

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

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PLANNING COMMISSION DATE: April 2, 2013

AGENDA ITEM: #1

CUP	#2013-004	Amended Conditional Use Permit to allow manufacturing of steel gear hobby products
APN	#065-030-021	Applicant/Owner: Rob Robinson
CEQA		Exempt

REQUEST:

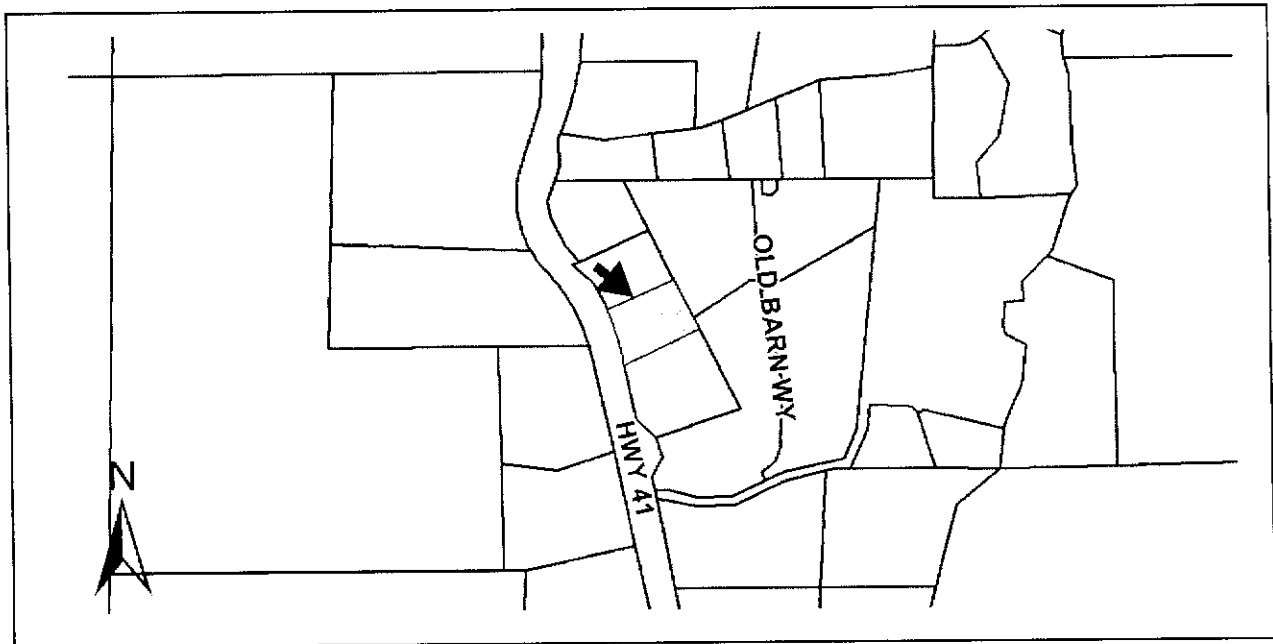
The application is to amend Conditional Use Permit #2007-036 to allow manufacturing of steel gear hobby products.

LOCATION:

The project is located on the east side of Highway 41, approximately 450 feet north of its intersection with Stage Stop Lane (41547 Highway 41), Oakhurst.

ENVIRONMENTAL ASSESSMENT:

This proposal is exempt per CEQA section 15301, Existing Facilities. A Mitigated Negative Declaration (MND #2007-75) was previously approved by the Planning Commission for the previous Conditional Use Permit.



RECOMMENDATION: Approval of Conditional Use Permit #2013-004 subject to Conditions Monitoring and Reporting Program.

GENERAL PLAN DESIGNATIONS (Exhibit A):

SITE: CC (Community Commercial) Designation
SURROUNDING: CC (Community Commercial) Designation
RR (Rural Residential) Designation

ZONING (EXHIBIT B)

SITE: CRM (Commercial Rural Median) District
SURROUNDING: CRM (Commercial Rural Median) District
RRS-2 ½ (Residential Rural Single Family-2 ½ Acre) District

LAND USE:

SITE: Commercial
SURROUNDING: North: vacant commercial; East: rural residential; West: Highway 41; South: vacant commercial parcel

SIZE OF PROPERTY (EXHIBIT C): 1.32 acres

ACCESS (EXHIBIT C):

The property is accessed on Highway 41 and a private road easement to the rear of the property.

