

Resource Management Agency Planning Department

Norman L. Allinder, AICP
Director

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MEMORANDUM

DATE: January 8, 2012

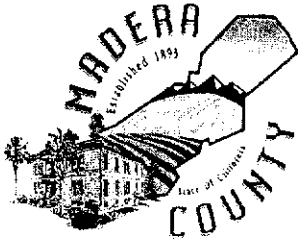
TO: Planning Commission

FROM: Norman Allinder, AICP *NLA*
Robert Mansfield, AICP

RE: Howard Bed & Breakfast (CUP #2008-008) – Informational Only

On February 7, 2012, the Conditional Use Permit for the Howard's Bed and Breakfast (Yosemite Sierra View Bed and Breakfast) was brought back to the Planning Commission for revocation hearing. The Planning Commission heard information on the project, and voted to continue the item to the end of 2012 so as to give the Howard's sufficient time to work with Caltrans to address the access issue leading into their facility.

The Howard's have indicated, and been verified by Caltrans, that they are working on the issue. Caltrans has been out to mark potential access points along Highway 41. The Howard's have also been in touch with a contractor to do the actual realignment of the driveway access point. Planning Department Staff is satisfied that progress is being made to be able to make the project move forward.



RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

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Norman L. Allinder, AICP
Director *NLA*

PLANNING COMMISSION DATE: March 6, 2012

AGENDA ITEM: # 1

CUP	#2008-008	Revocation or amendment of Conditional Use Permit #2008-008 for a Bed and Breakfast operation
APN	#064-090-009	Applicant: Patrice Jenson Owner: Bruce and Lori Howard
CEQA	MND #2008-27	Mitigated Negative Declaration

REQUEST:

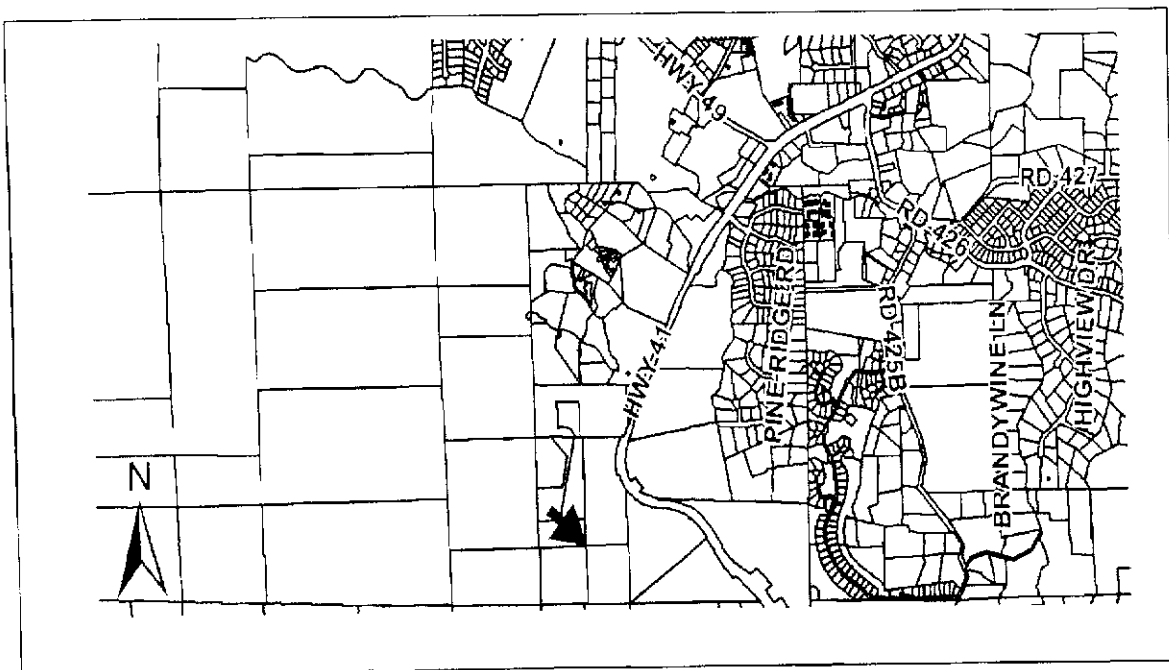
This request is to revoke or amend Conditional Use Permit #2008-008 which allowed a Bed and Breakfast.

LOCATION:

The subject property is located on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49, and approximately 0.83 of a mile south of Victoria Lane (39060 Highway 41), Oakhurst.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2008-27) was approved by the Planning Commission in conjunction with the original approval of the Conditional Use Permit. No additional environmental review is required in connection with the proposal to revoke the use permit.



RECOMMENDATION: Revoke or amend Conditional Use Permit #2008-008 as per options outlined herein.

GENERAL PLAN DESIGNATION:

SITE: A (Agricultural)

SURROUNDING: A (Agricultural); LDR (Low Density Residential)

ZONING:

SITE: RMS (Residential Mountain Single Family) District

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

LAND USE:

SITE: Residential Unit, currently occupied by property owners

SURROUNDING: North: Emas Elderberry House, Chateau di Sureau (five star facility with restaurant and hotel); South: 10 acre parcel with one house and barn; East: 10 acre parcel with one home and a chicken coup; West: 40 acre parcel with barn and horses.

SIZE OF PROPERTY: 10 acres

ACCESS (Exhibit A): Via private easement connecting to Highway 41

BACKGROUND AND PRIOR ACTIONS:

On January 3, 2012, the Planning Commission directed Staff to bring the project back for possible revocation.

Code Enforcement ZA #2011-0618 was issued on June 15, 2011 against the Howards for non-compliance to their Conditional Use Permit.

Conditional Use Permit #2008-008 to allow for the Bed and Breakfast operation was approved on July 1, 2008.

Building Permit #07-0201-Addition was approved on February 29, 2008 to allow for an approximately 3,877 square feet expansion, including 3,429 square feet of conditioned space.

Building Permit #03-0072-SFD was approved on April 8, 2003 to allow a garage conversion and the addition of a hobby room.

PROJECT DESCRIPTION:

To revoke an approved Conditional Use Permit for non-conformance of conditions of approval for the Bed and Breakfast operation.

The original project was to establish a three bedroom Bed and Breakfast operation in an existing residential home that was currently being renovated. The operation would operate out of an existing 3,829 square foot single family residence. The operational time frame is seven days a week, twenty-four hours per day. The site will provide areas to paint (i.e. landscape pictures), family cooking using herbs from seasonal garden, walking trails, campfire storytelling (fire season permitting), star gazing, and local tourist opportunities.

ORDINANCES/POLICIES:

Section 18.22.010 of the Madera County Zoning Ordinance outlines the permitted uses within the RMS (Residential Mountain Single Family District) zone.

Section 18.04.083 of the Madera County Zoning Ordinance describes a Bed and Breakfast Operation.

Section 18.92.005 of the Madera County Zoning Ordinance describes the general rules for a conditional use permit regarding conditions, adjustments to regulations and combination of uses.

Section 18.92.060 (A) of the Madera County Zoning Ordinance allows for the processing of a revocation hearing.

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 A (Agricultural) and LDR (Low Density Residential) districts.

ANALYSIS:

At a regularly scheduled hearing in July, 2008, a Conditional Use Permit was approved to allow for the operation of a Bed and Breakfast. The Staff expressed concerns over safety of access on to and off of the site from Highway 41. The Planning Commission emphasized the need to work with Caltrans to ensure the access point be made safe. The applicants agreed to that condition and the other conditions of approval (see Exhibit B).

According to Section 18.04.083 of the Madera County Ordinance, a Bed and Breakfast operation in a single family residence zone means a residence in which lodging, with or without meals, is offered for compensation. There shall be no more than three sleeping rooms, excluding the sleeping rooms occupied solely by the operators of the business. According to the operational statement, that is what is being provided, thus it will be in compliance with zoning ordinance requirements. This is not to be confused with the definition for a Tourist Home, which is discussed later in this report.

At this time, Staff has not seen any indications that the operators of the facility have met any of the conditions of approval set forth in their approved Conditional Use Permit.

Staff worked diligently with the applicants to discuss options regarding the Caltrans conditions. A couple meetings included on site meetings with Caltrans officials as well as in office. Staff has continued to monitor the project.

After two years of non-activity, the applicant was contacted regarding processing a time extension. Applicants are allowed under the ordinance three separate one-year time extensions to perfect their conditional use permit. Neither the applicant nor the operators of the Bed and Breakfast responded back.

In discussions with the Environmental Health Department, Food Services Division, the applicants have not filed or received a Food Vending Health Permit as was required under the CUP. Two fire sprinkler system permits were pulled through the Fire Marshalls office, but one was cancelled and the other expired. No building or addition permits that can be associated with this project have been applied for.

It was at this time that Code Enforcement was directed to issue an Administrative Citation for non-compliance. The operators were given time to come into compliance, which would have closed out the citation with no further action. When they failed to come into compliance, the citation was sent to Revenue Services for issuance of fines.

Eight months after the approval of the Conditional Use Permit, a staff member was directed to send an email to the applicant indicating that they may submit a business license for the bed and breakfast operations, and essentially disregard the need for a Conditional Use Permit. The email indicated that the Business License would be approved for six or fewer guests. The email concluded by stating that, under this situation, if the Planning Department received a complaint regarding the business, it would have to take action due to the fact that no Conditional Use Permit was approved.

Staff discussions revolved around certain definitions under which the operation could work under. In the definitions of the County's Ordinance, specifically Section 18.04.550, "Tourist Home" is similarly defined as a Bed and Breakfast. However, "Tourist Home" is not listed in any of the zone districts for the County as either a by-right activity, activity requiring a Zoning Permit, or an activity requiring a Conditional Use Permit. Group homes are not defined in the Ordinance, nor is it listed as a use in this zone district.

The nature of this operation would not allow it to be considered a residential care facility. Under California Health and Safety Code §1568.0831(5), no conditional use permit, zoning variance, or other zoning clearance shall be required of a residential care facility which serves six or fewer persons. State law requires that facilities that serve six or fewer residents be considered single-family residences. This means that local government can impose on these facilities only those local use restrictions or fees that applies to other single family residences. Unlike small facilities, those residential care facilities serving seven or more individuals are subject to local land use regulations and ordinances.

Group quarters are defined as housing units that do not have direct access from the outside, or do through a common hall, and which do not have a kitchen with cooking equipment for the exclusive use of individual occupants. Group quarters are living arrangements such as institutions for mentally and physically disabled persons, nursing and convalescent homes and halfway houses for those with some form of substance abuse.

OPTIONS

The Planning Commission has the following options for decision on this project:

1. Revoke due to non-compliance of conditions of approval under CUP #2008-008;
2. Not revoke the Conditional Use Permit but alter the existing conditions of approval in consideration of current operations; or
3. Not revoke the Conditional Use Permit, leaving the conditions the same, and require that all conditions of approval be completed by December 31, 2012. If compliance is not obtained by the deadline, the item will be brought back to the Commission.

RECOMMENDATION:

The analysis provided in this report supports the recommendations above as presented for the disposition of CUP #2008-008 and Mitigated Negative Declaration #2008-27.

ATTACHMENTS:

1. Exhibit A, Original Staff Report with conditions
2. Exhibit B, Minute Order #5372
3. Exhibit C, Email from Staff



RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

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EXHIBIT A

PLANNING COMMISSION DATE: July 1, 2008 (continued from June 10, 2008 meeting)

AGENDA ITEM: #4

REVISED

CUP	#2008-008	To allow for a Bed & Breakfast operation
APN	#064-090-009	Applicant: Patrice Jensen Owner: Bruce & Lori Howard
CEQA	MND #2008-27	Mitigated Negative Declaration

REQUEST:

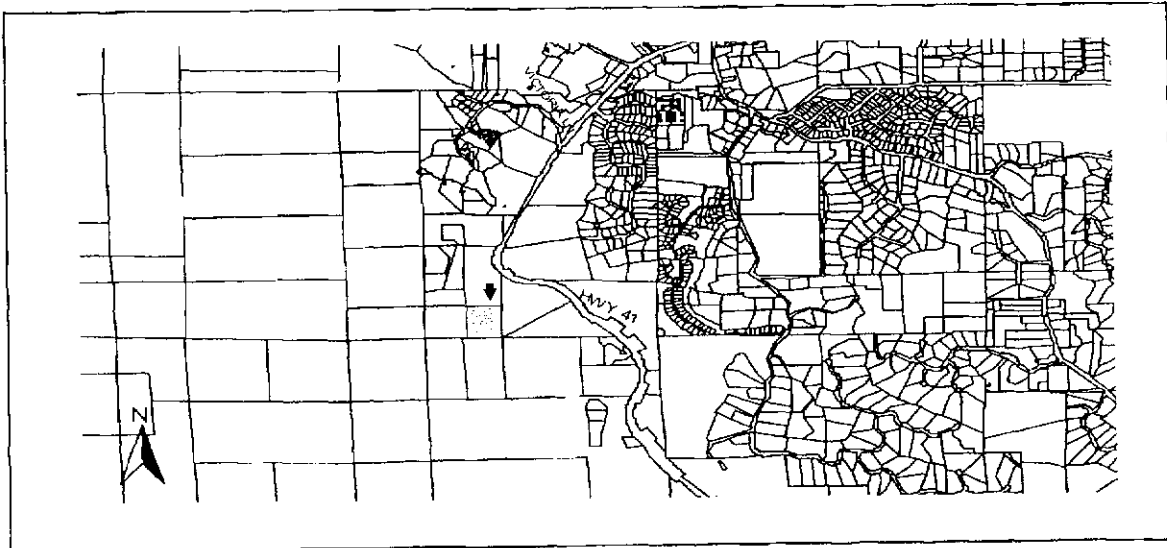
The applicant is requesting a Conditional Use Permit to allow for a Bed and Breakfast to be established in an existing single family residence.

LOCATION:

The area to be considered is located on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49, and approximately 0.63 of a mile south of Victoria Lane (39060 Highway 41), Oakhurst.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2008-27) (Exhibit S) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Denial of Conditional Use Permit #2008-008 and MND # 2008-27

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: A (Agricultural) Designation
SURROUNDING: LDR (Low Density Residential) Designation
A (Agricultural) Designation

ZONING (Exhibit B):

SITE: RMS (Rural Mountain Single Family District)
SURROUNDING: ARE-40 (Agricultural Rural Exclusive – 40 Acre District)
ARE-20 (Agricultural Rural Exclusive – 20 Acre District)

LAND USE:

SITE: Residential unit, currently lived in by applicants
SURROUNDING: North: Ernas Elderberry House, Chateau du Sureau (five star facility with restaurant and hotel); South: 10 acre parcel with one house and barn; East: 10 acre parcel with home and chicken coop; West: 40-acre parcel with barn and horses.

SIZE OF PROPERTY: 10 acres

ACCESS (Exhibit A): Access is via a private easement connecting to Highway 41

BACKGROUND AND PRIOR ACTIONS:

Permit #03-0072-SFD was approved on April 8, 2003 to allow a garage conversion and the addition of a hobby room.

Permit #07-0201-Addition was approved on February 29, 2008 to allow for an approximately 3,877 square foot expansion, including 3,429 square feet of conditioned space.

ORDINANCES/POLICIES:

Section 18.04.083 of the Madera County Zoning Ordinance defines a Bed & Breakfast operation in a single family residential zone.

Section 18.22.010 of the Madera County Zoning Ordinance outlines the permitted uses within the RMS (Residential, Mountain, Single Family) zone.

Section 18.22.010(c)(5) of the Madera County Zoning Ordinance allows for Bed & Breakfast businesses with a Conditional Use permit within the RMS (Residential, Mountain, Single Family) zone.

Section 18.58.010 of the Madera County Zoning Ordinance outlines the permitted uses within the ARE-40 (Agricultural, Rural, Exclusive – 40 Acre) zone.

Section 18.91 of the Madera County Zoning Ordinance outlines the Oakhurst/Ahwahnee Plan Area Sign Overlay district and the requirements of signs within that area.

