

RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

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Norman L. Allinder, AICP
Director *NLA*

PLANNING COMMISSION DATE: January 8, 2012

AGENDA ITEM: #5

CUP	#2005-037	Request for a time extension on a Conditional Use Permit for a dairy
APN	#020-170-003; #020-181-004; #020-170-009	Applicant/Owner: Jose Soares
CEQA	EIR	Environmental Impact Report SCH#2006051164

REQUEST:

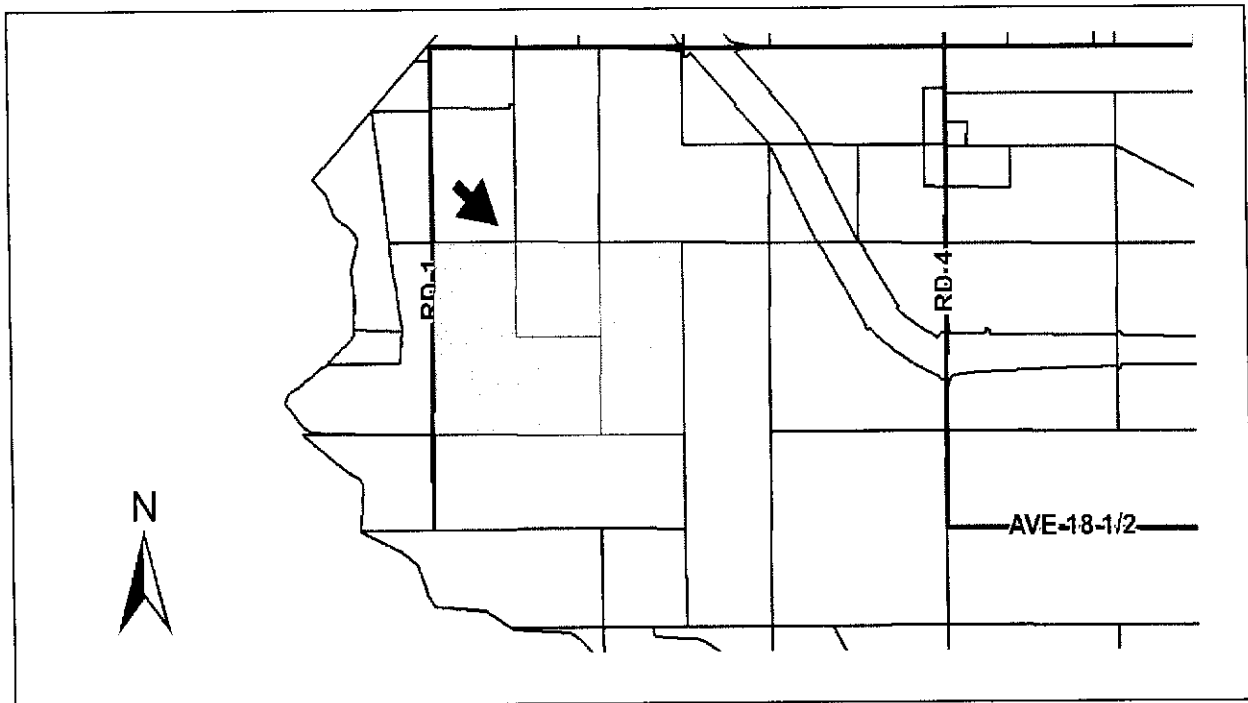
The applicant is requesting a one year time extension of Conditional Use permit #2005-037.

LOCATION:

The project is located on the east side of Road 1 approximately 1 ½ miles south of its intersection with Avenue 21, Chowchilla.

ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Report (SCH #2006051164) was previously prepared and was approved for this project.



RECOMMENDATION: Approval of the time extension

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation

ZONING (Exhibit B):

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

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

LAND USE:

SITE: Vacant

SURROUNDING: Agricultural

SIZE OF PROPERTY: 956 acres

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

BACKGROUND AND PRIOR ACTIONS:

On September 18, 2007, the Planning Commission approved the Environmental Impact Report and CUP #2005-037 for the project.

On March 2, 2010, the first of three available Time Extensions was approved.

On January 3, 2012, the second of three available Time Extensions was approved.

PROJECT DESCRIPTION:

The request is for a one year extension of a Conditional Use Permit to allow for the construction and operation of a new 2,880 Holstein milk cow dairy. In addition to the milk cows, there will be 664 dry cows, 1,643 heifers (12-24 months), 1,077 heifers (3-11 months), and 260 calves (under 3 months). The dairy will have a total of 7,055 animal units. An animal unit is calculated on animal unit equivalents of a 1,000-pound milk cow times a factor that is determined by the California Regional Water Quality Control Board. These factors are: 1.40 for milk cows; 1.12 for dry cows and bred heifers; 1.02 for heifers (1 to 2 years); 0.49 for heifers (3 months to 1 year); and 0.29 for calves (those under 3 months of age). This is the third and final of three time extensions allowed under Madera County Ordinance Section 18.92.060(B)(1) and (2).

ORDINANCES/POLICIES:

Section 18.04.025 of the Madera County Ordinance defines what an agriculturally related service is.

Section 18.58.010(c) (14) of the Madera County Zoning Ordinance allows dairies with a Conditional Use Permit in the ARE-40 zones.

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

Section 18.92.060(B)(1) and (2) of the Madera County Zoning Ordinance outlines the applicant's right to request a time extension and how to request one.

Part 1 of the Madera County General Plan outlines the AE zone designation

Policy 5.A.1 of the Madera County General Plan supports the maintenance of agricultural designated land as agriculturally designated land.

Policy 5.A.16 of the Madera County General Plan supports economic development of agriculturally related activities within the county.

Madera County Dairy Standards outline operational guidelines for all dairies that are new or expanding.

ANALYSIS:

The request is for the third of three allowed time extensions under Madera County Ordinance. The applicant is requesting the time extension because of delays in construction and operation of the dairy due to economic problems.

A Conditional Use Permit was approved in 2007 for a dairy facility. The dairy project site is 15 miles southwest of Chowchilla. The construction of the dairy has not started due to the economic situation and financial constraints.

The Zoning Ordinance, Section 18.95.060(B) states that a conditional use permit may be terminated if it is not used within two years of the date of approval, and shall be voidable unless written time extensions are applied for and approved prior to the permit expiration. The granting of a time extension or the voiding of the conditional use permit must occur by the Planning Commission action in a noticed public hearing. Time extensions may be granted or conditionally granted provided:

1. Each extension will be for a one year period of time; and
2. The maximum number of extensions will not exceed an additional time of three years total.

This is the third of the three permitted extensions under the ordinance. The applicant and staff have been in regular contact in regards to the progress of the project. The applicant is aware that this is the third and final extension that they can request. In the most recent conversations, they have indicated that they intend to begin the process of construction during the coming year.

The dairy industry has come upon severe economic hardships within the past few years. Decreased milk prices and increased operating expenses have hampered dairy operators' ability to remain economically viable. This is one of the main considerations for the delay in construction.

The project has been reviewed and it has been determined that there have been no changes to development standards for the area, or other changes that would change the manner in which a new application at that site would be considered.

WILLIAMSON ACT:

The property is subject to a Williamson Act contract.

GENERAL PLAN CONSISTENCY:

The general plan designates the site as AE (Agricultural Exclusive). The property is

zoned ARE-40 (Agricultural Rural Exclusive – 40 acre district). Therefore, the proposed project is consistent with both the County's Plans and Zoning Ordinance

RECOMMENDATION:

The analysis provided in this report supports approval of the one year time extension.

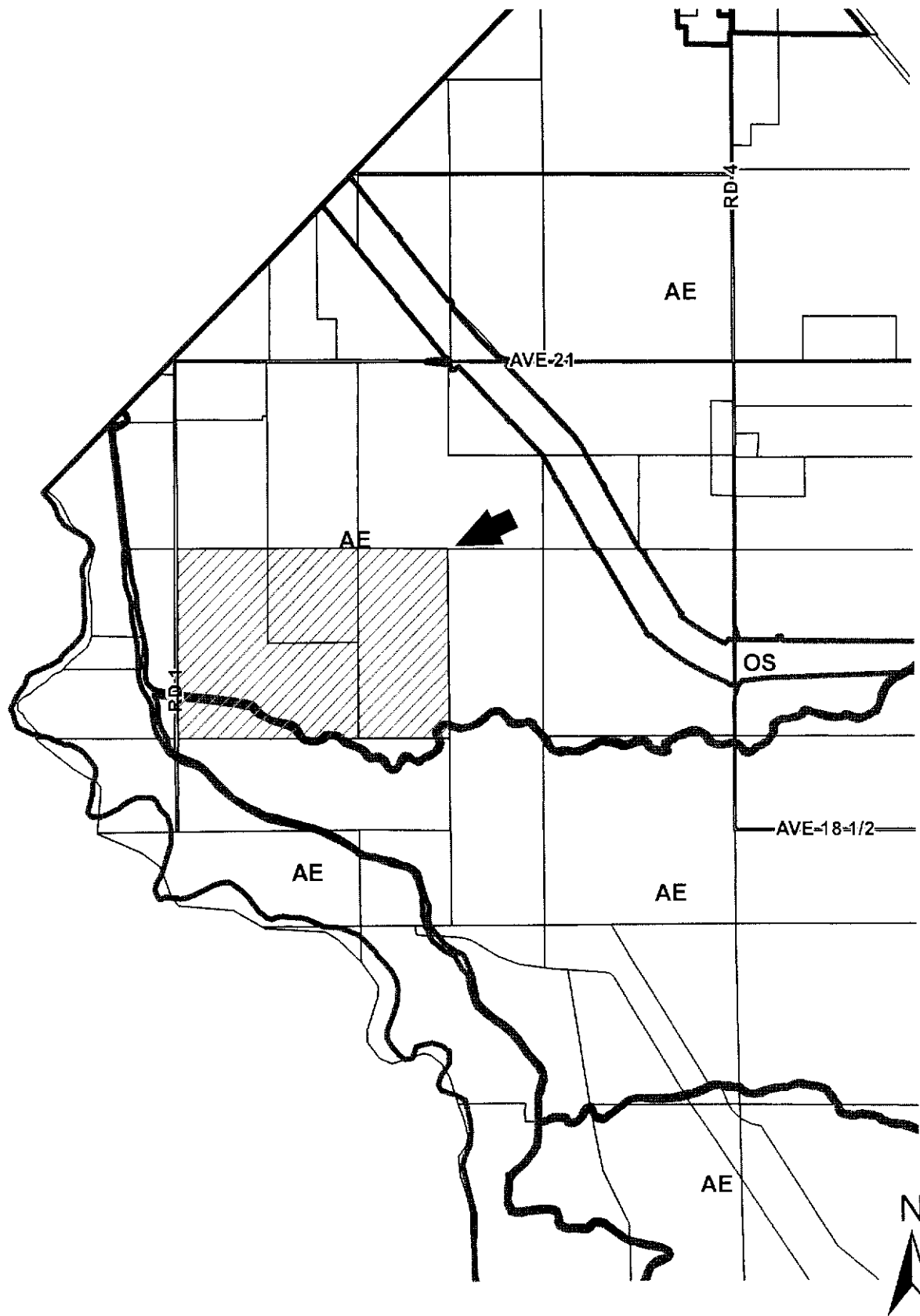
CONDITIONS:

The conditions of approval are found in CUP #2005-037 (Exhibit H) and the corresponding Mitigation Measures found in the Environmental Impact Report.

ATTACHMENTS:

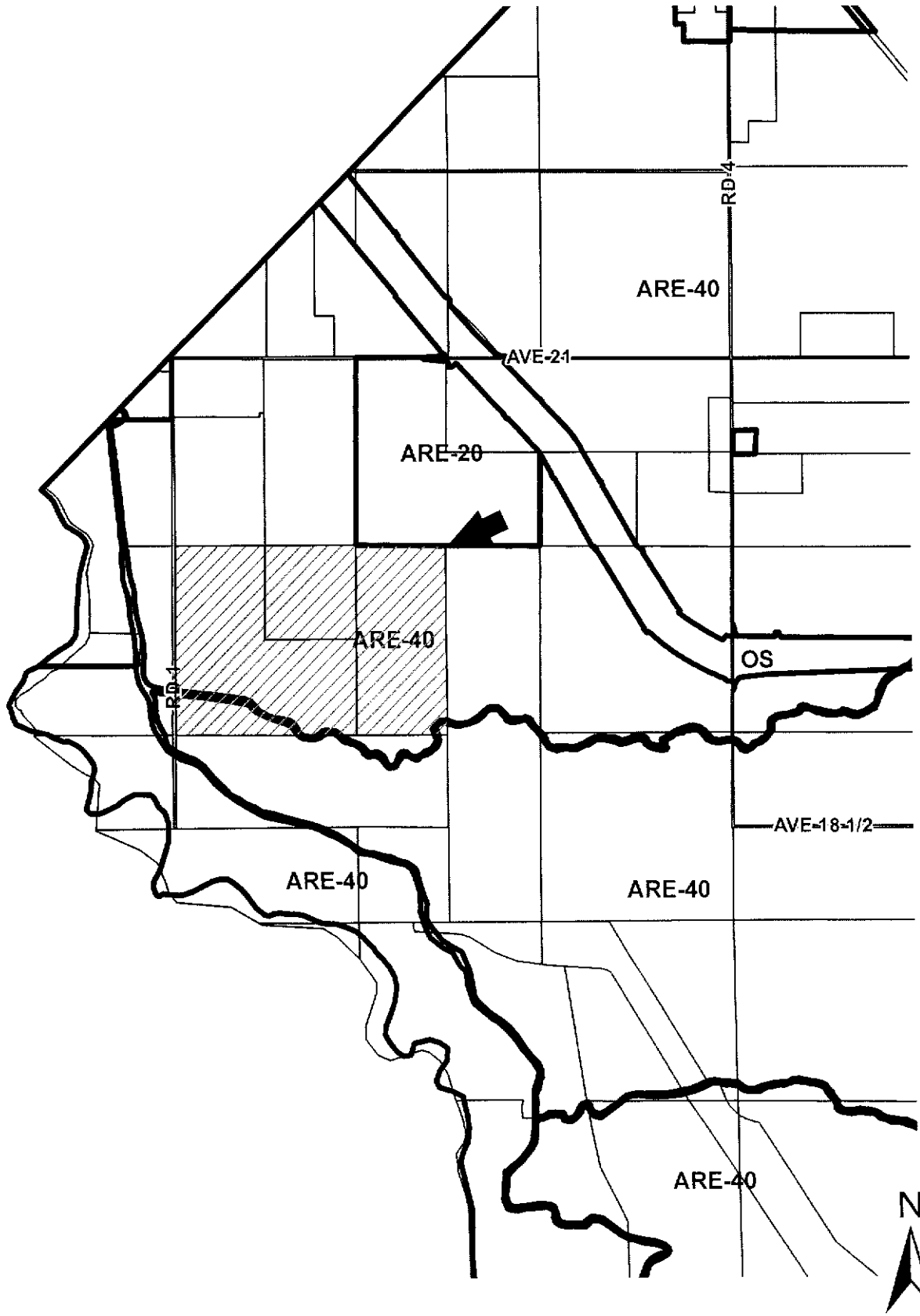
1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C-1 through C-2, Assessor's Map
4. Exhibit D-1 through D-5, Site Plan Map and Elevations
5. Exhibit E, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, Letter of Request for Time Extension
8. Exhibit H, Original Conditional Use Permit with Conditions of Approval
9. Exhibit I, Conditions of Approval Monitoring Program
10. Exhibit J, EIR Mitigations Monitoring Program

EXHIBIT A



GENERAL PLAN MAP

EXHIBIT B



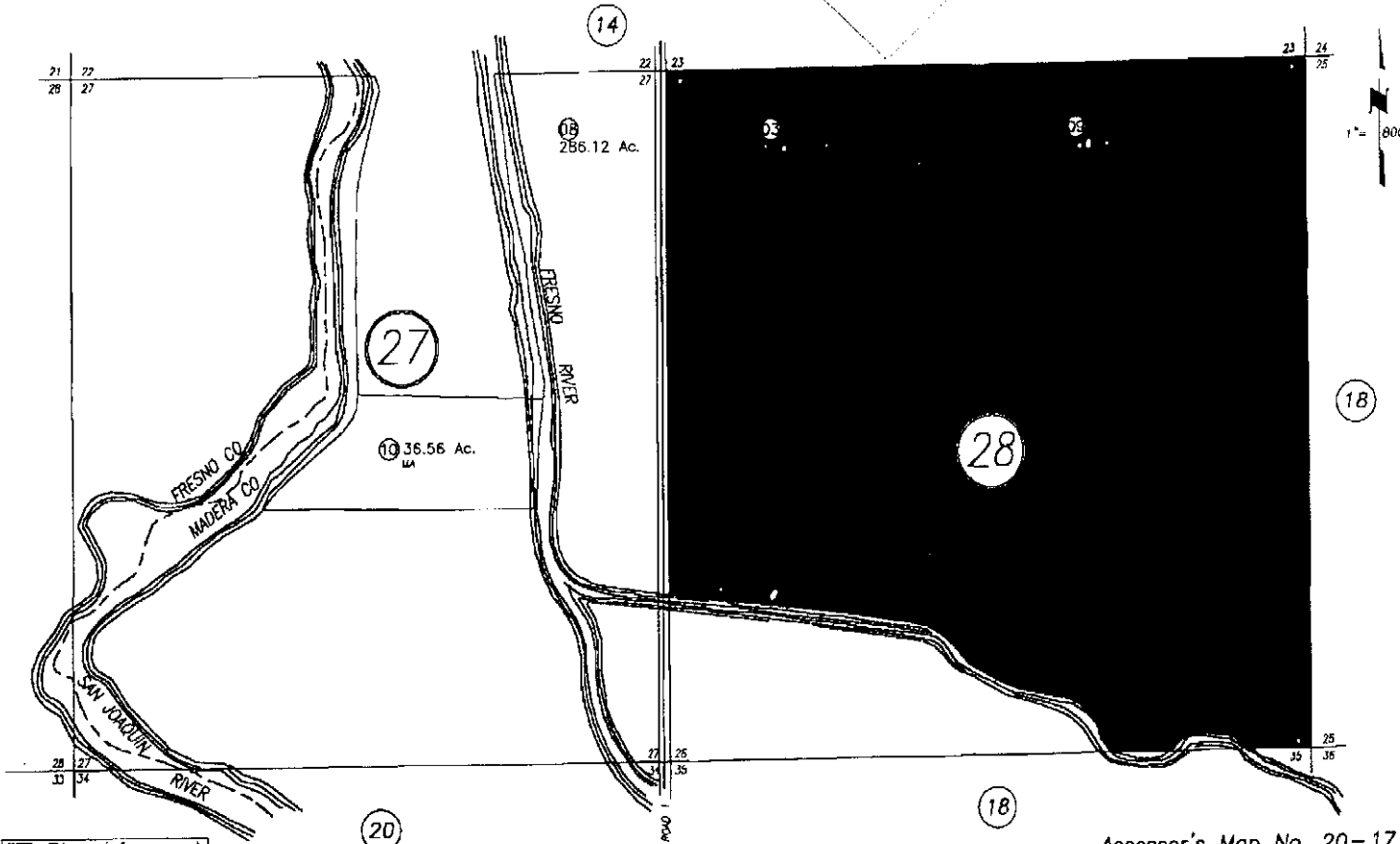
ZONING MAP

EXHIBIT C-1

ORIGINAL
IN BLUE

SEC. 26, 27 T.10S. R.13E. M.D.
CHOWCHILLA RANCH SUB NO. 1
VIX 3 PAGE 12

20-17
Tax Area Code
54-003



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

Assessor's Map No. 20-17
Alview Union - Alamo Division
County of Madera, Calif.

