please complete the following;**

Proposed Use(s): Equestrian breeding and event center

Square feet of building area(s): 90,000sf total for all buildings & arena

Total number of employees: 15 once all phases are completed.

Building Heights: 30 feet maximum.

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

N/A

End

RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Yaeger, Director

- 2037 West Cleveland Avenue
- Madera, CA 93637
- (559) 675-7823

MEMORANDUM

TO: Jerome Keene

FROM: Madera County

DATE: November 15, 2012

RE: Rancho Alegre - Conditional Use Permit - Madera (028-010-009-000)

Conditions

The Environmental Health Department has reviewed the Conditional Use Permit (CUP)#2012-016 Rancho Alegre, located on APN: 028-010-009, within the Madera area and has determined the following:

The water system for this facility will serve more than 25 people for 60 days per year so a public water system is required for this project. If there are any water wells located currently on the property they would need to be upgraded to comply with Public Well Standards and the existing water well would require a 50 ft. well seal installed if it will be considered to meet Public Well Standards.

The sewer treatment system and onsite wastewater treatment for this development must comply with the Madera County Environmental Health Department and Regional Water Quality Control Board requirements. The septic disposal system for the proposed expansion must be designated for maximum occupancy by a Registered: Environmental Health Specialist, Geologist, or Civil Engineer and is acceptable to this Department.

For food distribution operations within the concessions area of this site food facility construction plan(s), application(s) for Food Vending Permit(s) with this department Food Program is required before onset of any construction activities and or before operation. Contact a Food Program specialist within this Dept. at (559) 675-7823 for any questions that you may have regarding this process or for copies of the Permit Application form.

The owners/operators of this facility and/or shop must complete and submit a Business Activities Declaration Form with the CUPA Program within this department before onset of construction activities. This is to report storage of hazardous materials (like petroleum fuels or lubricant's) onsite at this location. Other related permit(s) may be required due to the possible storage/handling of reportable quantities of hazardous materials (like petroleum fuels or lubricant's) onsite or for the storage of any amount of hazardous waste onsite at any time prior to facility operation.

This 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): Vector(s), Dust, Odor(s), Noise(s), Lighting, and/or Litter accumulation. Adjacent occupied home owners are the most adversely affected by any nuisances caused by even the most routine business operations within this type of development and its particular location to populated areas. Due to the sites proposed construction and operation dust control measures must be identified and mitigated to prevent any off site nuisance. Refuse accumulation is required to be removed routinely to prevent nuisances as well. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan,

County Ordinances, as determined by the Madera county Local Enforcement Authority (LEA), other related State and/or Federal requisite having jurisdiction.

Noise generated from this development must be regulated to be kept within the day and night limitations of the Madera County General Plan (General Plan) and any other county or state regulatory agency having jurisdiction. Noise generation on site must be a consideration from the very beginning phase of this projects development it must be controlled and/or reduced from causing nuisances and kept within the General Plan during all aspects of site planning, development, construction and finally operation. A noise study must be completed by a reputable business having experience with in the field of acoustics to identify the sites base line noise generation measurements prior to any site development up facility operations. This noise study must be completed to include at a minimum site noise measurements, analysis, possible mitigation measures and recommendations as to how it will be operated to meet the General Plan required 24 hour limitations.

The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site.

If there are any questions or comments regarding these conditions/requirements or for copies of any Environmental Health Permit Application forms and/or other required Environmental Health form please, feel free to contact the appropriate program specialist as indicated in the above comments or contact me within this department at (559) 675-7823, M-F, 8:00 AM to 5:00 PM.

Engineering and General Services

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Madera, CA 93637
(559) 661-6333
(559) 675-7639
FAX
(559) 675-8970
TDD

Bass Lake Office
40601 Road 274
Bass Lake, CA
93604
(559) 642-3203
(559) 658-6959
FAX

engineering@madera-county.com

MEMORANDUM

TO: Jerome Keene
FROM: Madera County
DATE: October 17, 2012
RE: Rancho Alegre - Conditional Use Permit - Madera (028-010-009-000)

Comments

- 1) The identified parcel is not within the 100 year flood plain.
- 2) The subject property is not located in a Service Area or Maintenance District.
3. Prior to the start of any construction projects, the applicant shall secure a Building Permit from the Engineering Department. All construction shall meet the standards of all applicable Codes. All plans must be prepared by a licensed architect or registered civil engineer.
4. The applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100 year, 10 day storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards and specifications of the latest California Code of Federal Regulations.
5. Prior to the start of any grading activities, without having first secured a Building Permit, the applicant shall apply for, and obtain a Grading Permit from the Engineering Department.
6. 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.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