Section 18.92 of the Madera County Zoning Ordinance outlines the Conditional Use Permit process.

Goal 1.E.3 through 1.E.7 of the Madera County General Plan Policies outlines the Economic Development Policies of the county.

PROJECT DESCRIPTION:

The applicants wish to establish a three-bedroom Bed and Breakfast operation in an existing residential home that is currently being renovated. The operation will operate out of an existing 3,829 square foot single family residence. The operational time frame will be seven days a week, twenty-four hours per day. The site will provide areas to paint (i.e. landscape pictures), family cooking using herbs from seasonal garden, walking trails, campfire storytelling (fire season permitting), star gazing, and local tourist opportunities.

ANALYSIS:

The applicant has applied for a Conditional Use Permit to allow for a residentially based Bed and Breakfast operation on their property. The operation will be established in an existing residential unit that is currently being remodeled to include three additional bedrooms. The applicant was advised prior to purchasing the property that a Conditional Use Permit would be required to operate the Bed and Breakfast operation.

According to Section 18.04.083 of the Madera County Ordinance, a Bed and Breakfast operation in a single family residence zone means a residence in which lodging, with or without meals, is offered for compensation. There shall be no more than three sleeping rooms, excluding the sleeping rooms occupied solely by the operators of the business. According to the operational statement, that is what is being provided, thus it will be in compliance with zoning ordinance requirements.

Access to the site is not maintained to County Standards and would be difficult to access by emergency vehicles. A portion of the access to the site is paved, while the remainder is gravel. Curve radiuses are significantly tight enough to make access by emergency vehicles difficult if not completely impossible. Inclement weather such as rain and snow could potentially make the roadway difficult if not impossible to use.

Guests coming to this bed and breakfast establishment would take Highway 41 to the private easement leading to the operation. When traveling north-bound on Highway 41, the road is curved and provides a limited field of vision to identify a vehicle turning left onto the easement road. There is no turn lane at this section of Highway 41, which makes a left turn maneuver hazardous. Additionally, persons not familiar with this road system would have difficulty finding the access easement at night even if a road sign is provided. The access road should be named and road name signs posted. Because the roadway serves other parcels, directional signs (address and arrow only) should be provided to preclude intrusion onto neighboring parcels.

If this project is approved, a condition should be required that directions to the guests shall include the provision that visitors are to go into Oakhurst and double back so as to be able to turn right onto the access road. However, this action will not guarantee that left turn maneuvers will not occur, or that drivers will not attempt u-turns on Highway 41.

While the applicant has indicated in their operational statement and in the findings of fact that impacts to traffic will be minimal, there will be an impact to the characteristic of the surrounding parcels. The parcels in the area range from five to ten acres in size, so the number of residences, thus the number of vehicles typically in the area, is minimal. With the Bed and Breakfast in operation, there will be an increase in number of vehicles entering and leaving. While the amount of vehicles entering and leaving the area will never be at the level found at hotels, the increased traffic will be a change for the area.

FINDINGS:

The following findings of fact must be made by the Planning Commission to make a finding of approval of this conditional use permit application. At the discretion of the Planning Director, it is recommended that the Planning Commission approve 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 18.22.010(c)(5) of the Madera County Zoning Ordinance, allows for Bed and Breakfast operations with a Conditional Use Permit.*
2. *The proposed project is not contrary to the public health, safety, or general welfare whereas potential impacts to traffic, drainage, and visual impact have been addressed and will be mitigated to a level of less than significant.*
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors. The parking lot and driveways will be paved and/or have road base gravel with dust palliative application for dust control. With the small number of guests there will not be any increase in the noise level over a typical residence.*
4. *The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability whereas the residence will enhance the neighborhood, have a positive energy with the surrounding vegetation and is compatible with the nature of adjacent uses. This residence will have a positive effect on property values in the area.*

WILLIAMSON ACT:

The property is not subject to a Williamson Act contract or any other type of conservation easements.

GENERAL PLAN CONSISTENCY:

The general plan designates the site currently as A (Agricultural) which allows for both agricultural uses and residential uses. The property is zoned RMS (Residential Mountain Single Family) which allows for residential uses. In regards to this project, the designations are consistent.

RECOMMENDATION:

The analysis provided in this report supports denial of the Conditional Use Permit, and denial of the Mitigated Negative Declaration MND #2008-27 (Exhibit S).

Should the Planning Commission vote to approve the project, the following conditions are recommended.

CONDITIONS:

Road Department (Exhibit K)

1. As a condition of approval, the applicant shall comply with all conditions set forth by Caltrans.

Fire Department (Exhibits L)

1. Fire final required
2. Water storage tank required for fire protection. Fire requires a minimum of 2,500 gallons storage and automatic refill, in addition to all domestic requirements if only one tank is installed. Fire department connection is a 2-1/2" male NH with valve. Connection to be within 8 feet of the drive way.
3. A 13D fire sprinkler system installed will mitigate the road grade in excess of 12% (PRC4290).
4. The fifteen foot overhead clearance (PRC 4290) is required.
5. Two fire extinguishers (2A10BC) required on each floor, near outside exit.
6. Approved alarm system.

Engineering Department (Exhibit M)

1. The identified parcel appears to be located in Flood Zone "X" as shown on the latest Flood Insurance Rate Maps (FIRM), an area determined to be outside the 500-year flood plain. A parcel identified as not being located within a Special Flood Hazard area may be subject to localized drainage problems that are site specific and not included in this flood zone determination.
2. The subject property is not within a Maintenance District or Service Area administered by the Madera County Engineering Department.
3. Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the California Uniform Building Codes, including, but not limited to, the Uniform Building Code, National Electrical Code, Fire Code, Uniform Plumbing, Uniform Mechanical Code, Disabled Accessibility, and with the California Amendments to those codes. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.
4. If any grading is to occur, the applicant shall submit a grading, drainage, and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100-year 10-day storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.
5. The applicant is required to retain onsite, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing no net change to storm water quantities as a result of the project.
6. It is possible that the quality of storm water may be affected by pollutants, such as, but not limited to: oil, grease, fuel, dissolved metals from batteries and glycols

from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project; this may be in the form of grease and oil separators as designed by the applicant's engineer. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing this issue.

7. Additionally, the Building Department has these issues:
 - Building Permits and plans required for any alterations additions and remodels based on the 2007 CBC.
 - This building is located within a Wildland Urban Interface Area and shall comply with all construction material requirements defined for such areas.
 - The bed and breakfast use will require handicap accessibility restroom for the shower and master bath.

Planning Department

1. All lighting associated with the project to be hooded and directed away from neighboring properties.
2. All parking areas associated with the project are to be covered with a material sufficient to create a dust free environment. The access road shall be maintained to ensure adequate and safe access and shall be maintained in a dust free manner (i.e. dust palliative).
3. Per County Zoning Ordinance 18.04.083, the building shall contain not more than three sleeping rooms excluding sleeping rooms solely occupied by the owner, and no more than eight guests shall be allowed at any one time.
4. The owner shall reside on site.
5. If meals are offered, they shall be only for guests or the owner.
6. Per the County's parking ordinance, the applicant shall provide two parking spaces per dwelling plus one parking space for each guest room for guest parking for a total of five (5) spaces. Handicap parking shall be provided as required by the building code. Contact the building department for this requirement.
7. Signage shall be limited to a minimum of 8 square feet and shall not be internally illuminated. Directional signs shall be provided along the easement road to preclude intrusion onto neighboring properties. Signs shall be limited to address and directional arrows. All signage subject to review and approval by the Planning Department.
8. Directions to the site for visitors shall include the provision that visitors are to go into Oakhurst and double back so as to be able to turn right onto the access road.
9. Prior to release of this CUP, the applicant shall name the access road.
11. The project shall operate in accordance with the operational statement and site plan except as modified by the mitigation measures and other conditions of approval.

Environmental Health Department (Exhibit N)

1. The sewer treatment system and onsite wastewater treatment for this development must comply with the Madera County Environmental Health Department and Regional Water Quality Control Board requirements. The septic disposal system for the proposed expansion must be designated for maximum occupancy by a registered civil engineer, geologist, or environmental health specialist acceptable to this department.
2. Applicant must obtain a valid Food Vending Health Permit from this department prior to beginning operation of the Bed and Breakfast.
3. Maintain all county setbacks and label appropriately on the plot plan.

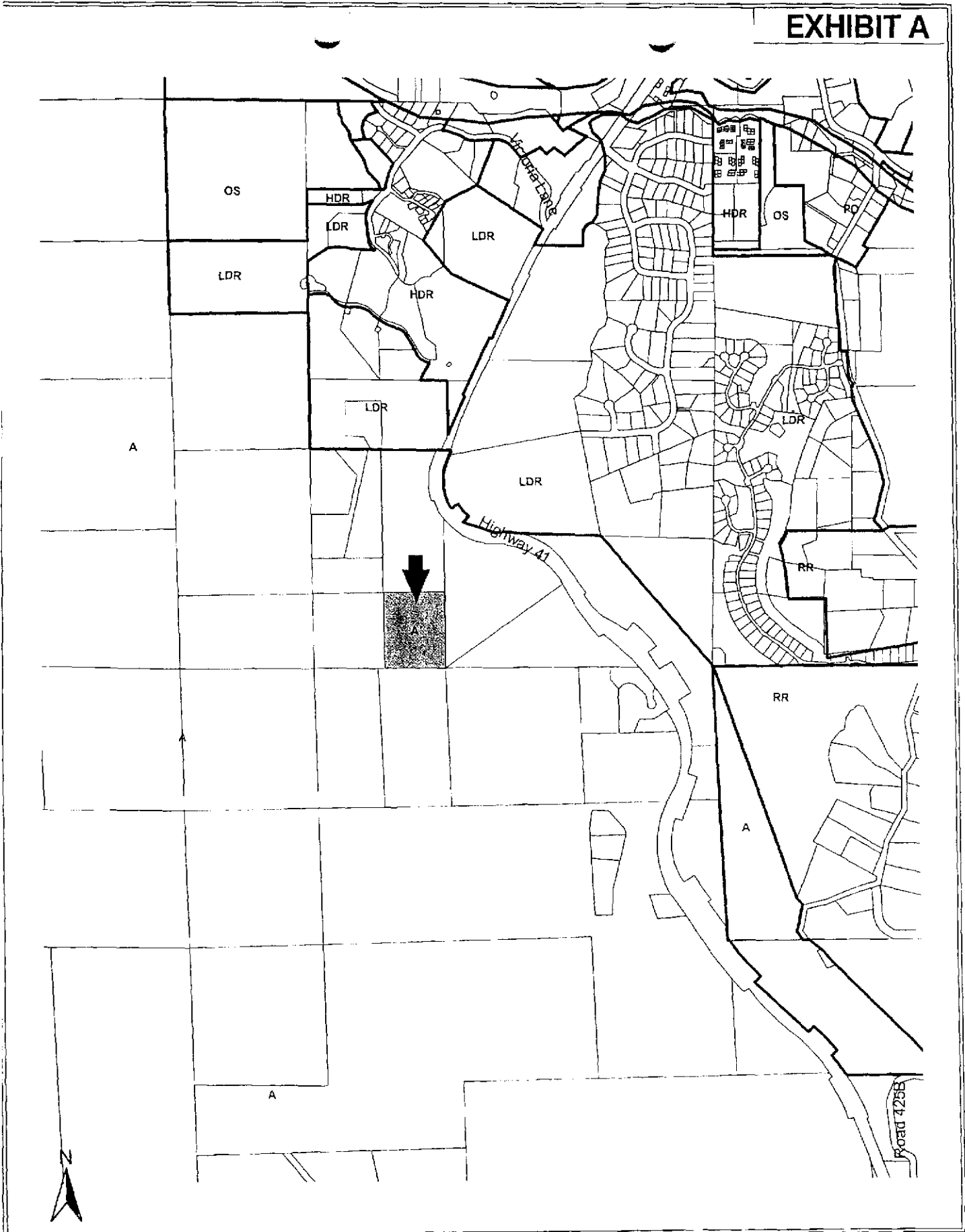
Caltrans (Exhibit P)

1. The applicant shall comply with any and all conditions required by Caltrans.

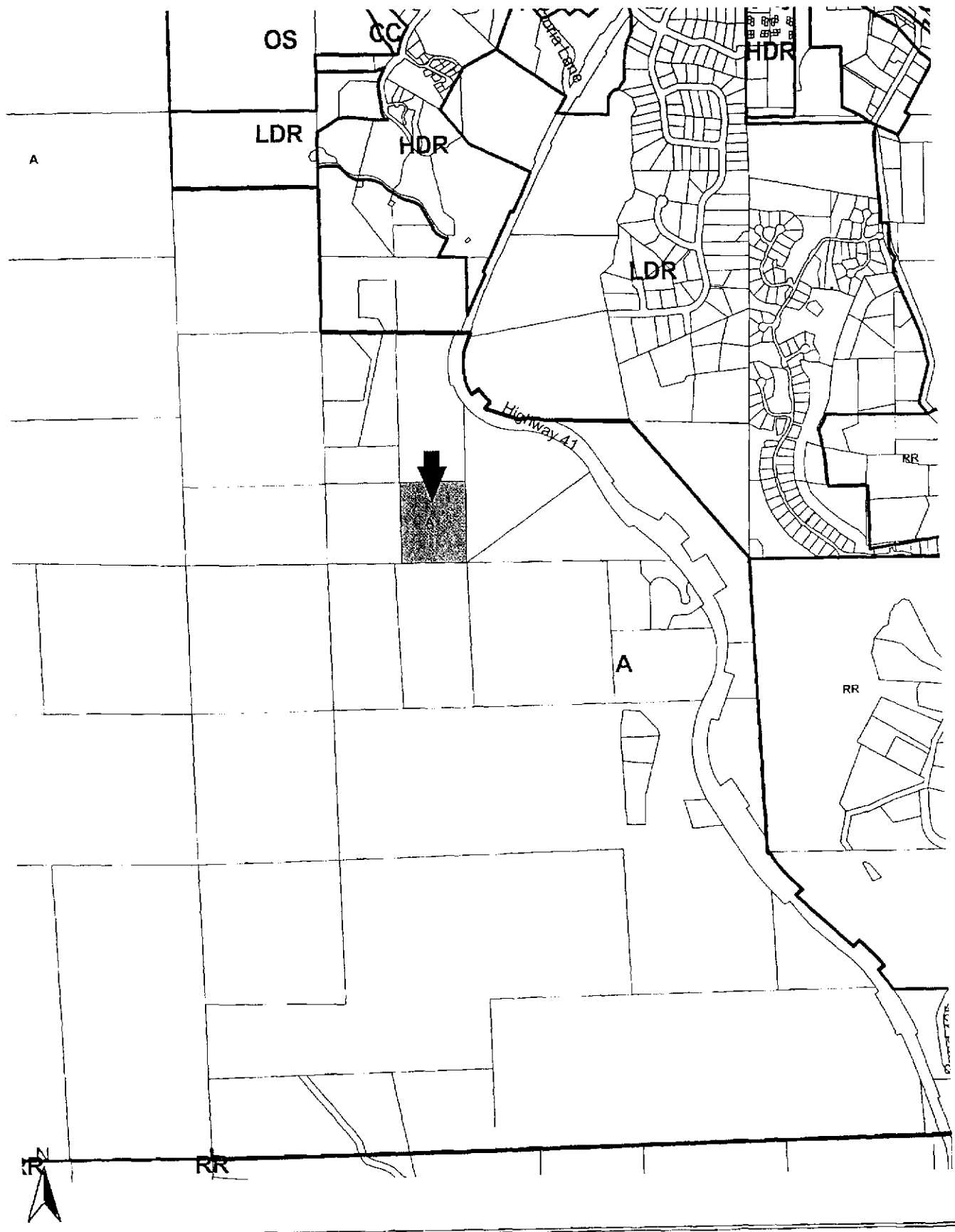
ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit A-2 Oakhurst Area Plan Map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D, Site Plan Map
6. Exhibit D-1, Elevations of structure
7. Exhibit E, Topographical Map
8. Exhibit F, Chapter 18.04.082 of the Madera County Code for Bed & Breakfast
9. Exhibit G, Operational Statement
10. Exhibit H, Findings of Fact
11. Exhibit I, Structure and parking details
12. Exhibit J, Food Manager Certification
13. Exhibit K, Madera County Roads Department comments
14. Exhibit L, Madera County Fire Department comments
15. Exhibit M, Madera County Engineering and General Services comments
16. Exhibit N, Madera County Environmental Health Department comments
17. Exhibit O, California Department of Transportation comments
18. Exhibit P, Letter of support
19. Exhibit Q, Letter of support #2
20. Exhibit R, CEQA Initial Study
21. Exhibit S, CEQA Mitigated Negative Declaration #2008-27