ASSESSOR'S MAP

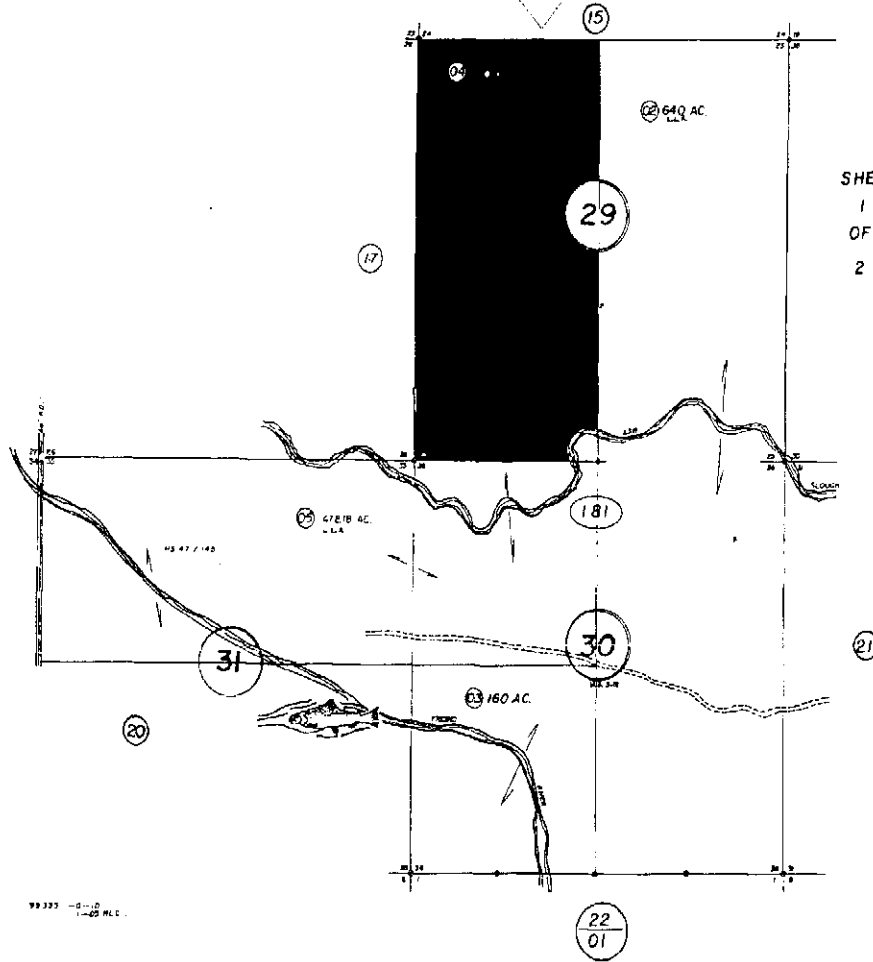
CHOWCHILLA RANGE JBD. NO. 5, SEC. 25 & 36, T.10S., R.13E.

20-18

SHEET 2 OF 2

T.R.A.54-003

SHEET
1
OF
2



ASSESSOR'S MAP NO. 20-18
SHEET 2 OF 2
ALVIEW UNION—ALAMO DIVISION
COUNTY OF MADERA, CA.
1990

EXHIBIT D-1

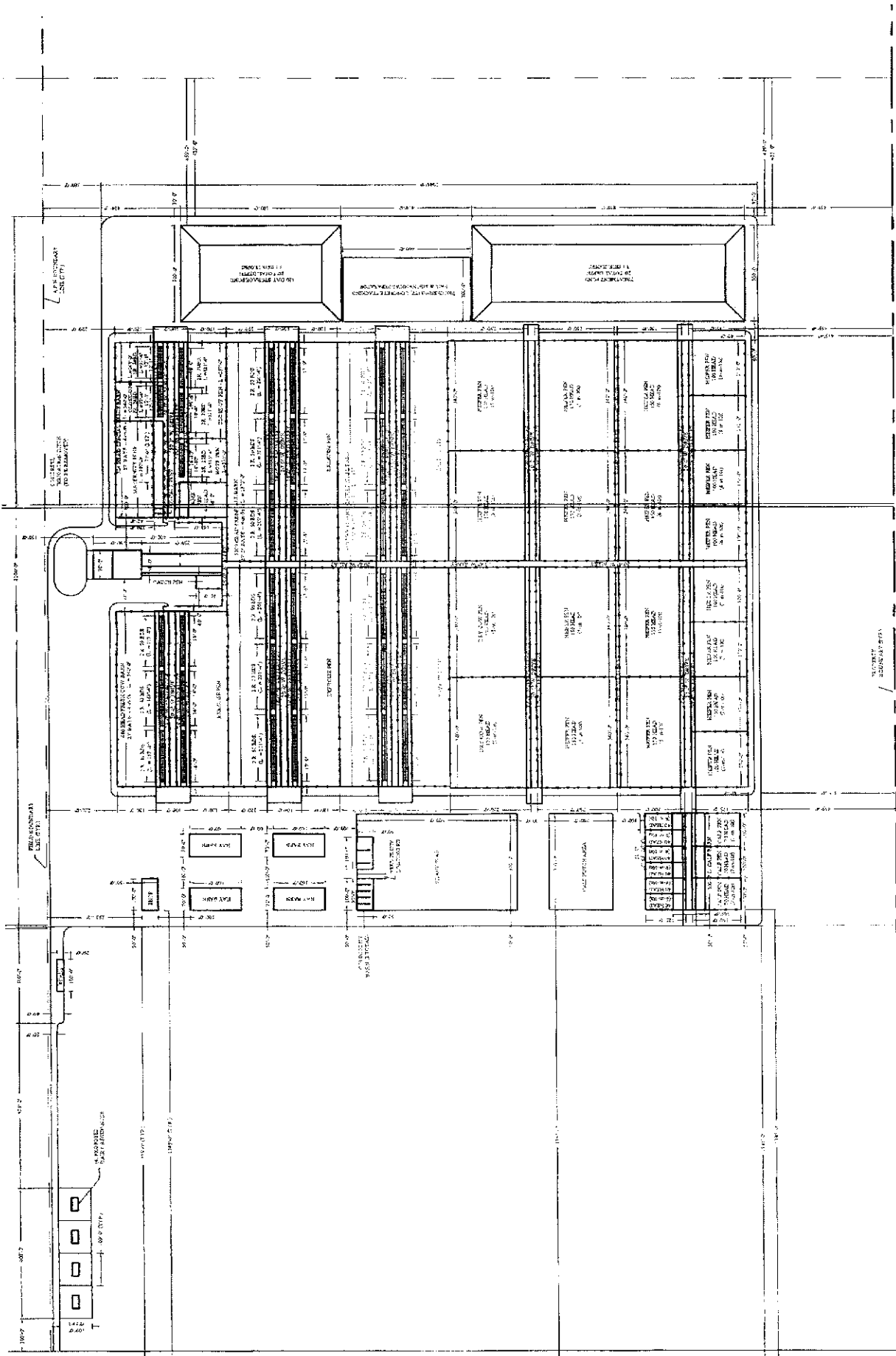
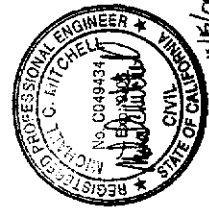


EXHIBIT D-2

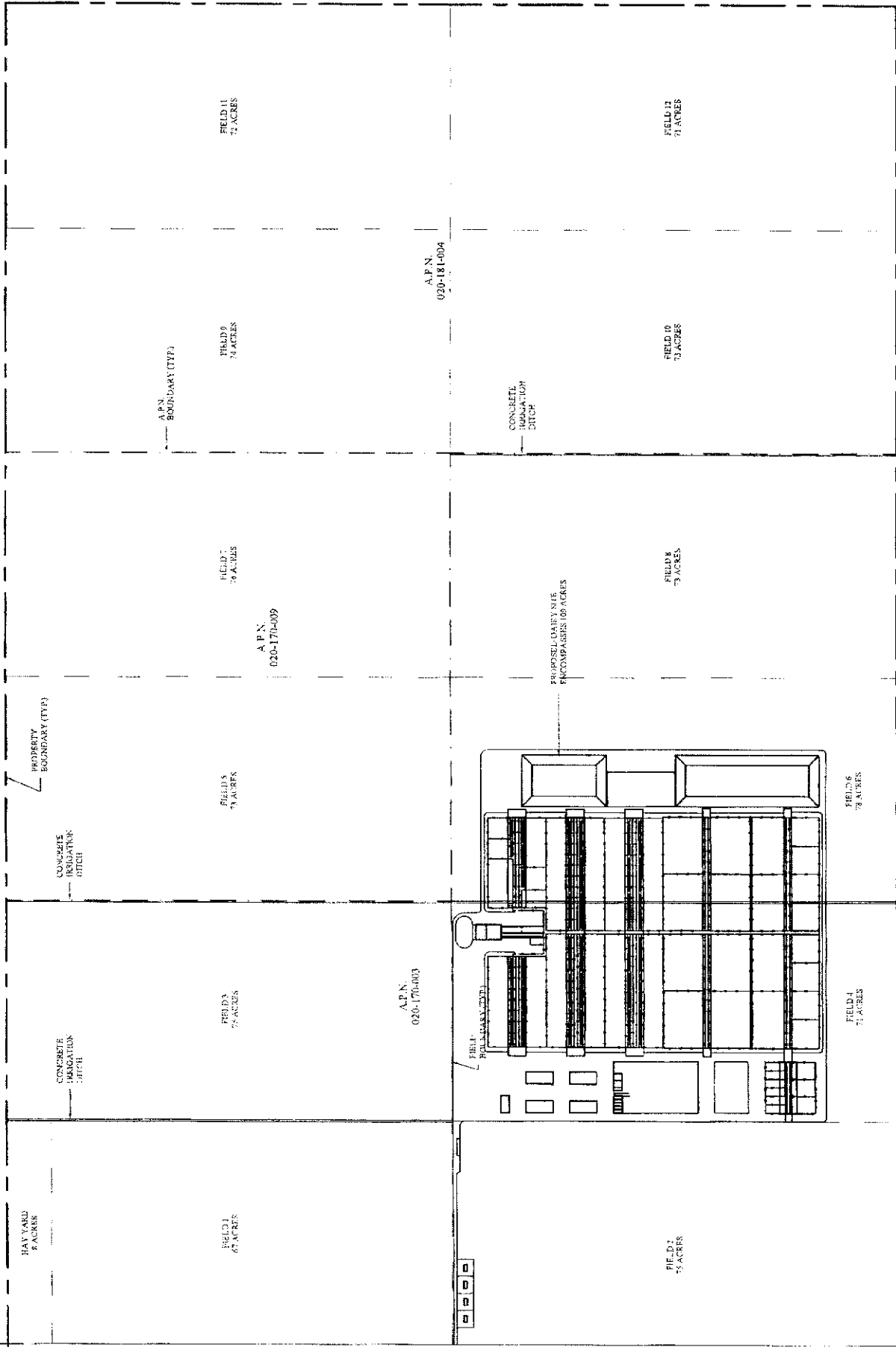
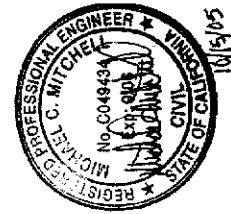
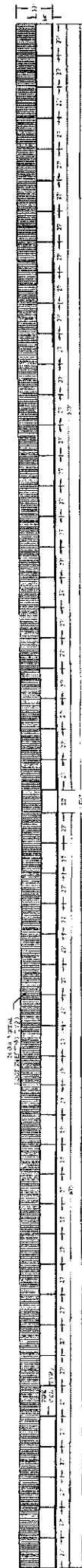


EXHIBIT D-3



SECTION THROUGH DAM WALL
AT TOE OF DAM



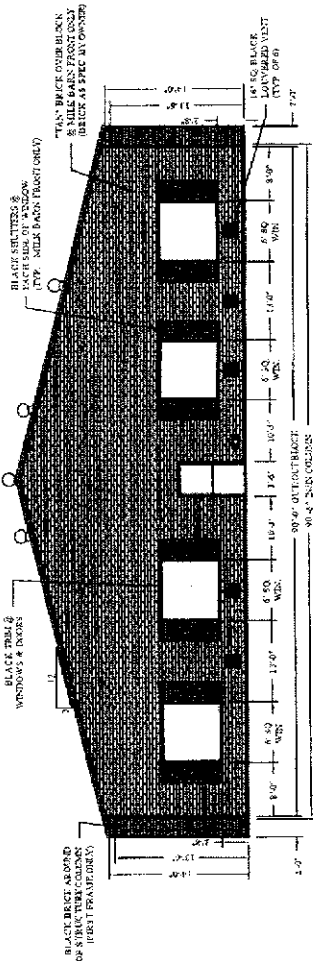
SECTION THROUGH DAM WALL
AT TOE OF DAM



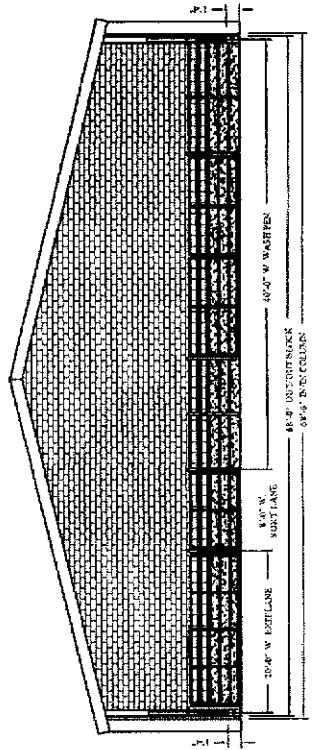
CROSS SECTION THROUGH DAM WALL
AT TOE OF DAM



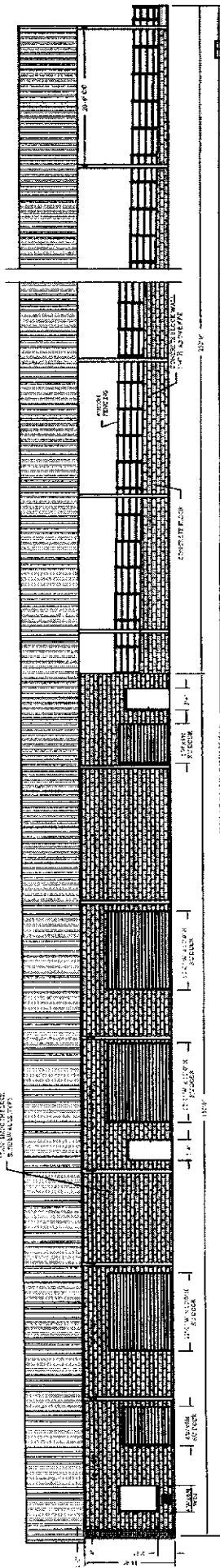
CROSS SECTION THROUGH DAM WALL
AT TOE OF DAM



KAMRUP MILK DASH - FRONT ELEVATION
10.1.1.1

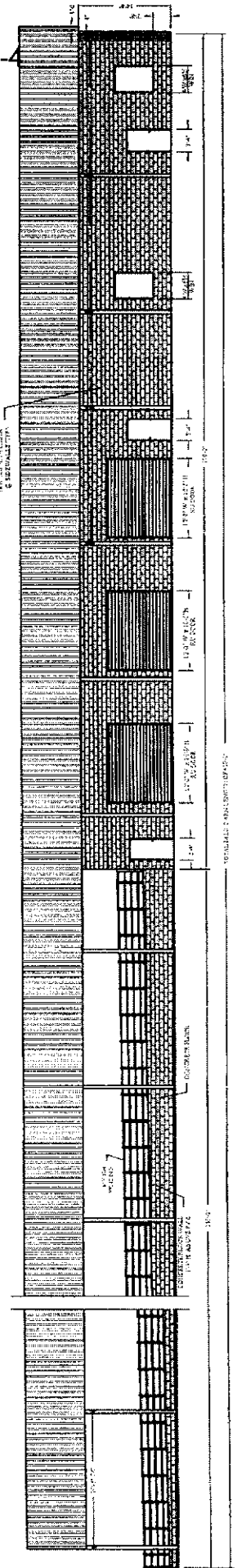


KAMRUP MILK DASH - SIDE ELEVATION
10.1.1.2



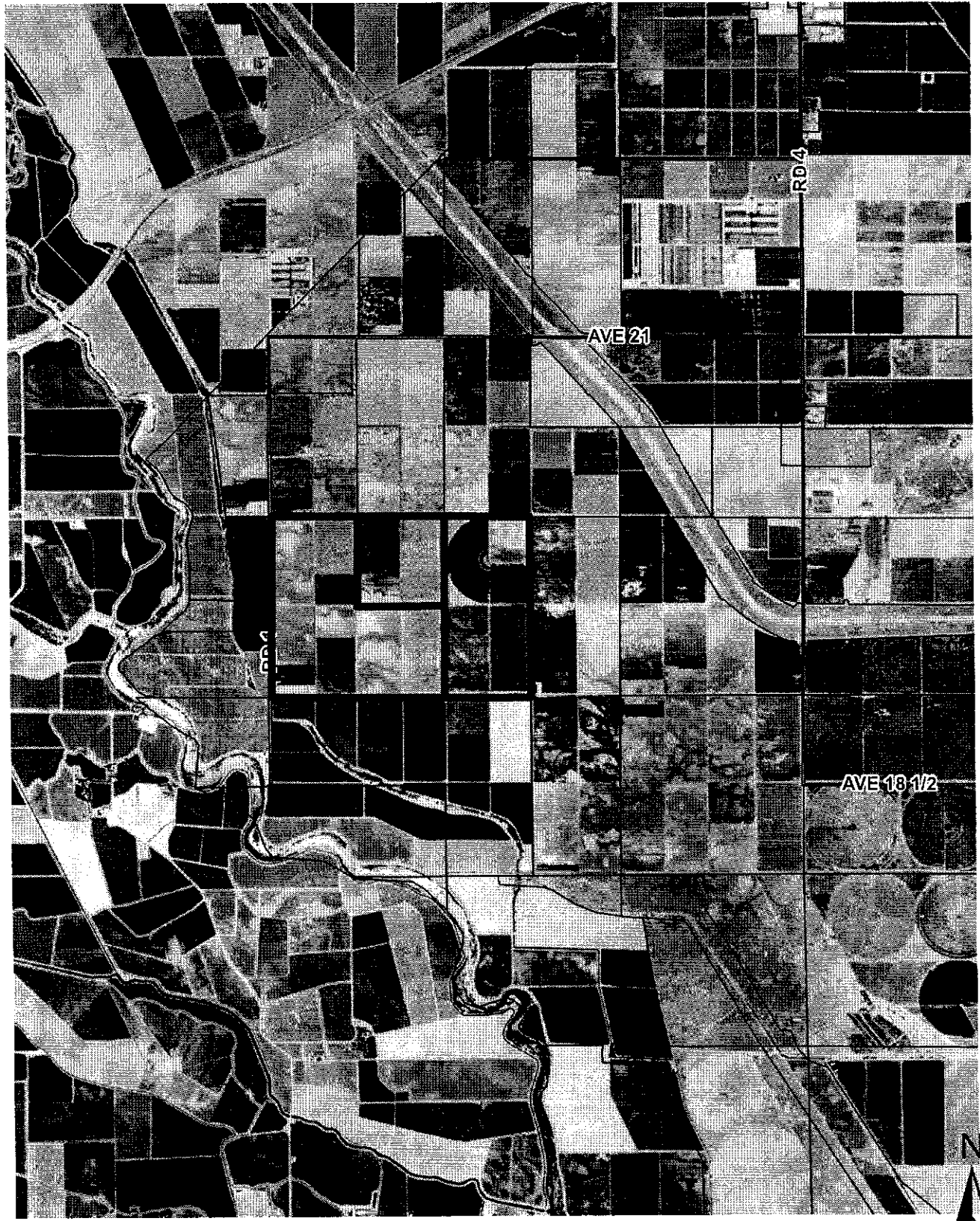
KAMRUP MILK DASH - REAR ELEVATION
10.1.1.3

