

RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

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

Norman L. Allinder, AICP
Director

PLANNING COMMISSION DATE: December 4, 2012

AGENDA ITEM: #7

CUP	#2012-019	A Conditional Use Permit to allow an additional almond hulling and shelling facility
APN	028-040-015, 016, 017, 018; 028-030-011, 022, 023; 028-080-001, 002	Applicant/Owner: Russell Harris
CEQA	MND #2012-23	Mitigated Negative Declaration

REQUEST:

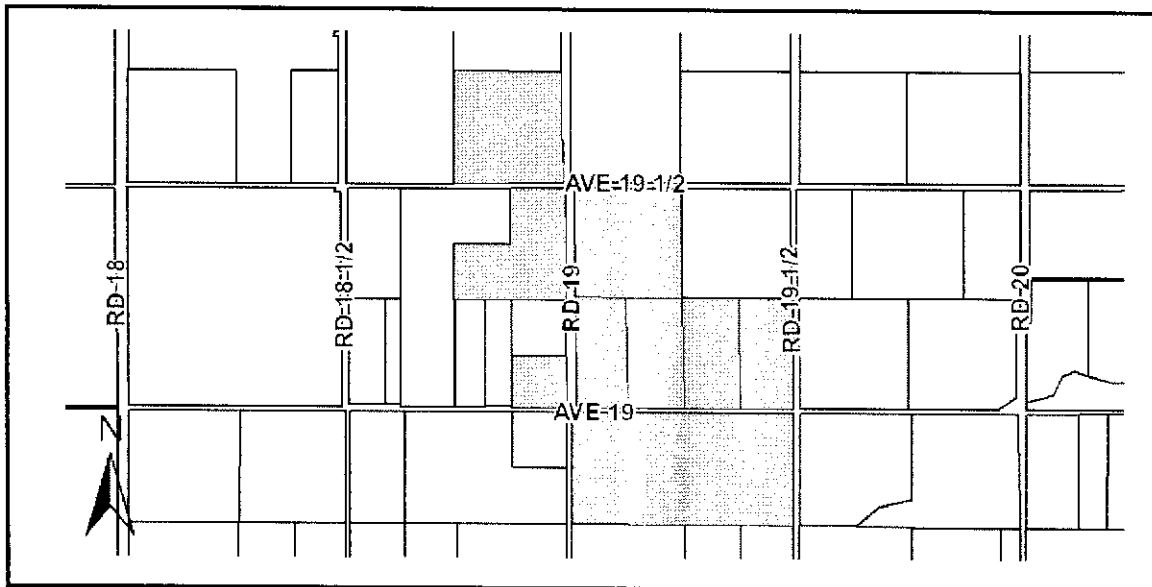
The conditional use permit application is to allow an almond hulling and shelling facility that includes outdoor storage of related almond materials.

LOCATION:

The project is located on the southeast corner of the intersection of Avenue 19 1/2 and Road 19, (no situs) Madera.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2012-23) and Mitigation Monitoring and Reporting Program has been prepared and is subject to the review and approval of the Planning Commission.



RECOMMENDATION: Approval of Conditional Use Permit #2012-019 subject to conditions, Mitigation Negative Declaration #2012-23, and Mitigation Monitoring and Reporting Program.

GENERAL PLAN DESIGNATIONS (Exhibit A):

SITE: A (Agricultural) Designation
SURROUNDING: A (Agricultural) Designation and AE (Agricultural Exclusive) Designation

ZONING (EXHIBIT B)

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

LAND USE:

SITE: Agricultural
SURROUNDING: Agricultural Related Services, Agricultural and rural residential

SIZE OF PROPERTY (EXHIBIT C): 37.99 acres (Office Site and initial outdoor storage), additional parcels currently being farmed include 167.27 acres

ACCESS (EXHIBIT C):

The property would be accessed on Road 19 with possible alternative access along Avenue 19 ½ if needed.

WILLIAMSON ACT:

A portion of the property involved with the overall operation is subject to the Williamson Act. The parcels proposed for immediate construction are among those parcels currently under contract and this proposal is deemed a compatible use.

BACKGROUND AND PRIOR ACTIONS:

According to Assessor's Records, initial buildings for a farming operation were originally constructed in 1969. The operation began constructing buildings related to the expansion of the facility in 1995.

In 2006, a conditional use permit was approved to recognize the previously existing facility and allow for an expansion that included the 25,000 square foot almond processing building.

In 2008, another conditional use permit was approved that allowed the expansion of the facility and the construction of the auger lines towards the southern portion of the facility.

PROJECT DESCRIPTION:

The proposed project consists of the construction of an almond hulling and shelling facility with associated offices as shown on the site plan totaling approximately 65,000 square feet of building space accompanied by about 16,350 square feet of overhangs and an additional outdoor storage area. The application would be standalone facility that would currently be utilized in conjunction with the existing facility located on the westside of Road 19. In the future, the applicant is requesting that additional outdoor storage be permitted in order to allow for enough capacity to meet future market needs.

This current operation produces between 22 and 25 million pounds of almonds a year. The facility is used to receive almonds from the farmer, pre-clean, hull and shell the almonds and the proposed facility would likely match that output capacity. The majority of the almond meats are then sent to packers located off-site. This is mainly a seasonal

facility which operates from August through March. During the peak almond season, the facility will operate 7 days per week, 24 hours per day.

ORDINANCES/POLICIES:

Madera County 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 A (Agricultural) designation.

ANALYSIS:

The proposed project consists of the construction of an almond hulling and shelling facility with associated offices as shown on the site plan totaling approximately 65,000 square feet of building space accompanied by about 16,350 square feet of overhangs and an additional outdoor storage area. This proposed project is currently owned by the Hulling Company which operates the existing hulling facility directly across Road 19. However, this proposal, although it may operate in conjunction with the existing plant that was approved by Conditional Use Permit #2008-004, is intended to stand alone as an independent facility.

The property is located at the intersection of Road 19 and Avenue 19 ½, approximately 5 miles northwest of the City of Madera. The site has recently been farmed with almonds that are processed at the existing facility. The entire operation employees approximately 40 people with adequate parking locating on the existing site. The proposed facility would need to accommodate a minimum of 40 additional stalls or enough spaces to accommodate the maximum number of employees that would be working during one shift, as outlined in County Code.

The current proposal includes the construction of a 65,000 square foot facility with additional office for managing operations related to the overall operation. These facilities would house various equipment such in order to process almonds which will trucked in from local agricultural operations. The lot coverage for the parcel is 25% of the total lot area for agriculturally oriented services related buildings. Therefore, the building allotment for the specific parcel (37.99 acres) where construction is occurring would be approximately 413,711 square feet of agriculturally oriented service buildings allowed. The proposal would utilize about 19.66% of the buildable area allowed under the structure regulations within the ARE-40 (Agricultural, Rural, Exclusive, 40-acre) zone district. Moreover, the outdoor storage of the almond hulls is typically, ancillary operation related to this agricultural activity. However, it should be noted that the hulls will be covered during normal operation of the facility which will further prevent additional air quality impacts to adjacent properties. Additionally, the circulation patterns must also be covered with a dust palliative or paved in order to reduce additional dust impacts to adjacent properties associated with the traffic generated by the facility. Drought tolerant landscaping must almost be installed along the frontage of the parking area for the parcel in accordance with the parking ordinance of County Code. The property owner currently plants small palm trees along the other properties they own and operate throughout the County which would be acceptable to meet the County Code requires along the roadways.

The project is also within the Williamson Act and subject to the terms and conditions of that land use contract. However, Government Code §51238.1 states that "uses that

significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate 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." This project would certainly meet this requirement as a processing and shipping facility to support local agricultural operations.

Comments were received from the Engineering, Fire, Roads and Environmental Health Departments. The development of the property would be subject to building and fire codes that would require statutory items such as fire suppression tanks and drainage facilities. Comments were also received from the San Joaquin Air Pollution Control District that state that the project, as a whole, is subject to regulations of the district. In addition, the project should consult the District to determine if further permits are needed from the District in order to mitigate Air Impacts.

GENERAL PLAN CONSISTENCY STATEMENT:

The Conditional Use Permit to allow the expansion of the existing agricultural oriented service operation of the almond huller is consistent with Madera County General Plan. The General Plan sets out policies for promoting and expanding agricultural production for the County. Moreover, the existence of the existing hulling facility has been an established use for the area and the conditional use permit would further the goals of the General Plan to make existing agricultural activities sustainable by allowing for additional capacity needed for the business.

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 and ARE-20. The zone district allows agriculturally oriented services with an approved conditional use permit. A prior conditional use permit has already been approved within the zone district for the existing business directly across Road 19 and this subsequent application would be consistent with prior approvals that are allowed under County Code.
2. *The proposed project (request) is not contrary to the public health, safety or general welfare.* The proposed use is agricultural which is allowed throughout the County and abides by rules and regulations set forth by local authorities. This use currently exists directly across Road 17 and would be developed using the same method and procedures that have been utilized by the parent company and many other similar operations throughout 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 agricultural use may require some materials which may be harmless. However, mitigation measures for storage and use of these material to ensure public safety is required by County Code and State Law. This operation would be consistent with other agricultural operations in the County that use similar materials.
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 proposal is a standalone facility to augment an existing facility in the area. The existing facility has been in existence for decades and this additional facility would be consistent with prior land use approvals in the area. The agricultural oriented nature of the project would

enhance production within the community and provide an additional facility in the area so that surplus materials do not need to be shipped out of the area for process.

RECOMMENDATION:

Staff recommends approval of Conditional Use Permit #2012-014, Negative Declaration #2012-08 subject to conditions as shown in the Conditions of Approval Monitoring and Reporting Program.