EXHIBIT A

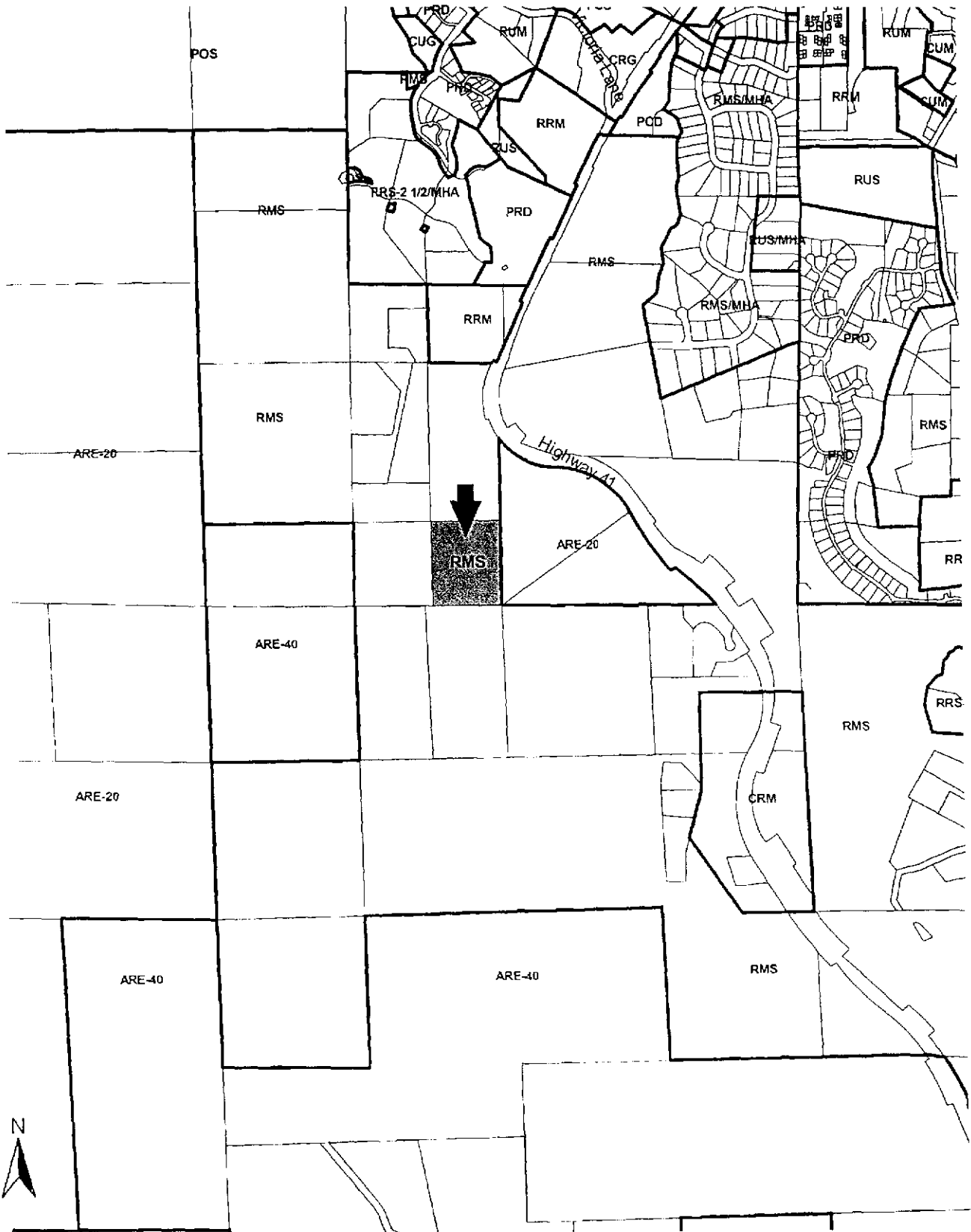


GENERAL PLAN MAP



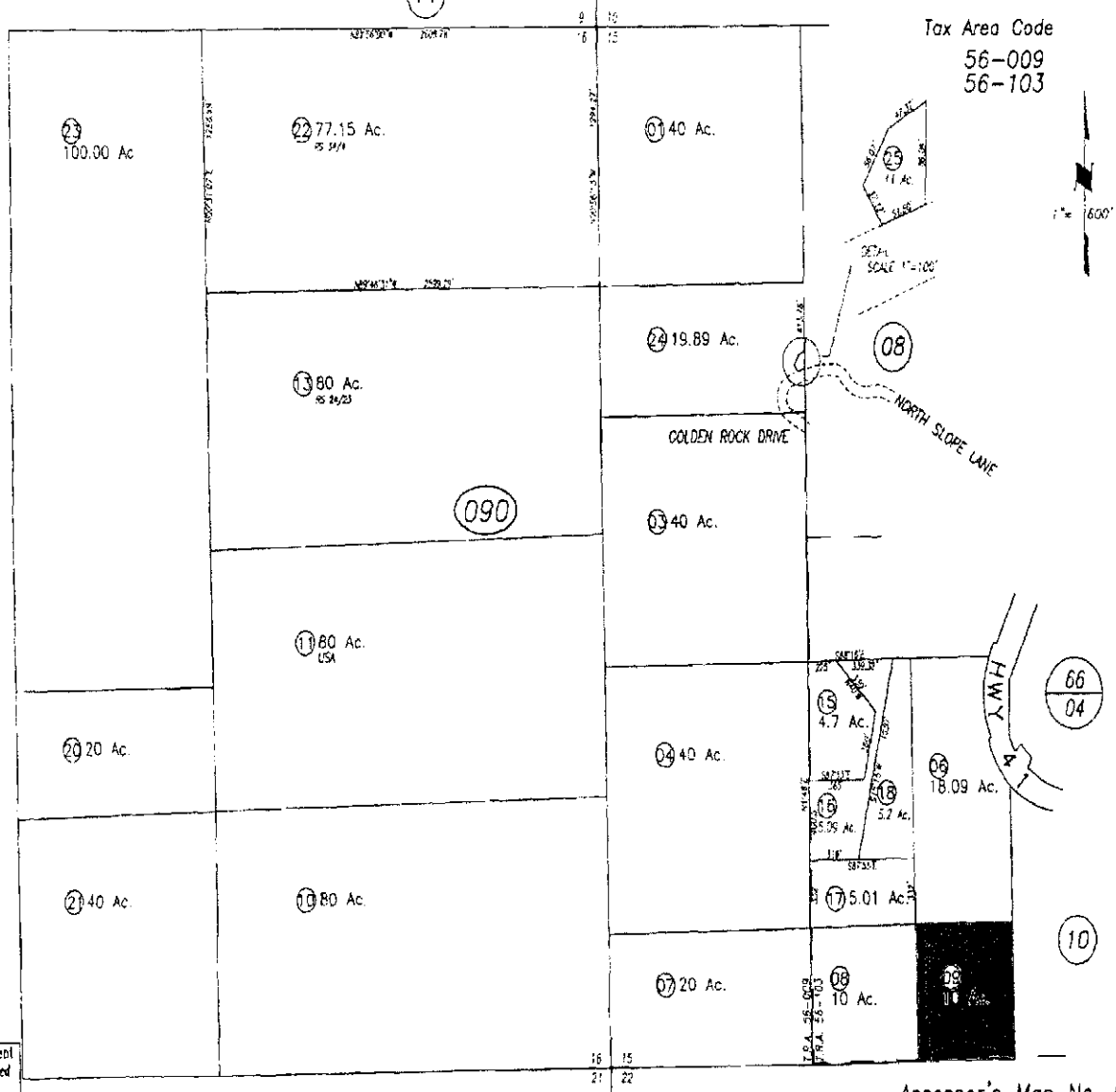
OAKHURST AREA PLAN

EXHIBIT B



ZONING MAP

14



Tax Area Code
56-009
56-103



ASSESSOR'S MAP
ORIGINAL

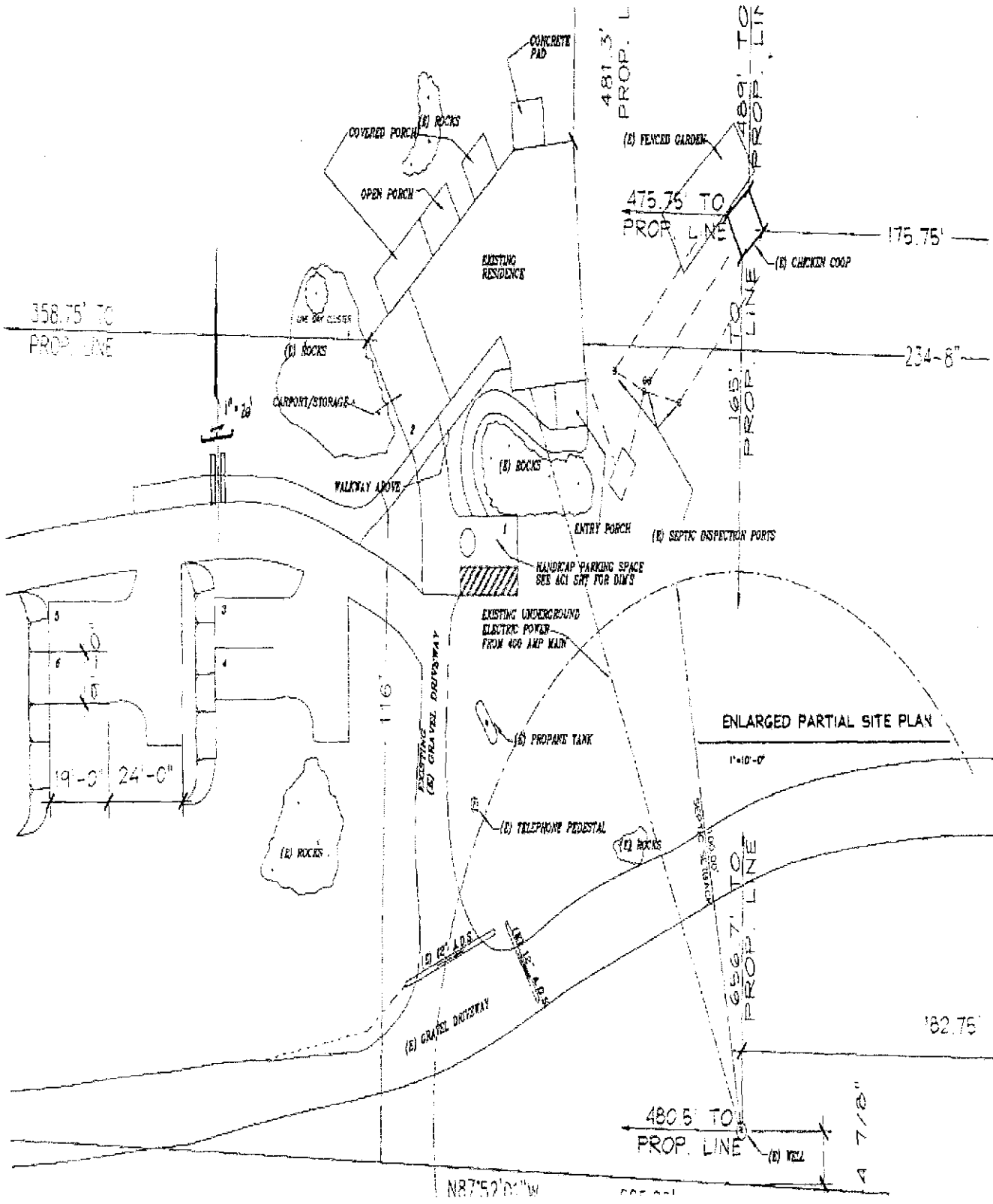
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NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

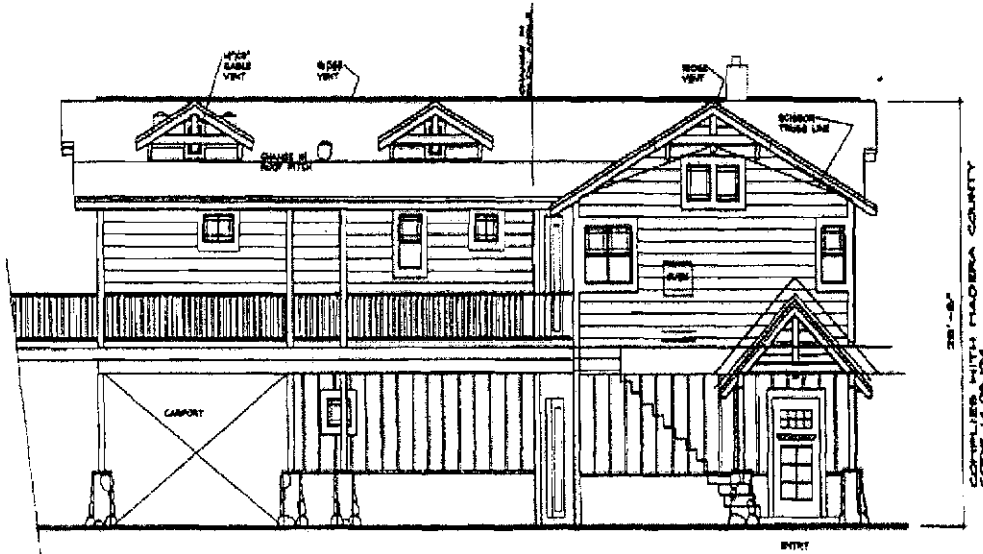
Assessor's Map No. 64-09
Bass Lake School District
County of Madera, Calif.
1965

EXHIBIT C

EXHIBIT D



SITE PLAN



SOUTH-FRONT ELEVATION

EXTERIOR ELEVATION NOTES:

ROOF: Concrete composite siding over TYPAR over other plywood. Lap siding to be installed per manufacturer's requirements. See Schedule for notes with US table over landscape.

WINDOWS: Double glazed vinyl. Glass wherever subject to human impact to have safety glazing.

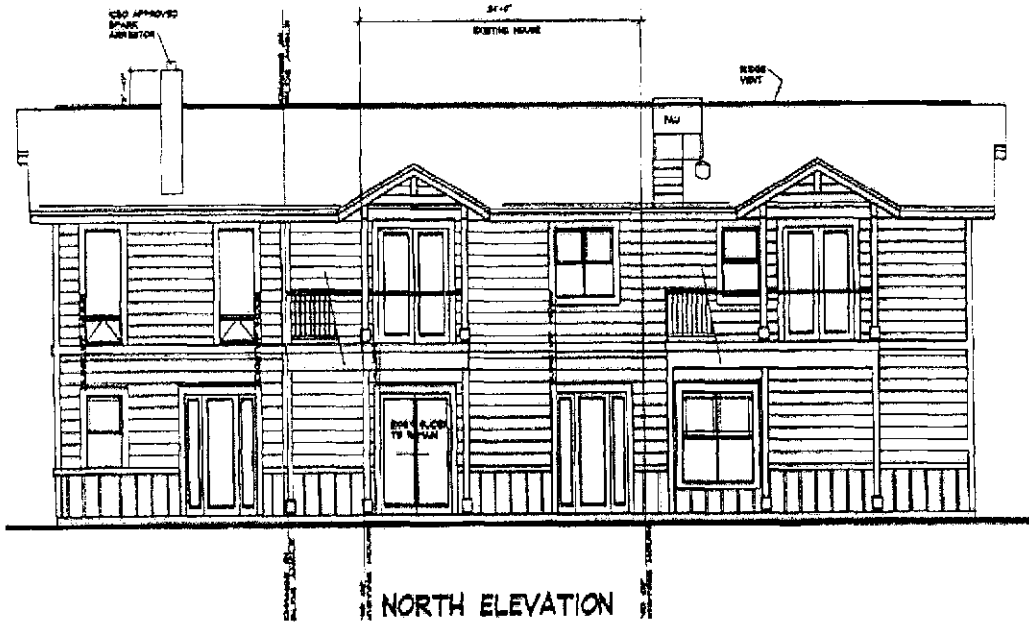
TRIM: See schedule here for all windows, screens, and doors. Siding applied here for all trimwork.