EXHIBIT D-4

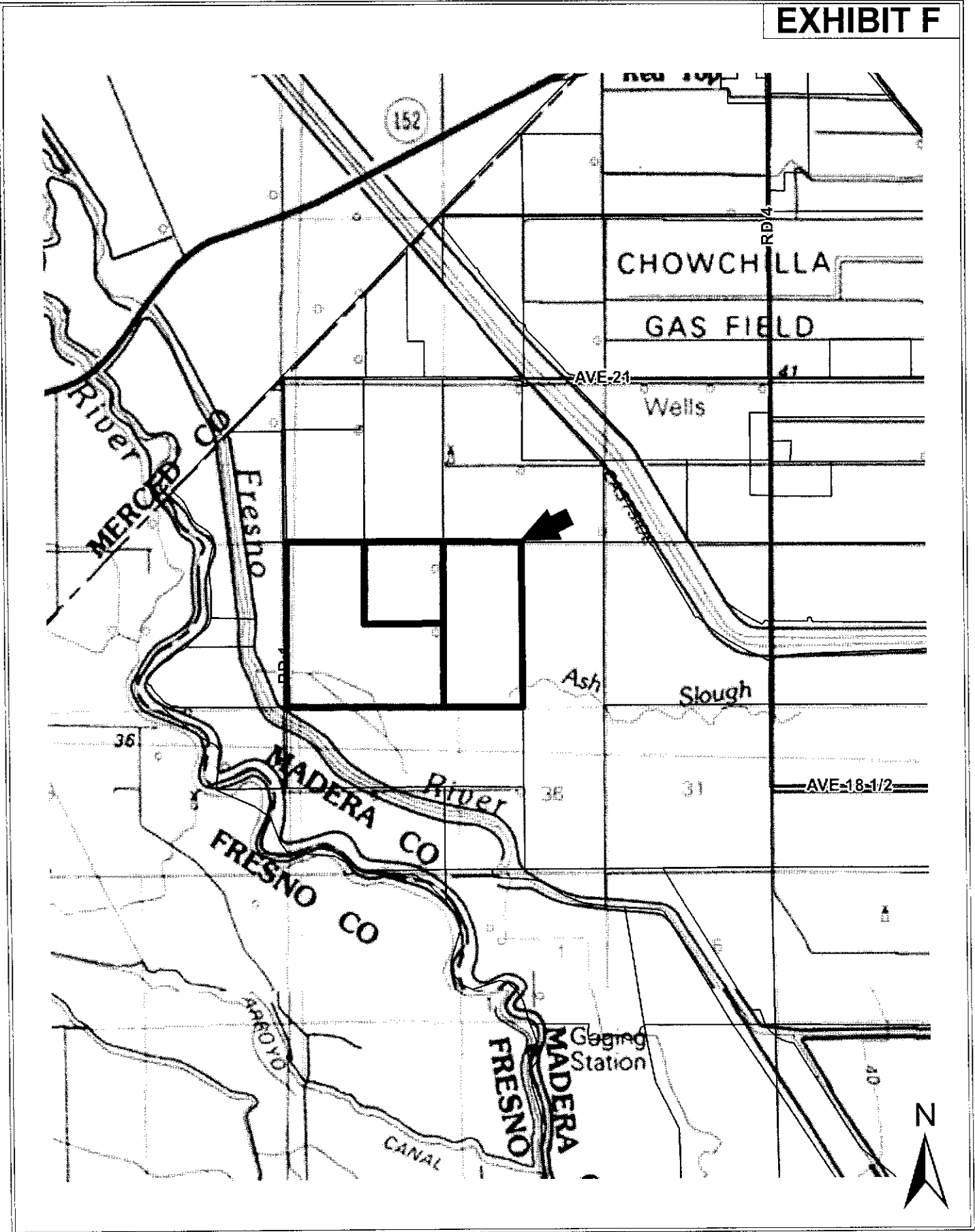


KAMRUP MILK DASH - FRONT ELEVATION
10.1.1.4

EXHIBIT E



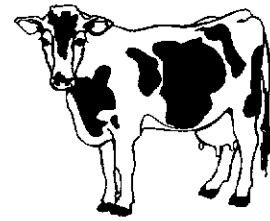
AERIAL MAP



TOPOGRAPHICAL MAP

Joe Soares Dairy

Joe & Teresa Soares, Owners
PO Box 189
Delhi, CA 95315



Home: (209) 634-1291 Office & Fax: (209) 634-4779

Madera County Planning
2037 W. Cleveland Ave
Madera, CA 93637

November 20, 2012

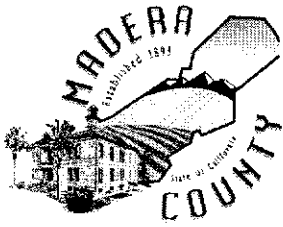
Robert Mansfield:

I would like to request a time extension on my CUP # 2005-037. Due to tough economic times we have not been able to begin construction.

Sincerely,

A handwritten signature in cursive script that reads "Joe Soares".

Joe Soares



RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

Rayburn Beach, Director

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Madera, CA
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PLANNING COMMISSION DATE: September 18, 2007

AGENDA ITEM: #6, 7, 8, 9 inclusive

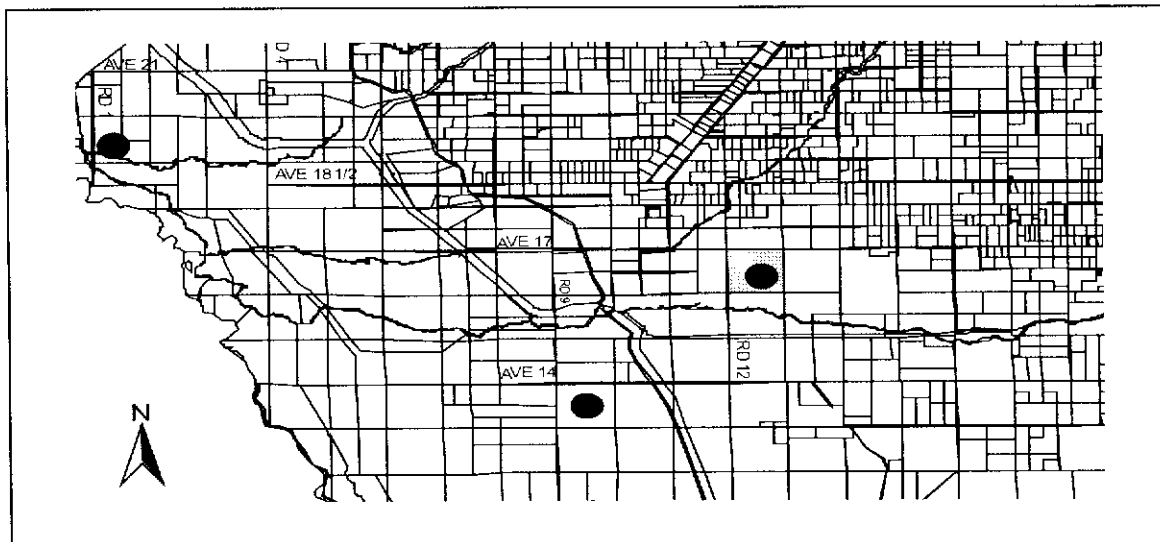
CUP	#2005-030, -031, -037	Tri-Dairies Environmental Impact Report and Conditional Use Permits to allow for three separate dairies.
APN	#043-081-001 #020-170-003 #023-210-001	Applicants/Owners: Larry Petrowski, Frank Borges, Jose Soares
CEQA	EIR	SCH #2006041163

REQUEST:

- (1) To approve and certify the Environmental Impact Report for the Tri-Dairies Conditional Use Permits; and (2) To approve three separate Conditional Use Permits.

LOCATION:

This project consists of three dairies, located west of Highway 99, South of Highway 152 in Western Madera County.



RECOMMENDATION:

Staff recommends: (1) approval and certification of the Tri-Dairy Environmental Impact Report; and (2) approval of the Conditional Use Permits.

EXHIBIT H

GENERAL PLAN DESIGNATION:

SITE:	AE	(Agricultural Exclusive)
SURROUNDING:	AE	(Agricultural Exclusive)
	OS	(Open Space)

ZONING:

SITE:	ARE-40	(Agricultural Rural Exclusive – 40 acre district)
SURROUNDING:	ARE-40	(Agricultural Rural Exclusive – 40 acre district)
	OS	(Open Space)

LAND USE:

SITE:	Vacant
SURROUNDING:	Agricultural

SIZE OF PROPERTY:

3,952 acres combined total

ACCESS:

Costa Pride (CUP #2005-030) will be off of Road 12 and Avenue 18
Borges (CUP #2005-031) will be off of Avenue 14
Soares (CUP #2005-037) will be off of Flanagan Road

Tri-Dairies EIR

BACKGROUND AND PRIOR ACTIONS:

Each of the dairies came to Madera County as a separate Conditional Use Permit in late 2005. After going to the Development Review Committee, it was determined that each would require an Environmental Impact Report. Shortly thereafter it was determined that since each would have similar issues, a combined Environmental Impact Report would be conducted.

On April 24, 2006 a Notice of Preparation was circulated for review and comment by interested parties, and responsible, trustee and local agencies.

A duly noticed scoping meeting was held on May 31, 2006.

A Notice of Availability of the Draft EIR was submitted on March 23, 2007 to the State Clearinghouse.

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Although under CEQA §15087(i), a lead agency is not required to have a public hearing regarding the Draft EIR, however a duly noticed public hearing on the Draft EIR was held on April 20, 2007. (§15087(i) "...Public hearings [on Draft EIR's] are...not required as an element of the CEQA process."

The 45-day comment period for the Draft EIR concluded on May 7, 2007.

On August 14, 2007, copies of the Final Environmental Impact Report were circulated to commenting individuals and agencies by the consultant. The State Clearinghouse does not require the Final EIR, only the Notice of Determination at the time of governing body decision.

ORDINANCES/POLICIES:

Section 18.04.025 of the Madera County Ordinance defines what an agriculturally related service is.

Section 18.58.010(c) (14) of the Madera County Zoning Ordinance allows dairies while requiring a Conditional Use Permit in the ARE-40 zones.

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

Section 18.102 of the Madera County Zoning Ordinance outlines the procedures of off street parking.

Part 1 of the Madera County General Plan outlines the AE zone designation

Sections 15060 to 15065 of the California Environmental Quality Act outline the preliminary review process for determining if an Environmental Impact Report is needed.

Section 15081 of the California Environmental Quality Act outlines how the decision to start an EIR begins.

Sections 15120 to 15132 of the California Environmental Quality Act outline the contents of an Environmental Impact Report.

Section 15090 through 15093 of the California Environmental Quality Act outlines the certification of the final Environmental Impact Report by a decision making body, findings to be made, approval, and statement of overriding consideration for the final Environmental Impact Report.

Section 15164 of the California Environmental Quality Act outlines addendums to the Environmental Impact Report.

PROJECT DESCRIPTION:

The Environmental Impact Report was developed in response to three separately filed Conditional Use Permits for dairy operations.

The applicants are requesting Conditional Use Permits to allow for dairies in the western portion of Madera County. The dairies will be independently constructed and operated from each other, and will be located west of State Highway 99 and south of State Highway 152 in the western portion of Madera County.

1) The Costa Pride Dairy (CUP #2005-030) will consist of approximately 11,400 total head of cattle.

2) The Borges dairy (CUP #2005-031) will be run as a dairy with approximately 7,491 head of cattle.

3) The Soares dairy (CUP #2005-037) will be run as a dairy with approximately 6,524 head of cattle

Each of these dairies will be run as separately owned and operated dairies.

ANALYSIS:

The project for which this Environmental Impact Report is written is the construction of three separate dairies, each of which will be located west of State Highway 99 and south of State Highway 152, in the western portion of Madera County. Each of the dairies submitted separate Conditional Use Permit applications for their operations.

It is the ultimate objective of the three dairies to build and operate three separate economically viable and competitive dairy facilities in compliance with appropriate regulations, optimally utilizing the available land resources and mitigating any environmental impacts to the extent feasible and as required under the California Environmental Quality Act (CEQA).

Conditional Use Permit #2005-30: This CUP was brought in by the Costa Pride Dairy, located south of Avenue 17 and east of Road 12, approximately 11 miles west of the City of Madera.

Conditional Use Permit #2005-31: This CUP was brought in by the Borges Dairy, located on the south side of Avenue 14 between Road 9 and the Chowchilla Canal, approximately 13 miles west of the City of Madera.

Conditional Use Permit #2005-37: This CUP was brought in by the Soares Dairy, located on Road 1 approximately 1.5 miles south of Avenue 21, approximately 15 miles southwest of Chowchilla.

The County of Madera Development Review Committee had determined that the EIR must be prepared for the proposed dairies. On April 24, 2006 a Notice of Preparation was circulated for review and comment by interested parties, responsible, trustee and

EXHIBIT H

local agencies. Copies of the NOP and comments received are a part of Appendix A of the EIR. A duly noticed scoping meeting was held on May 31, 2006. A Notice of Availability of the Draft EIR was submitted on March 23, 2007 to the State Clearinghouse, with a duly noticed public hearing on the Draft EIR on April 20, 2007. There was a mandated forty-five day comment period that concluded after the public hearing date. The 45-day comment period for the Draft EIR concluded on May 7, 2007. On August 14, 2007, copies of the Final Environmental Impact Report were circulated to commenting individuals and agencies by the consultant. The State Clearinghouse does not require the Final EIR to be filed with them, only the Notice of Determination at the time of governing body decision.

As provided for under CEQA §15063, the County recognized that an EIR would be required, therefore an initial study was not required or circulated with the Notice of Preparation.

California Environmental Quality Act Guidelines §15121(a) defines an EIR as an informational document that will "...inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project." Contrary to popular perception, CEQA's primary function is not to improve California's environment directly. CEQA does not usurp local authority over land use decisions or establish a state agency to enforce the law (Fulton, *California Guide to Planning*, 1999). Rather, CEQA's role is primarily informational, and sometimes is referred to as a "full disclosure law." By law, CEQA has four functions: (1) to inform decision-makers about significant environmental effects; (2) to identify ways environmental damage can be avoided; (3) to prevent avoidable environmental damage; and (4) to disclose to the public why a project is approved even if it leads to environmental damage.

This EIR evaluated: Air Quality, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Transportation/Traffic, Land Use and Cumulative Impacts.

The outline of the EIR is as follows:

Chapter One: Introduction and brief description of the project, delineates the procedures and methodologies for environmental evaluation, outlines the contents of the EIR, and lists agency action and permits required.

Chapter Two: Describes the project in greater detail and summarizes the general characteristics of the project location. The project's objects, setting and regulatory context are briefly presented.

Chapter Three: goes into subsections describing each environmental assessment. Each subsection follows the same pattern of: introduction, impact evaluation criteria, setting, impacts, conclusion, mitigation measures, effectiveness of measure, and implementation/monitoring.

Chapter Four: Describes and evaluates the alternatives to the proposed project. The proposed project is compared to each alternative.

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Chapter Five: Describes the cumulative impacts

Chapter Six: Evaluates or describes CEQA-required subject areas of growth inducement and significant environmental effects that cannot be avoided.

Chapter Seven: Provides a monitoring and reporting program that summarizes the environmental issues, the required mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

Appendices: several are available that contain the technical studies that were conducted for this project.

Some of the key issues evaluated in the EIR include:

Traffic

County road access to Costa Pride is via Road 18, a 22 foot wide surfaced minor road; to the Borges Dairy via Avenue 14, a paved two lane minor collector; to the Soares Dairy via Road 1, a 22 foot wide surfaced minor road. The Costa Pride dairy will generate approximately 41 passenger vehicle trips (employees, salesmen and visitors). This would result in approximately 82 passenger vehicle trips at the intersection of Road 12 and Avenue 18. At build out, it is anticipated to have approximately 58 business related trucks (half empty half full), netting an increase of 18 trucks from existing conditions.

The Borges Dairy will generate 22 passenger trips (employee, salesmen, and visitors), resulting in 44 round trips at the intersection of Avenue 14 and Road 16. They are also anticipating 40 truck trips per day (half empty, half full), a net increase of 12 truck trips per day.

The Soares Dairy will generate 19 passenger vehicles (employees, salesmen, and visitors), resulting in approximately 38 passenger vehicular trips at the intersection of Road 1 and Avenue 21. They are also anticipating 29 truck trips (half empty half full), a net increase of seven truck trips per day.

Existing traffic volumes on the county roads serving the projects are less than 300 vehicles per day. The project induced increase in traffic is not substantial with respect to increase in vehicle trips, volume to capacity ratio, or congestion at intersections.

The applicants will be required by Madera County as a condition of issuance of conditional use permits to enter into agreements with the County to partially fund, or share with the County in the funding of, access road improvements and maintenance.

Air Quality

The San Joaquin Valley PM-10 Attainment Demonstration Plan (PM-10 ADP) acknowledges that agricultural activities may represent a significant source of fugitive dust and supports continued research to characterize emissions from these activities. The PM-10 ADP recommends implementation of voluntary agricultural conservation practices. Certain aspects of the operations

EXHIBIT H

of dairies are covered under Regulation VIII PM-10 requirements.

In view of the relatively large project area (covering three dairies total), and projected intensity of dust-producing activities during construction, emissions generated during construction are deemed to constitute a significant impact. From the perspective of the SJVAPCD, compliance with Regulation VIII will constitute sufficient mitigation to reduce PM-10 impacts to a level of less than significant. Compliance with Regulation VIII is required by law.

Operational emissions of each dairy are similar, and will require mitigations in accordance with the EIR.

Biological Resources

A reconnaissance level study was conducted on each of the dairies in July and August of 2006. At the time, all three sites were planted in flood irrigated alfalfa; the Borges and Soares project sites had flood irrigated corn as well; and portions of the Costa Pride Farms project site were planted in dryland wheat. Surrounding land use for all three sites is rural agricultural. Costa Pride Farms project site is adjacent to the Fresno River which has been diverted and channelized and is disked to its margins.

A female blunt-nosed leopard lizard was found in the grazed grassland area adjacent to the north side of the Costa Pride Farms project. There is a remote possibility that this grassland habitat contains Fresno kangaroo rats. According to the EIR, repeated disking and cultivation and irrigation of the area make the habitat unsuitable for these species, however they could forage from adjacent grassland sites.

The Chowchilla Canal, an unlined canal, runs along the east side of the Borges Dairy project site. The Canal and associated grassland are known to be corridors for the San Joaquin Kit Fox and blunt nosed leopard lizard.

Cultural Resources

Cultural resource records searches for the Costa Pride and Borges Dairy sites were completed on August 22, 2006. According to this record search, there are no known cultural resources within the subject properties or within a ½ mile radius.

A records search was also conducted on August 22, 2006 for the Soares Dairy. While the search indicated that there were no known cultural resources on the project site, there are 2 recorded sites located within ½ mile radius of the site; both are prehistoric villages. There are mitigation measures for the Soares Dairy site that address this issue.

Water

Surface Waters

The Costa Pride Dairy project site is essentially level with slopes prior to agricultural land-leveling averaging five (5) feet per mile toward the west. The southern boundary of the project is adjacent to the Fresno River which flows into the Chowchilla Canal. The Flood Insurance Rate Map (FIRM) shows Costa Pride as being within the 100-year flood

EXHIBIT H

plane.