CONDITIONS:

Engineering Department - Exhibit H

No Comments. Comply with Statutes.

Environmental Health Department - Exhibit I

1. The owners/operators of this facility must complete and submit a Business Activities Declaration Form with the CUPA Program within this department before onset of construction activities.

Fire Department - Exhibit J

1. A fire suppression water system will be required for the project site.

Planning Department:

1. The proposed business shall comply with the submitted operational statement. Any changes or alteration will require an amendment to the Conditional Use Permit.
2. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.
3. The applicant shall provide a revised parking plan that complies with the County parking regulations for on-site parking. The proposed office must have a minimum of 40 parking stalls or provide a number of spaces that matches the maximum number of employees during one shift of the facility within the proposed plan.
4. Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.
5. The building may not use any outdoor paging system.
6. The western and northern areas (front road right-of-way edges) must be landscaped in accordance with drought tolerant standards and in accordance with the County parking ordinance requirements.
7. The applicant must meet and work with Planning Department staff to provide an aesthetically appealing façade to the proposed building prior to building permit application.

Road Department - Exhibit K

1. Prior to approval, the applicant is required to Grant Deed additional strips of land (road right-of-way) abutting Avenue 19, Avenue 19 ½, Road 19 ½ and Road 19 into fee title ownership... the deeds shall encompass the existing easement only areas to convey everything into fee title ownership.
2. All proposed driveway approaches shall be built to a Commercial County Standard.

3. Prior to any construction within the 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.

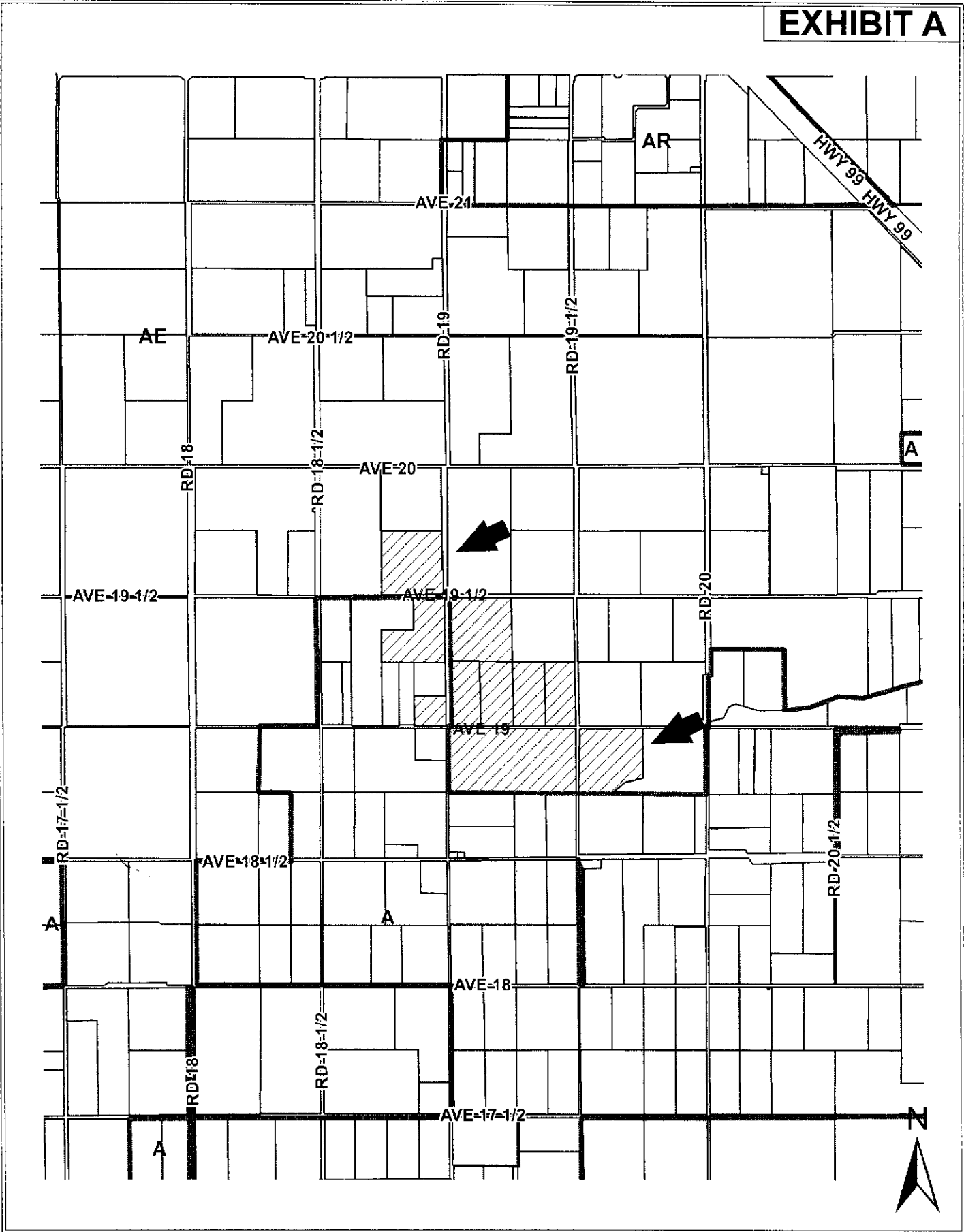
San Joaquin Air Pollution Control District:

1. The applicant shall determine if an Authority to Construct (ATC) authorization is required through the District. If it is not required, the applicant shall provide proof in writing to the Planning Department.
2. The project shall operate within all Air Pollution Control District Rules and Regulations.

ATTACHMENTS:

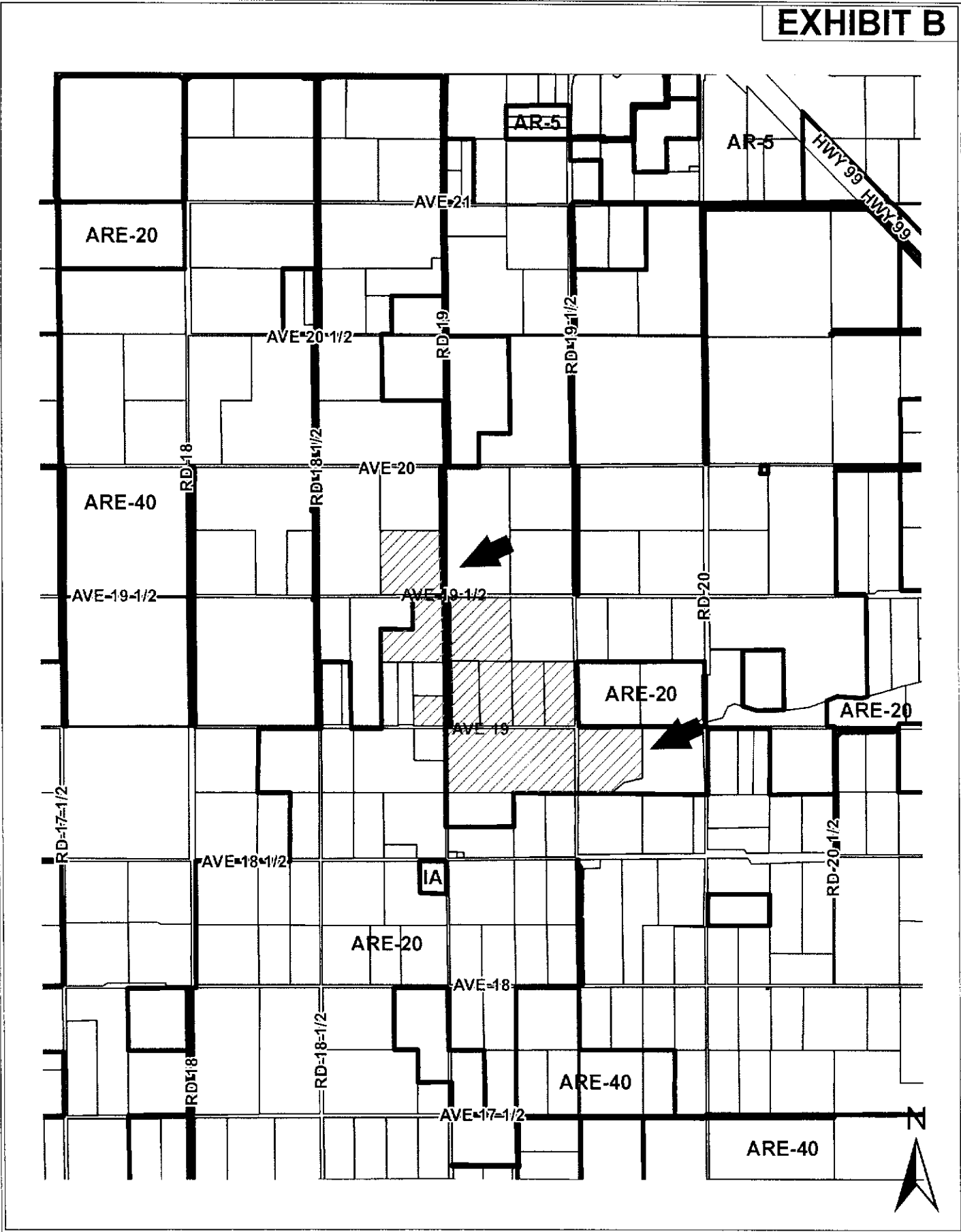
1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C-1, 2, 3, Assessor's Maps
4. Exhibit D-1, 2, 3, Site Plans
5. Exhibit E, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, Operational Statement
8. Exhibit H, Environmental Health Department Comments
9. Exhibit I, Engineering Department Comments
10. Exhibit J, Fire Department Comments
11. Exhibit K, Road Department Comments
12. Exhibit L, Initial Study
13. Exhibit M, Mitigated Negative Declaration #2012-23
14. Exhibit N, Mitigation and Monitoring and Conditions of Approval Reporting Programs
15. Exhibit O, San Joaquin Air Pollution Control District Comments