GLAZING/STAR HANDRAIL: Design to meet a horizontal force of 800 per sq ft applied at the top of the railing. For additional notes see Sheet 001. Typical railing to be 36" in height.

ROOFING: Clean & Gable eaves meeting over 200 feet setback by installer.

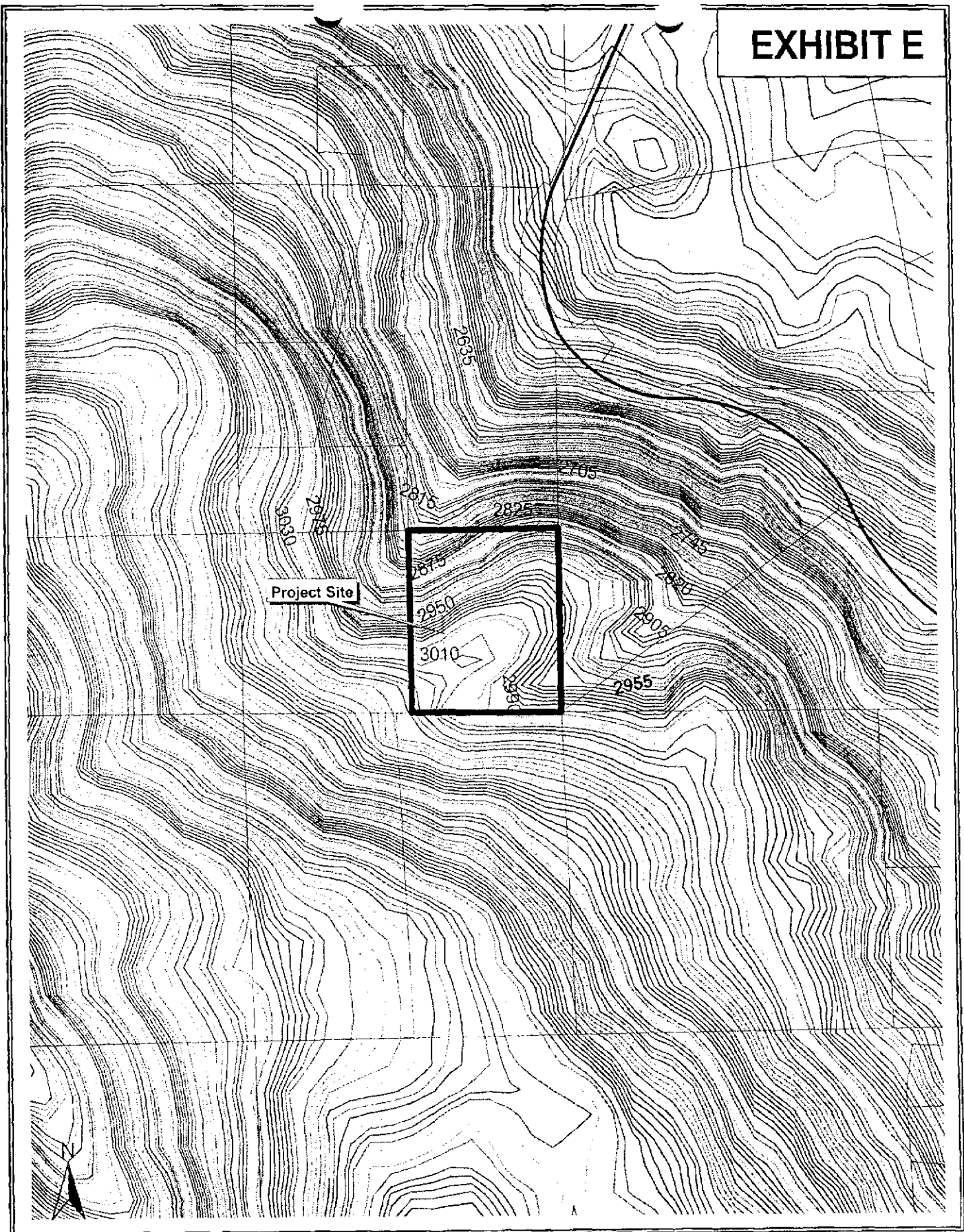
ROOF-TO-WALL FLASHING: All at roof-to-wall intersections under 200 and 200. Flashing 1/2" into under siding.

VALLEY FLASHING: Provide for at least 2" of roof above metal valley flashing with a 30" wide underlayment directly under flashing and over thoroughly prepared underlayment.



ELEVATIONS

EXHIBIT E



TOPOGRAPHICAL MAP

EXHIBIT F

18.070--18.04.090

18.04.070 Base geometric plane. "Base geometric plane" means the plane or conic surface above which air-space is preserved in association with the several spaces of the AAO, airport/airspace overlaid districts. (Ord. 525 §1(part), 1989).

18.04.075 Basement. "Basement" means a space under the building having at least one-half of its height below grade. However, a basement shall be counted as a story for purposes of regulation by this title if the vertical distance from grade to the ceiling is over five feet or if the space is used for business or dwelling purposes. (Ord. 525 §1(part), 1989).

18.04.080 Base setback line. "Base setback line" means the edge of the public right-of-way unless otherwise designated. (Ord. 525 §1(part), 1989).

18.04.082 Bed and breakfast establishment, multifamily residential areas. "Bed and breakfast establishment, multifamily residential area" means a residential building in which lodging, with or without meals, is offered for compensation. The building shall contain not more than ten sleeping rooms, excluding sleeping rooms solely occupied by the owner or the owner's employees. If meals are offered, they shall be only for those guests, the owner or employees staying on the premises. The owner of the facility shall reside on the premises. (Ord. 525-B §1, 1992: Ord. 525 §1(part), 1989).

18.04.083 Bed and breakfast establishment, single family residential areas. "Bed and breakfast establishment, single family residential areas" means a residential building in which lodging, with or without meals, is offered for compensation. The building shall contain not more than three sleeping rooms, excluding sleeping rooms solely occupied by the owner, and no more than eight guests shall be allowed at any one time. The owner shall reside on-site. If meals are offered, they shall be only for guests or the owner. Limitations must be specified for appropriate signage, length of stay, fire safety requirements, parking standards, security lighting, water supply, and registration procedures to avoid adverse impacts to surrounding properties. (Ord. 525-B §2, 1992).

18.04.085 Block. "Block" means the land enclosed by existing, dedicated or officially mapped streets, roads, highways, railroads, canals or subdivision boundaries. (Ord. 525 §1(part), 1989).

18.04.090 Board. "Board" means the board of supervisors of Madera County. (Ord. 525 §1(part), 1989).

EXHIBIT G

Operational/ Environmental Statement Checklist

1. Assessors Parcel Number 64-090-009, POR SEC 15&16 T7S R.21E M.D.B.&M.
Bass Lake School District, County of Madera, California RMS zoning
Bruce and Lori Howard
39060 Highway 41
Oakhurst Ca 93644
(559) 683-7650
2. Describe the nature of your proposal- Our intent is to build a "retreat" where we Will live. We would like to open 3 rooms to the public on a daily basis to enjoy the benefits of the Sierras, to relax with a sierra mountain view, enjoy seasonal gardens, walking trails on our 10-acre parcel and enjoy the simpler things in life.
3. What is the existing use of the property? The existing use of property is a one-bedroom/two story house where we presently live and are presently expanding the home to a four-bedroom home complete with a fenced in seasonal garden, and chicken coop. One bedroom is for us, the owners.
4. What products will be produced? What products will be produced by the operation- At this point no products. Down the road we would like to plant appropriate trees for fruit or nut gathering purposes as an additional retreat recreation. Products would not be sold.
5. The proposed operational time limits are as a retreat: 7 days a week 24 hours per day.
6. The special activities or events will be both indoors and outdoors. We would like to offer artists the opportunity to paint, family cooks the opportunity to enjoy our herb and seasonal gardens, quiet reading and meditation locations, walking trails, campfire storytelling (fire season permitting), star gazing and local tourism opportunities. These activities would be seasonal, open to the guest(s), prearranged and do to the benign nature of our retreat goals, respectful to our neighbors on all sides.
7. How many customers or visitor will be expected? We would expect no more than 8 visitors per day (sometimes less). With 3 rooms to offer, this is our intent during a 24-hour period.
8. How many employees will there be? Our intent is to not have employees. We will run the retreat by ourselves. Our intent is to work our son into the business and house my mother when she can no longer care for herself. Any additional help will be contracted as specifically needed. Examples: plumber, electrician, handyman. They will not live on site.
9. What equipment, materials or supplies will be used and stored? Only basic maintenance equipment and supplies will be stored at the retreat in appropriate sheds or units. (designed into the facility when built)
10. Will there be any service and delivery vehicles? There should be no service or delivery vehicles required with this venture; possibly an occasional UPS delivery truck as is common with residences in the area.
11. What will be the number of parking spaces required and type of surfacing for the parking area? We will comply with the Madera County requirement for type of surfacing and number of parking spaces provided for parking area.

12. How will access be provided to the project? Access to our property is currently off Highway 41. We would like to comply as best as possible with Madera County road specifications for a venture like this keeping in mind the rustic, retreat type atmosphere we are trying to achieve.
13. How many vehicular trips will be generated by the proposed development ? Because of the intent and location of our project, we believe that the standard formula for computing vehicular trips generated per day would be excessive. After building the Home/Retreat, I would guesstimate no more than 4 trips per day per guest and residents.
14. Describe proposed advertising? Advertising would comply with Madera County signage ordinance in size, appearance and placement.
15. What existing buildings will be used and what new buildings constructed? We intend to build an addition to our existing residence. Construction materials, height and color will be environmentally sensitive, ecologically and energy efficient. The existing structure will be modified to reflect the same natural esthetics we would like to reflect in the structure addition.
16. Is there any landscaping or fencing proposed? Landscaping will be natural in most locations. Trail and gardens will have plant and animal information. Educational opportunities along the way. Trail and garden postings. Fencing will be only if required. There is currently a "deer discouraging" fence (8 foot tall) around our seasonal garden. (They seem unimpressed with our herb garden).
17. The surrounding land uses to the North are Ernas Elderberry House and Chateau du Sureau a five star facility with restaurant and hotel. To the South it is a 10-acre parcel with 1 house, large barn where the owner builds and restores vintage vehicles. To the east another 10-acre parcel with a house and chicken coop, to the West is a 40 acre parcel with a large barn and horses.
18. Will this operation or equipment used generate noise above existing parcels in the area? This operation **will not** generate any noise above existing parcels in this area once the home is built.
19. Estimate how much water will be used by the proposed project. Our water for this project comes from our well. We will comply with the regulations of Madera County regarding supply and development for project.
20. We are also on an existing septic system for our wastewater and have had the system reviewed and certified for a four bedroom house. We will comply with Madera County requirements for project.
21. How much solid waste will be generated by the proposed project? We currently have Emadco for our solid waste disposal. We believe that they will be able to continue serving us without any unusual changes.
22. Will there be any grading? Tree removal? Grading will only be done as a requirement for road and drainage as required by Madera County. Building pad will require some grading that is under the present building permit. There should be no tree removal necessary.
23. There are no archeological or historically significant sites located on this property to my understanding or through disclosure.
24. There are no bodies of water located on this parcel.

25. Show any ravines, gullies and natural drainage courses on the property or plot plan. There are ravines, gullies and natural drainage courses on this property away from the building site. Walking trails will be designed to encompass these natural opportunities.
26. There will be no hazardous materials or waste produced from this project.
27. This project will require no additional public services, special districts or facilities.
28. I see this project impacting the surrounding area with its tourism dollars, amenity and personal lifestyle improvements.
29. There should be no impact on schools, parks, police or special districts. Our intent is to work with Fire to make sure that we are as prudent as possible with safety precautions.
30. If your proposal is for commercial or industrial development please show proposed use, square feet of building area, total # of employees, Building Height. Does not apply. Not a commercial or industrial development.
31. This application is not for land division

EXHIBIT H

Findings of Fact
Howard Bed & Breakfast
February 29, 2008

1. The proposed project addition does not violate the spirit or intent of the Zoning Ordinance. The granting of this Conditional Use Permit is consistent with the General Plan and Zoning Ordinance and is allowed per the zoning ordinance by Conditional Use Permit.
2. The proposed project is not contrary to the public health, safety or general welfare. Potential impacts of traffic, drainage and visual impact have been addressed and will be mitigated to a level of less than significant.
3. The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The parking lot and driveways will be paved and/or have road base gravel with dust palliative application for dust control. With the small number of guests there will not be any increase in the noise level over a typical residence.
4. The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.
This residence will enhance the neighborhood, have a positive energy with the surrounding vegetation and is compatible with the nature of adjacent uses. This residence will have a positive effect on property values in the area.

OWNER:

BRUCE & LORA HOWARD
39061 HWY 41
OAKHURST, CA. 93644
(559) 683-7650

EXHIBIT I

LEGAL DESCRIPTION:

39061 HWY 41
OAKHURST, CA. 93644
APN: 064-090-009

SQUARE FOOTAGE:

EXISTING MAIN FLOOR	1711 SF
EXISTING UPPER FLOOR	2118 SF
<u>EXISTING TOTAL CONDIT'ND</u>	<u>3829 SF</u>

EXISTING CARPORT	272 SF
EXISTING STORAGE	112 SF
EXISTING COVERED DECKS	144 SF
EXISTING OPEN DECKS	322 SF
EXISTING OPEN CONC PATIOS	384 SF
EXISTING COVERED PATIOS	80 SF
<u>TOTAL</u>	<u>1,314 SF</u>

OCCUPANCY TYPE: R-3 / U-1
CONSTRUCTION TYPE: V-N
ZONING: RMS

CONTRACTOR:

DAVE COLETTA CONSTRUCTION
PO BOX 2416
OAKHURST, CA. 93644
559-642-7774

PARKING:

PARKING REQUIRED:
2 SPACES/DWELLING + 1 SPACE/ RM FOR GUESTS
= 2 SPACES FOR OWNERS + 3 SPACES
= 5 PARKING SPACES REQUIRED

PARKING PROVIDED:
1 CARPORT SPACE + 1 HANDICAP SPACE +
4 SPACES WEST OF RESIDENCE
= 6 PARKING SPACES PROVIDED

EXHIBIT J

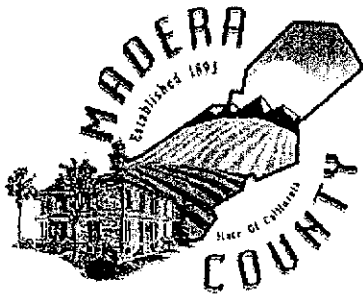


National Registry of Food Safety Professionals
CERTIFIED FOOD SAFETY MANAGER

BRUCE HOWARD JR

Successfully Provided by:
Premier Food Safety
(800) 676-3121
www.premierfoodsafety.com

Certificate No: ZS20203279
Issue Date: December 5, 2007



ROAD DEPARTMENT
COUNTY OF
MADERA

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

ROBERT E. TOWNSEND
Road Commissioner

EXHIBIT K

MEMORANDUM

TO: Robert Mansfield
FROM: Mitch Hemaidan, Road Department
DATE: June 18, 2008
RE: Patrice Jensen, Architect - Conditional Use Permit - Oakhurst (064-090-009-000)

Comments

for the expansion to an existing residence for the purposes of utilizing a portion of the structure for a bed and breakfast retreat. The project site (APN 064-090-009) is located west of State Route 41 (SR41) approximately 1.5 miles south of North Slope Lane. □

This project site has no direct access to a public road right of way. It appears that the property is accessible by way of private easements that traverse adjacent parcels from SR41. The Road Department has no jurisdiction over State Routes (CALTRANS).