The Borges Dairy is also relatively level with slopes prior to agricultural land-leveling averaging five (5) feet per mile toward the west. The eastern boundary is adjacent to the Chowchilla Canal (aka Eastside Bypass). The FIRM shows the dairy to be within the 100-year flood plane.

The Soares Dairy is also relatively level with slopes prior to agricultural land-leveling averaging ten (10) feet per mile toward the west. It is ½ mile east of the San Joaquin River and 1 mile from the Eastside Bypass. It is within the 100-year flood zone.

The Flood Insurance Rate Maps define a 100-year flood zone as an area where base elevations and flood hazard factors have not been determined.

Groundwater

Project construction and operation will result in no violation of water quality standards or Waste Discharge requirements if impoundments are designed to preclude leakage to groundwater. Construction and operation of the dairies will not result in significant depletion of groundwater supplies.

Nitrogen and Salt loading issues

The project applicants have submitted Comprehensive Nutrient Management Plans (see Appendix H of the Draft Environmental Impact Report) which demonstrates that the proposed dairy facilities will, after offsite disposal of a portion of the corral-scraped and separator basin settled solid wastes, comply with nitrogen loading and salts loading groundwater protection requirements. Salts loadings have been calculated to be the constraint on onsite disposal for each dairy. The Regional Water Quality Control Board staff has indicated with respect to recent dairy projects (Westra Dairy, SCH 2000011046) that they will be utilizing data from a report prepared by the University of California Committee of Experts, published in 2005, "Managing Dairy Manure in the Central Valley of California" to determine crop irrigation and total land reuse requirements in consideration of new-dairy nitrogen and salts loadings; that nitrogen loadings rather than salts loadings may be a controlling factor. If so, the project applicants would be required by the Board to reduce herd size, to modify cropping patterns or herd management practices, or to demonstrate through operation monitoring that manure nitrogen application conforms to agronomic needs.

Land application of all "dry" manure generated on-site is not possible since the allowable uptake of salt would be exceeded. The nutrient management plans for the dairies (see Appendix H of the Draft Environmental Impact Report) indicates that approximately 8,421 total tons of "dry" manure must be transported to and utilized off-site.

Tailwater on the dairy sites is returned to the head of the irrigation system, preventing concentration of manure water/irrigation water.

Vector Generation

The generation and storage of manure, manure-water, animal feed and other organic

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materials at dairies present the possibility of increased vector activities. Mosquito and fly infestations can be observed at dairies, particularly at manure separation pits and lagoons that have not been properly maintained, and poorly managed feed areas.

The determination of whether there are cumulatively significant vector impacts is made by an analysis of the existing impacts in the area and whether or not the incremental contribution of vectors from the proposed project will result in a cumulatively significant impact. The commonly held belief is that nuisance flies will disperse from point of origin to approximately one-half mile. University of California Extension Specialists believe that a one-half mile separation between dairies and residences is sufficient to avoid a fly problem. It is acknowledged that flies do not disperse in a predictable pattern, and their dispersal destination locations are contingent on conditions being desirable for them. It is presumed that these locations are "stumbled upon" by chance, as varying factors are always in play (wind direction and speed, location desirability, etc.). Therefore it is with no certainty that flies found in one location can be traced back to a specific property, farm, or dairy operation.

The Madera County Mosquito and Vector Control District was consulted to determine if any fly complaints have been made at or regarding dairy facilities within a three-mile radius of the proposed dairy sites. The results indicated that there have been no complaints of flies in such dispersal areas.

Project Alternatives Discussion

As a procedure under the California Environmental Quality Act (CEQA), alternatives to the current project were evaluated. Such alternatives include: not doing the project, siting the project somewhere else, and doing a smaller facility (amongst other possible alternatives).

Among the factors that may be taken into account in addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations and jurisdictional boundaries. Another consideration is whether the project proponent owns, or can reasonably acquire, control or otherwise have access to alternative sites.

Several alternatives were eliminated as infeasible, including dairy designs, incorporating anaerobic and aerobic treatment systems and covered lagoons/separation basins, and out-of-the-Valley alternative locations. Per data collected and presented in the Tri-Dairies Environmental Impact Report, specifically in Section 3.3, the treatment system/covered lagoon dairy designs were eliminated due to their technical and economic infeasibility. Alternative sites outside the San Joaquin Valley were also eliminated, despite the fact that such siting might speculatively lessen effects of air emissions; these properties are outside the jurisdiction of the County and Valley agencies which have responsible-agency jurisdiction over the sites and are too far from the dairy proponents operational headquarters and supply distribution infrastructure. In addition, specific alternative sites in the San Joaquin Valley are, in general, not feasible because they are outside the ownership control of the project proponent and there would be no reduction in the identified significant effects.

Under CEQA §15126.6(e)(2), a "no project" alternative must be evaluated for any

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project. In a “no project” scenario, the proposed project(s) would not be built. The purpose of the “no project” alternative is to give the County the opportunity to compare, in this case, the impacts of approving the dairy versus the impacts of not approving it.

Under the “no project” scenario, the dairy facility would not be built. Given the existing zoning, value and location of the property, the land will continue to be used for intensive agricultural cultivation. The project site is currently General Plan designated Agricultural, and zoned as ARE-40 (Agricultural Rural Exclusive-40 acre district), which is exclusive to intensive and extensive agricultural operations.

Existing conditions and historic agricultural uses at the project site indicate that the most suitable future, non-dairy, agricultural use of the project site will be continued row and field crop production. The crops historically grown at the site (feed grain, alfalfa, cotton) would not typically support development of permanent, large, agricultural processing facilities. Although the choice of agricultural crops could change through time, dairy site soils and climatic conditions limit the potential for the planting of significantly different crops. Thus it is assumed that the “no project” alternative will not involve a significant change in the cultivation of existing row crops on the project site.

In comparison of environmental effects with those of the proposed project:

- Continued row and field crop production activities would have similar air emissions to those of existing conditions, replacing confined-animal related emissions from the row crop area. Construction emissions would be eliminated. Operational PM_{10} and $PM_{2.5}$ impacts could be diminished, depending on the type of crop that is planned and manner in which it is cultivated. Methane and ammonia, hydrogen/sulfide and other odors would be eliminated. Any avian and predator foraging habitat that is currently existing would remain.
- The possibility of contamination of groundwater from dairy operations would be replaced with those threats to groundwater that are routinely associated with traditional agriculture such as nitrates and pesticides. Air emissions relative to the use of chemicals, depending on the crops harvested, could be increased over those of the dairy. Also, depending on the types of crops harvested, could be increased over those of the dairy. There could also be a difference in the volume of traffic because of increased truck transport of crops to other locations and reductions in direct dairy-related employee and truck traffic. The potential for project-related air quality impacts to cause cumulative effects would be diminished.

The development of this project is not growth inducing in regards to population. This project is being placed in an area where the unemployment rate is estimated to be approximately 7%. With the Costa Pride and Soares dairies combined, they will contribute to an anticipated 79 year-round permanent employees. The Borges dairy has the potential of adding approximately 15-20 additional employees. No direct or indirect population or housing growth can be attributed to this project.

The dairy industry, including dairy farms and dairy products processing facilities accounts for a substantial positive economic impact in the eight-county region that is San Joaquin Valley. Madera County is ranked 13th in the nation for agricultural production, with a reported 2005 gross agricultural receipts of approximately \$1.1 billion. According to the Madera County Agricultural Commission, the value of milk production in 2005 was over \$184,000,000. In 2005, the California Department of Food and Agriculture listed Madera as one of the top 10 milk producing counties in California (coming in at #9).

Environmental Impact Report Process Summary

The Environmental Impact Report was prepared as a requirement for three separate Conditional Use Permits that came in for three separate dairies in Western Madera County.

Under CEQA guidelines §15060, Madera County reviewed the applications submitted for the entitlements and determined that each dairy would require an EIR. Due to their relative proximity to each other, and the fact that they would need to address similar concerns environmentally, a combined EIR was decided on.

Under CEQA guidelines §15082(a), after selecting a qualified Consultant, a Notice of Preparation was submitted to the Office of Planning and Research (State Clearinghouse). Under CEQA §15082(c)(2), a properly noticed Scoping meeting was held on May 31, 2006 at the Resource Management Agency conference room. Written comments were received from various commenting agencies including the Department of Fish and Game, Department of Water Resources, and others.

At the completion of the Draft EIR, under CEQA §15085(a), a notice of completion was sent to the Office of Planning and Research (State Clearinghouse). Under CEQA Guidelines §15087(a), a Notice of Availability was published in local newspapers. CEQA Guidelines §15085(i) does not require a public hearing on the Draft EIR, but Madera County Planning Department, in conjunction with the Consultant, held a duly noticed public meeting for the draft report on April 20, 2007, a couple weeks prior to the conclusion of the mandated 45-day comment period.

Under CEQA §15089, a Final EIR was prepared addressing comments that were received during the review period of the Draft. Responses and a copy of the Final EIR were sent to commenting agencies and individuals.

Under CEQA §15090, prior to any certification action related to the Final EIR, certain key points need to be addressed. The first step being that the final EIR has been completed per CEQA ordinance and guidelines. As has been noted in the above paragraphs, each step of the CEQA process for Environmental Impact Reports has been completed. The next step being that the final documents are to be delivered to the decision making body of the Lead Agency. With the delivery of this staff report, the final documents were included for the Planning Commission to review prior to the meeting in which this project is to be heard. The last step in the certification under §15090 is that the final EIR must reflect the Lead Agency's independent judgment and analysis. As the document was prepared by an outside Consultant, this requirement has been fulfilled.

Under CEQA §15091, the Planning Commission is required to make certain findings in regards to the environmental impacts prior to approving the projects for which the Environmental Impact Analysis prepared (in this case, the Conditional Use Permits for each of the dairies). These findings can be found in Exhibit B of this Staff Report.

Under CEQA §15092, indicates that once the Environmental Impact Report has been

certified, the projects can then be considered for approval. In addressing ~~Exhibit (A)~~ **EXHIBIT (A)** the Findings (Exhibit B) spell out that the impacts were eliminated or otherwise significantly lessened where feasible. In addressing any significant impacts that cannot be addressed under §15092(2)(A), subparagraph (B) allows for a Statement of Overriding Consideration to be approved (Exhibit D).

CEQA §15093 requires that the decision making body (the Planning Commission in this case) to balance the economic, social, technological and legal benefits of the project against the unavoidable risks. The final EIR for this project has proposed mitigation measures that will address these significant and unavoidable impacts, and the Planning Commission, by certifying the EIR, has adopted those mitigations and the mitigations monitoring program.

Despite the mitigation measures, there will still be significant and unavoidable impacts from the project; however this project will confer substantial benefits to the County and its residents. These benefits are spelled out in a Statement of Overriding Consideration. A Statement of Overriding Consideration is a written document indicating why the responsible agency is willing to accept each significant impact. Under CEQA Guidelines §15093(a), CEQA requires the decision making body to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable environmental effects, these effects may be considered "acceptable." In the case of the County of Madera, approval of this project will generate additional property tax revenue as well as allow for additional employment opportunities for the County.

It should be noted that a Statement of Overriding Consideration is not, nor is it a substitute for, a Notice of Determination. Mention of adoption of the Statement of Overriding Consideration must be noted in the Notice of Determination however.

Both a Statement of Overriding Consideration and Findings were prepared for the Environmental Impact Analysis and are included in the Attachments to this report.

As listed in Exhibit C of this Staff Report, there are mitigation measures as well as mitigation monitoring programs listed as produced by the Consultant. The dairies will be required to follow those mitigations and the monitoring program in addition to the conditions of approval for each of their Conditional Use Permits.

RECOMMENDATION

It is the recommendation of Staff that the Planning Commission approves and certifies the Tri-Dairies Environmental Impact Report as presented.

ADDENDUM

An addendum to the Tri-Dairies EIR (Exhibit F) was prepared pursuant to CEQA Guidelines §15164. This addendum is to move the Soares Dairy facility approximately 950 feet north of the location illustrated in Figure 2-9 in the Tri-Dairies Draft EIR.

County staff reviewed the requested relocation and determined that no changes to the EIR are necessary based upon regulations set forth in CEQA Guidelines §15162.

ADDENDUM RECOMMENDATION

It is the recommendation of Staff to approve the addendum as presented.

WILLIAMSON ACT:

The properties are in Williamson Act contracts.

GENERAL PLAN CONSISTENCY:

The general plan designates the sites as AE (Agricultural Exclusive). The properties are zoned ARE-40 (Agricultural Rural Exclusive – 40 acre district). Therefore, the proposed project is consistent with both the County’s Plans and Zoning Ordinance.

Conditional Use Permits

CUP #2005-030 (Costa Pride)

GENERAL PLAN DESIGNATION:

SITE:	AE	(Agricultural Exclusive)
SURROUNDING:	AE	(Agricultural Exclusive)

ZONING:

SITE:	ARE-40	(Agricultural Rural Exclusive – 40 acre district)
SURROUNDING:	ARE-40	(Agricultural Rural Exclusive – 40 acre district)

LAND USE:

SITE:	Vacant
SURROUNDING:	Agricultural

SIZE OF PROPERTY:

1,783 acres

ACCESS:

Will be off of Road 12 and Avenue 18

ORDINANCES/POLICIES:

EXHIBIT H

Section 18.04.025 of the Madera County Ordinance defines what an agriculturally related service is.

Section 18.58.010(c) (14) of the Madera County Zoning Ordinance allows dairies while requiring a Conditional Use Permit in the ARE-40 zones.

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

Section 18.102 of the Madera County Zoning Ordinance outlines the procedures of off street parking.

PROJECT LOCATION:

The project is located on the south east corner of Avenue 17 and Road 12.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit to allow for a dairy to be located on a property that is zone ARE-40 (Agricultural Rural Exclusive – 40 Acre district). The dairy will be constructed and operated by Costa Pride Dairies on a 1,783-acre project site located on the south east corner of Avenue 17 and Road 12, approximately 11 miles from the City of Madera. The dairy facilities themselves will be located on a 196-acre portion of the property. The remaining portion of the property includes 1,523 acres of net farmable land and 64 acres for farm roads, irrigation facilities and water well sites.

Costa Pride Dairy is proposing to run its operations with a total of 11,400 cattle. This will include 5,000 Holstein milk cows, supported by 1,000 dry cows, 2,700 heifers (12-24 months of age), 2,025 heifers (3-11 months of age) and 675 calves (less than 3 months of age). This will total 12,062 animal units. An animal unit is calculated on animal unit equivalents of a 1,000-pound milk cow times a factor that is determined by the California Regional Water Quality Control Board. These factors are: 1.40 for milk cows; 1.12 for dry cows and bred heifers; 1.02 for heifers (1 to 2 years); 0.49 for heifers (3 months to 1 year); and 0.29 for calves (those under 3 months of age).

ANALYSIS:

The applicant originally applied under the name of "Costa View Farms." He later indicated he did not wish to confuse this project with another farm owned by family members known as "Costa View Farms." The applicant subsequently requested this project be referred to as "Costa Pride Dairy." The Costa Pride Dairy intends to develop an 11,400 cattle dairy located south of Avenue 17 and east of Road 12 in Madera County. This project also includes parcels with the following APN numbers: 023-220-001, 023-260-002, 023-270-001, 043-041-003, 043-043-003 and 043-045-006.

The operation itself will produce Grade A milk onsite and have it transported off site for processing. It intends to have year-round employment of approximately 65 employees.

The 1,783-acre project area includes the 196-acre dairy facility site and 1,523-acres of net farmable land. The remaining 64 acres contain farm roads, irrigation facilities and water well sites. The project site is essentially level, with slopes prior to agricultural land-leveling averaging 5 feet to the mile toward the west. The southern boundary of the project site is adjacent to the Fresno River, a channelized streambed that flows into the

Chowchilla Canal located approximately one mile to the west.

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There will be approximately 5,000 Holstein milk cows along with 1,000 dry cows, 2,700 heifers (12-24 months), 2,025 heifers (3-11 months) and 675 calves (<3 months).

The dairy is designed to maximize the available land for the production of feed to meet the dairy's forage needs, thereby minimizing the necessity for imported feed. A substantial percentage of the forage feed – corn and wheat – will be produced on agricultural land at the project site. All fields have return water facilities. The remainder of the forage feed, and feed concentrate, will be imported to the site from outside sources. The feed will be stored in feed barns and on a concrete pad.

Utilization of manure water will provide necessary nutrients for on-site feed production and reduce the need for groundwater usage for irrigation.

The structures that will be constructed for the facility (barns, freestalls, etc.) will be constructed with metal framing. Each milking cow will be provided an individual bedded-stall in the freestall structure. The milking cows are generally kept in the stalls except when they are walked to the milking barn, located near the center of the dairy facility site, on concrete walk lanes three times a day.

The floors of the freestalls will be concrete. Curbs will separate the feed lane from the freestalls in order to facilitate flushing and enclose feed. All dairy facilities areas will be sloped to prevent ponding of water and to divert and convey rainfall runoff to the storage lagoons. At maximum design dairy operations, approximately 2,051 tons per year of manure will be hauled offsite and sold as a fertilizer and soil amendment.

Meetings with Provost and Prichard Engineers were conducted with the Madera County Roads Department and the applicant to discuss needed road improvements in the area of dairy facilities. The conditions listed under Roads Department in the "Conditions" portion for this Conditional Use Permit are the result of those meetings.

The determination of whether there are cumulatively significant vector impacts is made by an analysis of the existing impacts in the area and whether or not the incremental contribution of vectors from the proposed project will result in a cumulatively significant impact. The commonly held belief is that dairy flies will disperse up to only one-half mile from point of origin. University of California Extension Specialists believes that a half mile separation between dairies and residences is sufficient to avoid a fly problem (Kern County Dairy Technical Advisory Committee, 1999). The experts tend to agree that there is no way to determine which direction nuisance flies will disperse, or under what conditions they find certain areas desirable for their needs. With that in mind, flies found on one property cannot reliably be attributed to an adjacent dairy or agricultural use.

Also based on dairy facility locations, design and operation considerations of the project being consistent with the University of California Cooperation Extension Guidelines, as well as compliance with the Madera County Interim Dairy Development Standards and policies and the mitigation measures imposed by such standards, cumulative fly impacts will be less than significant.

The Madera County Mosquito and Vector Control District was consulted to determine if any fly complaints have been made at or regarding dairy facilities within a three-mile radius of the proposed dairy sites. The results indicate that there have been no complaints of flies in such dispersal areas (Steve Dillahunity, Source Reduction Officer, Madera County Mosquito and Vector Control District).

The Flood Insurance Rate Map (FIRM) shows Costa Pride as being within the 100-year

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flood plane. The southern boundary of the project site is adjacent to the Fresno River, a channelized streambed that flows into the Chowchilla Canal located approximately one mile away. Enhanced levees are adjacent to the property lines. The dairy operation as designed will not alter or redirect existing surface drainage patterns. Levees do exist in the vicinity of the project. Conditions of approval for this project require that any enhancement to those levees not impede the flow of surface drainage upstream. The applicant (Costa Pride) has raised the height of their levee, leaving the opposite side slightly lower in height. The applicant must either lower their levee height to previous levels; conduct a hydrology study justifying the change in height, or work to increase the height of both sides of the levee. A supplement to that requirement is that adjoining property owners, having an interest in preventing flooding, shall agree to assist Costa Pride in maintaining the levees. In the event that adjoining property owners fail to assist in this process, Costa Pride is relieved of this requirement.

The hydrological report associated with the Environmental Impact Report for this project, states the groundwater evaluation for the proposed site was conducted as a part of the geotechnical investigation report. Groundwater was not encountered during drilling of depths up to 51.5 feet. Information from the California Department of Water Resources (DWR) indicates that the groundwater depth has been greater than 35 feet for over 20 years. Well data for a well located approximately 0.3 miles to the southeast shows that the highest recorded groundwater occurred in 1999 at an elevation of 40.1 below surface grade.