EXHIBIT A



GENERAL PLAN MAP

EXHIBIT B



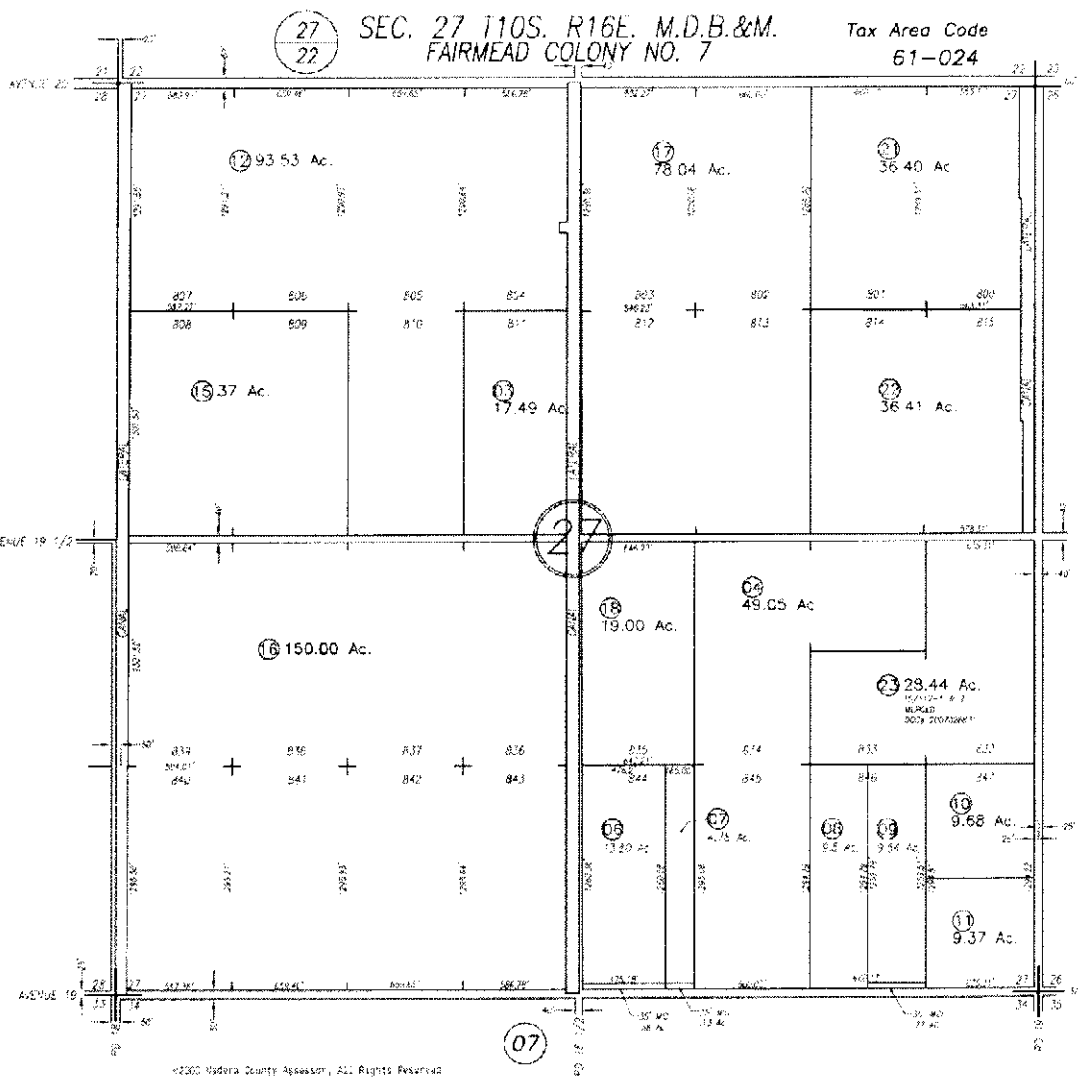
ZONING MAP

EXHIBIT C-1

ORIGINAL

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

FORM 5-AE 8-4

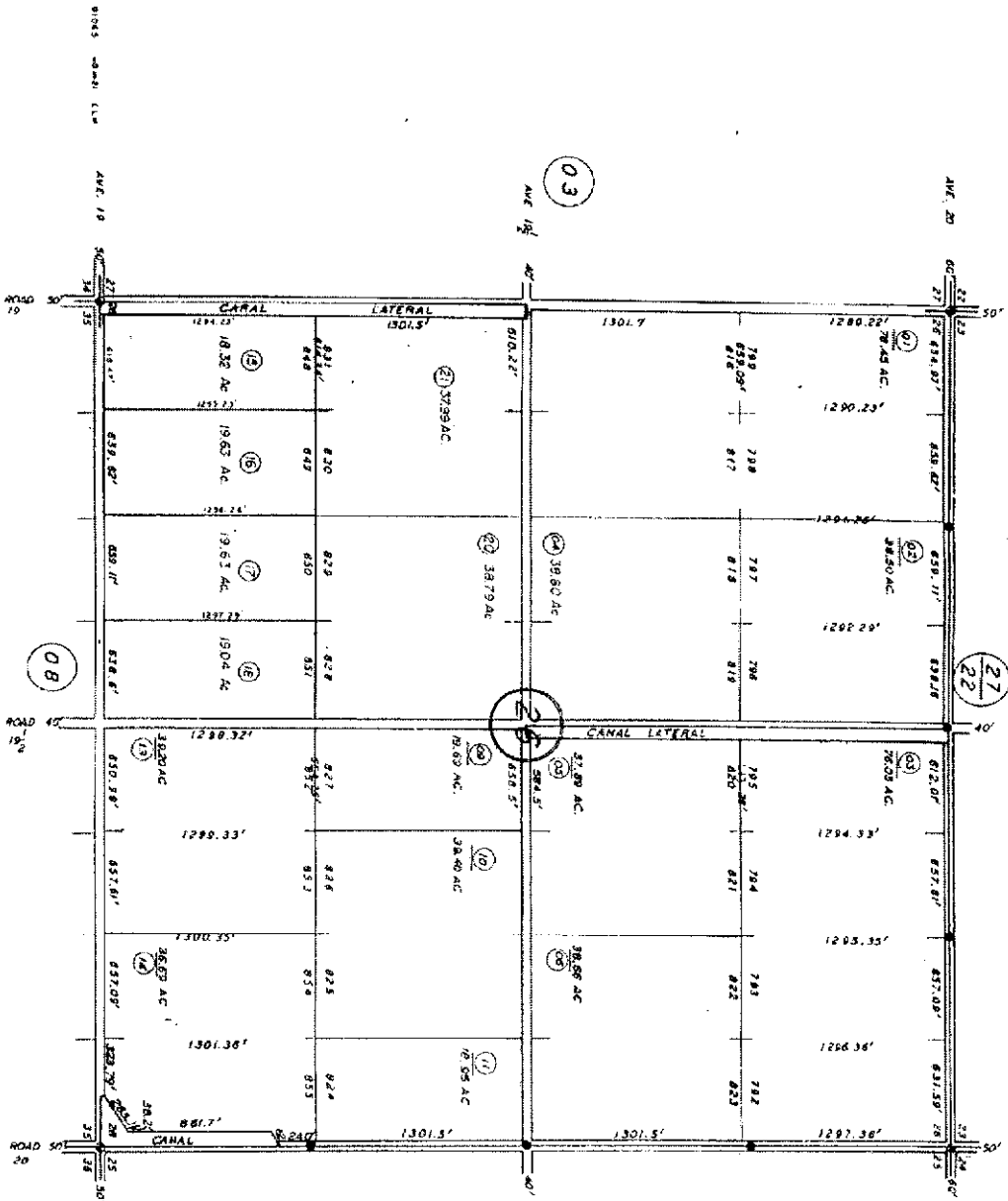


28-03

Assessor's Map No. 28-03
Dixieland
County of Madera, Calif.
1954

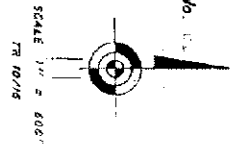
ASSESSOR'S MAP

FAIRMead COLONY NO. 7

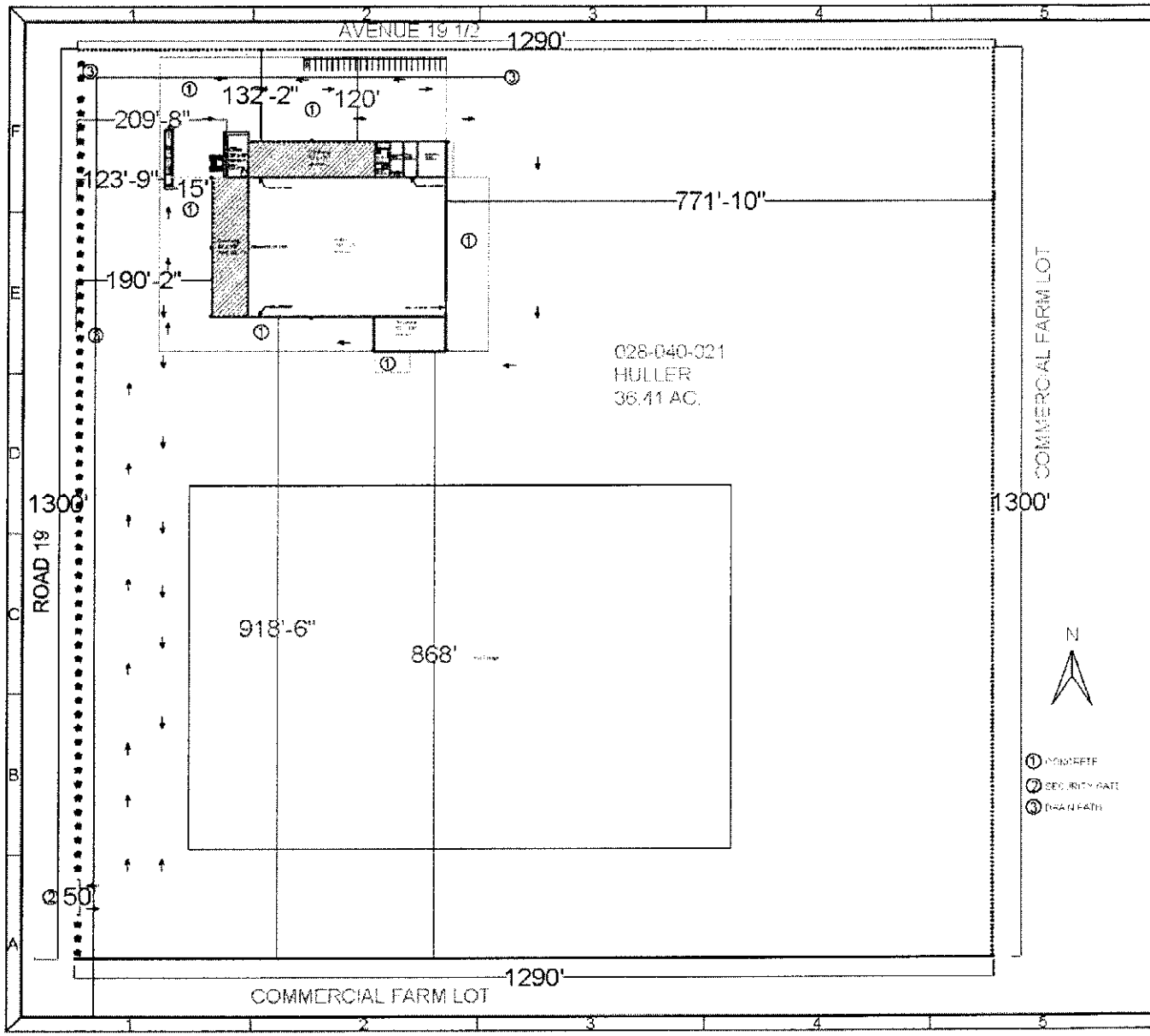


28-04

Tax Area No. 6125



Assessor's Map No. 28-04
 District
 County of Madera, Calif.
 1954



PNEUMATIC CONVEYING & MFG.
Serving Agriculture and Industry

255 LINDSEY
RD. BOX 206
RED BLUFF, CA 96076
CALL OR FAX 530-522-0722
OR 1-530-522-1313
FAX 530-522-1304

The Hulling CO.

1427 W. 17th St. Ste. 100