Conditions

1.d As a condition of approval, the applicant shall comply with all conditions set forth by Caltrans.

MADERA COUNTY FIRE DEPARTMENT
IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

G
MADERA COUNTY

MEMORANDUM

TO: Robert Mansfield
FROM: Fire Department
DATE: June 17, 2008
RE: Patrice Jensen, Architect - Conditional Use Permit - Oakhurst (064-090-009-C)

Statutes

Conditions

- 1) Fire Final required.
- 2) Water storage tank required for fire protection. Fire requires a minimum of 2,500 gals storage and automatic refill, in addition to all domestic requirements if only one tank is installed.

Fire department connection is a 2-1/2" male NH, with valve. Connection to be with-in 8 feet of the drive way.
- 3) A 13D fire sprinkler system installed will mitigate the the road grade in excess of 12%. (PRC4290)
- 4) The fifteen foot overhead clearance (PRC 4290) is required.
- 5) Two fire extinguishers, 2A:10BC required, on each floor, near outside exit.

6) Approved alarm system. ☹



Engineering and General Services

2037 West Cleveland
Avenue
Madera, CA 93637
(559) 661-6333
(559) 675-7639
FAX
(559) 675-8970
TDD

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

engineering@madera-county.com

MEMORANDUM

TO: Robert Mansfield
FROM: Madera County
DATE: April 3, 2008
RE: Patrice Jensen, Architect - Conditional Use Permit - Oakhurst (064-090-009-000)

Comments

This department does not object to this request, recommends approval and submits the following comments and conditions:

1) The identified parcel appears to be located in Flood Zone "X" as shown on the latest Flood Insurance Rate Maps (FIRM), an area determined to be outside the 500-year flood plain. A parcel identified as not being located within a Special Flood Hazard area may be subject to localized drainage problems that are site specific and not included in this flood zone determination.

2) The subject property is not within a Maintenance District or Service Area administered by the Madera County Engineering Department.

3) Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the California Uniform Building Codes, including, but not limited to, the Uniform Building Code, National Electrical Code, Fire Code, Uniform Plumbing, Uniform Mechanical Code, Disabled Accessibility, and with the California Amendments of these codes. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.

4) If any grading is to occur, the applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100 year, 10 day storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.

5) The applicant is required to retain onsite, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing no net change to storm water quantities as a result of this project.

6) It is possible that the quality of storm water may be affected by pollutants, such as, but not limited

to, oil, grease, fuel, dissolved metals from batteries and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. This may be in the form of grease & oil separators as designed by the applicant's engineer. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing this issue.

7) Additionally the building department has the following concerns and revisions:

" Building permits and plans required for any alterations, additions and remodels based on the 2007 CBC.

" This building is located within a Wildland Urban Interface Fire Area and shall comply with all construction material requirements defined for such areas. (New construction only) CBC 701A.3

" The bed and breakfast use will require handicap accessibility restroom for the shower and master bath.



RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Nishi, Director

EXHIBIT N

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

MEMORANDUM

TO: Robert Mansfield
FROM: Environmental Health Department
DATE: April 1, 2008
RE: Patrice Jensen, Architect - Conditional Use Permit - Oakhurst (064-090-009-000)

Comments

The Environmental Health Department has reviewed the conditional use permit #2008-008 Patrice Jensen Architect. The application can proceed with the following conditions:

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

Applicant must obtain a valid Food Vending Health Permit from this Department prior to beginning operation for the operation of this Bed and Breakfast.

Maintain all county setbacks and label appropriately on the plot plan

If you have questions or comments regarding the above conditions, please contact this Dept. at (559) 675-7823.

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY (559) 488-4066

EXHIBIT O



*Flex your power!
Be energy efficient!*

March 12, 2008

2134-IGR/CEQA
6-MAD-41-34.5
CUP 2008-008
HOWARD BED & BREAKFAST

Mr. Robert Mansfield
County of Madera
Planning Department
2037 W. Cleveland Avenue
Madera, CA 93637

Dear Mr. Mansfield:

We have completed our review of the proposal to allow a single-family residence with a Bed and Breakfast (3 rooms to rent). The site is located along the west side of State Route (SR) 41, south of Victoria Lane. Caltrans has the following comments:

The owner needs to provide a copy of the Encroachment Permit authorizing the existing access to the parcel or submit an application requesting approval for the driveway access. Furthermore, any new access will need to be approved by this agency.

Any existing or proposed driveways accessing State right-of-way must meet current State standards.

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

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Also, please send a response to our comments prior to staff's recommendations to the

Mr. Robert Mansfield
March 12, 2008
Page 2

Planning Commission and the Board of Supervisors. If you have any questions, please contact me at (559) 445-5868.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Navarro', with a stylized flourish at the end.

MICHAEL NAVARRO
Office of Transportation Planning
District 06

EXHIBIT P

April 1 2008

County of Madera

We understand that Bruce and Lori Howard at 39060 Hwy 41 desire to add a Bed and Breakfast aspect to their current residence.

We understand that they plan to follow the CUP designed for our zoning provided by the County of Madera, and support their efforts as immediate neighbors.

Signed *Mary Lou Finley* Date *Apr 4-08*
Signed *Benji R. Mulla* Date *Apr 4, 08*

*39064 Hwy 41
Oakhurst Ca 93644
(559) 683-3789*

April 1 2008

EXHIBIT Q

County of Madera

We understand that Bruce and Lori Howard at 39060 Hwy 41 desire to add a Bed and Breakfast aspect to their current residence.

We understand that they plan to follow the CUP designed for our zoning provided by the County of Madera, and support their efforts as immediate neighbors.

Signed Frankie Alberta Date 4/6/08

Signed Virginia Alberta Date 4/6/08

39180 Hwy 41
Oakhurst Ca 93644
(559) 683-2802

Title of Proposal: CUP #2008-008 – Jensen (Bed & Breakfast)

Date Checklist Submitted: April 16, 2008

Agency Requiring Checklist: Madera County

Agency Contact: Robert Mansfield, Planner III

Phone: (559) 675-7821

Description of Project:

The applicant wishes to open a Bed & Breakfast operation in an existing residential home in Oakhurst,

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the initial study to determine whether the project has a significant effect on the environment. In accordance with CEQA, Guidelines (Section 15064[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level (CEQA Guidelines Section 15062[f]).

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

Project Location:

The subject parcel is located on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49 (39060 Highway 41), Oakhurst

Applicant Name and Address:

Patrice Jensen, Architect (Applicant)
40300 Greenwood Way
Oakhurst, CA 93644

Bruce and Lori Howard (Owner)
39060 Highway 41
Oakhurst, CA 93644

General Plan Designation:

A (Agricultural)

Zoning Designation:

RMS (Rural, Mountain, Single Family)

Surrounding Land Uses and Setting:

Residential

Other Public Agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

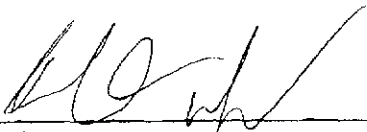
The environmental factors checked below would be potentially affected by this project.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Land Use / Planning | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

4-16-08
Date

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

I. AESTHETICS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

Visual resources are classified into two categories: scenic views and scenic resources. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor. Scenic resources are described in the CEQA Environmental Checklist as specific features of a viewing area (or viewshed) such as trees, rock outcroppings and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements.

Aesthetic effects are somewhat subjective and are influenced by such factors as the location of the viewer, duration of exposure, and the status of the viewer in relation to the project. "Status of the viewer" is a reference to the fact that a resident of a property that has a direct view of the project site from an adjacent property is likely to feel differently about the new development than a non-resident who catches a brief glimpse of the project site from the roadway. Light and glare effects also are somewhat subjective; they are more likely to disturb permanent residents than transient highway travelers.

Light and glare effects must be evaluated from two viewpoints: (1) the viewpoint from the project site toward surrounding uses and (2) the viewpoint from surrounding uses toward the project site. The degree of impact is proportional to the perceived negative effect on surrounding land uses. If there is a continuous light or glare that is visible from nearby residences, and if it creates a nuisance to residents, the impact is potentially significant. The sensitivity of viewers to changes in the viewshed can be measured by the extent and nature of general plan provisions that address visual resources in relation to development proposals.

The project will not have an adverse effect on a scenic vista. The project site is located in a rural, agricultural area. Viewers are limited to motorists on perimeter roadways and residents of surrounding facilities and operations.

The proposed project will not be visible from a state or interstate highway, and is not a scenic route designated in the Madera County General Plan. No scenic resources have been identified on the site.

The residential unit where the Bed & Breakfast operation will work out of already exists, so no known new sources of light will be brought into the area. The lights from the residence already contribute to the light pollution existing in the area. Currently the house is a one-bedroom, two-story residence. There will be some remodeling/additions to accommodate the increase in potential visitors. The increase will be minimal, but the increase of light source will be cumulative.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

II. **AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

A number of resulting impacts of agricultural land use incompatibilities include:

- Theft of high-value farm equipment and supplies;
- Vandalism to farmland, including trespass, crop pilferage, and damage to irrigation equipment;
- Personal injury liability, occurring from trespass accidents and consuming of crop products recently sprayed with pesticides;
- Traffic congestion and hazards due to conflicts between vehicular traffic and low-speed farm equipment;
- Airborne hazards to adjacent developments from agricultural practices that produce dust, smoke and pesticide drift;
- Damage to crops from vehicular emissions;
- Spread of crop to ornamental landscaping in adjacent developments;
- Noise effects from agricultural operations from spraying, cultivating, and harvesting equipment, especially at night and early morning; and
- Effects on water quality for adjacent developments due to leached chemical and biological agents (pesticides, coli forms, fertilizers) into groundwater supplies.

The project is not in the Williamson Act. Pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, this parcel is labeled as Grazing Land. As this parcel has been in residential use for a period of time, there will be no conversion of agriculturally related land.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Impacts in air quality are addressed by the San Joaquin Unified Air Pollution Control District.

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM_{10} and $PM_{2.5}$). This project could contribute to the overall decline in air quality due to increased operational emissions; however, by itself, would not generate significant air emissions. However, the increase in emissions from the project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley.

Particulate matter can be divided up into two size categories, PM_{10} and $PM_{2.5}$. PM_{10} refers to particulate matter that is 10 microns or less (1 micron is one-millionth of a meter) in diameter and is sometimes referred to as inhalable or coarse-particulate matter. $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter and is referred to as fine-particulate matter. The size of the particulate matter is directly linked to their potential for causing health problems. Small particles pose the greatest health problems, because they can get deep in the lungs, and some may even get into the bloodstream. Both PM_{10} and $PM_{2.5}$ are small enough to bypass the body's defense mechanisms and become lodged in the lungs. In fact, $PM_{2.5}$ is small enough to reach the alveoli, the portion of the lung where the oxygen/carbon dioxide exchange occurs. Exposure to such particulates can affect both the lungs and the heart. Large particulates are less of a concern, although they can irritate one's eyes, nose and throat.

In 2005, paved and unpaved road dust particulate matter (within the range of PM_{10}) contributed to approximately 33% of the total PM_{10} for the entire Madera County region.

The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) has established a three-tiered approach to determining significance related to a project's quantified ozone precursor emissions. Each tier or level requires a different degree of complexity of emissions calculation and modeling to determine air quality significance. The SJVUAPCD pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding emissions thresholds. The District's Guide for Assessing Air Quality Impacts provides this information in terms of vehicle trips required to exceed the threshold for five general land use categories (residential housing, commercial, office, institutional and industrial) and the sizes of various specific development types meeting these criteria. Projects falling under these size thresholds qualify for what the SJVUAPCD refers to as the Small Project Analysis Level (SPAL). No quantification of ozone precursor emissions is needed for projects less than or equal to the sizes listed; however, other factors, such as toxic air contaminants, hazardous materials, asbestos, and odors still need to be analyzed. Agricultural projects are exempt from

SJVUAPCD regulations, and agriculture is not one of the five general land use categories listed.

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

Construction activities associated with the project will temporarily contribute dust to an air mass in the San Joaquin Valley that currently exceeds the state and federal health standards for PM-10. Initially, during the construction phase of the project, additional traffic beyond that occurring at the project site would be generated which would add to an increase in vehicle emissions in the area. Compliance with existing regulations (SJVUAPCD Regulation VIII-Fugitive PM10 Prohibitions) would constitute reasonable efforts and reduce the impact of the project to less than significant levels with regards to air quality. The proposal would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

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

Global Climate Change

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

Very little if any emissions from construction will occur as a result of this project. However, with the increase of vehicles going to and from the project site, the amount of exhaust will increase slightly. Additionally, as only a small portion of the drive to the site is paved, dust particulates will be kicked up, especially during the warmer months when it is anticipated the highest use will occur. These emissions will be insignificant, but cumulative in nature.

IV. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

This project will not result in the loss of any known mineral resources. No such resources are known to exist in significant quantities on the project site.

V. **BIOLOGICAL RESOURCES -- Would the project:**

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

No special status plant or animal species, or unique habitat is known to exist on the project. No locally designated resources exist in this portion of the county and resources such as wetland habitat or migration corridors are not present. The project would not conflict with any local policies or ordinances protecting biological resources, and the project would not conflict with the provision of any conservation plans.

Special Status Species include:

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

Through consultation with the Department of Fish and Game and County databases, the following species are noted as being within the quadrangle that the project is located.

Species	Federal Status	State Status	DFG Status	CNPS Status
Tiger Salamander	Threatened	None	Species of Concern	None
Western Pond Turtle	None	None	None	None
Valley Elderberry longhorn beetle	Threatened	None	None	None
Madera leptosiphon	None	None	None	1B
Madera Pussypaws	Threatened	None	None	1B
Slender stalked monkeyflower	None	None	None	1B
An andrenid bee	None	None	None	None
Orange lupine	None	None	None	1B

Noting these species as within the vicinity of the project does not automatically mean that these species are actually on or adjacent to the site. Although the Department of Fish and Game were contacted for comments, they did not return any comments or conditions. It is the County's belief that since development has occurred in the vicinity as well as on the project site, the chances of any of these species being on the site are less than likely. In addition, there are no indications of habitats preferred by the longhorn beetle being on the site, so the chances of the longhorn beetle being present are less than likely.

Within the Oakhurst area, the most obvious area wild life are the large hawks, migrating turkey vultures and occasional eagles that patrol the skies. Dozens of other avian species, including barn owls, prowl the lower airways. Small animals typical of the foothills include rabbits, squirrels, raccoons, skunks, and possums. Mule deer, coyotes, bobcats, and an occasional mountain lion roam the area. The insect population includes scorpions, wasps and bees. Area snakes are mostly harmless, and the large tarantulas are considered a native treasure.

The area is characterized by foothill and oak woodland habitats together with interior oak, pine and mixed chaparral biotic habitat characteristic of the Sierra Nevada foothills. Important corridors of riparian habitat along creeks and rivers are located throughout the planning area. These foothill habitat areas have been modified by grazing, and rural residential development. However, they remain viable for native wildlife for breeding and foraging, especially as wintering refuge for deer and various predators. The riparian corridors are particularly important movement corridors for migratory species.

Valley oaks and blue oak woodland areas are encompassed by blue-oak-digger pine mix. The pine mix has a shrub understory of manzanita, buckbrush, scotch broom, bush lupine, miscellaneous herbaceous plants, and patchy grasslands.