Current groundwater quality of the proposed dairy project site was assessed from water samples taken from 3 of the 4 wells on-site. Water quality analysis for general minerals and nitrate compounds indicate that the groundwater meets the Primary and Secondary Water Quality Standards.

Odors from raising livestock are exempt from direct regulation by the local air quality jurisdiction under California state law [California Health and Safety Code §41705(a)]. Odor formation and transport from dairy operations -- corrals, lagoons, and freestalls -- is a complex process.

Prevailing winds is toward the southeast based on Fresno Yosemite International Airport rose records.

Factors which impact the analysis of the significance of odor impacts include the influence of the proposed dairy's modern design incorporating concrete-base, flushed, freestalls and walk lanes and water drainage to separator facilities, together with operational mitigation measures for other impacts resulting in odor reduction as a supplemental benefit.

It should be noted that at the time of the writing of the Environmental Impact Report there were no odor complaints filed with the Madera County Environmental Health Department or with the San Joaquin Valley Air Pollution Control District.

The dairy industry, including dairy farms and dairy products processing facilities, account for a substantial positive economic impact in the eight-county region that is San Joaquin Valley. Madera County is ranked 13th in the nation for agricultural production, with a reported 2005 gross agricultural receipts of approximately \$1.1 billion. According to the Madera County Agricultural Commission, the value of milk production in 2005 was over \$184,000,000. In 2005, the California Department of Food and Agriculture listed Madera as one of the top 10 milk producing counties in California (coming in at #9).

FINDINGS:

The following findings of fact must be made by the Planning Commission to grant approval of a conditional use permit application. Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance in that the zoning administrator has determined that pursuant to Section 18.58.010 (c)(14) of the Madera County Zoning Ordinance, dairies are permitted in this zone district with a Conditional Use Permit.*
2. *The proposed project is not contrary to the public health, safety, or general welfare in that the proposed dairies in no way compromises public health, safety or general welfare. The proposed dairy will be all new construction, which enables the applicant to incorporate the latest technologies in waste/nutrient management. Sufficient acres have been obtained to handle both solid and liquid manure, therefore the dairy will be self-sufficient. Although the EIR prepared for this project goes into more detail, based upon the employment and economic benefits of the project, as well as the integration of state of the art technologies for animal care and rural recycling, the proposed project does not anticipate being contrary to the public health, safety or general welfare of the County of Madera.*
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors. The new dairy will not be hazardous, harmful, noxious, offensive or a nuisance because of noise, dust, smoke, odor or glare. The facilities are located in an area of the county most compatible with the surrounding agricultural uses. Based upon environmental documents for projects of a similar size and nature in other counties, it is anticipated that all potential impacts related to noise, dust, smoke, odor or glare will be less than significant as a result of the projects design features. The environmental impact report further analyzes these conditions.*
4. *The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability. The proposed project will not cause an adverse effect upon property values or the general desirability of that area of the County. The dairy will create additional demand for locally grown crops, which may increase the value of surrounding properties. In addition, the new dairy will provide year round jobs as opposed to seasonal, which can attract reliable and stable workers and families to the community. Studies prepared and evidence submitted in counties such as Tulare and Kings County for both individual dairy projects and general planning documents related to the permitting and siting of dairies have demonstrated that dairies have a substantial and positive impact on property values both in terms of land use, property tax revenue as a result of construction costs, and the involvement of dairy families in the community.*

WILLIAMSON ACT:

The property is subject to the Williamson Act.

GENERAL PLAN CONSISTENCY:

The general plan designates the site as AE (Agricultural Exclusive). The property is zoned ARE-40 (Agricultural Rural Exclusive – 40 acre district). Therefore, the proposed

project is consistent with both the County's Plans and Zoning Ordinance. **EXHIBIT H**

CONDITIONS:

Environmental Committee

1. None

Road Department (Exhibit K)

1. As a condition of approval, the applicant shall reconstruct Road 12 from the north property line (Avenue 17 alignment) or the last driveway accessing onto a County Road, whichever is farthest, to Avenue 18 to a Class III roadway standard. The shoulders on both sides of said road shall be a minimum of 4 (four) feet and shall be treated with a dust palliative to meet minimum air quality standards (EIR).
2. As a condition of approval, the applicant shall enter into a maintenance agreement with the County to maintain and treat the 4 (four) foot shoulder on both sides of Road 12 from Avenue 17 alignment to Avenue 18. The control measures to stabilize visible dust emissions for unpaved shoulders is as follows: washed gravel; suppressants in accordance with the manufacturer's specifications; roadmix; paving; or any other method that effectively limits the visible dust emissions (VDE) to 20% opacity (the degree to which a substance is opaque) and meets the conditions of a stabilized unpaved shoulder. An Encroachment permit will be issued to applicant for the long range maintenance of said shoulders. (EIR).
3. As a condition of approval, the applicant shall repair / construct Road 12 from Avenue 18 to Avenue 18 ½ as proposed by the applicant's Engineering firm via an email attachment dated May 16, 2007. (EIR).
4. As a condition of approval, the applicant shall construct the driveway access per County standards. Paved tapers shall meet the Rural Commercial Driveway Standard as set by Caltrans.
5. All road improvements shall be completed and accepted by County prior to opening day. (EIR).
6. Prior to issuance of the Conditional Use Permit, the applicant shall offer for dedication the alignments for Avenue 17 as specified above. The offers of dedication will be 60 feet in width. This will include an off site offer of dedication. This will be used for future road purposes (General Plan Goal 2.A.9).
7. Prior to the issuance of the Certificate of Acceptability, the applicant shall provide an offer of dedication to Madera County, for the alignments of Road 12 from the intersection with Road 18 to the most southerly property boundary of this project, 60 feet in width. This will include an off site offer of dedication. The offer will be used for road purposes (General Plan Goal 2.A.9, MCC 17.32.020.D).
8. All roads will be designed to meet AASHTO and / or CALTRANS standards (MCC 17.32.010, 17.32.020).
9. Prior to any construction, the plans, profiles and specifications of all road improvements will be filed with the planning department and shall be approved by the County Road Commissioner. These shall include full details of the proposed improvements (MCC 17.44.030).

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10. The design and construction of all roads and road appurtenances will be the responsibility of the developer, who will employ a California registered civil engineer and / or a California registered land surveyor to do all survey work and a California registered civil engineer to do all road and road appurtenance design, construction supervision and inspection (MCC 17.32.050).
 11. Prior to the issuance of the Certificate of Acceptability, the developer must either construct or post security to construct at a later date all roads and related improvements as noted above. Where road construction is proposed with an existing public right of way, the developer will apply for Encroachment and/or Construction Permits at the Road Department. Prior to any construction, these permits must be approved by the Road Department. The application materials for these permits will include a plan and profile for all proposed road structure, or related improvements drawn to a scale and approved by the Road Department, copies of R value tests, calculations of storm drainage facilities, calculations of cut and fill, and an engineer's cost estimate. These plans shall include: Existing and proposed property lines, topographical contours at intervals approved by the Road Department, existing fences, building and any infrastructure, existing tree drip lines and the identification of all types of trees, a vicinity map, typical cross sections and construction details, proposed improvements and any other information deemed appropriate by the Road Department (MCC 17.32.040, ST-2, ST-25.1, ST-26.1, and ST-27.5).
 12. Upon completion of all construction, documentation of all road and road appurtenance construction will include: a written statement, signed and stamped by a California registered Civil Engineer, attesting to the fact that the road and all road appurtenances were designed and constructed in accordance with county code and adopted standards. Copies of the compaction tests and inspection logs and reproducible as-built plans, signed and stamped by the California registered Civil Engineer (MCC 17.32.060).
 13. All construction documentation must be submitted for review and approved by the Road Department prior to the recordation of the Final Map except when a bond or other acceptable form of security is offered. When the Board of Supervisors accepts such security in order to defer construction, construction documentation will be submitted for review and approval to the Road Department 30-days following construction completion.
 14. As a condition of approval of the Conditional Use Permit, the applicant shall pay for the fabrication and installation of any and all necessary signage (MCC 11.04.220.D)

Fire Department

1. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing California Fire Code requirements and all applicable statutes, codes and ordinances.
2. In areas without water serving utilities, the fire protection water system shall be based on NFPA 1231 and be operational prior to framing. Location of water storage tank and hydrants if required are to be reviewed and approved by the Madera County Fire Department prior to installation.
3. Prior to framing construction occurring, all flammable vegetation shall be removed from each building site a minimum distance of thirty (30) feet from any flammable

building material, including finished structure.

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4. Fire apparatus access roads required for this project per CFC 901 & 902.
5. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length.
6. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor, visible from the ground and as identified in the Uniform Fire Code.
7. Fire extinguishers are required in accordance with California Fire Code Standard 10-1.

Engineering Department

1. None

Planning Department

1. Applicant shall ensure that all levees are balanced (equal in height on both sides of the water way) so as not to create increased flooding issues in the area. The applicant (Costa Pride) has raised the height of his levee, leaving the opposite side slightly lower in height. The applicant must either lower his levee height to previous levels; conduct a hydrology study justifying the change in height, or work to increase the height of both sides of the levee.
 - a. Should adjoining property owners not assist in balancing the levees in the area, the applicant is relieved of this condition.
2. In no case shall enhanced levees constrain sheet flows upstream.
3. All lighting shall be hooded and directed away from habitats and neighbors.
4. Applicant shall adhere to mitigations and mitigations monitoring listed in the Environmental Impact Report.

Environmental Health Department

1. None

CUP #2005-031 (Borges Dairy)

GENERAL PLAN DESIGNATION:

SITE:	AE	(Agricultural Exclusive)
SURROUNDING:	AE	(Agricultural Exclusive)
	OS	(Open Space)

ZONING:

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SITE:	ARE-40	(Agricultural Rural Exclusive 40 acre district)
SURROUNDING:	ARE-40	(Agricultural Rural Exclusive – 40 acre district)
	OS	(Open Space)

LAND USE:

SITE:	Vacant
SURROUNDING:	Agricultural

SIZE OF PROPERTY:

1,213 acres

ACCESS:

Will be off of Avenue 14

ORDINANCES/POLICIES:

Section 18.04.025 of the Madera County Ordinance defines what an agriculturally related service is.

Section 18.58.010(c) (14) of the Madera County Zoning Ordinance allows dairies while requiring a Conditional Use Permit in the ARE-40 zones.

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

Section 18.102 of the Madera County Zoning Ordinance outlines the procedures of off street parking.

Part 1 of the Madera County General Plan outlines the AE zone designation

PROJECT LOCATION:

On the south side of Avenue 14 between Road 9 and the Chowchilla Canal, approximately 13 miles west of the City of Madera.

PROJECT DESCRIPTION:

This Conditional Use Permit is for the establishment of a new 3,180 Holstein milk cow dairy. The milk cow herd will be supported by 636 dry and bred cows, 2,100 heifers (12-24 months), 1,458 heifers (3-11 months) and 117 calves (less than 3 months). The dairy will have a total of 8,055 animal units. An animal unit is calculated on animal unit equivalents of a 1,000-pound milk cow times a factor that is determined by the California Regional Water Quality Control Board. These factors are: 1.40 for milk cows; 1.12 for dry cows and bred heifers; 1.02 for heifers (1 to 2 years); 0.49 for heifers (3 months to 1 year); and 0.29 for calves (those under 3 months of age).

The complete dairy operation (facilities and supporting crop) will be on 1,213 acres, of which the dairy facilities occupy 147 acres.

The project anticipates the production of approximately 26,000 gallons of raw milk per day to be transported off-site for processing. **EXHIBIT H**

This project also includes parcels identified by parcel numbers 043-083-001 & 002, 043-091-004 & 005.

ANALYSIS:

The operation will consist of approximately 3,180 milking cows. The milking cows will be supported by 636 dry and bred cows, 2,100 heifers (12-24 months), 1,458 heifers (3-11 months) and 117 calves (less than 3 months). The facility will include a 147-acre dairy facility site, a 972-acre net farmable land and the remaining 94 acres will be used for farm roads, irrigation facilities and water well sites. The business will produce raw milk for offsite processing. It is anticipated that approximately 26,000 gallons of raw milk will be produced on a daily basis.

The dairy is designed to maximize the available land for the production of feed to meet the dairy's forage needs, thereby minimizing the necessity for imported feed. Utilization of manure water will provide necessary nutrients for on-site feed production and reduce the need for groundwater usage for irrigation.

A substantial percentage of the forage feed – corn and wheat – will be produced on agricultural land at the project site. All fields have return water facilities. The remainder of the forage feed, and feed concentrate, will be imported to the site from outside sources. The feed will be stored in feed barns and on a concrete pad.

The structures that will be constructed for the facility (barns, freestalls, etc.) will be constructed with metal framing. Each milking cow will be provided an individual bedded-stall in the freestall structure. The milking cows are generally kept in the stalls except when they are walked to the milking barn, located near the center of the dairy facility site, on concrete walk lanes three times a day.

The floors of the freestalls will be concrete. Curbs will separate the feed lane from the freestalls in order to facilitate flushing and enclose feed. All dairy facilities areas will be sloped to prevent ponding of water and to divert and convey rainfall runoff to the storage lagoons. At maximum design dairy operations, approximately 2,051 tons per year of manure will be hauled offsite and sold as a fertilizer and soil amendment.

Two of the parcels are within the Williamson Act.

The determination of whether there are cumulatively significant vector impacts is made by an analysis of the existing impacts in the area and whether or not the incremental contribution of vectors from the proposed project will result in a cumulatively significant impact. The commonly held belief is that dairy flies will disperse up to only one-half mile from point of origin. University of California Extension Specialists believes that a half mile separation between dairies and residences is sufficient to avoid a fly problem (Kern County Dairy Technical Advisory Committee, 1999). The experts tend to agree that there is no way to determine which direction nuisance flies will disperse, or under what conditions they find certain areas desirable for their needs. With that in mind, flies found on one property cannot reliably be attributed to an adjacent dairy or agricultural use.

Also based on dairy facility locations, design and operation considerations of the project being consistent with the University of California Cooperation Extension Guidelines, as well as compliance with the Madera County Interim Dairy Development Standards and policies and the mitigation measures imposed by such standards, cumulative fly impacts

will be less than significant.

EXHIBIT H

The Madera County Mosquito and Vector Control District was consulted to determine if any fly complaints have been made at or regarding dairy facilities within a three-mile radius of the proposed dairy sites. The results indicate that there have been no complaints of flies in such dispersal areas (Steve Dillahunity, Source Reduction Officer, Madera County Mosquito and Vector Control District).

Odors from raising livestock are exempt from direct regulation by the local air quality jurisdiction under California state law [California Health and Safety Code §41705(a)]. Odor formation and transport from dairy operations -- corrals, lagoons, and freestalls -- is a complex process.

Prevailing winds is toward the southeast based on Fresno Yosemite International Airport rose records.

Factors which impact the analysis of the significance of odor impacts include the influence of the proposed dairy's modern design incorporating concrete-base, flushed, freestalls and walk lanes and water drainage to separator facilities, together with operational mitigation measures for other impacts resulting in odor reduction as a supplemental benefit.

It should be noted that at the time of the writing of the Environmental Impact Report there were no odor complaints filed with the Madera County Environmental Health Department or with the San Joaquin Valley Air Pollution Control District.

The hydrologic report for this dairy indicates that the depth of groundwater has been typically greater than 40 feet for the last 20 years. Of the seventeen (17) wells located in the vicinity of the project, two were within a ½ mile radius of the proposed storage lagoons. Well data for the first of these two indicates that the highest level recorded was in 1984 at 12.6 feet below surface grade. In 1998, the depth was approximately 41 feet below surface grade. In 2001, the level was at 17.8 feet below surface grade.

The dairy industry, including dairy farms and dairy products processing facilities, accounts for a substantial positive economic impact in the eight-county region that is San Joaquin Valley. Madera County is ranked 13th in the nation for agricultural production, with a reported 2005 gross agricultural receipts of approximately \$1.1 billion. According to the Madera County Agricultural Commission, the value of milk production in 2005 was over \$184,000,000. In 2005, the California Department of Food and Agriculture listed Madera as one of the top 10 milk producing counties in California (coming in at #9).

FINDINGS:

The following findings of fact must be made by the Planning Commission to grant approval of a conditional use permit application. Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance* in that the zoning administrator has determined that pursuant to Section 18.58.010 (c)(14) of the Madera County Zoning Ordinance, dairies are permitted in this zone district with a Conditional Use Permit.
2. *The proposed project is not contrary to the public health, safety, or general welfare* in that the proposed dairies in no way compromises public health, safety or general

welfare. The proposed dairy facility will be all new construction, which enables us to incorporate the latest technologies in waste/nutrient management. Sufficient acres have been obtained to handle both solid and liquid manure, therefore the dairy facility will be self-contained. The waste water storage for the facility will be sufficiently designed to be protected from stream channel overflows during 100 year peak flows, and retain all wastewater generated, together with precipitation during a 25-year 24-hour storm event. As such, the water can be held in storage and applied at the recommended agronomic rates when the crops need it. The water distribution system for the farm is designed such that any water running off of a field during irrigation would be recycled to irrigate another field, not allowing any water to leave the property. The groundwater depth is approximately 50 feet below the surface, and a monitoring program has been designed to ensure that the proper amounts of nutrients are applied in a manner that does not result in unreasonable impact to the beneficial uses of groundwater or cause harm to public health.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors.* The new dairy will not be hazardous, harmful, noxious, offensive or a nuisance because of noise, dust, smoke, odor or glare. The facilities are located in an area of the county most compatible with the surrounding agricultural uses. The dairy will be maintained in a neat and orderly manner, with landscaping around the front and perimeter of the facility. Roads around the dairy will be cement, asphalt, or crushed rock to reduce dust. The dairy has been sited so that prevailing winds blow away from any close neighbors. Odors, noise, dust and vector plans will be implemented to reduce the inherent potential inconveniences and discomforts associated with the dairy operations.
4. *The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability.* The proposed project will not cause an adverse effect upon property values or the general desirability of that area of the County. The new dairy facility will create additional demand for locally grown crops, which may increase the value of surrounding properties. In addition, the new dairy will provide year round jobs as opposed to seasonal, which can attract reliable and stable workers and families to the community. The new dairy facility is located in an agricultural area, which fits in with the surrounding land use.

WILLIAMSON ACT:

The property is subject to the Williamson Act.

GENERAL PLAN CONSISTENCY:

The general plan designates the site as AE (Agricultural Exclusive). The property is zoned ARE-40 (Agricultural Rural Exclusive – 40 acre district). Therefore, the proposed project is consistent with both the County's Plans and Zoning Ordinance.

CONDITIONS:

Environmental Committee

1. None

Road Department

1. Prior to the issuance of the Certificate of Acceptability, the applicant will hire a

California Registered Civil Engineer to prepare a traffic analysis and mitigation (if necessary). Any road construction recommended by the project engineer and approved by the Road Commissioner will be constructed to meet all current standards. The study will be based upon, but not limited to, the analysis outlined.

EXHIBIT H

2. Prior to the issuance of the Conditional Use Permit, the applicant will hire a California Registered Civil Engineer to supervise a pavement deflection test or an equivalent test as determined by the applicant's engineer, on those roads impacted by this project. The applicant shall mitigate all deficiencies as are recommended by the project engineer and approved by the Road Commissioner.
3. Prior to issuance of the Certificate of Acceptability, the applicant will pay for the fabrication and installation of all appropriate signage.
4. Prior to any construction, all road plans will be approved by the Road Department and all road design will meet current standards.