OAKLAND, CA 94612

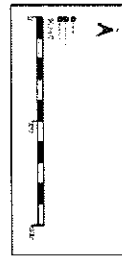
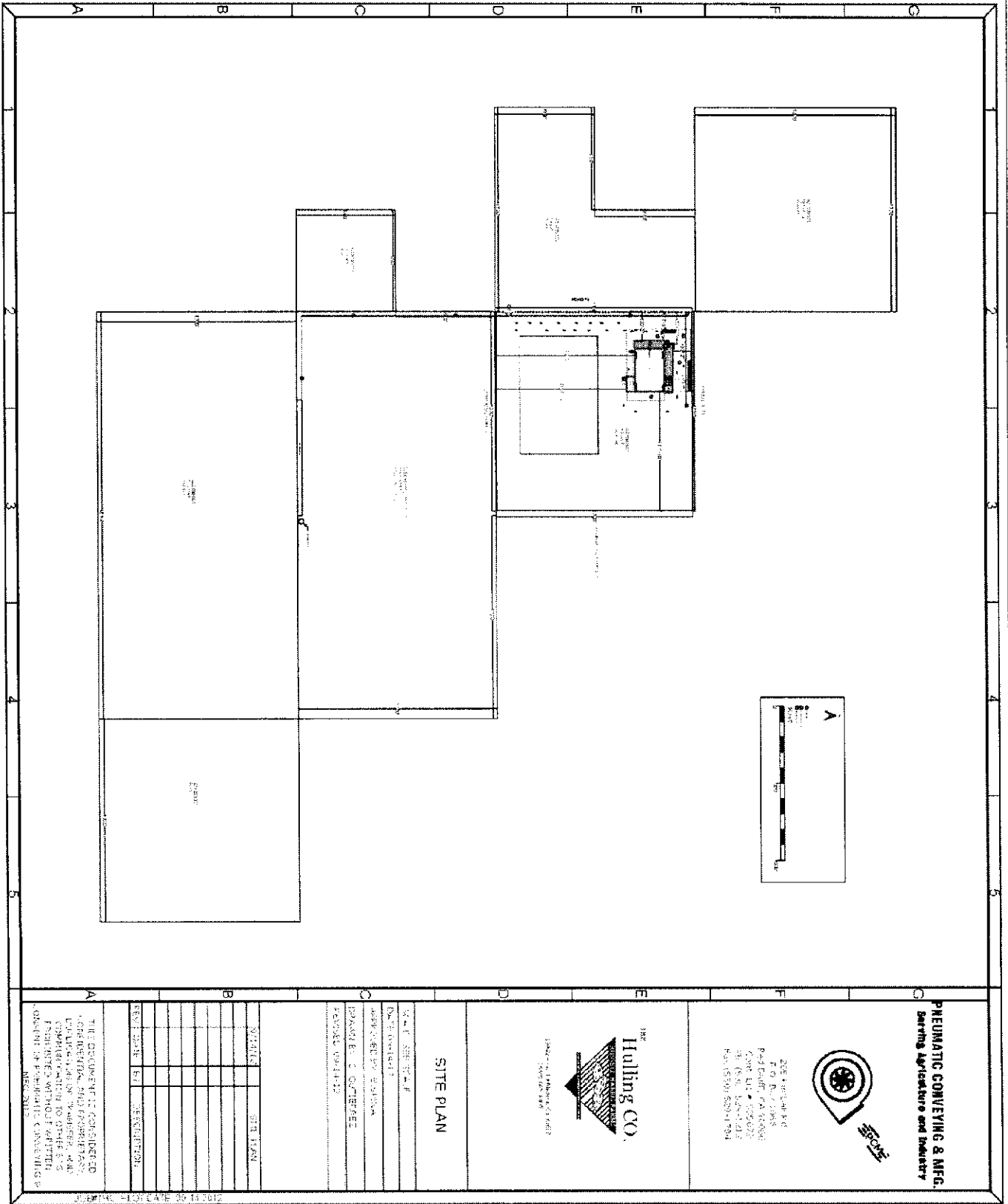
FACILITY SITE PLAN

SCALE: N/A
DATE: 07-14-12
APPROVED BY: S. SPINA
DRAWN BY: G. SOUTHERS
REVISION: 07-14-12

NO.	DATE	BY	DESCRIPTION

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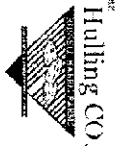
DATE PLOTTED: 08/16/2012



PNEUMATIC CONVEYING & MFG.
Serving Agriculture and Industry



2054 W. BARKLEY
P.O. Box 2085
Pittsburg, CA 95901
Phone: (916) 432-0025
Fax: (916) 432-0027
Fax: (916) 432-0027



HOLLING CO.
15000 N. Lakeside Dr.
P.O. Box 150
Cedar Lake, MI 48015

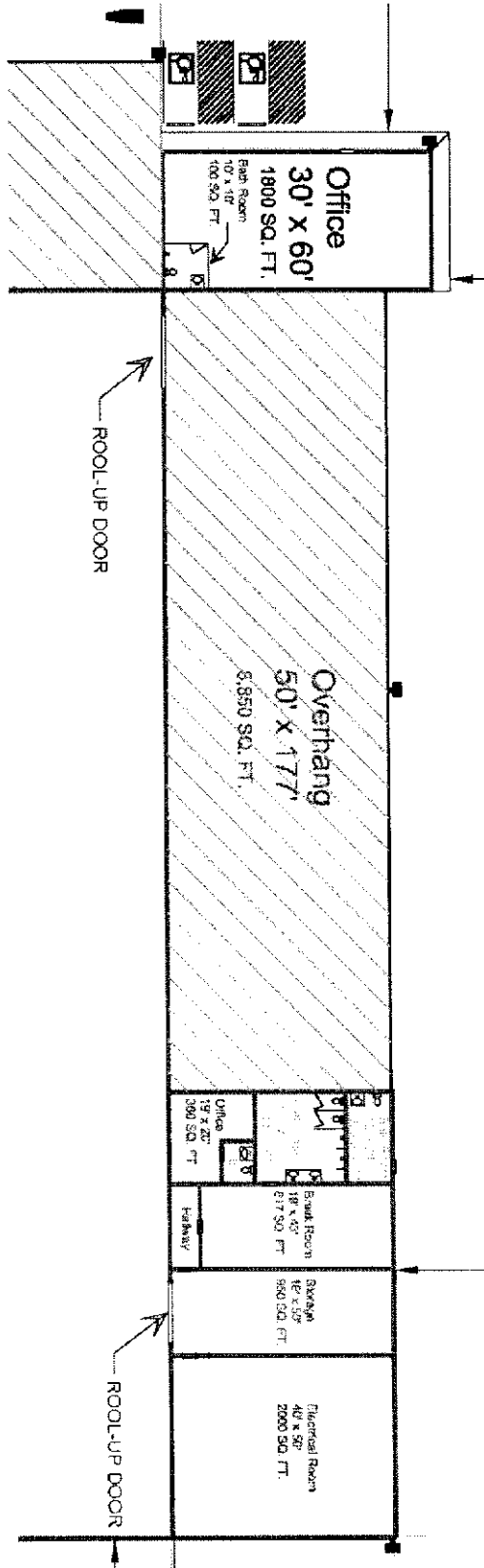
SITE PLAN

SCALE: AS SHOWN
DATE: 04/20/04
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 04/20/04