Of these habitats, riparian corridors and a few localized scattered meadow wetlands and oak woodlands are considered sensitive. There is currently no indication of riparian habitat in the specific location of this project. Along the creek that follows the easement towards Road 632 a riparian habitat may exist, so any construction shall avoid this area at all costs. According to a letter from the regional fire service indicates that the road here does not need to be worked on to allow for fire service vehicles, therefore no impact to the potential riparian habitats will occur.

According to the applicants Operational Statement, there is a natural drainage located somewhere on the project site. This would indicate that during periods of heavy rain or snow runoff that there will be runoff. As this is seasonal at best, the chances of a long term habitat is less than likely but still possible. Considerations of this should be taken (riparian habitat protection, etc.), should be made apart of the mitigation measures.

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the Department of Fish and Game. The same Senate Bill also increases the associated fees for the Fish and Game; the current fees associated with a Mitigated Negative Declaration are \$1,876.75, and the County Clerk filing fee is \$50.

In short, the applicant must either contact the California Department of Fish and Game and get them to issue a de minimis finding and fee exemption waiver, submit that with the County \$50 filing fee, OR submit a total of \$1,926.75 (on top of associated County Fees) to the County.

VI. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

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

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

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

Reference CEQA Guidelines §15064.5 for definitions.

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

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

Most of the archaeological survey work in the County has taken place in the foothills and mountains. This does not mean, however, that no sites exist in the western part of the County, but rather that this area has not been as thoroughly studied. There are slightly more than 2,000 recorded archaeological sites in the County, most of which are located in the foothills and mountains. Recorded prehistoric artifacts include village sites, camp sites, bedrock milling stations, pictographs, petroglyphs, rock rings, sacred sites, and resource gathering areas. Madera County also contains a significant number of potentially historic sites, including homesteads and ranches, mining and logging sites and associated features (such as small camps, railroad beds, logging chutes, and trash dumps.

There is no immediate anticipation of ground disturbing activities as it relates to this project. However, there may be activities related to the operation of the Bed & Breakfast facility that may indirectly impact potential as yet discovered archaeological resources.

VII. LAND USE AND PLANNING - Would the project:

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

Discussion:

The project would not divide any existing communities, or conflict with any adopted plans, policies, or regulations designed to avoid environmental impacts.

The proposal has been distributed to all agencies which are believed to have an interest in the project. These agencies have provided comments, where appropriate. No significant conflicts have been noted. The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

VIII. GEOLOGY AND SOILS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

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

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

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

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

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

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

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

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

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

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

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

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

Rainfall is unable to percolate into the portions of each site that are paved over and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts.

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

Discussion:

This project is not within any airport land use compatibility zones.

Aside from chemicals typically found in residential homes (i.e. laundry detergents, floor cleaners, common residential grade insecticides (i.e. Raid®), oil for vehicles, etc.), there are no hazardous materials expected to be generated or used on this project. The materials listed above are found in minimal quantities to be of any significant concern. Proper handling and storage will of course be required.

The development of the area in and around Oakhurst will result in the creation of and/or the exposure of residents to fire hazards generated by continued development within a high wildlife area which is characterized by existing dead-end road systems and minimal fire protection capabilities. Due to the surrounding vegetation and residences, the chance of wildland fire occurring is a concern.

County services such as fire suppression continue to remain inadequate and seriously under funded. While not normally an environmental concern, new residential development in the foothills represents a heightened potential for fire risks, risks that the County does not have the resources to counter. While new development is required to maintain a fire safe area around each home site, little if any efforts are extended to the majority of large rural home sites to maintain a fire safe perimeter.

Residential construction has the potential of interfering with emergency response plans and evacuation plans with the increase in roads and gated sections typical of most subdivisions. New road systems could make it difficult for first responders who may not have updated maps of the area to find addresses for either medical or fire calls. This same feature (new roads) may inhibit residents from evacuating the area especially when there is a tremendous amount of smoke inhibiting visibility, as such situations typically induce panic in people. In this particular circumstance, this is the addition of a new mobile home in an area that residences already exist. The roadway in to the property is paved, but narrow to a point of concern of access for fire apparatus and evacuation potential for residences in the retirement community as well as attendees in the convention center area.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards.

The California Department of Forestry and Fire Protection (CDF, now known as Cal-Fire) provides for protection services to most of Madera County. The stations within the vicinity include the facility located in Yosemite Lakes Park (Station #10), in Oakhurst on Highway 41 just south of Road 632, the station located next to the Coarsegold Community Center (Station #13), and facilities in O'Neals, and Ahwahnee.

The road system into the property has been reviewed by both the Roads and Fire Department of Madera County. It is estimated that the grade is at an approximate 16% grade, and is not completely paved. There are no current indications of CDF required turnouts or turnarounds. Additionally, during winter months, it is anticipated that snow and/or rain would make the road nearly impassable, particularly for those who are new to the area and not familiar with driving in such conditions.

X. HYDROLOGY AND WATER QUALITY – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The identified parcel appears to be within Flood Zone "X" which is determined to be outside the 500-year flood zone. A parcel identified to be not within a Special Flood Hazard area may still be subject to localized flooding.

Groundwater availability issues

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

The area plans developed for the surrounding areas recognizes that the provision for water for both domestic use and fire protection is a determining factor in how the community grows and what uses can be established in the area. The area depends on wells for its water. No "water table" exists; the water is generally mined from fractures

in the underlying rock which are frequently unconnected. The recharge rate is unknown and there is evidence from abandoned wells in the region that some may never recharge. Hardrock wells are generally characterized by both unpredictable and unreliable yields and the presence of intermittent water quality issues. Regular reports are received of well interference or lowering of the water level (draw down) as new wells are drilled in the area. While little quantified data has historically been available to help determine the sustainability of groundwater usage in this hardrock environment, concerns regarding quality and quantity have led to increased community focus of the cumulative impacts of new development and the need to identify and secure a source of surface water.

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

The reliance on septic systems has generated concerns regarding potential impacts to both surface and ground water quality, particularly where septic systems are concentrated on individual lots. Recent water quality reports in the area have begun to document an increase in nitrates and other contaminants in area streams and to a lesser extent, area wells. Accordingly, only community sewer systems providing tertiary level of service should be permitted on any parcel less than five net acres in area.

Rainfall is unable to percolate into paving that is expected to be on each site (building pad, driveways, structures, etc.) and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts. It is possible that the quality of storm water may be affected by pollution such as, but not limited to, oil, grease, fuel, dissolved metals from batteries and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project.

The project will not substantially, if at all, alter any course in streams as none pass through or significantly near the project site for the home. There will be some alteration of site drainage patterns during rainfall patterns, especially if any impervious surfaces are introduced. This rainfall alteration has the potential of inducing erosion at locations not having been exposed to erosion before, but the chances are that it wont be substantial.

XI. NOISE – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

Long Term Noise

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, associated with the proposed operations could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

During any construction or remodeling of the subject property, noise levels will be increased on a temporary basis for the duration of the construction. There is the potential for some groundborne vibrations to occur during this phase, but are not expected for the duration of day to day operations. Excessive groundborne vibration or noise levels are not anticipated during either construction or operations.

There will be an anticipated increase in permanent ambient noise level increases due to the day to day operations of the facility. This is due to the increase in vehicular traffic in and out of the subject parcel as well from any activities on site.

XII. POPULATION AND HOUSING -- Would the project:

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

Discussion:

The project as mitigated would not result directly in population growth, and would not displace existing housing or people. There is the slim possibility that those from outside the region who come and visit decide that they would like to have residential units of their own in the region and potentially purchase property.

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

The population within Madera County as of January 1, 2006, according to the California Department of Finance was 144,396 persons and 46,639 dwelling units. In the unincorporated County (outside the cities of Madera and Chowchilla), the total as of January 1, 2006 was 74,723 persons and 28,289 dwelling units. These numbers average to 3.1 persons per dwelling unit in the County and 2.64 persons per dwelling unit in the unincorporated area. The lower number in unincorporated areas is somewhat attributable to the vacation homes in the mountain areas of the County.

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

XIII. PUBLIC SERVICES

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

i) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The proposed project site is within the jurisdiction of the Madera County Fire Department. Crime and emergency response is provided by the Madera County Sherriff's Department. The proposed project will have no impact on local parks and will not create demand for additional parks.

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

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

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population. As this is a Bed & Breakfast operation, and the guests are transitory (temporary occupancy) in nature, this operation will have no impacts on parks or the need for new parks.

Single Family Residences have the potential for adding to school populations. Again, in this case, as the tenants of this operation are going to be mostly transitory, there will be no impacts on schools.

XIV. RECREATION

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

Discussion:

The project would have no discernable impacts to existing parks or require the provision of new or additional facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

According to the Institute of Traffic Engineers (7th Edition, pg. 268-9) the trips per day for one single-family residence are 9.57. As this project is on an existing developed area, the minimal increase in vehicular traffic won't be much of an impact in and of itself. It has the potential of adding to the cumulative amount of vehicles on the road, but not to any significant level in and of itself.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current

County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

Local circulation improvement is needed to support state highways and county roads forming the majority of the existing network of through streets. Many local streets are dead-end drives (some of which do not conform to current County improvement standards). Emergency access is, therefore, an important issue for area residents.

Several natural barriers such as the Fresno River, numerous tributary creeks and rocky and steep mountain terrain have precluded or complicated a more complete network of regional or community circulation routes. Financial constraints in the past prevented the design and construction of transportation routes which serve the community as a whole rather than individual private development. New developments occurring within the county are required to provide adequate access in the form of local roads to serve development.

This area is served by Highway 41, a roadway that has approached, and in some cases exceeds, capacity. Designed as a two lane arterial with a peak capacity of 2100 trips per hour. The roadway currently exceeds 2200 trips per hour. There are several lots that currently remain undeveloped which could mean more vehicular travel once built out.

As with most rural areas, Eastern Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership. Oakhurst is therefore dependent on private automobile and truck access.

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

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

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

Unsignalized intersections.

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

Signalized intersections.

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

Capacity per hour per lane for various highway facilities

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

Access to the site is off of Highway 41 with no turn lanes from the north bound directions. There is no lighting in the area for night time views. For those who are not familiar with the area (i.e. first time visitors, etc.), finding the site has the potential of causing traffic tie ups if not accidents all together.

Access to the site once off of Highway 41 includes a partially paved access point, and the remainder largely unpaved at a 16% grade. There is no indications of CDF approved turnouts or hammerheads at the residential structure. It is anticipated that first time visitors and others not familiar with driving conditions during winter months could have significant issues with the access road. The Madera County Fire Marshall has indicated that conditions of previous permits related to this project regarding PRC 4290 and MCO 542 on these access issues have not been implemented by the permit applicants.

XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

Discussion:

According to the Madera County General Plan Background report, all solid waste generated in the unincorporated area is currently disposed of at the Fairmead Landfill, which is owned by the County and operated by Madera Disposal Systems, Inc. The facility is located on 48 acres at the southeast corner of Road 19 and Avenue 22. According to the California Integrated Waste Management Board (CIWMB) the Fairmead Solid Waste Disposal Site is a Class II landfill with a total permitted capacity of 3,204,349 cubic yards. As of July 2, 2001, the disposal site had 2,667,557 cubic yards of remaining capacity. Considering the permitted throughput of 395 tons per day, the landfill is expected to reach capacity in 2013. If additional waste can be diverted, the life of the expansion area could be increased.

According to the California Integrated Waste Management Board, the generation rate per resident is 0.63 pounds per day of trash.

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

Water Quality Issues

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

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

Groundwater availability issues

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

The Area Plans for Oakhurst and surrounding communities recognizes that the provision for water for both domestic use and fire protection is a determining factor in how the community grows and what uses can be established in the area. The area depends on wells for its water. No "water table" exists; the water is obtained from fractures in the underlying rock which are frequently unconnected. The recharge is unknown and there is evidence from abandoned wells in the region that some may never recharge. Hardrock wells are generally characterized by both unpredictable and unreliable yields and the presence of intermittent water quality issues. Regular reports are received of well interference or lowering of the water level (draw down) as new wells are drilled in the area. While little quantified data has historically been available to help determine the sustainability of groundwater usage in this hardrock environment, concerns regarding quality and quantity have led to increased community focus on the cumulative impacts of new development and the need to identify and secure a source of surface water.

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

Wastewater Issues

The reliance on septic systems has generated concerns regarding potential impacts to both surface and ground water quality, particularly where septic systems are concentrated on individual lots. This project will have a septic system with leach field.

According to the Madera County Engineering and General Services Department, this facility is not within a Maintenance District or Service Area administered by the Engineering Department.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

CEQA defines three types of impacts or effects:

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

The project does not have the potential to degrade fish and wildlife, or their habitat, or to eliminate major periods of California history or prehistory.

The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects, does yield impacts which are cumulatively considerable.

No significant opportunities for direct or indirect adverse effects on human beings have been identified for the project, with recommended mitigation measures included as part of the project approval.

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

Madera County General Plan

California Department of Finance

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Madera County Roads Department

Madera County Fire Department

Madera County Engineering and General Services Department

Madera County Environmental Health Department

California Department of Transportation

MITIGATED NEGATIVE DECLARATION

MND

RE: CUP #2008-008 – Jensen (Bed & Breakfast)

LOCATION AND DESCRIPTION OF PROJECT:

The applicant wishes to open a Bed & Breakfast operation in an existing residential home in Oakhurst,

The subject parcel is located on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49 (39060 Highway 41), Oakhurst

ENVIRONMENTAL IMPACT:

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

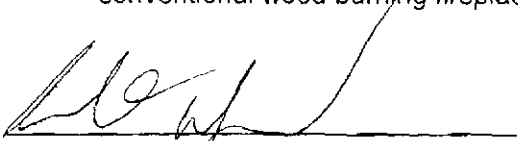
BASIS FOR NEGATIVE DECLARATION:

1. The construction phase of the project may be subject to District Regulations, administered by the San Joaquin Unified Air Pollution Control District, and may be subject to permitting requirements of the Air District. The applicant shall consult with the Air District to determine how these regulations will be implemented for this project.
2. Curtail or consider suspending construction related heavy equipment usage during San Joaquin Valley Air Pollution Control District declared "Spare the Air" days.
3. The applicant shall improve the roadway to a minimum 20 foot wide gravel road. The roadway shall comply with current commercial driveway standards and shall comply with all County Development Standards called out in ST-8. (Roads)
4. All previous conditions on this parcel must be complied with. This includes road and driveway clearances, turnouts, surface and grade per PRC 4290 and MCO 542. (Fire)
5. A water storage tank is required for fire protection. (Fire)
6. A fire alarm system and fire extinguishers are required (Fire).
7. A turnaround is required (Fire).
8. If any grading is to occur, the applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. The plan shall identify onsite retention for any increase in storm water runoff generated by the project. The basis for all design shall be the provision of capacity for the runoff from a 100 year, 10 day event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code. (Engineering)
9. The applicant is required to retain on site, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a stormwater management plan prepared by a registered civil engineer addressing no net change to storm water quantities as a result of this project. (Engineering)

10. This building is located within a Wildland Urban Interface Fire Area and shall comply with all construction material requirements defined for such areas. (Engineering).
11. The sewer treatment system and onsite wastewater treatment for this development must comply with the Madera County Environmental Health Department and Regional Water Quality Control Board requirements (Environmental Health).
12. The septic disposal system for the proposed expansion must be designated for maximum occupancy by a Registered Civil Engineer, Geologist or Environmental Health Specialist acceptable to this department. (Environmental Health)
13. Applicant must obtain a valid Vending Health Permit from this Department prior to beginning operation for the operation of this Bed and Breakfast. (Environmental Health).
14. The owner needs to provide a copy of the Encroachment Permit authorizing the existing access to the parcel or submit an application requesting approval for the driveway access. Furthermore, any new access will need to be approved by this agency. (Caltrans)
15. For any riparian habit found on the property:
 - a. Perennial Streams: 200 foot building setbacks on both sides, vegetation removal prohibited within 150 feet
 - b. Intermittent Streams: 100 foot building setbacks on both sides; vegetation removal prohibited within 75 feet.
 - c. Minimize road crossings.
 - d. Off-road vehicles and construction vehicles prohibited within building setbacks.
 - e. Require suitable erosion control measures to avoid increasing sedimentation of aquatic habitats.
16. For potential oak woodland zones:
 - a. Cluster improvements to preserve wildlife corridors
 - b. Avoid removal of trees at all costs
17. While no indications of the elderberry bush is present, in the event any are on the property:
 - a. Create a 100 foot buffer around the bush.
 - b. No insecticides, herbicides, fertilizers or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring one inch or greater in diameter at ground level.
18. Applicant shall pay applicable police, fire, road and similar impact fees.
19. Should unanticipated cultural resource remains be encountered during construction or land modification activities, work must stop and the appropriate Land Agency shall be contacted immediately to determine measures to mitigate adverse impacts to the discovered resources. Cultural resource remains may include artifacts, shell, bone, altered soils, features, foundations, trash pits and privies, etc.
20. If human remains are discovered during land modification activities, then the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the County Coroner. If the County Coroner determines that the discovered remains are those of Native American ancestry, than the Native American Heritage Commission must be notified by telephone within 24 hours.