Fire Department

1. A site visit is required PRIOR to the release of the CUP to verify the fire department water storage tank requirement and accessibility.
2. A street address shall be posted with a minimum of three (3) inch numbers with a ½-inch stroke at the residence. Posted numbers shall contrast with the background, be reflective, and shall be legible from the street in accordance with the Uniform Fire Code.
3. Driveways must be an all-weather surface capable of supporting a 40,000-pound apparatus with a surface that provides traction in all weather. The driveway will require a compaction test. Must have a minimum compaction of 90% ad for flood zones a minimum compaction of 95%.
4. Per Madera County Hazard Abatement Ordinance 448B, a minimum 30 feet disc line is required around ALL improvements. This includes structures, fences, trees, shrubs, mobile homes, LPG and other fuel tanks, driveways, animal shelters, and parking areas. The plow down shall be done before May 1st of every year and maintained through out the fire season.

Engineering Department

1. Prior to any grading or ground disturbance, the applicant shall have a drainage, grading and erosion control plan prepared by a Licensed Civil Engineer and submitted to the Department of Engineering. The grading plan is required to identify on-site detention for all increased runoff. No increased runoff shall be allowed onto adjacent properties. Holding facilities shall be designed by a registered civil engineer and capable of detaining a 100-year 48-hour rainfall event. If the area to be disturbed exceeds 1 acre, a notice of intent is required to be obtained from NPDES, and a SWPPP needs to be developed for the site prior to a grading permit being issued. Outside work will not be permitted where possible contamination of runoff can occur due to oils or other chemicals.

2. Prior to start of any construction, the applicant shall secure a Building ~~Exam~~ **EXHIBIT H** with the Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the Title 24 California Building Codes (Uniform Building Code, Uniform Fire Code, National Electrical Code, Uniform Plumbing, Uniform Mechanical Code, and with the California Amendments). All buildings and support structures shall be designed to meet the proposed occupancy. The applicant is required to call the Building Department for the required building inspections.

Planning Department

1. Applicant shall ensure that all levies are balanced so as not to create increased flooding issues in the area.
 - a. Should adjoining property owners not assist in balancing the levies in the area, the applicant is relieved of this requirement.
2. In no case shall enhanced levies constrain sheet flows upstream.
3. All lighting shall be hooded and directed away from habitats and neighbors.
4. Applicant shall adhere to mitigations and mitigations monitoring listed in the Environmental Impact Report.

Environmental Health Department

1. None

CUP #2005-037 (Soares Dairy)

GENERAL PLAN DESIGNATION:

SITE:	AE	(Agricultural Exclusive)
SURROUNDING:	AE	(Agricultural Exclusive)
	OS	(Open Space)

ZONING:

EXHIBIT H

SITE: ARE-40 (Agricultural Rural Exclusive – 40 acre district)

SURROUNDING: ARE-40 (Agricultural Rural Exclusive – 40 acre district)
OS (Open Space)

LAND USE:

SITE: Vacant

SURROUNDING: Agricultural

SIZE OF PROPERTY:

956 acres

ACCESS:

Will be off of Flanagan Road

ORDINANCES/POLICIES:

Section 18.04.025 of the Madera County Ordinance defines what an agriculturally related service is.

Section 18.58.010(c) (14) of the Madera County Zoning Ordinance allows dairies while requiring a Conditional Use Permit in the ARE-40 zones.

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

Section 18.102 of the Madera County Zoning Ordinance outlines the procedures of off street parking.

Part 1 of the Madera County General Plan outlines the AE zone designation

PROJECT LOCATION:

Located on Road 1 approximately 1.5 miles south of Avenue 21, approximately 15 miles southwest of the City of Chowchilla.

PROJECT DESCRIPTION:

This Conditional Use Permit is for the construction and operation of a new 2, 880 Holstein milk cow dairy. In addition to the milk cows, there will be 664 dry cows, 1,643 heifers (12-24 months), 1,077 heifers (3-11 months), and 260 calves (under 3 months). The dairy will have a total of 7,055 animal units. An animal unit is calculated on animal unit equivalents of a 1,000-pound milk cow times a factor that is determined by the California Regional Water Quality Control Board. These factors are: 1.40 for milk cows;

1.12 for dry cows and bred heifers; 1.02 for heifers (1 to 2 years); 0.49 for heifers (3 to 11 months to 1 year); and 0.29 for calves (those under 3 months of age). EXHIBIT H

ANALYSIS:

The dairy will have 2,880 Holstein dairy cows, supported by 664 dry cows, 1,280 heifers (12-24 months), 1,100 heifers (3-11 months), and 600 calves (<3 months). The 956-acre project site includes the 109-acre dairy facility site, and 769 acres of net farmable land. The remaining 78 acres will contain farm roads, irrigation facilities, and water well sites. The business will produce raw milk for offsite processing. There are currently two employees, but once operations begin, there will be approximately 15 to 20 employees.

The dairy is designed to maximize the available land for the production of feed to meet the dairy's forage needs, thereby minimizing the necessity for imported feed. Utilization of manure water will provide necessary nutrients for on-site feed production and reduce the need for groundwater usage for irrigation.

A substantial percentage of the forage feed – corn and wheat – will be produced on agricultural land at the project site. All fields have return water facilities. The remainder of the forage feed, and feed concentrate, will be imported to the site from outside sources. The feed will be stored in feed barns and on a concrete pad.

The structures that will be constructed for the facility (barns, freestalls, etc.) will be constructed with metal framing. Each milking cow will be provided an individual bedded-stall in the freestall structure. The milking cows are generally kept in the stalls except when they are walked to the milking barn, located near the center of the dairy facility site, on concrete walk lanes three times a day.

The floors of the freestalls will be concrete. Curbs will separate the feed lane from the freestalls in order to facilitate flushing and enclose feed. All dairy facilities areas will be sloped to prevent ponding of water and to divert and convey rainfall runoff to the storage lagoons. At maximum design dairy operations, approximately 2,051 tons per year of manure will be hauled offsite and sold as a fertilizer and soil amendment.

All three parcels associated with the dairy operation are within the Williamson Act.

Odors from raising livestock are exempt from direct regulation by the local air quality jurisdiction under California state law [California Health and Safety Code §41705(a)]. Odor formation and transport from dairy operations -- corrals, lagoons, and freestalls -- is a complex process.

Prevailing winds is toward the southeast based on Fresno Yosemite International Airport rose records.

Factors which impact the analysis of the significance of odor impacts include the influence of the proposed dairy's modern design incorporating concrete-base, flushed, freestalls and walk lanes and water drainage to separator facilities, together with operational mitigation measures for other impacts resulting in odor reduction as a supplemental benefit.

It should be noted that at the time of the writing of the Environmental Impact Report there were no odor complaints filed with the Madera County Environmental Health Department or with the San Joaquin Valley Air Pollution Control District.

The hydrologic report for this dairy indicates that groundwater depth has typically been greater than 15 feet over the last 20 years. The closest of 17 wells in the vicinity is

approximately 0.8 of a mile from the proposed storage lagoon. Well data ~~EXHIBIT~~ shows the highest recorded groundwater occurred in 1962 at an elevation of 4.2 feet below surface grade. The recent five year average has been 17.4 feet below surface grade, and the most recent 10 year average has been 20.2 feet below surface grade.

The dairy industry, including dairy farms and dairy products processing facilities, accounts for a substantial positive economic impact in the eight-county region that is San Joaquin Valley. Madera County is ranked 13th in the nation for agricultural production, with a reported 2005 gross agricultural receipts of approximately \$1.1 billion. According to the Madera County Agricultural Commission, the value of milk production in 2005 was over \$184,000,000. In 2005, the California Department of Food and Agriculture listed Madera as one of the top 10 milk producing counties in California (coming in at #9).

FINDINGS:

The following findings of fact must be made by the Planning Commission to grant approval of a conditional use permit application. Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance* in that the zoning administrator has determined that pursuant to Section 18.58.010 (c)(14) of the Madera County Zoning Ordinance, dairies are permitted in this zone district with a Conditional Use Permit.
2. *The proposed project is not contrary to the public health, safety, or general welfare* in that the proposed dairies in no way compromises public health, safety or general welfare. The proposed dairies will be all new construction, which enables the applicants to incorporate the latest technologies in waste/nutrient management.
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors.* The new dairies will not be hazardous, harmful, noxious, offensive or a nuisance because of noise, dust, smoke, odor or glare. The facilities are located in an area of the county most compatible with the surrounding agricultural uses.
4. *The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability.* The proposed project will not generate or utilize any products or chemicals that would be hazardous, harmful, noxious or offensive. With regards to nuisance issues, the following measures will be incorporated to mitigate the nuisances as much as possible
 - i. Typical dairy operations will not increase noise levels above the existing noise level generated by crop production.
 - ii. All primary ingress/egress routes on-site will be surfaced or treated to reduce dust levels. Cattle will be fed in a manner to minimize dust generation from open lot corrals.
 - iii. Nuisances created by smoke should not be a concern on a dairy facility.
 - iv. Odor will be controlled on the proposed facility through the design, construction and maintenance of the dairy flush and wastewater storage pond system. This facility will be smaller than other existing and proposed facilities in the area and should therefore generate fewer odors

than those facilities already in the area.

EXHIBIT H

- v. The facility will be a freestall dairy so most lighting will be within the freestall buildings. Limited lighting will be provided in the open lot corral, commodity, and transfer lane areas; however, this lighting will be shielded and directed away from the property boundaries.

WILLIAMSON ACT:

The property is subject to a Williamson Act contract.

GENERAL PLAN CONSISTENCY:

The general plan designates the site as AE (Agricultural Exclusive). The property is zoned ARE-40 (Agricultural Rural Exclusive – 40 acre district). Therefore, the proposed project is consistent with both the County's Plans and Zoning Ordinance.

CONDITIONS:

Environmental Committee

1. None

Road Department

1. Prior to the issuance of the Conditional Use Permit, the applicant will hire a California Registered Civil Engineer to prepare a traffic analysis and mitigation (if necessary). Any road construction recommended by the project engineer and approved by the Road Department and constructed to meet all current standards. The study will be based upon, but not limited to, the analysis.
2. Prior to the issuance of the Conditional Use Permit, the applicant will offer for dedication the alignments for Road 1 as specified. The offers of dedication will be 60 feet in width.
3. Prior to the issuance of the Certificate of Acceptability, the applicant will provide an offer of dedication to Madera County for the alignments of Avenue 21 from the intersection with Road 1 following the route chosen. This will include an off site offer of dedication. The offer will be used for road purposes.
4. Prior to issuance of the Conditional Use Permit, the applicant will pay for the fabrication and installation of all appropriate signage.
5. Prior to issuance of the Conditional Use Permit, the applicant shall construct (a) Road 1 from the intersection with Avenue 21 southerly to the furthest driveway; and (b) Any other roads deemed necessary by the traffic study.
6. All roads will be designed to meet AASHTO and/or CALTRANS standards.
7. Prior to any construction, the plans, profiles, and specifications of all road improvements will be filed with the planning department and shall be approved by the County Road Commissioner. These shall include full details of the proposed improvements.

- EXHIBIT H**
8. The design and construction of all roads and road appurtenances will be the responsibility of the developer, who will employ a California Registered Civil Engineer and/or a California Registered Land Surveyor to do all the survey work, and a California Registered Civil Engineer to do all road and road appurtenance design, construction supervision and inspection.
 9. Prior to the issuance of the Certificate of Acceptability, the developer must either construct or post security to construct at a later date all roads and related improvements as noted above. Where road construction is proposed within an existing public right of way, the developer will apply for Encroachment and/or Construction Permits at the Road Department. Prior to any construction, these permits must be approved by the Road Department. The application materials for these permits will include a plan and profile for all proposed road structure, or related improvements drawn to a scale and approved by the Road Department, copies of R value tests, calculations of storm drainage facilities, calculations of cut and fill, and an engineer's cost estimate. These plans will include: existing and proposed property lines, topographical contours at intervals approved by the Road Department, existing fences, building and any infrastructure, existing tree drip lines and the identification and type of trees, a vicinity map, typical cross sections and construction details, proposed improvements and any other information deemed appropriate by the Road Department.
 10. Upon completion of all construction, documentation of all road and road appurtenance construction will include: a written statement, signed and stamped by a California Registered Civil Engineer, attesting to the fact that the road and all road appurtenances were designed and constructed in accordance with county code and adopted standards. Copies of compaction tests and inspection logs and reproducible as-built plans, signed and stamped by the California Registered Civil Engineer.
 11. All construction documentation must be submitted for review and approved by the Road Department prior to the recordation of the Final Map except when a bond or other acceptable form of security is offered. When the Board of Supervisors accepts such security in order to defer construction, construction documentation will be submitted for review and approval to the Road Department 30 days following construction completion.
 12. As a condition of approval of the Conditional Use Permit, the applicant will pay for the fabrication and installation of any and all necessary signage.
 13. Prior to the issuance of the Conditional Use Permit, the applicant will submit for review some provision for maintenance of the roads within the project.

Fire Department

1. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing California Fire Code requirements and all applicable statutes, codes and ordinances.
2. In areas without water serving utilities, the fire protection water system shall be based on NFPA 1231 and be operational prior to framing. Location of water storage tank and hydrants if needed are to be reviewed and approved by the Madera County Fire Department prior to installation.
3. Prior to any framing construction, all flammable vegetation shall be removed from

each building site to a minimum distance of thirty (30) feet from any fire hazard building material, including finished structures. EXHIBIT H

4. Fire apparatus access roads required for this project per CFC 901 & 902.
5. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length.
6. The street address shall be posted with a minimum of three (3) inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code (901 CFC).
7. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester visible from the ground and as identified in the California Fire Code (1109.7 CFC).
8. Fire extinguishers are required in accordance with California Fire Code Standard 10-1.
9. Any gated access shall be approved by the fire department and emergency access arrangements made prior to occupancy (902 CFC).
10. Exit doors and exit sign requirements are to be installed per the California Building Code.
11. The requirements and conditions of approval noted above have been established based on the information submitted for review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted, or if any changes are made to the project.
12. Driveways must be an all-weather surface capable of supporting a 40,000 pound apparatus with a surface that provides traction in all weather. The driveway will require a compaction test. Must have a minimum compaction of 90% and for flood zones a minimum compaction of 95%.

Engineering Department

1. None

Planning Department

1. Applicant shall ensure that all levies are balanced so as not to create increased flooding issues in the area.
 - b. Should adjoining property owners not assist in balancing the levies in the area, the applicant is relieved of this requirement.
2. In no case shall enhanced levies constrain sheet flows upstream.
3. All lighting shall be hooded and directed away from habitats and neighbors.
4. Applicant shall adhere to mitigations and mitigations monitoring listed in the Environmental Impact Report.

1. None

RECOMMENDATION:

The analysis provided in this report supports approval of Conditional Use Permits #2005-030, -031, and -037.

ATTACHMENTS:

1. Exhibit A, Vicinity Maps, Project Sites, Facility Site Plans
2. Exhibit B, CEQA Findings
3. Exhibit C, Mitigation Measures and Mitigation Monitoring Plan
4. Exhibit D, Statement of Overriding Considerations
5. Exhibit E, Resolution
6. Exhibit F, Addendum to Environmental Impact Report for Soares Dairy
7. Exhibit G1, Costa Pride (CUP #2005-030) General Plan Map
8. Exhibit G2, Costa Pride (CUP #2005-030) Zoning Map
9. Exhibit G3, Costa Pride (CUP #2005-030) Site Map
10. Exhibit G4, Costa Pride (CUP #2005-030) Aerial Map
11. Exhibit G5, Costa Pride (CUP #2005-030) Topographical Map
12. Exhibit H1, Borges (CUP #2005-031) General Plan Map
13. Exhibit H2, Borges (CUP #2005-031) Zoning Map
14. Exhibit H3, Borges (CUP #2005-031) Site Map
15. Exhibit H4, Borges (CUP #2005-031) Aerial Map
16. Exhibit H5, Borges (CUP #2005-031) Topographical Map
17. Exhibit I1, Soares (CUP #2005-037) General Plan Map
18. Exhibit I2, Soares (CUP #2005-037) Zoning Map
19. Exhibit I3, Soares (CUP #2005-037) Site Map
20. Exhibit I4, Soares (CUP #2005-037) Aerial Map
21. Exhibit I5, Soares (CUP #2005-037) Topographical Map
22. Exhibit J, Letter of support from the Madera County Farm Bureau
23. Exhibit K, Roads Department comments for Costa Pride Farms

CONDITIONS OF APPROVAL

EXHIBIT I

PROJECT NAME:
PROJECT LOCATION:
PROJECT DESCRIPTION:

CUP #2005-037 - Borges Dairy (Tri-Dairy)
 Located on Road 1 approximately 1.5 miles south of Avenue 21
 New Dairy Facility

APPLICANT:
CONTACT PERSON/TELEPHONE NUMBER:

Jose Soares

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
	none				
Environmental Health					
	none				
Fire					
1	Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing California Fire Code requirements and all applicable statutes, codes and ordinances				
2	In areas without water serving utilities, the fire protection water system shall be based on NFPA 1231 and be operational prior to framing. Location of water storage tank and hydrants if needed are to be reviewed and approved by the Madera County Fire Department prior to installation.				
3	Prior to any framing construction, all flammable vegetation shall be removed from each building site to a minimum distance of thirty (30) feet from any flammable building material, including finished structures.				
4	Fire apparatus access roads required for this project per CFC 901 & 902.				
5	An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length.				
6	The street address shall be posted with a minimum of three (3) inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code (901 CFC).				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
7	Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor visible from the ground and as identified in the California Fire Code (1109.7 CFC).				
8	Fire extinguishers are required in accordance with California Fire Code Standard 10-1.				
9	Any gated access shall be approved by the fire department and emergency access arrangements made prior to occupancy (902 CFC).				
10	Exit doors and exit sign requirements are to be installed per the California Building Code				
11	The requirements and conditions of approval noted above have been established based on the information submitted for review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted, or if any changes are made to the project				
12	Driveways must be an all-weather surface capable of supporting a 40,000 pound apparatus with a surface that provides traction in all weather. The driveway will require a compaction test. Must have a minimum compaction of 90% and for flood zones a minimum compaction of 95%.				
Planning					
1	Applicant shall ensure that all levies are balanced so as not to create increased flooding issues in the area.				
a	Should adjoining property owners not assist in balancing the levies in the area, the applicant is relieved of this requirement.				
2	In no case shall enhanced levies constrain sheet flows upstream.				
3	All lighting shall be hooded and directed away from habitats and neighbors				
4	Applicant shall adhere to mitigations and mitigations monitoring listed in the Environmental Impact Report.				
Road					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	Prior to the issuance of the Conditional Use Permit, the applicant will hire a California Registered Civil Engineer to prepare a traffic analysis and mitigation (if necessary). Any road construction recommended by the project engineer and approved by the Road Department and constructed to meet all current standards. The study will be based upon, but not limited to, the analysis.	Roads			
2	Prior to the issuance of the Conditional Use Permit, the applicant will offer for dedication the alignments for Road 1 as specified. The offers of dedication will be 60 feet in width.	Roads			
3	Prior to the issuance of the Certificate of Acceptability, the applicant will provide an offer of dedication to Madera County for the alignments of Avenue 21 from the intersection with Road 1 following the route chosen. This will include an off site offer of dedication. The offer will be used for road purposes.				
4	Prior to issuance of the Conditional Use Permit, the applicant will pay for the fabrication and installation of all appropriate signage				
5	Prior to issuance of the Conditional Use Permit, the applicant shall construct (a) Road 1 from the intersection with Avenue 21 southerly to the furthest driveway; and (b) Any other roads deemed necessary by the traffic study				
6	All roads will be designed to meet AASHTO and/or CALTRANS standards				
7	Prior to any construction, the plans, profiles, and specifications of all road improvements will be filed with the planning department and shall be approved by the County Road Commissioner. These shall include full details of the proposed improvements.				
8	The design and construction of all roads and road appurtenances will be the responsibility of the developer, who will employ a California Registered Civil Engineer and/or a California Registered Land Surveyor to do all the survey work, and a California Registered Civil Engineer to do all road and road appurtenance design, construction supervision and inspection.				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
9	Prior to the issuance of the Certificate of Acceptability, the developer must either construct or post security to construct at a later date all roads and related improvements as noted above. Where road construction is proposed within an existing public right of way, the developer will apply for Encroachment and/or Construction Permits at the Road Department. Prior to any construction, these permits must be approved by the Road Department. The application materials for these permits will include a plan and profile for all proposed road structure, or related improvements drawn to a scale and approved by the Road Department, copies of R value tests, calculations of storm drainage facilities, calculations of cut and fill, and an engineer's cost estimate. These plans will include: existing and proposed property lines, topographical contours at intervals approved by the Road Department, existing fences, building and any infrastructure, existing tree drip lines and the identification and type of trees, a vicinity map, typical cross sections and construction details, proposed improvements and any other information deemed appropriate by the Road Department.				
10	Upon completion of all construction, documentation of all road and road appurtenance construction will include: a written statement, signed and stamped by a California Registered Civil Engineer, attesting to the fact that the road and all road appurtenances were designed and constructed in accordance with county code and adopted standards. Copies of compaction tests and inspection logs and reproducible as-built plans, signed and stamped by the California Registered Civil Engineer.				
11	All construction documentation must be submitted for review and approved by the Road Department prior to the recordation of the Final Map except when a bond or other acceptable form of security is offered. When the Board of Supervisors accepts such security in order to defer construction, construction documentation will be submitted for review and approval to the Road Department 30 days following construction completion.				
12	As a condition of approval of the Conditional Use Permit, the applicant will pay for the fabrication and installation of any and all necessary signage.				
13	Prior to the issuance of the Conditional Use Permit, the applicant will submit for review some provision for maintenance of the roads within the project.				