NO.	DATE	REVISION

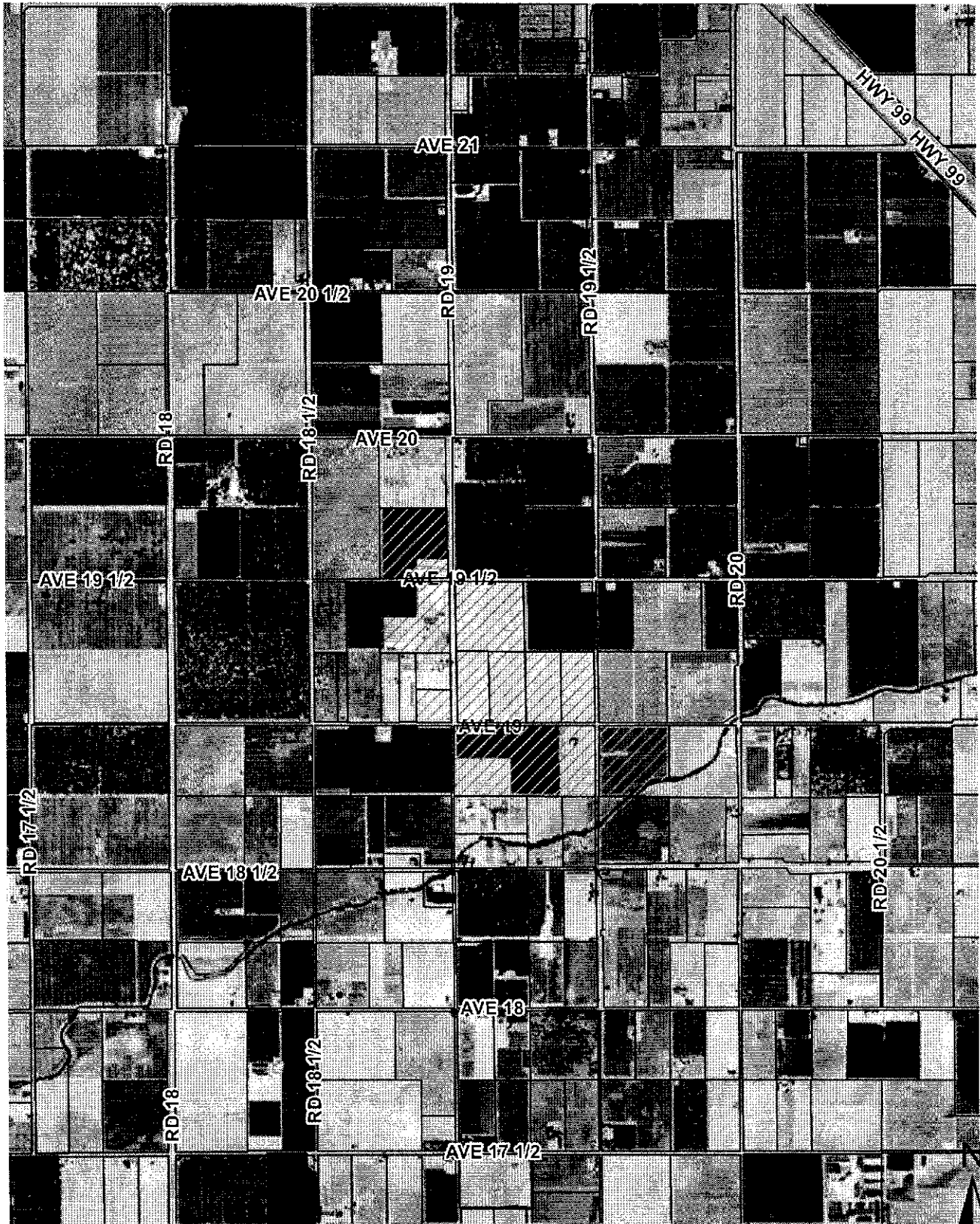
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WRITTEN PERMISSION OF THE
OWNER.

SITE PLAN



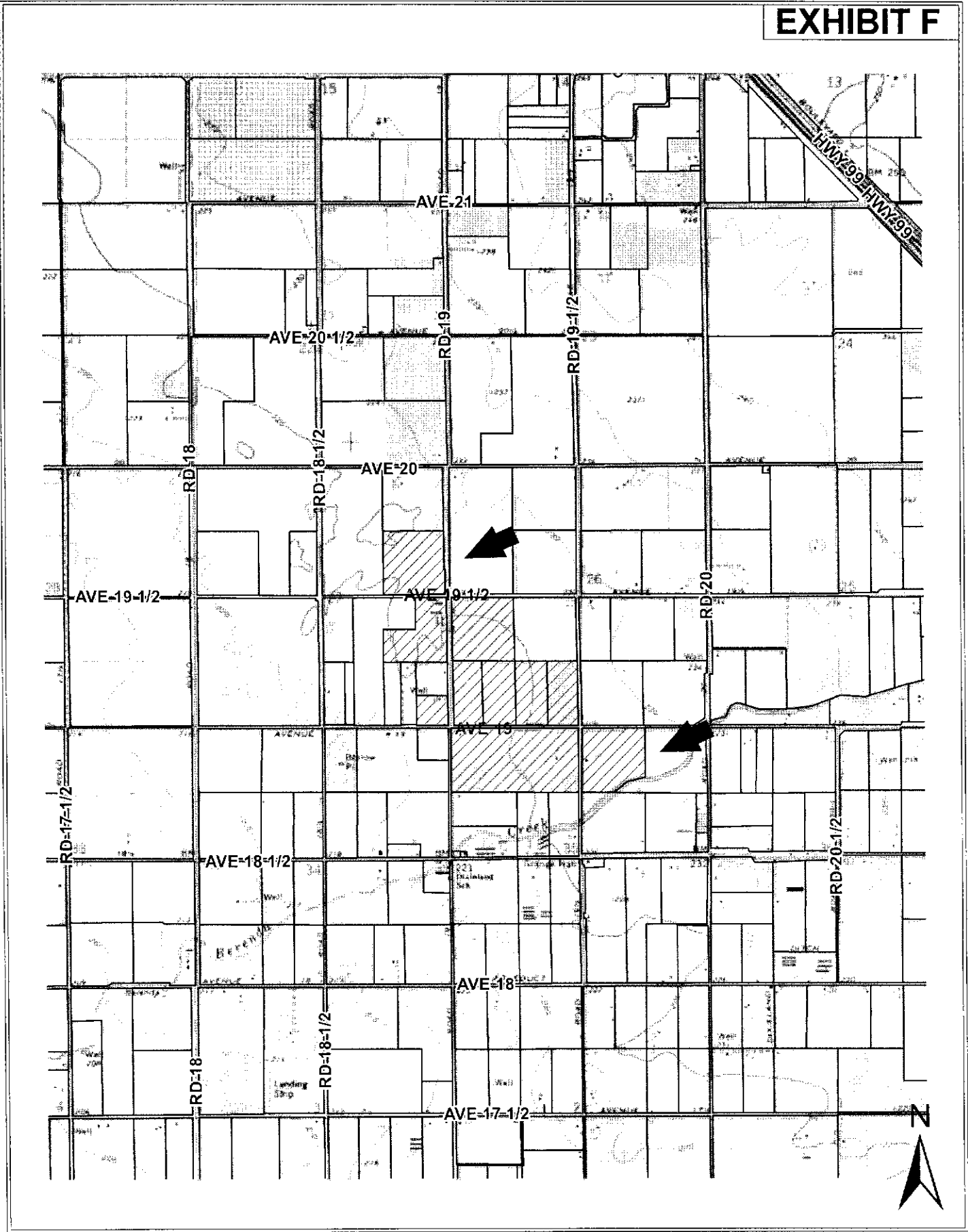
SITE PLAN

EXHIBIT E



AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

EXHIBIT G

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: 028-040-021;-015;-016;-017;-018;028-030-022;-023;028-030-011; 028-080-001;-002
Applicant's Name: Russell Harris or assignee
Address: New address currently being requested from County of Madera
Phone Number: (559) 665-2035

2. Describe the nature of your proposal/operation.

Build an almond hulling/shelling processing plant. The facility is used to receive almonds from farmer, pre-clean, hull and shell the almonds.

3. What is the existing use of the property?

Stockpile yard for existing Huller located across Ave 19 at 19482 Road 19, Madera Ca

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?

The plant will be used to pre-clean, hull and shell almonds. The almonds will be shipped offsite to a processor for further processing. They will not be sold onsite.

5. What are the proposed operational time limits?

Months (if seasonal): August - March
Days per week: 7
Hours (from ___ to ___): 6 am - 6 pm day shift; 6 pm - 6 am night shift
Total Hours per day: 24

7. How many customers or visitors are expected?

Average number per day: 1
Maximum number per day: 1
What hours will customers/visitors be there? 8 am - 5 pm

8. How many employees will there be?

Current: zero
Future: 40+
Hours they work: 6 am - 6 pm day shift; 6 pm - 6 am night shift
Do any live onsite? If so, in what capacity (i.e. caretaker)?