Section 5097.94 and 5097.98 of the Public Resource Code describes the procedures to be followed after the notification of the Native American Heritage Commission.

21. Any lighting associated with the properties shall be hooded and directed away from neighboring properties.
22. Construction activities related to this project shall be conducted between 7:00am and 7:00pm Monday through Friday.
23. Construction of new housing units shall have low emitting, EPA-certified fireplace inserts and wood stoves, pellet stoves, or natural gas fireplaces in new development as an alternative to conventional wood burning fireplaces and appliances.



Madera County Environmental Committee

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

DATED:
FILED:
PROJECT APPROVED:

Coarsegold Area Plan. The property is located on the northeast corner of the intersection of Oak Springs Lane and Oak Springs Trail (no address available), Coarsegold. The property is zoned RRS-2 1/2 (Residential, Rural, Single Family-2 1/2 Acre) District. The proposed zone is RRS-5 (Residential, Rural, Single Family-5 Acre) District. This project is located in the Coarsegold Area Plan. A draft Mitigated Negative Declaration (MND #2008-13) has been prepared for the project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 20.10 acres. APN: 054-213-031.

This item was requested to be continued.

Minute Order #5370 On motion by Commissioner Wright, second by Commissioner Holiday it was ordered to continue the application of Margaret A. Jamison for Parcel Map #4051 which would divide a 20.10 acre property into four parcels (5.07 acres, 5.01 acres, 5.01 acres, and 5.01 acres), to an unspecified date. The motion carried on a vote of 4-0 in favor.

DATE: July 1, 2008; REF: PM #4051 & CZ #2008-005; APN: 054-213-031

3. LARRY AND ROSE WRIGHT – PARCEL MAP (PM #4053) AND REZONE (CZ #2008-006) – COARSEGOLD (CONTINUED FROM 6-10-08)

Larry & Rose Wright requested Parcel Map #4053 which would divide a 26.92 acre property into four parcels (5.58 acres, 5.89 acres, 5.02 acres, and 9.53 acres). A rezoning (CZ #2008-006) will also be considered to comply with the provisions of the Coarsegold Area Plan. The property is located on the southeast corner of the intersection of Oak Springs Lane and Oak Springs Trail (no address available), Coarsegold. The property is zoned RRS-2 1/2 (Residential, Rural, Single Family-2 1/2 Acre) District. The proposed zones are RRS-5 (Residential, Rural, Single Family-5 Acre) and RRS-10 (Residential, Rural, Single Family-10 Acre) Districts. This project is located in the Coarsegold Area Plan. A draft Mitigated Negative Declaration (MND #2008-12) has been prepared for the project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 26.02 acres. APN: 054-213-032.

This item was requested to be continued.

Minute Order #5371 On motion by Commissioner Holiday, second by Commissioner Colley, it was ordered to continue the application of Larry & Rose Wright for Parcel Map #4053 which would divide a 26.92 acre property into four parcels (5.58 acres, 5.89 acres, 5.02 acres, and 9.53 acres), to an unspecified date. The motion carried on a vote of 3-0 in favor, with Commissioner Wright abstaining.

DATE: July 1, 2008; REF: PM #4053 & CZ #2008-006; APN: 054-213-032

4. PATRICE JENSEN – CONDITIONAL USE PERMIT (CUP #2008-008) - OAKHURST

Patrice Jensen, Architect, requested a conditional use permit (CUP #2008-008) to allow a single family dwelling with a bed and breakfast (3 rooms to rent). The property is owned by Lora B. Howard, and is located on the on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49 (39060 Highway 41), Oakhurst. The property is zoned RMS (Residential, Mountain, Single Family) District. A draft Mitigated Negative Declaration (MND #2008-27) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 10 acres. APN: 064-090-009.

Robert Mansfield, Planner III, presented the staff report and recommended denial.

Patrice Jensen, applicant, spoke in support of the project. Ms. Jensen noted a requirement in a letter from Caltrans for an encroachment permit.

Jerald James, Planning Director, addressed the issue of ingress and egress to and from the property and Highway 41.

Bruce Howard, property owner, spoke in support of the project.

Dale Drozen spoke in opposition to the project.

On rebuttal, Ms. Jensen agreed to coordinate with Caltrans on their requirements.

Minute Order #5372 On motion by Commissioner Wright, second by Commissioner Holley, it was ordered to override the denial of the CUP #2008-008 and MND #2008-27, including the conditions as recommended by staff, and with special consideration that applicant will work with Caltrans to ensure that people turning on to the road or exiting the road have a safe way of doing it. The motion carried on a vote of 4-0 in favor.

CONDITIONS:

Road Department

1. As a condition of approval, the applicant shall comply with all conditions set forth by Caltrans.

Fire Department

1. Fire final required
2. Water storage tank required for fire protection. Fire requires a minimum of 2,500 gallons storage and automatic refill, in addition to all domestic requirements if only one tank is installed. Fire department connection is a 2-1/2" male NH with valve. Connection to be within 8 feet of the drive way.
3. A 13D fire sprinkler system installed will mitigate the road grade in excess of 12% (PRC4290).
4. The fifteen foot overhead clearance (PRC 4290) is required.
5. Two fire extinguishers (2A10BC) required on each floor, near outside exit.
6. Approved alarm system.

Engineering Department

1. The identified parcel appears to be located in Flood Zone "X" as shown on the latest Flood Insurance Rate Maps (FIRM), an area determined to be outside the 500-year flood plain. A parcel identified as not being located within a Special Flood Hazard area may be subject to localized drainage problems that are site specific and not included in this flood zone determination.
2. The subject property is not within a Maintenance District or Service Area administered by the Madera County Engineering Department.
3. Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and

specifications of the California Uniform Building Codes, including, but not limited to, the Uniform Building Code, National Electrical Code, Fire Code, Uniform Plumbing, Uniform Mechanical Code, Disabled Accessibility, and with the California Amendments to those codes. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.

4. If any grading is to occur, the applicant shall submit a grading, drainage, and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100-year 10-day storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.
5. The applicant is required to retain onsite, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing no net change to storm water quantities as a result of the project.
6. It is possible that the quality of storm water may be affected by pollutants, such as, but not limited to: oil, grease, fuel, dissolved metals from batteries and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project; this may be in the form of grease and oil separators as designed by the applicant's engineer. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing this issue.
7. Additionally, the Building Department has these issues:
 - Building Permits and plans required for any alterations additions and remodels based on the 2007 CBC.
 - This building is located within a Wildland Urban Interface Area and shall comply with all construction material requirements defined for such areas.
 - The bed and breakfast use will require handicap accessibility restroom for the shower and master bath.

Planning Department

1. All lighting associated with the project to be hooded and directed away from neighboring properties.
2. All parking areas associated with the project are to be covered with a material sufficient to create a dust free environment. The access road shall be maintained to ensure adequate and safe access and shall be maintained in a dust free manner (i.e. dust palliative).
3. Per County Zoning Ordinance 18.04.083, the building shall contain not more than three sleeping rooms excluding sleeping rooms solely occupied by the owner, and no more than eight guests shall be allowed at any one time.
4. The owner shall reside on site.
5. If meals are offered, they shall be only for guests or the owner.

6. Per the County's parking ordinance, the applicant shall provide two parking spaces per dwelling plus one parking space for each guest room for guest parking for a total of five (5) spaces. Handicap parking shall be provided as required by the building code. Contact the building department for this requirement.
7. Signage shall be limited to a minimum of 8 square feet and shall not be internally illuminated. Directional signs shall be provided along the easement road to preclude intrusion onto neighboring properties. Signs shall be limited to address and directional arrows. All signage subject to review and approval by the Planning Department.
8. Directions to the site for visitors shall include the provision that visitors are to go into Oakhurst and double back so as to be able to turn right onto the access road.
9. Prior to release of this CUP, the applicant shall name the access road.
11. The project shall operate in accordance with the operational statement and site plan except as modified by the mitigation measures and other conditions of approval.

Environmental Health Department

1. The sewer treatment system and onsite wastewater treatment for this development must comply with the Madera County Environmental Health Department and Regional Water Quality Control Board requirements. The septic disposal system for the proposed expansion must be designated for maximum occupancy by a registered civil engineer, geologist, or environmental health specialist acceptable to this department.
2. Applicant must obtain a valid Food Vending Health Permit from this department prior to beginning operation of the Bed and Breakfast.
3. Maintain all county setbacks and label appropriately on the plot plan.

Caltrans

1. The applicant shall comply with any and all conditions required by Caltrans.

DATE: July 1, 2008; REF: CUP #2008-008; APN: 064-090-009

COUNTY OF MADERA – CONDITIONAL USE PERMIT (CUP #2008-009) - MADERA

~~County of Madera requested a conditional use permit (CUP #2008-009) to allow the construction of a 333,000 gallon bolted steel water storage tank, the installation of a variable speed motor pump within a modular building and a propane powered 250 kw backup generator. The property is owned by County Of Madera and is located on the south side of Avenue 11 approximately 200 feet west of Pomegranate Road (41016 Avenue 11), Madera. The property is zoned IA (Institution Area) District. A draft Mitigated Negative Declaration (ND # 08-43) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 1 acre. APN: 049-056-009.~~

~~Leona Montalvo, Planner i, presented the staff report and recommended approval.~~

JULY 1, 2008

PLANNING COMMISSION FINDINGS

RE: Planning Commission Minute Order #5372

PURPOSE:

This hearing was to consider the application of Patrice Jensen, Architect, for a conditional use permit (CUP #2008-008) to allow a single family dwelling with a bed and breakfast (3 rooms to rent). The property is owned by Lora B. Howard, and is located on the on the west side of Highway 41, approximately 1.75 miles south of its intersection with Highway 49 (39060 Highway 41), Oakhurst. The property is zoned RMS (Residential, Mountain, Single Family) District. A draft Mitigated Negative Declaration (MND #2008-27) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 10 acres. APN: 064-090-009.

The Planning Commission found that:

1. Notice of this public hearing was given as required by Section 18.92.010 of the Madera County Code and Section 65091 of the Government Code. Certified proof of such notice is in Planning Commission File No. CUP #2008-008.
2. The findings set forth herein are based upon the record in this matter. The record consists of the report of the Planning staff, testimony at the public hearing, and materials contained in the project file (CUP #2008-008).
3. Robert Mansfield, Planner III, presented the staff report and recommend approval with conditions.
4. Patrice Jensen, applicant, spoke on behalf of the project.
5. Patrice Jensen, applicant, spoke in support of the project. Ms. Jensen noted a requirement in a letter from Caltrans for an encroachment permit.

Jerald James, Planning Director, addressed the issue of ingress and egress to and from the property and Highway 41.

Bruce Howard, property owner, spoke in support of the project.

Dale Drozen spoke in opposition to the project.

On rebuttal, Ms. Jensen agreed to coordinate with Caltrans on their requirements.

On motion by Commissioner Wright, second by Commissioner Holley, it was ordered to override staff's recommendation of denial of the CUP #2008-008 and MND #2008-27, including the conditions as recommended by staff, and with special consideration that applicant will work with Caltrans to ensure that people turning on to the road or exiting the road have a safe way of doing it. The motion carried on a vote of 4-0 in favor.

6. The granting of this conditional use permit will be consistent with the General Plan because it is compatible with the objectives, policies, general land uses, and programs specified in the General Plan and will not inhibit or obstruct the attainment of those articulated policies.

The subject property is designated A (Agricultural) in the Plan.

7. The proposed use will not violate the spirit or intent of the Madera County Zoning Ordinance.

The Commission found that Section 18.22.010(c)(5) of the Madera County Zoning Ordinance, allows for Bed and Breakfast operations with a Conditional Use Permit.

8. The proposed project is not contrary to the public health, safety, or general welfare.

The Commission found that potential impacts to traffic, drainage, and visual impact have been addressed and will be mitigated to a level of less than significant.

9. The proposed project will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.

The Commission found that the parking lot and driveways will be paved and/or have road base gravel with dust palliative application for dust control. With the small number of guests there will not be any increase in the noise level over a typical residence.

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

The Commission found that the residence will enhance the neighborhood, have a positive energy with the surrounding vegetation and is compatible with the nature of adjacent uses. This residence will have a positive effect on property values in the area.

11. On the basis of the initial study and those comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment. The Mitigated Negative Declaration was approved.

12. Based upon the findings set forth above, the application of Patrice Jensen for Conditional Use Permit #2008-008 was approved, subject to conditions (see MO #5372 for conditions of approval).

From: Jerome Keene
Sent: Thursday, March 19, 2009 8:01 AM
To: 'yosemitesierraview@sti.net'; 'bruce.howard@sti.net'
Cc: Jerald C. James
Subject: Re: Business License Submittal for Bed & Breakfast

Mr. Howard,

Per your conversation with Jerald James, Planning Director, you may submit your business license for your bed and breakfast located at 39060 Highway 41 in Oakhurstyosemitesierraview@sti.net. Staff will only approve this use for six (6) or fewer guests. However, in the event that our office receives any complaint regarding this business, we will be forced to take code enforcement action due to the fact that no conditional use permit has been approved for this property.

If you have any questions, feel free to reply to this message or call me at the number below.

Have a good day.



Jerome Keene
Planner II
Madera County Planning Department
Assistant Executive Officer
Madera LAFCO
(559) 675-7821 Ext. 219
Madera County Zoning Maps Online
Madera County Zoning Ordinance - Title 18

Robert Mansfield

From: Greg Chappel [gchappel@oakhurstlaw.com]
Sent: Wednesday, March 14, 2012 7:11 PM
To: Norman Allinder; Robert Mansfield
Cc: Deborah Keenan; Douglas Papagni; Doug Nelson; Lori Howard
Subject: Re: Howard B&B

Robert and all:

This was not the deal. We feel that you are now being unnecessarily difficult with a view to delay my clients obtaining a business license and preventing them from opening this season. How do we even know what Environmental Health is going to require unless they process the application, inspect the property and put my clients on notice of the conditions that must be satisfied. All we know is that once we get the fire safety matter resolved and you put in the "word," they will have a long list that will take substantial time for my clients to address. That would clearly put my clients beyond the season and effectively put them out of business.

The Commission clearly indicated by their resolution that such was not the objective. My clients want to work on both the fire and food permit issues simultaneously. Heaven forbid, Environmental Health does not have to actually issue the permit before the business license is issued, but there is no legitimate reason not to process the application and advise of any requirements now. Just as obviously, their "policy" does not trump the resolution or, as indicated in my prior e-mail, common sense.