MITIGATION MONITORING REPORT

See separate MMP from EIR

MND # EIR SCH #2006041163

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
Agricultural Resources								
Air Quality								
Biological Resources								
Cultural Resources								
Geology and Soils								
Hazards and Hazardous Materials								
Hydrology and Water Quality								
Land Use and Planning								
Mineral Resources								
Noise								

**Table 7-1
Mitigation Monitoring Program**

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
Impact #3.1.2: Light and Glare	Mitigation Measure #3.1.2: All lighting shall be principally under roofs and designed to be directed downward and inward to illuminate specific areas.	The implementation of this measure will reduce the project's light and glare impact to less than significant.	The mitigation measure shall be incorporated in the conditions of approval for Conditional Use Permits 2005-030, 2005-031, and 2005-037 and shall be the responsibility of the applicants and applicants' contractors. Monitoring will be the responsibility of the Madera County Planning Department.	Completed at time of final building inspection.
Impact #3.3.2: Construction Emissions (Carbon Monoxide (CO), Volatile Organic Compounds (VOC), Nitrogen Oxide (NOx), Sulfur Dioxide (SO₂), Particulate Matter (PM₁₀), Fine Particulate Matter (PM_{2.5}))	<p>Mitigation Measure #3.3.2: As a condition of Conditional Use Permit approval by the Madera County Planning Department, and to be monitored by this Department, the owners/operators and construction crews shall ensure that the following control measures are implemented prior to and during construction activities to reduce exhaust emissions from construction related equipment:</p> <ol style="list-style-type: none"> 1. Attend a preconstruction meeting at the Department. 2. The idling time of all construction equipment used at the site shall not exceed ten minutes. 3. The hours of operation of heavy-duty equipment shall be minimized. 	It should be noted that these mitigation measures are not required to reduce project construction exhaust emissions to less than significant, but are recommended to further reduce such impacts. In terms of cumulative impacts, since the Basin is in non-attainment for ozone, NOx and VOC emissions remain cumulatively significant, considerable and unavoidable.	The mitigation measures shall be implemented by the construction contractors, and shall be a condition of the Conditional Use Permits. Monitoring shall be the responsibility of the Madera County Planning Department.	Beginning with construction permit and terminating with issuance of Notice of Completion.

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<ol style="list-style-type: none"> 4. All equipment shall be properly tuned and maintained in accord with manufacturer's specification. 5. When feasible, alternative fueled or electrical construction equipment shall be used at the project site. 6. The minimum practical engine size for construction equipment shall be used. 7. When feasible, electric carts or other smaller equipment shall be used at the project site. 8. Gasoline-powered equipment shall be equipped with catalytic converters. 9. The facilities construction contractor shall comply with Rule 4641 of the SJVAPCD. 			
Impact #3.3.3.A: Operational Emissions of Criteria Pollutants, Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5})	Mitigation Measures #3.3.3.A, PM₁₀/PM_{2.5}: The dairy owners/applicants shall: <ol style="list-style-type: none"> 1. Construct freestall, drylot feed lanes, and walk lanes with concrete. 2. Frequently scrape of graded corral surfaces before noon and maintaining adequate stocking ratios. 3. Construct dry lots to facilitate runoff and drying by grading the corrals in accordance to Title 3, Food and Agriculture, Division 2, Animal Industry of the California Code of Regulations, Section 646.1. 	The implementation of the described operational PM ₁₀ /PM _{2.5} mitigation measure(s) will further reduce incremental PM ₁₀ /PM _{2.5} impacts to less than significant (although total project emissions including those from continued farming are greater than significant). PM ₁₀ /PM _{2.5} impacts, should be considered cumulatively significant, considerable and unavoidable because of the Air Basin's non-	The mitigation measure(s) shall be implemented by each dairy facility/farm operator and shall be a condition of the Conditional Use Permit. Monitoring shall be the responsibility of the Madera County Planning Department.	Continued monitoring during dairy operation

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<ol style="list-style-type: none"> 4. Remove uneaten feed daily to minimize emissions from decomposing feed. 5. Conduct surface treatment options before noon with a pull scraper. 6. Inspect and repair potholes in corrals on a monthly basis, as necessary. 7. Construct firm, stable, and not easily eroded soils for the open lots. 8. Grade corrals to maximize manure removal. 9. Inspect fence lines to remove ridges of manure that may have formed. 10. Maintain a thin manure pack on the graded corral surfaces and harrow it weekly, as appropriate, to facilitate aerobic composting of the manure pack and enhance fly control. 11. Apply moist solids to the corral surfaces to control PM. 12. Limit movement of animals during daylight hours, feeding during selected times of the day and providing shade for the animals to rest from the heat. 13. Consider the use of water and soil stabilizers on the dirt corral surfaces, as necessary to maintain optimum moisture content, such that PM and VOC emissions are minimized. Damp conditions in housing areas are a hazard to animal 	attainment status for these contaminants.		

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
<p>Impact #3.3.3.B: Operational Emissions of Criteria Pollutants, Volatile Organic Compounds (VOC)</p>	<p>health. Optimum moisture content will be attained by the design of the facility because the corrals are designed to be graded per Title 3, Food and Agriculture, Division 2, Animal Industry of the California Code of Regulations, Section 646.1. Proper corral depth dimensions assure proper stocking ratio (animal population per unit area) such that the additional moisture added daily in the form of manure maintains optimum moisture content.</p> <p>Mitigation Measures #3.3.3.B, VOC: The owners/applicants shall, in construction and operation of the project, comply with one or more of the following, subject to Best Available Control Technology (BACT) analysis as agreed with the San Joaquin Valley Air Pollution Control District. (Also see Appendix Q):</p> <ol style="list-style-type: none"> 1. Construct freestall, drylot feed lanes, and walk lanes with concrete. 2. Frequently scrape graded corral surfaces before noon and maintaining adequate stocking ratios. 3. Construct dry lots to facilitate runoff and drying by grading the corrals in accord with Title 3, Food and Agriculture, Division 2, Animal Industry, of the California Code of Regulations, Section 646.1. 4. Remove uneaten feed daily to minimize emissions from decomposing feed. 	<p>Although these measures will reduce VOC production, they may not reduce such emissions by the proportion that would be required to reduce project emissions below the SJVAPCD's significance threshold of ten tons/year. Project impacts on regional ozone precursor levels must therefore be deemed to remain significant, considerable and unavoidable, as would cumulative impacts.</p>	<p>The implementation by the applicant of one or more of the listed measures, as required by the SJVAPCD, shall be incorporated in the conditions of approval for the Conditional Use Permit for the project by the Madera County Resource Management Agency, requiring implementation by the applicant/operator. Monitoring shall be by the Madera County Planning Department.</p>	<p>Continued Monitoring during dairy operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	5. Conduct surface treatment options before noon with a pull scraper.			
	6. Inspect and repair potholes in corrals on a monthly basis, as necessary.			
	7. Construct firm, stable, and not easily eroded soils for the open lots.			
	8. Grade corrals to maximize manure removal.			
	9. Inspect fence lines to remove ridges of manure that may have formed.			
	10. Maintain a thin manure pack on the graded corral surfaces and harrow it weekly, as appropriate, to facilitate aerobic composting of the manure pack and enhance fly control.			
	11. Inspect the facility to minimize moisture due to leaks in pipes and/or troughs.			
	12. Install a two-stage anaerobic treatment system, designed according to NRCS standards following solids separation.			
	13. Remove separated solids on a frequent basis from the solids separation system.			
	14. Remove separated solids offsite for land application as a soil amendment.			
	15. Effect solids separation using weeping wall basins.			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>16. Flush using water from the storage lagoon.</p> <p>17. Consider the use of water and soil stabilizers on the dirt corral surfaces, as necessary to maintain optimum moisture content, such that PM and VOC emissions are minimized. Damp conditions in housing areas are a hazard to animal health. Optimum moisture content will be attained by the design of the facility because the corrals are designed to be graded per Title 3, Food and Agriculture, Division 2, Animal Industry, of the California Code of Regulations, Section 646.1. Proper corral depth dimensions assure proper stocking ratio (animal population per unit area) such that the additional moisture added daily in the form of manure maintains optimum moisture content.</p>			
<p>Impact #3.3.4: Operational Emissions of Criteria Pollutants, Nitrogen Oxide (NOx)</p>	<p>Mitigation Measures #3.3.4, NOx: Although dairy impacts are less than significant the following mitigation measures are recommended to owners/applicants to further reduce NOx emissions:</p> <ol style="list-style-type: none"> 1. Idling time of on-site project farming and dairy operations equipment shall be minimized. 2. All on-site equipment shall be properly tuned and maintained in accord with manufacturer's specifications. 3. Whenever feasible, alternative fueled or electrical on-site equipment shall be utilized. 	<p>The implementation of these measures will reduce, but not eliminate, project-level and cumulative NOx impacts on Basin ozone levels. Incremental project impacts remain less than significant. Cumulative NOx impacts are deemed significant, considerable and unavoidable.</p>	<p>The listed implementation for each dairy will be a condition of the Conditional Use Permit for the project for each dairy. The owner/operator for each dairy will be responsible for their implementation. Monitoring thereof will be the continuing responsibility of the Madera County Planning Department.</p>	<p>Continued monitoring during dairy operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<ol style="list-style-type: none"> 4. Minimum practicable on-site engine sizes shall be used. 5. On-site gasoline-powered equipment shall be equipped with catalytic converters. 6. Employees will be encouraged to carpool-travel to and from the project site. <p>The above measures are excerpted and extrapolated from the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, January 10, 2002. No other feasible mitigation measures exist.</p>			
<p>Impact #3.3.5: Methane (CH₄) Generation</p>	<p>Mitigation Measures #3.3.5, Methane Generation: The dairy owners/applicants shall comply with the following Best Available Control Technology (BACT) measures in construction and operation of the project:</p> <ol style="list-style-type: none"> 1. Construct freestall, drylot feed lanes, and walk lanes with concrete. 2. Frequently scrape graded corral surfaces before noon and maintaining adequate stocking ratios. 3. Construct dry lots to facilitate runoff and drying by grading the corrals in accord with Title 3, Food and Agriculture, Division 2, Animal Industry, of the California Code of Regulations, Section 646.1. 4. Remove uneaten feed daily to minimize emissions from decomposing feed. 	<p>The emission level at which a dairy's methane emissions would constitute a potentially significant cumulative impact has not been defined, and no definitive project-level significance threshold for methane emissions has been adopted. However, even with application of the above mitigation measures, the proposed project's methane emissions effects and contribution to greenhouse gases are considered to be directly and cumulatively significant, considerable and unavoidable impacts</p>	<p>The implementation by the owners/applicants of one or more of the listed mitigation measures, as agreed with the SJVAPCD, shall be incorporated in the conditions of approval for the Conditional Use Permit for the project by the Madera County Planning Department, requiring implementation by the applicant/operator. Monitoring will be by the San Joaquin Valley Air Pollution Control District.</p>	<p>Continued monitoring during dairy operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	5. Conduct surface treatment options before noon with a pull scraper.	per <i>CEQA Guidelines Section 15130.</i>		
	6. Inspect and repair potholes in corrals on a monthly basis, as necessary.			
	7. Construct firm, stable, and not easily eroded soils for the open lots.			
	8. Grade corrals to maximize manure removal.			
	9. Inspect fence lines to remove ridges of manure that may have formed.			
	10. Maintain a thin manure pack on the graded corral surfaces and harrow it weekly, as appropriate, to facilitate aerobic composting of the manure pack and enhance fly control.			
	11. Inspect the facility to minimize moisture due to leaks in pipes and/or troughs.			
	12. Install a two-stage anaerobic treatment system, designed according to NRCS standards following solids separation.			
	13. Remove separated solids on a frequent basis from the solids separation system.			
	14. Remove separated solids offsite for land application as a soil amendment.			
	15. Effect solids separation using weeping wall basins.			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>16. Flush using water from the storage lagoon.</p> <p>17. Consider the use of water and soil stabilizers on the dirt corral surfaces, as necessary to maintain optimum moisture content, such that PM and VOC emissions are minimized. Damp conditions in housing areas are a hazard to animal health. Optimum moisture content will be attained by the design of the facility because the corrals are designed to be graded per Title 3, Food and Agriculture, Division 2, Animal Industry of the California Code of Regulations, Section 646.1. Proper corral depth dimensions assure proper stocking ratio (animal population per unit area) such that the additional moisture added daily in the form of manure maintains optimum moisture content.</p>			
<p>Impact #3.3.6: Ammonia (NH₃)</p>	<p>Mitigation Measure #3.3.6, Ammonia: Reduction of manure-related VOC and methane emissions would concurrently reduce emissions of ammonia. Appropriate mitigation measures are, therefore(also see Appendix Q):</p> <ol style="list-style-type: none"> 1. Construct dry lots to facilitate runoff and drying by grading the corrals in accord with Title 3, Food and Agriculture, Division 2, Animal Industry, of the California Code of Regulations, Section 646.1. 2. Inspect and repair potholes in corrals on a monthly basis, as necessary. 	<p>The emission level at which a dairy's ammonia emission would constitute a significant impact has not been defined. Therefore, even with implementation of these mitigation measures, the proposed project's ammonia emissions effects and contribution to greenhouse gases are considered to be less than significant at the project level but to be cumulatively significant, considerable and</p>	<p>The requirement by the SJVAPCD of implementation of one or more of the listed mitigation measures shall be incorporated in the conditions of approval for the Conditional Use Permit for the project by the Madera County Planning Department. Monitoring shall be by the San Joaquin Valley Air Pollution Control District.</p>	<p>Continued monitoring during dairy operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
<ol style="list-style-type: none"> 3. Construct firm, stable, and not easily eroded soils for the open lots. 4. Inspect fence lines to remove ridges of manure that may have formed. 5. Install a two-stage anaerobic treatment system, designed according to NRCS standards following solids separation. 6. Effect solids separation using weeping wall basins. 7. Flush using water from the storage lagoon. 		<p>unavoidable impacts per <i>CEQA Guidelines Section 15130.</i></p>		
<p>Impact #3.3.7: Hydrogen Sulfide (H₂S)</p>	<p>Mitigation Measure #3.3.7. Hydrogen Sulfide: Reduction of VOC and methane emissions would concurrently reduce emissions of hydrogen sulfide. Appropriate mitigation measures are, therefore (also see Appendix Q):</p>	<p>The emission level at which a dairy's hydrogen sulfide emissions would constitute a significant impact has not been defined. Therefore, even with implementation of these mitigation measures, the hydrogen sulfide emissions at each dairy would remain significant, considerable and unavoidable direct impacts.</p>	<p>The implementation by the owners/applicants of one or more, as required by the SJVAPCD, of the listed mitigation measures shall be incorporated in the conditions of approval for the Conditional Use Permit for the project by the Madera County Planning Department. Monitoring shall be by the San Joaquin Valley Air Pollution Control District.</p>	<p>Continued monitoring during dairy operation.</p>
<ol style="list-style-type: none"> 1. Construct freestall, drylot feed lanes, and walk lanes with concrete. 2. Frequently scrape of graded corral surfaces before noon and maintaining adequate stocking ratios. 3. Construct dry lots to facilitate runoff and drying by grading the corrals in accordance to Title 3, Food and Agriculture, Division 2, Animal Industry of the California Code of Regulations, Section 646.1. 4. Remove uneaten feed daily to minimize emissions from decomposing feed. 				