N/A

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

Equipment consists of "pre-cleaning", hulling and shelling equipment. Supplies and materials consist of necessary repair parts and supplies such as spare parts, small tools, ladders, safety equipment and fire equipment. In addition, wood bins as required for proper packaging of product. Storage of materials and supplies will be in designated areas within warehouse building.

10. Will there be any service and delivery vehicles?

Number: 4

Type: Trash Service, Bottled Water Service, Fuel Trucks and Uniform Service

Frequency: Once per week

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

20 parking spaces for employees, 2 parking spaces for customers and 1 parking space for service/delivery vehicles. The parking area will be concrete/asphalt.

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

Proposed one entrance from Road 19. Alternative route can be Ave 19 1/2 depending up recommendation of Madera County

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

In addition to service and/or delivery vehicles from uniform service, bottled water, propane/diesel companies, we will receive approximately 25 double axle trucks per day on average delivering raw product during peak of season and dependent upon weather conditions and plant operating mode. Trailer trucks - we will typically have 8-10 trailer trucks onsite during season,

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

One sign, 3' x 5' designating the facility as The Hulling Company. The sign will be situated at main entrance to plant.

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.

See attached

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

Existing landscaping and natural perimeter enclosure consists of mature, tightly planted hedge of pomegranate trees and large, deciduous Ash Trees

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

Agricultural land is on the North. East and South sides of the property, while to the west is our existing almond huller/sheller.

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

This operation and the equipment used will not generate any more noise above the existing almond huller/sheller located to the west of this property.

- 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).**

The source of water for this facility will be from onsite water well. The quantity used will be for normal toilet and handwashing. Approximately 200 Gal use peak; 50 gal use non-peak

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

N/A - facility does not utilize water to process almond product

- 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?**

Solid waste will be customary for an operation of this sort and will be removed weekly with a commercial garbage hauling company. Toilet facilities will be normal septic system.

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

There will be very limited grading for the building pad. The existing site is currently where almonds are stockpiled for the existing huller and has no trees on it at this time.

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

no

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

n/a

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

n/a

- 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 services or facilities? (i.e. schools, parks, fire and police protection or special districts?)**

The only public services used will be in the event of an emergency, which would include police and fire.

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

It is anticipated that this development will actually improve the surrounding area, by shortening the processing time for the existing plant.

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

There will be no impact.

- 30.**

If your proposal is for commercial or industrial development, please complete the following;

Proposed Use(s): Commercial Ag - Hulling and Shelling Facility

Square feet of building area(s): 69,200

Total number of employees: 40 Peak

Building Heights: 50'

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

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: Harris , Russell - Conditional Use Permit - Madera (028-030-011-000)

Conditions

The Environmental Health Department has reviewed the Conditional Use Permit (CUP)#2012-019 Harris, Russell, located on APN: 028-010-009, within the Madera area and has determined the following:

Any public water well(s) must be used on site for this project, it shall be approved and permitted by this department and must comply with all the State Drinking Water Standards and testing for quantity and quality of the onsite water well(s) shall be completed prior to operation of the facility. Contact a Water Program Specialist within this department for any questions that you may have regarding this process at the phone number noted below.

All water well(s) used for this project must be built to comply with the Public Water Well Standards and at a minimum must have a 50 ft. well seal installed on each.

The public water well(s) used for this project must be constructed to comply with all Public Well Standards and must have a 50 ft. well seal installed on it. Contact a Water Program Specialist within this department at (559) 675-7823 for any questions that you may have regarding this process.

All areas to be used for sewage disposal shall be indicated on the map and sized appropriately for the load anticipated for this project, including area for 100% expansion of the proposed sewage disposal area.

The owners/operators of this facility 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 the amounts of hazardous materials, like fuels onsite at this location. Other related permit(s) may be required due to the possible storage/handling of reportable quantities of hazardous materials onsite or for the storage of any amount of hazardous waste onsite at any time prior to facility operation. Contact a CUPA program specialist within this MCEH Dept. at (559) 675-7823 for any questions that you may have regarding this process or for a copy of the Business Activities Declaration Form.

The construction and then ongoing subdivision operation systems must be operated 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 and/or litter accumulation to surrounding uses.

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

2037 West Cleveland
Avenue
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: November 15, 2012
RE: Harris , Russell - Conditional Use Permit - Madera (028-030-011-000)

Comments

RE: CUP 2012-019

Harris-

The property is Not located in a Flood Zone.

The property is Not maintain or serviced by County of Madera Special Districts Department.

Prior to any construction the applicant must obtain Grading and Drainage Permit for proposed Building Pads and obtain Building Permits through the Building Department.

If you have any questions please contact Dario Dominguez at 559-675-7817 ext 3322.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

DEBORAH KEENAN
MADERA COUNTY FIRE MARCHAL

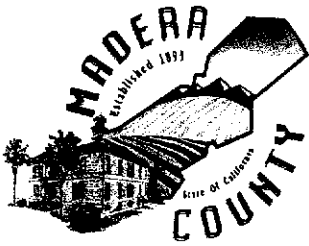
MEMORANDUM

TO: Jerome Keene
FROM: Madera County
DATE: October 17, 2012
RE: Harris , Russell - Conditional Use Permit - Madera (028-030-011-000)

Comments

A fire suppression water system will be required for the project site. Fire Flow is determined by the square footage of the largest building on site. The Buildings may also need to be protected by automatic engineered fire sprinkler systems meeting the minimum standards of NFPA 13.

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 105.2)



RESOURCE MANAGEMENT AGENCY


Road Department

Johannes J. Hoevertsz, Road Commissioner

2037 W. Cleveland Avenue
 Mail Stop 'D'
 Madera, CA 93637-8720
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MEMORANDUM

TO: Jerome Keene – Planning Department

FROM: Gary Neece – Road Department 

DATE: October 16, 2012

SUBJECT: **CONDITIONAL USE PERMIT NO. 2012-019 / HARRIS, R.**

Our department does not anticipate any significant impacts to the circulation or roadway from this proposal and recommends approval with the following conditions...

The access to this project is along multiple County roadways, all being designated a Local roads... some of these road right-of-ways require additional width according to the General Plan... 60-foot total for a Local roadway.

The project requires additional strips of land along several of the surrounding public roadways... Portions along Avenue 19, Avenue 19 ½, Road 19 ½ and Road 19; the canal portions (USA Property) would be excepted therefrom in the deeds.

The deeds shall encompass the existing easement only areas for these roads to convey the entire right-of-way area into fee title ownership.

All driveway approaches shall be built to a commercial County Standard. An Encroachment Permit will 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 additional strips of land (road right-of-way) abutting Avenue 19, Avenue 19 ½, Road 19 ½ and Road 19 into fee title ownership... the deeds shall encompass the existing easement only areas to convey everything into fee title ownership.
2. All proposed driveway approaches shall be built to a Commercial County Standard.
3. Prior to any construction within the 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.

Environmental Checklist Form

Title of Proposal: Conditional Use Permit #2012-014 - Russell Harris

Date Checklist Submitted: November 5, 2012

Agency Requiring Checklist: Madera County

Agency Contact: Jerome Keene, Planner III

Phone: (559) 675-7821

Description of Project:

The application for conditional use permit is to allow almond operation that includes a hulling and shelling and processing plant with additional stockpiles. The plant will be used to pre-clean, hull and shell almonds which will then be shipped off-site for further processing and packaging.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the initial study to determine whether the project has a significant effect on the environment. In accordance with CEQA, Guidelines (Section 15063[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level.

The initial study considers and evaluates all aspects of the project which are necessary to support the proposal. The complete project description includes the site plan, operational statement, and other supporting materials which are available in the project file at the office of the Madera County Planning Department.

Project Location:

The proposal is located on the southeast corner of the intersection of Avenue 19 1/2 and Road 19, (no situs) Madera.

Applicant Name and Address:

Russell Harris
P.O. Box 787
Chowchilla, CA 93610

General Plan Designation:

AE (Agricultural Exclusive) and A (Agricultural)

Zoning Designation:

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

Surrounding Land Uses and Setting:

Agricultural, Rural Residential

Other Public Agencies whose approval is required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <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/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

Date

I. AESTHETICS -- 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Discussion:

(a) Less than Significant Impact. No scenic vistas exist on or in the vicinity of the project site. However, structures will be constructed that may make minor alterations to the area

(b) Less than Significant Impact. No scenic resources exist on or in the vicinity of the project site. However, structures will be constructed that may make minor alterations to the area

(c) Less than Significant Impact. The current zoning allows for agricultural uses, however, the zoning allows for agriculturally oriented services with an approved conditional use permit.

(d) Less than Significant Impact with Mitigation Incorporation. The proposed project will construct a hall type structure as well events may require some lighting during parts of the year. These lighting sources will be required to be directed and pointed away from adjacent properties and any residences in the area.

III. AGRICULTURE AND FOREST RESOURCES: In determining whether 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:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section				

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4526) or timberland zoned Timberland Protection (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 land? | <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"/> |

Discussion:

(a) No Impact. The site is considered grazing land according to the Farmland Mapping and Monitoring Program prepared by the Department of Conservation. No agriculture is conducted onsite currently.

(b) No Impact. The project site is subject to a Williamson Act contract. However, the proposed use would supplement the agricultural community and prior conditional use permits for similar operations have been approved and been deemed consistent with the rules and procedures of the Williamson Program within Madera County.

(c) No Impact. The project site is not located near forest land..

(d) No Impact. The project site is not located near forest land.

(e) No Impact. This project does not propose to convert the land to a non-agricultural use.

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| III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

(a) Less than significant Impact with Mitigation. The project would generate trips associated with the expansion of the hulling operation with additional truck and employee trips. The applicant shall comply with San Joaquin Air Pollution Control District requirements for development of the project.