Greg

----- Original Message -----

From: Robert Mansfield
To: Greg Chappel ; Norman Allinder
Cc: Lori Howard ; Doug Nelson ; Douglas Papagni ; Deborah Keenan
Sent: Wednesday, March 14, 2012 2:33 PM
Subject: RE: Howard B&B

It is Environmental Health's position that they will not process the food vending permit for anyone until they know a business license has been approved or is in the pipeline. I have spoken with that Department on this matter, and they have indicated that once I have advised them that the business license is being renewed, they will be able to proceed on the inspections required for the food vending permit.

Robert Mansfield, AICP, REA
Planner III
ALUC Staff
County of Madera Planning Department
2037 W. Cleveland Avenue, M/S G
Madera, CA 93637
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robert.mansfield@madera-county.com

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From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]
Sent: Wednesday, March 14, 2012 10:29 AM
To: Norman Allinder
Cc: Lori Howard; Robert Mansfield; Doug Nelson; Douglas Papagni; Deborah Keenan
Subject: Re: Howard B&B

Norm, I am advised that my client has contacted Deborah by e-mail and they have spoken by telephone as well. It sounds like the ball is rolling on that issue.

However, now I am advised by my client that Environmental Health refuses to proceed with the permitting process until my clients have a Business License. First, this seems irregular to say the least. How would one ever satisfy the conditions necessary to comply with the CUP which is normally required to get a business license when one of the conditions is that they obtain a food vending permit which they are not allow to pursue until they get the business license. I think this requires no further comment and suggest that you contact Environmental Health on the matter. I would hope that an inspection could be quickly arranged and other requirements to obtain the permit be given to my clients as soon as possible.

Greg Chappel

----- Original Message -----

From: Deborah Keenan
To: Greg Chappel ; Norman Allinder
Cc: Douglas Papagni ; Doug Nelson ; Robert Mansfield ; Lori Howard
Sent: Tuesday, March 13, 2012 2:59 PM
Subject: RE: Howard B&B

Mr. Chappel,

Please have your clients contact my office to discuss the requirements to be addressed prior to approval of the Business License. Due to staff levels I do not have available time for long and detailed e-mails but am happy to set up a time frame to meet with all necessary players here in Madera. Your clients may review the file I have here in the office. The remaining issues have not changed in the 3 + years I have been here, however all previous FIRE permits pulled by your clients for the project expired quite a while ago. They will need to be renewed. Once they are signed off and complete I will be pleased to sign off on the Business License. As I stated earlier, no one has contacted me (nor left messages requesting contact from me) regarding this project. Due to lack of staffing I have no counter staff so i am unaware of to whom your clients would have spoke to.

*Deborah Keenan
Fire Marshal
Madera County
Resource Management Agency
(559)661-5190*

RMA/Fire Prevention Department Furlough days in 2012 will be Jan . 13th and 27th, Feb. 10th and 24th, March 9th and 23rd, April 13th and 27th, May 11 and 25th, and June 8th and 22nd.

From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]
Sent: Tuesday, March 13, 2012 1:37 PM
To: Norman Allinder; Deborah Keenan
Cc: Douglas Papagni; Doug Nelson; Robert Mansfield; Lori Howard
Subject: Re: Howard B&B

Deborah, Can you explain the "Life Safety aspects" which you are indicating need to be completed. I do hope that you and the others realize that this is a going concern, has been in business and operating for 3 years per the authorization by the prior planning director and members of his staff, and that a great deal of time, effort and money has already been spent to meet all the demands and constantly changing requirements imposed by the prior Fire Marshall.

It was my understanding that you were not in your office last Thursday when my clients were in Madera meeting with Environmental Health. It was my further understanding that they left a message for you at that time to call them about this project - I assume left with a staff person.

As for past practices, see comment above re prior authorization.

Greg Chappel

----- Original Message -----

From: Deborah Keenan

To: Norman Allinder

Cc: Robert Mansfield ; Doug Nelson ; gchappel@oakhurstlaw.com ; Douglas Papagni

Sent: Tuesday, March 13, 2012 1:05 PM

Subject: RE: Howard B&B

As per previous discussions with the Howards; the Life Safety aspects will need to be completed prior to release of the Business License from my department. To do otherwise is not consistent with code or past practice.

In regards to the statement below that the Howard's had left a phone message for me last Thursday and are awaiting an answer; I have yet to hear from them... No one has called by that name or regarding this project per my phone log.

Diamond has not made application for the renewal of the Fire Alarm permit. I will be happy to expedite it however, once it is received.

Please feel free to contact me if you have any questions or concerns regarding this project.

*Deborah Keenan
Fire Marshal
Madera County
Resource Management Agency
(559)661-5190*

RMA/Fire Prevention Department Furlough days in 2012 will be Jan. 13th and 27th, Feb. 10th and 24th, March 9th and 23rd, April 13th and 27th, May 11 and 25th, and June 8th and 22nd.

From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]

Sent: Monday, March 12, 2012 2:46 PM

To: Norman Allinder

Subject: Fw: Howard B&B

Norm, After looking this over and thinking about it, the Commission directed that the business license be issued without further conditions, right? My clients have already contacted Environmental Health, submitted the application and the water sample as required and waiting for their rep to do the inspection. They have already signed an agreement for Diamond to complete the alarm system hook-up and submit the plans to the Fire Marshall. They left a message for Deborah Keenan on Thursday who has not yet called them back.

I would request that you direct the Treasurer to send out the renewal now. That is the demonstration of good faith that is really needed in this instance especially in light of my clients' efforts over the last few days and the directive by the Commission. As you know, your office or other departments can always take appropriate action later if a serious safety or health hazard arises or if my clients fail to follow through on the items needed to be completed.

I do need to speak with you. Please call.

Greg

----- Original Message -----

From: Robert Mansfield

To: Greg Chappel

Cc: yosemitesierraview@sti.net ; Norman Allinder

Sent: Monday, March 12, 2012 10:45 AM

Subject: Howard B&B

Greg,

In order to take care of the Business License for the Howard's B & B we will need to get written confirmation from the Fire Marshall that all of her concerns/conditions have been met and that the facility is in compliance with the Fire Marshall's office. I have spoken with the Treasurer's office and it is an easy process to essentially renew the existing license once we have received the confirmation from the Fire Marshall.

If you have any questions, please let me know.

Robert Mansfield, AICP, REA
Planner III
ALUC Staff
County of Madera Planning Department
2037 W. Cleveland Avenue, M/S G
Madera, CA 93637
Phone: (559) 675-7821. x3226
Fax: (559) 675-6573
robert.mansfield@madera-county.com

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Robert Mansfield

From: Lori Howard [lori.howard@sti.net]
Sent: Wednesday, March 14, 2012 4:13 PM
To: Robert Mansfield; Greg Chappel; Norman Allinder
Cc: Doug Nelson; Douglas Papagni; Deborah Keenan
Subject: Re: Howard B&B

Environmental Health can not even come inspect our property until we have a license to operate within the County of Madera according the check-list they presented to me.

----- Original Message -----

From: [Robert Mansfield](#)
To: [Greg Chappel](#) ; [Norman Allinder](#)
Cc: [Lori Howard](#) ; [Doug Nelson](#) ; [Douglas Papagni](#) ; [Deborah Keenan](#)
Sent: Wednesday, March 14, 2012 2:33 PM
Subject: RE: Howard B&B

It is Environmental Health's position that they will not process the food vending permit for anyone until they know a business license has been approved or is in the pipeline. I have spoken with that Department on this matter, and they have indicated that once I have advised them that the business license is being renewed, they will be able to proceed on the inspections required for the food vending permit.

Robert Mansfield, AICP, REA
Planner III
ALUC Staff
County of Madera Planning Department
2037 W. Cleveland Avenue, M/S G
Madera, CA 93637
Phone: (559) 675-7821, x3226
Fax: (559) 675-6573
robert.mansfield@madera-county.com

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From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]
Sent: Wednesday, March 14, 2012 10:29 AM
To: Norman Allinder
Cc: Lori Howard; Robert Mansfield; Doug Nelson; Douglas Papagni; Deborah Keenan
Subject: Re: Howard B&B

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From: Deborah Keenan
To: Greg Chappel ; Norman Allinder
Cc: Douglas Papagni ; Doug Nelson ; Robert Mansfield ; Lori Howard
Sent: Tuesday, March 13, 2012 2:59 PM
Subject: RE: Howard B&B

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Cc: yosemitesierraview@sti.net ; Norman Allinder
Sent: Monday, March 12, 2012 10:45 AM

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From: Deborah Keenan
Sent: Tuesday, March 13, 2012 3:00 PM
To: Greg Chappel; Norman Allinder
Cc: Douglas Papagni; Doug Nelson; Robert Mansfield; Lori Howard
Subject: RE: Howard B&B

Follow Up Flag: Follow up
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Cc: Robert Mansfield; Doug Nelson
Subject: FW: Howard B&B

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Robert Mansfield

From: Greg Chappel [gchappel@oakhurstlaw.com]
Sent: Thursday, March 08, 2012 3:26 PM
To: Robert Mansfield
Cc: Norman Allinder
Subject: Re: Howard

Robert, Thank you

Greg

----- Original Message -----

From: Robert Mansfield
To: Norman Allinder ; Greg Chappel
Sent: Thursday, March 08, 2012 1:51 PM
Subject: RE: Howard

Mr. Chappel,

I am assuming you are asking for the Minute Order from the meeting the other night. As soon as the Recording Secretary gets it typed up, I will be able to forward it to you.

Robert Mansfield, AICP, REA
Planner III
ALUC Staff
County of Madera Planning Department
2037 W. Cleveland Avenue, M/S G
Madera, CA 93637
Phone: (559) 675-7821, x3226
Fax: (559) 675-6573
robert.mansfield@madera-county.com

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From: Norman Allinder
Sent: Thursday, March 08, 2012 10:17 AM
To: Robert Mansfield; Pamela Smart
Subject: FW: Howard

From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]
Sent: Thursday, March 08, 2012 9:55 AM
To: Norman Allinder
Subject: Howard

Norm, Can you have someone send me a copy of the minute order issued by the clerk which reflects the order issued by the Commission (Item #3 as modified by Commissioner Wright).

Lori is going to Environmental Health today (Thursday) regarding the Food Vending Permit and Fire regarding the sprinkler system and alarm monitoring system.

Thanks.

Greg

Gregory M. Chappel
Jamison & Chappel
49430 Road 426, Suite F
P.O. Box 517
Oakhurst, CA 93644
(559) 683-2950
(559) 683-2975 (fax)
gchappel@oakhurstlaw.com

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Robert Mansfield

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Robert Mansfield

From: Eileen Jackson, Secretary [eileen.jackson@oakhurstlaw.com]
Sent: Tuesday, February 28, 2012 4:48 PM
To: Robert Mansfield
Cc: 'Greg Chappel'
Subject: Howard CUP 2008-008
Attachments: Howard Ex N-X.pdf

Mr. Mansfield,

Per my prior email and Pursuant to Mr. Chappel's instructions, attached is a copy of the letter and enclosures dated 2/28/12 sent to the Madera County Planning Commission this date by overnight mail for the upcoming hearing date of March 6, 2012.

PART 4 OF 4

Eileen R. Jackson, Secretary
Jamison & Chappel
Creekside Professional Village
49430 Road 426, Suite F
P.O. Box 517
Oakhurst, CA 93644-0517
Phone: (559) 683-2950
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Robert Mansfield

From: Greg Chappel [gchappel@oakhurstlaw.com]
Sent: Monday, February 27, 2012 1:01 PM
To: Robert Mansfield
Subject: Re: Staff Report for Howard B&B

Robert, Thank you. We pulled it off the website this morning.

We are almost finished with the submission on behalf of the Howard's. Would you like that sent to you by PDF attachment?

Greg Chappel

----- Original Message -----

From: Robert Mansfield
To: Greg Chappel
Sent: Monday, February 27, 2012 10:21 AM
Subject: Staff Report for Howard B&B

Mr. Chappel:

I tried sending the Staff Report for the Howards B & B item at next weeks Planning Commission to you, but got an error message that apparently the report is to big for your email system. It is 72 pages long (which includes attachments), and is approximately 26 MB in size.

Robert Mansfield, AICP, REA
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ALUC Staff
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Robert Mansfield

From: Norman Allinder
Sent: Wednesday, February 22, 2012 9:59 AM
To: Greg Chappel
Cc: Robert Mansfield
Subject: RE: Howard

Sorry. I am finalizing reports today. I will have it emailed to you as soon as it is public.

Also, we can meet and perhaps I could come to your neck of the woods.

From: Greg Chappel [mailto:gchappel@oakhurstlaw.com]
Sent: Wednesday, February 22, 2012 9:46 AM
To: Norman Allinder
Subject: Howard

Norm, I had sent you an e-mail the other day. Please advise if you received it. Just wanting to know when the staff report would be available for review. Prior to the hearing, I would like to meet with you and discuss the matter further.

Thanks. Greg

Gregory M. Chappel
Jamison & Chappel
49430 Road 426, Suite F
P.O. Box 517
Oakhurst, CA 93644
(559) 683-2950
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Robert Mansfield

From: Greg Chappel [gchappel@oakhurstlaw.com]
Sent: Monday, January 09, 2012 3:37 PM
To: Robert Mansfield
Cc: Norman Allinder
Subject: Re: CUP #2008-008 Hearing Notice

Robert and Norm, I just received an e-mail from my clients, the Howards. They are both essentially out of town on other projects from January 15 through February 5. That really does not give us sufficient time to properly prepare for the hearing set for February 7 and especially to make sure that all the other conditions have been signed off. I am advised all have been completed except the CalTrans.

Can you reset the hearing for a couple of weeks later? Thanks.

Greg

----- Original Message -----

From: Robert Mansfield
To: gchappel@oakhurstlaw.com
Cc: Norman Allinder
Sent: Monday, January 09, 2012 9:45 AM
Subject: CUP #2008-008 Hearing Notice

Norm wanted me to send you the Hearing Notice for the above Conditional Use Permit.

Robert Mansfield, AICP, REA
Planner III
ALUC Staff
County of Madera Planning Department
2037 W. Cleveland Avenue, M/S G
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Phone: (559) 675-7821, x3226
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Robert Mansfield

From: Greg Chappel [gchappel@oakhurstlaw.com]
Sent: Monday, January 09, 2012 3:30 PM
To: Robert Mansfield
Cc: Norman Allinder
Subject: Re: CUP #2008-008 Hearing Notice

Robert, The attachment is not the correct one. The attachment is the one for SUBK Vipassana Foundation. It is not for the Howards. Please forward the one for the Howards. Thanks.

Greg

----- Original Message -----

From: [Robert Mansfield](#)
To: gchappel@oakhurstlaw.com
Cc: [Norman Allinder](#)
Sent: Monday, January 09, 2012 9:45 AM
Subject: CUP #2008-008 Hearing Notice

Norm wanted me to send you the Hearing Notice for the above Conditional Use Permit.

Robert Mansfield, AICP, REA
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Robert Mansfield

From: Norman Allinder
Sent: Wednesday, January 04, 2012 11:13 AM
To: gchappel@oakhurstlaw.com
Cc: Bruce e-mail; Lori Howard; Robert Mansfield; Eric Yancy; Maria Miranda
Subject: CUP-2008-

Follow Up Flag: Follow up
Flag Status: Flagged

Greg,

Nice catching up with you yesterday, as I indicated I discussed the item with the commissioners last night and they seemed receptive to the situation.

Pursuant to our conversation this morning I want to confirm and commit to the following:

- At the January 3rd planning commission meeting I briefly discussed the facts of situation with the commissioners (under directors comments).
- They directed me to return at the next regularly scheduled meeting February 7th to review the matter.
- This will have the effect of reopening Conditional Use Permit 2008-008 allowing the commission to alter the conditions, leave them the same, or extinguish the permit (there is no fee required).
- In the mean time I have directed our code enforcement staff that until this meeting all fines will be held in abeyance and will not continue to compound.
- Additionally, any rights to appeal will remain in effect while a resolution is being sought to these matters.

Prior to this meeting I propose that you and I review the matter in greater detail so as to present a workable solution to the planning commission.

Norman Allinder
Planning Director