EXHIBIT J

2037 W. CLEVELAND
MADERA, CALIFORNIA 93637
(559) 661-6333
(559) 675-6973 FAX

DEBORAH KEENAN
MADERA COUNTY FIRE MARSHAL

MEMORANDUM

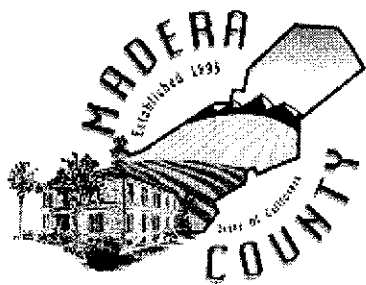
TO: Jerome Keene
FROM: Madera County
DATE: October 17, 2012
RE: Rancho Alegre - Conditional Use Permit - Madera (028-010-009-000)

Comments

All buildings must be provided with the ability to drive within 150 feet of all portions. Modify plot plan to show driveable access.

Water storage for fire suppression is required for all buildings on the project. Water storage tank size will be determined upon application for a building permit. Storage tank locations shall be approved by Fire Marshal or staff.

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



ROAD DEPARTMENT
COUNTY OF
MADERA

2037 WEST CLEVELAND AVENUE/MADERA, CALIFORNIA 93637
(559) 675-7811 / FAX (559)675-7631

JOHANNES HOEVERTSZ
Road Commissioner

MEMORANDUM

TO: Jerome Keene
FROM: Road Department
DATE: November 15, 2012
RE: Rancho Alegre - Conditional Use Permit - Madera (028-010-009-000)

REVISED CONDITIONS -

The Road Department does anticipate a significant traffic impact to the roadway system from this proposal. We recommend approval with the following conditions:

The access to this project is along County Road 17, being designated a local roadway. The road right-of-way requires additional width according to the General Plan... 60-foot total for a Local roadway. This segment of Road 17 between Avenue 18½ and Avenue 20 is considered a rural 'farm to market' road which carries a very low volume of traffic. The primary concern of the Road Department has is the lack of an adequate structural section on these rural roads. With the additional traffic impacts that will be generated by the proposed project, the Road Department will ask the applicant to evaluate and improve Road 17 from Ave 18 ½ to the northerly property line.

The project requires an additional 5'-0" foot strip of land along Road 17, the existing 25 foot portion along the project side is easement only. The entire 30 foot width needed shall be conveyed into fee title ownership. The existing roadway at this time has a 50-foot total width, 25 feet on each side of the Section Line.

The parcel borders the Avenue 19 alignment (south property line), which does not physically exist as a public County roadway. There is no road right-of-way warranted for this unimproved segment of Avenue 19, which does not connect in either direction (east or west). The two (2) proposed driveway approaches shall be built to a commercial County Standard. An Encroachment Permit shall be required for any construction within the public road right-of-way.

THE ROAD DEPARTMENT HAS THE FOLLOWING RECOMMENDATIONS OF APPROVAL:

1. Prior to approval, the applicant is required to Grant Deed an additional 5'-0" strip of land abutting Road 17 into fee title ownership... the deed shall encompass the existing 25 foot easement to convey the total portion into fee title ownership.
2. The two (2) proposed driveway approaches shall be constructed to a Commercial County Standard.
3. Frontage and off-site mitigation measures will be needed to County Road 17 due to the additional number of vehicular trips generated by the project. The applicant's Civil Engineer shall evaluate the existing roadway from Ave 18 ½ to the northerly property line. A detailed assessment and recommended improvements shall be submitted to the Road Department for review and approval prior to any construction of the project. All design and construction shall comply with all applicable Madera County Class III (3) Road Standards. The County Road Department may require additional improvements based on the Engineer's assessment and proposed improvements to mitigate traffic impacts.

on the Engineer's assessment and proposed improvements to mitigate traffic impacts.

4. Prior to any construction within the road right of way, the applicant is required to apply for and obtain an Encroachment Permit from the Road Department. Once this permit is secured, the applicant may commence with construction.



October 1, 2012

Jerome Keene
Madera County
Planning Department
2037 W. Cleveland Avenue
Madera, CA 93637

Project: CUP 2012-016, Rancho Alegre - Conditional Use Permit - Madera (028-010-009-000)

District CEQA Reference No: 20120609

Dear Jerome Keene:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project would equal or 20,000 square feet of recreational space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

Sayed Sedredin
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Madera, CA 95366-8718
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Central Region (Main Office)
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Southern Region
34848 Fryover Court
Bakersfield, CA 93308-9725
Tel: 801-392-6503 FAX: 801-392-6566

District CEQA Reference No. 20120608

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

If you have any questions or require further information, please call Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services


for Arnaud Marjollet
Permit Services Manager

DW: dj

Cc: File