(b) Less than significant Impact with Mitigation. The project would not violate any air quality standards and is not expected to contribute to any existing or project air quality violation. The applicant shall comply with San Joaquin Air Pollution Control District requirements for development of the project.

(c) Less Than Significant Impact with Mitigation. The project trips as well as activities may contribute to some air quality impacts as part of development and ongoing operations. Therefore, the applicant shall comply with San

Joaquin Air Pollution Control District requirements for development of the project.

(d) Less Than Significant Impact. There are not any sensitive receptors within the vicinity of the project.

(e) Less Than Significant Impact. There are not any objectionable or noxious odors anticipated with the proposed project.

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.

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.

California Assembly Bill (AB) 1493 (Pavley) enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHG emitted by passenger vehicles and light duty trucks. Regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent by 2020 and by 27 percent in 2030 (CARB 2004a).

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S3-05, the following GHG emission targets: by 2010 reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions by 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.

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

Department of Fish and Game or U.S. Fish and Wildlife Service?

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Discussion:

(a) No Impact. The proposed project would propose grading and construction to parts of the property that appear to be areas that could habitat for sensitive species, according to the Department of Fish and Game. The site is relative fallow towards the south where there is little evidence of any type of growth. The site does not appear to have any trees for raptor habitat, however, the northern half of the property may have issues due to the existence of a drainage feature as well as the appearance of depressions which may be vernal pools, according to the Department of Fish and Game.

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as "fully protected" in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of both the County's and Department of Fish and Game's databases for special status species have identified the following species:

Species	Federal Listing	State Listing	Dept. of Fish and Game Listing	CNPS Listing
California tiger salamander	Threatened	Threatened	SSC	
Athene cunicularia	burrowing owl	None	None	
Phrynosoma blainvillii	coast horned lizard	None	None	

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

(b, c, & d) No Impact. The California Department of Fish and Game has identified the above listed species as being known to occur in the vicinity. The likelihood of the species being impacted is low due to the property being used for agriculture in some areas. The property has been previously been cultivated in row crops and is currently used for trailer storage. The area does not have any alarming features such as drainage or low spots that could begin to pool as it is constantly maintained by the property owners.

Wetlands are defined under Title 33 §328.3 of the California Code of Regulations as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.” 33 CFR §328.3(b).

(e) No Impact. The proposal would interfere with any local policies or plans for conservation of trees and other plants. The site is free of trees.

(f) No Impact. The proposed project would not have an impact on any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

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 Department of Fish and Game. The same Senate Bill also increases the associated fees for the Fish and Game; the current fees associated with a Mitigated Negative Declaration are \$2010.25, and the County Clerk filing fee is \$50.

In short, the applicant must either contact the California Department of Fish and Game and get them to issue a de minimis finding and fee exemption waiver, submit that with the County \$50 filing fee, **OR** submit a total of \$2,060.25 (on top of associated County Fees) to the County.

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 as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Public Resource Code 5021.1(b) defines a historic resource as "any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that "disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study."

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

Reference CEQA Guidelines §15064.5 for definitions.

(a - d) No Impact. The current and proposed use of the property is rural residential. There are no historical resources on the project site.

No sites of archaeological or historical significance are known to exist on or in the vicinity of the subject property. Though the majority of the project site has been disturbed by previous agricultural activities, grading and excavating of the areas in question could result in disturbance of unknown cultural resources. Policy 4.D.3 of the Madera County General Plan provides for that "[T]he County shall require that discretionary development projects identify and protect from damage, destruction and abuse, important historical, archaeological, paleontological and cultural sites and their contributing environment." Impacts on previously undiscovered cultural resources are potentially significant, but can be mitigated to a level that is less than significant through incorporation of the mitigation measure(s) stipulated in the Negative Declaration.

No known unique geological features in the vicinity of the project site exist. There are no known fossil bearing sediments on the project site. No impact has been identified.

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, 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.

(c) Less than Significant with Mitigation. When grading and/or construction is conducted, an archeological warning is generally issued for area north of the Madera Canal in order to limit the impacts of these activities. This project is north of the canal, although not in the foothills. If archeological evidence is discovered onsite, an archeological observer should be called to further determine if additional materials are of importance and should be excavated properly.

VI.	GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No impact
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|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Expose people or structures to 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 Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Be located on a geologic 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

(a i-iv) No Impact. Madera County is divided into two major physiographic and geologic provinces: the Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

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

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

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

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

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

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

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

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

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

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

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

(b) Less than Significant. Grading and construction activities are subject to regulations to prevent loss of topsoil. In addition, the applicant will be required to pave some areas and provide dust reduction measures in others to limit soil loss.

(c) No Impact. The project site is not located on an unstable geologic unit.

(d) No Impact. Upon review of information from the USDA, Natural Resources Conservation Service, it has been determined that the project site is not located on expansive soil.

(e) Less Than Significant Impact. Septic tanks for waste disposal are regularly used in the vicinity of the project site. The building code and local ordinances provide requirements to properly regulate these items.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion:

(a) Less than Significant. The use of property will be subject to building and green codes to limit the impact of development of the property.

(b) No Impact. The project would not be contrary to the Air Quality of the General Plan and would be required to comply with building and green codes which were adopted by the State of California for all development.

VIII. 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a, b, c) Less than Significant. The project may store materials related to agricultural use that may be hazardous such as pesticides. The business will be required to comply with the regulations of the Environmental Health Department which may include submitting a Hazardous Material Business Plan for administrative approval.

(d) No Impact. The project is not currently included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

- (e) No Impact.** The project is not located within an airport land use plan or within two miles of a public airport.
- (f) No Impact.** The project site is not located within the vicinity of a private airstrip.
- (g) No Impact.** The project site is not located within an area affected by an adopted emergency response plan or emergency evacuation plan.
- (h) No Impact.** The project site is not located in an area affected by wildland fires.

IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a, b) Less than Significant. The property would be able to develop using wells and septic currently. Those facilities are required to follow federal, state, and local regulations for their installation, which includes various analysis and setback requirements to insure availability of water and non-contamination of groundwater supplies.

(c, d) No Impact. There are not any existing drainage features located on-site such as existing streams. The drainage pattern of the property, if altered, would require a grading permit that would be required to meet standards and regulations of Engineering Department.

(e) Less than Significant. The applicant has proposed to utilize existing drainage patterns for the site. However, the paving and development of the project will increase the runoff of the property due to less of the overall site being permeable through the topsoil, as the soil is considered to be well drained through its classification. The applicant, through the grading process, would be required to develop drainage facilities or detail the utilization of existing facilities, either onsite or offsite, in a plan acceptable to local regulations.

(f) No Impact. The applicant is not proposing a use that is abnormal to current activities in the area or that would severely degrade groundwater quality.

(g) No Impact. The project site is not located within a 100-year flood hazard area.

(h) No Impact. The project site is not located within a 100-year flood hazard area.

(l, j) No Impact. The project will not construct a water feature that could affect residents through a flood, tsunami, mudflow or other type of flash incident involving failure of a damn or levee..

X. LAND USE AND PLANNING – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact. No established communities exist on or in the near vicinity of the project site.

(b) No Impact. The project is consistent with the general plan and zoning ordinance and does not lie within a specific or area plan.

(c) No Impact. There is no known habitat conservation plan or natural community conservation plan within the vicinity of the project site.

XI. MINERAL RESOURCES – Would the project result in:

	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"/>

Discussion:

- (a) No Impact. The past use of the land was agricultural production and no mineral sources are known to exist on the property.
- (b) No Impact. The past use of the land was agricultural production and the project is not within a locally identified mineral resource site or plan area that designated restrictions to special resources in the area.

XII. NOISE – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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"/>
f) For a project within the vicinity of a private airstrip, 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"/>

Discussion:

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, 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, associated with the proposed operations 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.

Excessive groundborne vibration or noise levels are not anticipated during either construction or operations.

(a - d) Less than Significant. Agricultural uses within the County are specific exempted in the County General Plan from the maximum decibel readings allowed in Table 7.A.4.

(e) No Impact. The project site is not within an airport land use plan or within two miles of a public airport.

(f) No Impact. The project site is not within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact. The proposed development will not induce growth as no residential component is proposed by the project.

The proposed project is not designed to induce population growth, and will not result in substantial direct or indirect growth inducement. No housing will be displaced as a result of the project. No people will be displaced as a result of the project.

According to the California Department of Finance, in October 2006, there were 59,400 jobs in Madera County. Of those, 23,800 jobs were in the cities of Madera and Chowchilla, and 23,800 were in the unincorporated areas. This leads to a jobs/housing ratio of 1.27:1 for the County and 1.19:1 for the unincorporated areas.

(b) No Impact. Homes will not be displaced as a part of this project.

(c) No Impact. People will not be displaced as a part of this project.

XIV. PUBLIC SERVICES

Potentially Significant	Less Than Significant	Less Than Significant	No Impact
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	Impact	with Mitigation Incorporation	Impact	
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a-i) Less Than Significant Impact. Upon construction of new dwellings, impact fees will have to be paid for emergency services. The proposed project site is within the jurisdiction of the Madera County Fire Department. Crime and emergency response is provided by the Madera County Sherriff's Department.

Madera County Fire Department provides fire protection services to all unincorporated areas of Madera County, which has an estimated 2000 population of 74,734 persons. MCFD is a full service fire department and is comprised of 15 fire stations, a fleet of approximately 50 fire apparatus and support vehicles, 19 full-time career fire suppression personnel and 185 paid on-call firefighters, and 11 support personnel. The career fire suppression personnel and department administration are provided through a contract with the California Department of Forestry and Fire Protection (CDF). Fire prevention, clerical, and automotive support personnel are County employees. Based on the estimated 2006 population the unincorporated portion of Madera County has a current fire protection personnel ratio of 2.52:1000 to the populations (2.52 full-time career and paid on-call personnel to 1000 residents).