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	5. Conduct surface treatment options before noon with a pull scraper.			
	6. Inspect and repair potholes in corrals on a monthly basis, as necessary.			
	7. Construct firm, stable, and not easily eroded soils for the open lots.			
	8. Grade corrals to maximize manure removal.			
	9. Inspect fence lines to remove ridges of manure that may have formed.			
	10. Maintain a thin manure pack on the graded corral surfaces and harrow it weekly, as appropriate, to facilitate aerobic composting of the manure pack and enhance fly control.			
	11. Apply moist solids to the corral surfaces to control PM.			
	12. Limit movement of animals during daylight hours, feeding during selected times of the day and providing shade for the animals to rest from the heat.			
	13. Consider the use of water and soil stabilizers on the dirt corral surfaces, as necessary to maintain optimum moisture content, such that PM and VOC emissions are minimized. Damp conditions in housing areas are a hazard to animal health. Optimum moisture content will be attained by the design of the facility because the corrals are designed to be			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
Impact #3.3.10: Cumulative Air Quality Impacts	<p data-bbox="642 310 1052 545">graded per Title 3, Food and Agriculture, Division 2, Animal Industry of the California Code of Regulations, Section 646.1. Proper corral depth dimensions assure proper stocking ratio (animal population per unit area) such that the additional moisture added daily in the form of manure maintains optimum moisture content.</p> <p data-bbox="594 578 1052 894">Mitigation Measure #3.3.10: Complete mitigation measures for cumulative particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), volatile organic compounds (VOC), nitrogen oxide (NOx), and methane (CH₄), ammonia (NH₃) and hydrogen sulfide (H₂S, odor) emissions are limited and would, at this time, require additional regulatory agency action or significant operationally feasible technological advances. To reduce cumulative emissions, however, the following project-level mitigation measures shall be implemented:</p> <ol data-bbox="594 927 1020 1268" style="list-style-type: none"> 1. Particulate Matter and Fine Particulate Matter (PM₁₀ / PM_{2.5}): The applicant shall comply with the measures set out in Sections 3.3.1, 3.3.2 and 3.3.3.A 2. Volatile Organic Compounds (VOC): The applicant shall comply with the measures set out in Section 3.3.3.B. 3. Nitrogen Oxide (NOx): The applicant shall comply with the measures set out in Section 3.3.4 	<p data-bbox="1077 578 1331 919">The anticipated long term reduction effectiveness of construction related PM₁₀ reduction measures can be estimated at 75 percent of the non-mitigated value (So. Coast Air Quality Management Dist., 1993). While reducing the project's contribution to the cumulative impacts of dairy expansion in the San Joaquin Valley,</p> <p data-bbox="1077 927 1331 1219">cumulative particulates (PM₁₀ effects as well as PM_{2.5}), volatile organic compounds (VOC), nitrogen oxide (NOx), methane (CH₄), and ammonia (NH₃) emissions will remain cumulatively significant, considerable and unavoidable long-term impacts.</p>	<p data-bbox="1360 578 1604 841">The County of Madera shall include all listed emissions reduction measures as conditions of approval of the Conditional Use Permit. The Madera County Planning Department shall monitor the dairy operation for compliance.</p>	<p data-bbox="1635 578 1850 630">Continued monitoring during dairy operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<ol style="list-style-type: none"> 4. Methane (CH4): The applicant shall comply with the measures set out in Section 3.3.5. 5. Ammonia (NH3): The applicant shall comply with the measures set out in Section 3.3.6. 6. To the extent legally required, the applicant shall comply with SB 700 (Florez) and the Conservation Management Practices for Dairy Operations (Appendix E, R, C). 			
<p>Impact #3.4.1: Substantial Adverse Effect on Candidate, Special-Status or Sensitive Species or Habitat of Sensitive Species</p>	<p>Mitigation Measure #3.4.1.1: Because there is a potential for kit fox and badgers to forage and den on and in the vicinity of all three project sites, the applicants should follow the <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 1999). The measures listed below have been paraphrased from these guidelines.</p> <ol style="list-style-type: none"> 1. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be observed in accordance with the following USFWS Recommendations: 	<p>The implementation of the above measures will reduce impacts to kit foxes to a less than significant level.</p>	<p>The mitigation measures shall be implemented by the construction contractor and the applicant, and shall be a condition of the Conditional Use Permit. Monitoring shall be the responsibility of the Madera County Planning Department.</p>	<p>Continued monitoring during dairy construction operations.</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	Potential den 50 feet radius Known den 100 feet radius Natal/pupping den (occupied and unoccupied) Contact USFWS Atypical den 50 feet radius			
	2. If dens must be removed, they shall be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS.			
	3. Project-related construction vehicles shall observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be avoided. Off-road construction traffic outside of designated project areas shall be prohibited.			
	4. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under numbers 8 and 9 of this section must be followed.</p>			
	<p>5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.</p>			
	<p>6. All food-related trash items such as wrappers, cans, bottles, and food shall be disposed of in closed containers and removed at least once a week from a construction or project site.</p>			
	<p>7. No firearms shall be allowed on the project construction site.</p>			
	<p>8. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or</p>			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	cats, no pets shall be permitted on project construction sites.			
	9. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS.			
	10. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.			
	11. Any contractor, employee(s), or project-related personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.			
	12. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, and (916) 414-6620. The CDFG contact is Mr. Ron Schlorff at 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.</p>			
	<p>Mitigation Measure #3.4.1.2: Prior to clearing and grading of the three dairy facilities sites for project construction (if during the nesting season, February 15 through September 15), a qualified biologist or ornithologist shall inspect the sites. If Tricolor blackbirds or other sensitive or migratory birds are nesting in the grain crop or in a fallowed field on the dairy facilities site, site harvesting, clearance, and grading shall be delayed until young have fledged.</p>	<p>Implementation of these mitigation measures will ensure that the project will have a less than significant impact on migratory birds, and their habitats.</p>	<p>The mitigation measures shall be implemented by the construction contractor and the applicant, and shall be a condition of the Conditional Use Permit. Monitoring shall be the responsibility of the Madera County Planning Department.</p>	<p>Continued monitoring during construction</p>
	<p>Mitigation Measure #3.4.1.3: At the Costa Pride Farms Dairy site, to protect the blunt-nosed leopard lizard and the potentially present Fresno kangaroo rat, the following measures shall be implemented to avoid project related impacts:</p> <ol style="list-style-type: none"> 1. Maintain a setback of 100 feet along the east and south sides of the grassland habitat. Construction activities or other ground disturbing activities shall not occur within this setback. 2. Conduct a pre-construction survey for blunt-nosed leopard lizards on the dairy facilities construction site and in all areas within 500 feet of the grassland habitat. 	<p>Implementation of these mitigation measures will ensure that the project will have a less than significant impact on blunt-nosed leopard lizards and Fresno kangaroo rats and their habitats.</p>	<p>The mitigation measures shall be implemented by the construction contractor and the applicant, and shall be a condition of the Conditional Use Permit. Monitoring shall be the responsibility of the Madera County Planning Department.</p>	<p>Prior to construction of the Costa Pride Farms Dairy</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>The blunt-nosed leopard lizard survey protocols will be modified to eliminate the fall survey period for hatchlings. The survey will be completed 14 to 30 days prior to ground clearing or construction activities on the dairy facilities site or other areas within 500 feet of the grassland habitat. If a blunt-nosed leopard lizard is observed anywhere on the dairy facilities site, construction and ground clearing activities will not occur until the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) have been consulted and all avoidance and compensation requirements resulting from that consultation have been met.</p>			
	<p>3. A trapping survey will be completed on the grassland habitat area, within the dairy facilities construction site, and within 500 feet of the edge of the grassland habitat area to determine presence or absence of the state and federally endangered Fresno kangaroo rats. The trapping survey will be conducted prior to initiation of construction, ground clearing, or land conversion activities within the identified areas. The trapping survey will consist of:</p> <ul style="list-style-type: none"> a. Searching the identified areas for kangaroo rat burrows using meandering transect surveys walked at no greater than 30 foot intervals. b. Trapping all kangaroo rat burrows found for a minimum of 4 consecutive 			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	rights or less if a Fresno kangaroo rat is captured.			
	e. Trapping will only be permitted by a biologist that is qualified to conduct trapping of Fresno kangaroo rats as determined by the USFWS and CDFG.			
	d. If a Fresno kangaroo rat is captured on the dairy facilities project site or if a kangaroo rat burrow which is positively identified as a Fresno kangaroo rat burrow is identified on the dairy facilities project site, then formal consultations with the CDFG and USFWS will be initiated. All mitigation and compensation measures developed during that consultation process will be met prior to initiation of construction, ground clearing, or land conversion activities.			
	4. All small mammal burrows within the dairy facilities construction site and within the dryland crop conversion areas outside of the setback but within 500 feet of the grassland area (i.e., from 100 feet to 500 feet from the grassland habitat) will be inspected by a qualified biologist using a video probe. Once inspected and found to be uninhabited by blunt-nosed leopard lizards, Fresno kangaroo rats, California tiger salamanders, or other special-status species, the burrows will be hand excavated. If a blunt-nosed leopard lizard, Fresno kangaroo rat, California tiger salamander, or other special-status wildlife			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>species is found to occupy a burrow, the CDFG and USFWS will be consulted. All mitigation and compensation requirements developed during that consultation process will be met prior to initiation of construction, ground clearing, or land conversion activities.</p>			
	<p>5. A fence capable of excluding blunt-nosed leopard lizards and Fresno kangaroo rats will be installed along the access road for the dairy facility on the road edge adjacent to the grassland. Fencing may also be needed along the north side of the construction site and along the northern half of the west and east sides of the construction site if the access road fence does not adequately screen these facilities. The fence will be installed after the blunt-nosed leopard lizard pre-construction survey, after the Fresno kangaroo rat trapping survey, and after the burrow excavations have been completed, but prior to ground clearing or construction on the dairy site and access road. The fence will consist of 3 foot high metal flashing buried 6 inches underground. The barrier fencing will be inspected for integrity by a trained monitor. Inspections will occur each day throughout the construction period. A qualified biologist will inspect the fence on a monthly basis throughout the construction period. Any necessary repairs will be immediately made. The fence along the access road is to remain in place and be maintained after construction is completed.</p>			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
Impact #3.5.1: Disturbance of Cultural or Historic Resources, Skeletal Remains	Impacts to blunt-nosed leopard lizards will not occur on the Borges and Soares dairy sites.			
	Mitigation Measure #3.5.1: Sixty days prior to the excavation and grading activities associated with constructing the Soares Dairy facilities, a qualified archaeologist shall conduct a field survey of the 109-acre dairy facilities site. Should archaeological survey findings indicate that cultural resources exist, the Madera County Planning Director shall determine if the findings are significant as outlined in <i>Public Resources Code, Section 21083.2</i> and shall recommend appropriate mitigation measures prior to commencement of excavation activities. Such measures shall include resources avoidance, reburial of skeletal remains, or preservation of artifacts.	These measures will assure that appropriate procedures are followed with respect to archaeological or historic artifacts or resources, to unidentified skeletal remains or to Native American burial grounds that may be found during project construction or operation. The measures will assure that any Native American burial sites encountered are avoided, treated in accordance with the recommendations of the most likely descendant (for Native American remains), or relocated. This measure will also assure that any historical or cultural resources are properly evaluated, and will reduce this impact to a less than significant level.	This requirement shall be included in the conditions of approval and shall be implemented by the applicant, construction contractors, the County Planning Director, County Coroner, and NAHC or local Native American organizations. Monitoring shall be performed by the Madera County Planning Department during project construction.	Prior to construction of the Soares Dairy
	Mitigation Measure #3.5.2: If, in the course of excavation and clearing activities any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist	These measures will assure that appropriate procedures are followed with respect to archaeological or historic artifacts or resources, to	This requirement shall be included in the conditions of approval and shall be implemented by the applicant, construction contractors, the County Planning Director, County	During construction period

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
Impact #3.7.1: Operational Hazards	<p>shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Madera County Planning Director, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project. Such mitigation measures shall include resources avoidance or preservation of artifacts.</p> <p>If, in the course of project construction or operation, any skeletal remains are uncovered, discovered, or otherwise detected or observed, activities in the affected area shall cease. A qualified archaeologist, the Madera County Planning Director, the Madera County Coroner and local Native American organizations shall be consulted, and appropriate measures shall be required that may include avoidance of the burial site or reburial of the remains.</p> <p>Mitigation Measure #3.7.1: Prior to issuance of the final occupancy permit for the dairies, the owners/operators shall submit documentation to the Madera County Resource Management Agency that appropriate permits and notifications regarding the storage, transport, use and disposal of hazardous materials have been completed and acquired. The documentation shall include, at minimum, evidence of compliance with:</p> <ol style="list-style-type: none"> An employee safety program in accord with California Labor Code Section 6401.7. 	<p>unidentified skeletal remains or to Native American burial grounds that may be found during project construction or operation. The measures will assure that any Native American burial sites encountered are avoided, treated in accordance with the recommendations of the most likely descendant (for Native American remains), or relocated. This measure will also assure that any historical or cultural resources are properly evaluated, and will reduce this impact to a less than significant level.</p> <p>Compliance with the measure will assure reduction of potential operational impacts to hazards less than significant.</p>	<p>Coroner, and NATIC or local Native American organizations. Monitoring shall be performed by the Madera County Planning Department during project construction.</p> <p>This requirement shall be a condition of the County of Madera Conditional Use Permit; monitoring thereof shall be the responsibility of the Madera County Planning Department, and the Regional Water Quality Control Board.</p>	<p>Prior to construction</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<ol style="list-style-type: none"> 2. The RWQCB requirements, including a Storm Water Pollution Prevention Plan incorporating provisions for the safe storage, use, and disposal of hazardous wastes. 3. The permitting requirements of the California Department of Pesticide Regulation. 			
<p>Impact #3.7.5: Vector Generation</p>	<p>Mitigation Measure #3.7.5:</p> <ol style="list-style-type: none"> 1. As a condition of project approval, the dairy operators shall implement the following requirements concerning mosquito control at the dairies. <ol style="list-style-type: none"> (a) All dairy wastewater holding and solids separator ponds shall be surrounded by lanes at least twenty feet in width. (b) Floatage of any solid substance, which could provide harborage for immature mosquito stages should be kept out of all manure water holding ponds. Mechanical agitators may be very helpful in this regard. (c) The dairy operators shall be responsible for keeping vegetative growth from all areas of the lagoons and solids separation ponds. 2. As a condition of project approval, the dairy operators shall implement the following fly abatement program: 	<p>Based upon compliance with the design and drainage standards, and the proposed mitigation measures, the vector impacts will be reduced to less than significant. To bolster this conclusion, the location and design of the dairies are such that the dairies are in full compliance with the separation standards/setbacks policies of the Madera County Interim Dairy Development Standards.</p>	<p>Implementation will be the responsibility of the applicants and operators. Monitoring will be the responsibility of the Madera County Mosquito and Vector Control District (MCVD) with regard to mosquito control. Monitoring shall be the responsibility of the Madera County Planning Department with respect to facilities design and construction, and the Madera County MVCD with respect to operational practices resulting in fly complaints.</p>	<p>Continued monitoring during operation</p>

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	(a) Construct freestall, drylot feed lanes, and walk lanes with concrete.			
	(b) Frequently scrape graded corral surfaces.			
	(c) Construct dry lots to facilitate runoff and drying by grading the corrals in accordance with Title 3, Food and Agriculture, Division 2, Animal Industry, of the California Code of Regulations, Section 646.1.			
	(d) Remove uneaten feed.			
	(e) Inspect and repair potholes in corrals on a monthly basis, as necessary.			
	(f) Construct firm, stable, and not easily eroded soils for the open lots.			
	(g) Grade corrals to maximize manure removal.			
	(h) Inspect fence lines to remove ridges of manure that may have formed.			
	(i) Maintain a thin manure pack on the graded corral surfaces and harrow it weekly, as appropriate, to facilitate aerobic composting of the manure pack and enhance fly control.			
	(j) Inspect the facility to minimize moisture due to leaks in pipes and/or troughs.			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
Impact #3.8.3: 100-year Flood Hazards	The dairy project sites shall be protected from 100-year flooding by the construction and maintenance of an elevated perimeter road to be constructed at least 2 feet above adjacent field grade. The perimeter road design shall be determined by a registered engineer to be sufficient to protect the project from a 100-year flood.	The impact is reduced to less than significant with mitigation incorporated.	The dairy facilities designer and builder will be responsible for implementation, the Madera County Planning Department will be responsible for monitoring.	During construction period
Impact #3.8.6: Violation of Water Quality Standards or Waste Discharge Requirements	Mitigation Measure #3.8.6.1: Dairy lagoons and separator ponds shall be lined in accord with a Regional Board project-specific engineered design to effectively preclude significant leakage to groundwater.	Water quality impacts will be less than significant.	Madera County Planning Department and Regional Water Quality Control Board.	During construction period
	Mitigation Measure #3.8.6.2: The dairy applicants shall comply with the measures, if any, imposed by the Regional Water Quality Control Board or conditions appurtenant to the Waste Discharge Report, to meeting cropping/area requirements in accord with Board Standards.	Water quality impacts will be less than significant.	Madera County Planning Department and Regional Water Quality Control Board.	During construction period
Impact #3.8.8.1: Groundwater Degradation from Dairy Facilities	<p>Mitigation Measures #3.8.8.1:</p> <ol style="list-style-type: none"> 1. Owners/operators shall construct pond and lagoon lining in accord with Regional Water Quality Control Board groundwater separation standards (including NRCS Standards, Appendix I hereto and Title 27), and/or shall line ponds with an engineered-design liner and lagoons with manure water prior to operation to reduce percolation. 2. A monitoring well sampling and testing program shall be established if required by the Regional Water Quality Control Board. 	The proposed mitigation measure(s) will reduce possible project-related water quality impacts to less than significant.	This requirement shall be a condition of the County of Madera Conditional Use Permits; monitoring of the implementation thereof shall be the responsibility of the Madera County Planning Department and the Regional Water Quality Control Board.	Prior to construction and continued monitoring during operation of dairy

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>Samples shall be tested to determine the presence of measurable contaminant leakage, including pathogens, and significant continuing increase in nitrate nitrogen, from separation ponds and lagoons. Testing shall include tests for soil moisture content and electrical conductivity and nitrogen compounds. Evidence of contaminant increase, based on such testing, shall be the basis for required additional lining, or relining, of ponds and lagoons.</p>			
	<p>3. The domestic wells supplying dairy facilities shall be regularly sampled by the Madera County Health Department for pathogen detection. Evidence of leakage shall be the basis for required additional lining, or relining of ponds and lagoons.</p>			
	<p>4. Owner/operator must comply with all applicable RWQCB Waste Discharge Requirements, or permits, as required by Title 27 or other applicable water quality control laws. Monitoring well design, locations and sampling program shall be approved by the Regional Water Quality Control Board.</p>			
	<p>5. All manured areas shall be sloped to prevent ponding and to convey all precipitation and moisture to drainage systems, including the lagoons. The applicant shall, at a minimum of once per year, backfill any slope loss with compacted, non-manured material, to maintain pre-existing slopes.</p>			

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	6. Salt in animal rations should be limited to the amount required to maintain animal health and optimum production.			
Impact #3.8.8.3: Groundwater Contamination at Manure Re-Use Sites	<p>1. The dairy facilities operators will provide to each manure hauler from the project site an invoice stipulating that manure re-use shall be undertaken only in full compliance with all applicable State and Federal laws and regulations.</p> <p>2. Records of tonnage of manure sold will be kept by the dairy facilities operators on site for review upon request by the Madera County Resource Management Agency.</p> <p>3. Offsite disposal shall be conducted in accord with applicable Regional Water Quality Control Board regulations.</p>	The impact remains possibly significant and unavoidable.	The dairy facilities operators will be responsible for implementation; the Madera County Planning Department will be responsible for ongoing monitoring as will the Regional Water Quality Control Board for compliance with any regulations adopted or imposed by that Agency.	Continued monitoring during dairy operation

CUMULATIVE AIR QUALITY, WATER QUALITY AND BIOLOGICAL IMPACTS

5.1 Air Quality Degradation	Mitigation Measure #5.1: The applicant shall comply with all feasible pertinent requirements of the SJVAPCD including BACTs and CMPs (Appendices E, J, BB).	Such compliance will reduce cumulative project impacts. Such impacts will remain significant, considerable and unavoidable.	The mitigation measure shall be incorporated in the Conditions of Approval for the project by the Madera County Planning Department, requiring implementation by the project applicant and the project operator. Monitoring shall be by the SJVAPCD.	Continued monitoring during dairy operations.
5.3 Loss of Habitat for Special-Status Animals	Mitigation Measure #5.3: The project is required to preserve 556 acres of row crops to satisfy its wastewater disposal requirements. Because there is potential for kit foxes to forage	The implementation of these measures will reduce the cumulative loss of habitat for	The mitigation measures shall be incorporated in the Conditions of Approval for the project	Prior to construction

Impact	Mitigation Measures	Implementation	Monitoring & Reporting	Time Span
	<p>and den on and in the vicinity of the project site, the developer shall follow the <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 1999) and any other mitigation measure currently established pursuant to law by the applicable wildlife regulatory agencies. Prior to harvesting any grain crop on the dairy facility site, and prior to clearing and grading for dairy facilities construction (if during the nesting season, February 15-September 15), a qualified biologist or ornithologist should inspect the site. If tricolor blackbirds or other sensitive or migratory birds are nesting in the grain crop or in a fallowed field on the site, then site harvesting, clearance and grading shall be delayed until young have fledged.</p>	<p>special-status animals but it remains significant, considerable and unavoidable. With respect to further mitigation of cumulative biological impacts caused by dairies both inside and outside the boundaries of Madera County, such additional mitigation measures would be unreasonable and legally infeasible because there is no essential nexus between such requirement and the mitigated project biological impact. It would be unreasonable and legally infeasible to compel the project applicant to mitigate any cumulative biological impact occurring outside the boundaries of Madera County.</p>	<p>by the Madera County Planning Department, requiring implementation by the applicant and the operator. Monitoring of compliance shall be the Madera County Planning Department.</p>	