(a-ii) Less Than Significant Impact. Upon construction of new structures, impact fees will have to be paid for emergency services.

The Federal Bureau of Investigations suggests a law enforcement officer to population ratio of 1.7 – 2.2 per thousand in rural counties.

(a-iii) Less Than Significant Impact. Upon construction of new structures, impact fee will have to be paid for school services.

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. The proposed project will have no impact on local parks and will not create demand for additional parks.

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

(a – v) No Impact. No other public services are provided to this area of the County.

XV. 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"/>

Discussion:

(a) No Impact. The project would have no discernable impacts to existing parks or require the provision of new or additional facilities.

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

(b) No Impact. This project does not include recreational facilities or require the construction of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a - b) Less Than Significant Impact with Mitigation. This project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is an expansion of an existing operation located directly west of the subject properties. The amount of

traffic will be dependent on market conditions going forward. However, additional road of way is required in order to accommodate general plan designated width for adjacent roadways.

According to the Institute of Traffic Engineers (7th Edition, pg. 268-9) the trips per day for one single-family residence are 9.57.

This project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The amount of new traffic created by this project will 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

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 Impact with Mitigation. The proposed project will not have an impact on air traffic patterns. However, the operation will be required to cover circulation patterns with a dust palliative and pave all parking areas associated with the operation.

(d) No Impact. The proposed structure for the operation is proposed to be away from the roadway and will not pose any sort of hazard with traffic.

(e) No Impact. All proposed parcels will have adequate emergency access to Avenue 19 ½ and Road 19..

(f) No Impact. There are no adopted policies, plans, or programs supporting alternative transportation within the vicinity of the project site.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a) No Impact. The proposed project will allow for an individual septic system to be utilized.

(b) No Impact. The proposed project will allow for an individual septic system to be utilized.

(c) Less than Significant. The project may require additional sewer facilities may required and will need to be permitted with the Environmental Health Department in accordance with their rules and regulations.

(d) Less than Significant. Entitlements through the Environmental Health Department may be required in order to serve the project as it is likely that a public water system will need to be constructed as part of the hall and other structures constructed onsite.

(e) No Impact. The proposed project is large enough to encapsulate its septic affluent.

(f) Less Than Significant Impact. Madera County is served by the Fairmead landfill that has sufficient capacity.

(g) Less Than Significant Impact. The proposed project will be developed will be served by the Fairmead landfill and comply with hauling requirements of the County of Madera.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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, 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 checked="" type="checkbox"/>	<input 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 considerable 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"/>
c) 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"/>

Discussion:

CEQA defines three types of impacts or effects:

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

(a) Less than Significant with Mitigation. The project will have some associated impacts such as on roadways with additional traffic trips when the market for almonds increases. In addition, the associated traffic may alter air patterns and generate dust if not properly mitigated. Therefore, mitigation measures have been adopted in order to alleviate these impacts.

(b) Less Than Significant Impact. The project will not generate significant environmental impacts. The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects, does not yield impacts which are cumulatively considerable.

(c) Less than Significant. The effect of the project will have a limited effect on humans as there are not any within direct proximity of the proposal. The ongoing operation is an expansion of an existing operation without any additional equipment being constructed

**Documents/Organizations/Individuals Consulted
In Preparation of this
Initial Study**

Madera County General Plan

California Department of Finance

USDA - National Resources Conservation Service

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Madera County Environmental Health

Madera County Roads Department

Caltrans website http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm accessed October 31, 2008

California Department of Fish and Game "California Natural Diversity Database" <http://www.dfg.ca.gov/biogeodata/cnddb/>

MITIGATED NEGATIVE DECLARATION

MND

RE: Conditional Use Permit #2012-019 - Russell Harris

LOCATION AND DESCRIPTION OF PROJECT:

The application is a conditional use permit to allow an additional almond hulling and shelling facility that includes outdoor storage of related almond materials.

The project is located on the southeast corner of the intersection of Avenue 19 1/2 and Road 19, (no situs) Madera.

ENVIRONMENTAL IMPACT:

No adverse significant environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

1. The applicant shall comply with San Joaquin Air Pollution Control District requirements.
2. The applicant must operate in accordance with the submitted operational statement and revised site plan except as modified by mitigation measures and conditions.
3. The applicant shall provide a revised parking plan that complies with the County parking regulations for on-site parking. The proposed office must have a minimum of 40 parking stalls or provide a number of spaces that matches the maximum number of employees during one shift of the facility within the proposed plan.
4. Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.
5. The building may not use any outdoor paging system.
6. The western and northern areas (front road right-of-way edges) must be landscaped in accordance with drought tolerant standards and in accordance with the County parking ordinance requirements.
7. The applicant must meet and work with Planning Department staff to provide an aesthetically appealing façade to the proposed building prior to building permit application.

Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 2037 West Cleveland Avenue, Madera, California.

DATED:

FILED:

PROJECT APPROVED:

CONDITIONS OF APPROVAL

PROJECT NAME:

CUP #2012-019

PROJECT LOCATION:

The project is located on the southeast corner of the intersection of Avenue 19 1/2 and Road 19, (no situs) Madera.

PROJECT DESCRIPTION:

The application is for an amendment to Conditional Use Permit #2008-004 to allow an expansion of an existing almond hulling and shelling facility that includes outdoor storage of related almond materials.

APPLICANT:

Russell Harris

CONTACT PERSON/TELEPHONE NUMBER:

Russell Harris, (559) 665-4405

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
	None				
Environmental Health					
1	The owners/operators of this facility must complete and submit a Business Activities Declaration Form with the CUPA Program within this department before onset of construction activities.	Environmental Health			
Fire					
1	A fire suppression water system will be required for the project site.	Fire Department			
Planning					
1	The proposed business shall comply with the submitted operational statement. Any changes or alteration will require an amendment to the Conditional Use Permit.	Planning			
2	Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.	Planning			
3	The applicant shall provide a revised parking plan that complies with the County parking regulations for on-site parking. The proposed office must have a minimum of 40 parking stalls or provide a number of spaces that matches the maximum number of employees during one shift of the facility within the proposed plan.	Planning			
4	Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.	Planning			
5	The building may not use any outdoor paging system.	Planning			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
6	The western and northern areas (front road right-of-way edges) must be landscaped in accordance with drought tolerant standards and in accordance with the County parking ordinance requirements.	Planning			
7	The applicant must meet and work with Planning Department staff to provide an aesthetically appealing façade to the proposed building prior to building permit application.	Planning			
Road					
1	Prior to approval, the applicant is required to Grant Deed additional strips of land (road right-of-way) abutting Avenue 19, Avenue 19 ½, Road 19 ½ and Road 19 into fee title ownership... the deeds shall encompass the existing easement only areas to convey everything into fee title ownership.	Roads			
2	All proposed driveway approaches shall be built to a Commercial County Standard.	Roads			
3	Prior to any construction within the 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.	Roads			
Air Pollution Control District					
1	The applicant shall determine if an Authority to Construct (ATC) authorization is required through the District. If it is not required, the applicant shall provide proof in writing to the Planning Department.	Planning and SJAPCD			
2	2. The project shall operate within all Air Pollution Control District Rules and Regulations.	SJAPCD			

MITIGATION MONITORING REPORT

MND #

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
1	Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.	Construction	Planning and Building	Planning	Building Permit			
2	The applicant must meet and work with Planning Department staff to provide an aesthetically appealing façade to the proposed building prior to building permit application.	Construction	Planning Department	Planning	Building Permit			
Agricultural Resources								
Air Quality								
1	The applicant shall comply with San Joaquin Air Pollution Control District requirements.	Project Duration	San Joaquin Air Pollution Control District	San Joaquin Air Pollution Control District	Ongoing Monitoring			
Biological Resources								
Cultural Resources								
Geology and Soils								
Hazards and Hazardous Materials								
Hydrology and Water Quality								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Land Use and Planning								
1	The applicant must operate in accordance with the submitted operational statement and revised site plan except as modified by mitigation measures and conditions.	Project Duration	Planning Department	Planning Department	Ongoing Monitoring			
2	The applicant shall provide a revised parking plan that complies with the County parking regulations for on-site parking. The proposed office must have a minimum of 40 parking stalls or provide a number of spaces that matches the maximum number of employees during one shift of the facility within the proposed plan.	Construction	Planning Department	Planning Department	Building Permit			
3	The western and northern areas (front road right-of-way edges) must be landscaped in accordance with drought tolerant standards and in accordance with the County parking ordinance requirements.	Construction	Planning Department	Planning Department	Building Permit			
Mineral Resources								
Noise								
1	The building may not use any outdoor paging system.	Construction	Planning Department	Planning Department	Building Permit			
Population and Housing								
Public Services								
Recreation								
Transportation and Traffic								
Utilities and Service Systems								



October 3, 2012

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

OCT 05 2012

**Project: CUP #2012-019, Harris, Russell - Conditional Use Permit - Chowchilla
(028-030-011-000)**

District CEQA Reference No: 20120626

Dear Mr. Keene:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of proposing to build an almond hulling/shelling processing plant located at 19482 Road 19, in Madera, CA. The District offers the following comments:

District 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) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 3) The proposed project may be subject to the following District rules: 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,

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
1930 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

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

partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

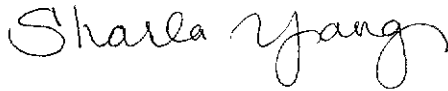
- 4) The District recommends that a copy of the District's comments be provided to the project proponent.

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.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW: sy

cc: File