WILLIAMSON ACT:

The property involved in this proposal is not subject to a Williamson Act (Agricultural Preserve) contract.

BACKGROUND AND PRIOR ACTIONS:

Conditional Use Permit #2007-036 was approved to allow the construction of garden and driveway gates which is no longer in operation. Building permits were issued for the structure.

PROJECT DESCRIPTION:

The application is for an amendment to the existing conditional use permit to allow manufacturing of steel gear hobby products.

ORDINANCES/POLICIES:

Madera County County Code 18.34 governs allowed uses within the CRM (Commercial Rural Median) district.

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

Madera County General Plan Policy Document (page 8) outlines the allowable uses within the CC (Community Commercial) designation.

ANALYSIS:

The application is to amend Conditional Use Permit #2007-036 to allow manufacturing of steel gear hobby parts. The applicant is proposing to use an existing 5,150 square foot building which was permitted in 2011. The proposed use does not require a change in occupancy of the building as per the Building Department. This proposal is to manufacture small custom radio controlled car gears. The previous use of the building was for manufacturing custom metal gates, the applicant would like to utilize the same building as it fits the needs of the business. Proposed hours of operation are 7:30 am to 5:30 pm, four days a week. No on-site sales will take place; one delivery vehicle is proposed to visit the site daily. Currently, there are five parking spaces which are adequate for the three employees. The applicant is proposing an advertising sign which will meet all requirements of the Oakhurst Sign ordinance.

The property is 1.32 acres in size and is currently zoned CRM (Commercial Rural Median). The parcel abuts Highway 41 on the east side, steeply sloping eastwards away from the Highway. Grading has taken place since approval of the last conditional use permit and the structure was built. The applicant has discussed the need for tenant improvements with the Building Department and it was determined none were needed.

A mitigated negative declaration (MND #2007-75) was prepared for CUP #2007-036 addressing aesthetics, cultural resources, geology/soils, hazards, and traffic (Exhibit I). It was determined that this environmental document was adequate for the proposed CUP as the proposed impacts will be equal to or less than the previous use.

Comments were received from the Road and Fire Departments; however, no conditions were required of the project as they are all statutory requirements.

GENERAL PLAN CONSISTENCY STATEMENT:

The Conditional Use Permit to allow manufacturing of steel hobby parts, if approved, would be consistent with the existing zone district of CRM. The zone district is consistent with the general plan designation of CC which allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. The CRM zone district allows machine shops with approval of a conditional use permit.

FINDINGS

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

1. *The proposed project does not violate the spirit or intent of the zoning ordinance.* The property is zoned CRM (Commercial Rural Median). This zone district allows machine shops with a Conditional Use Permit.
2. *The proposed project (request) is not contrary to the public health, safety or general welfare.* The proposed use will not alter the existing building. No additional traffic will result as part of this project. A mitigated negative

declaration (MND #2007-75) was previously approved for the previous use in the existing building. Impacts resulting from the proposed project will be equal to or less than the previous use.

3. *The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The proposal will not involve hazardous materials or result in the emission of hazardous materials. No emissions of any kind will result. Minimal noise will be produced from the manufacturing of the parts.*

4. *The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County. The proposal is consistent with the commercial uses of the surrounding area. The proposed use is not considered a use that will significantly impact adjacent properties or generate large amount of trips that could affect other properties as many surrounding properties are already developed commercial operations. The facility will not change in appearance; the exterior of the building will still resemble the commercial uses of the area.*

RECOMMENDATION:

Staff recommends approval of Conditional Use Permit #2013-004, CEQA exempt, subject to conditions as shown in the Conditions of Approval Monitoring and Reporting Program.

CONDITIONS:

Engineering Department

No comments received.

Environmental Health Department

No comments received.

Fire Department

No conditions.

Planning Department:

1. The project shall operate in accordance with the operational statement and site plan submitted with the application.

2. Any changes or alteration will require an amendment to the Conditional Use Permit.

3. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.

4. Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.

STAFF REPORT
CUP #2013-004

April 2, 2013

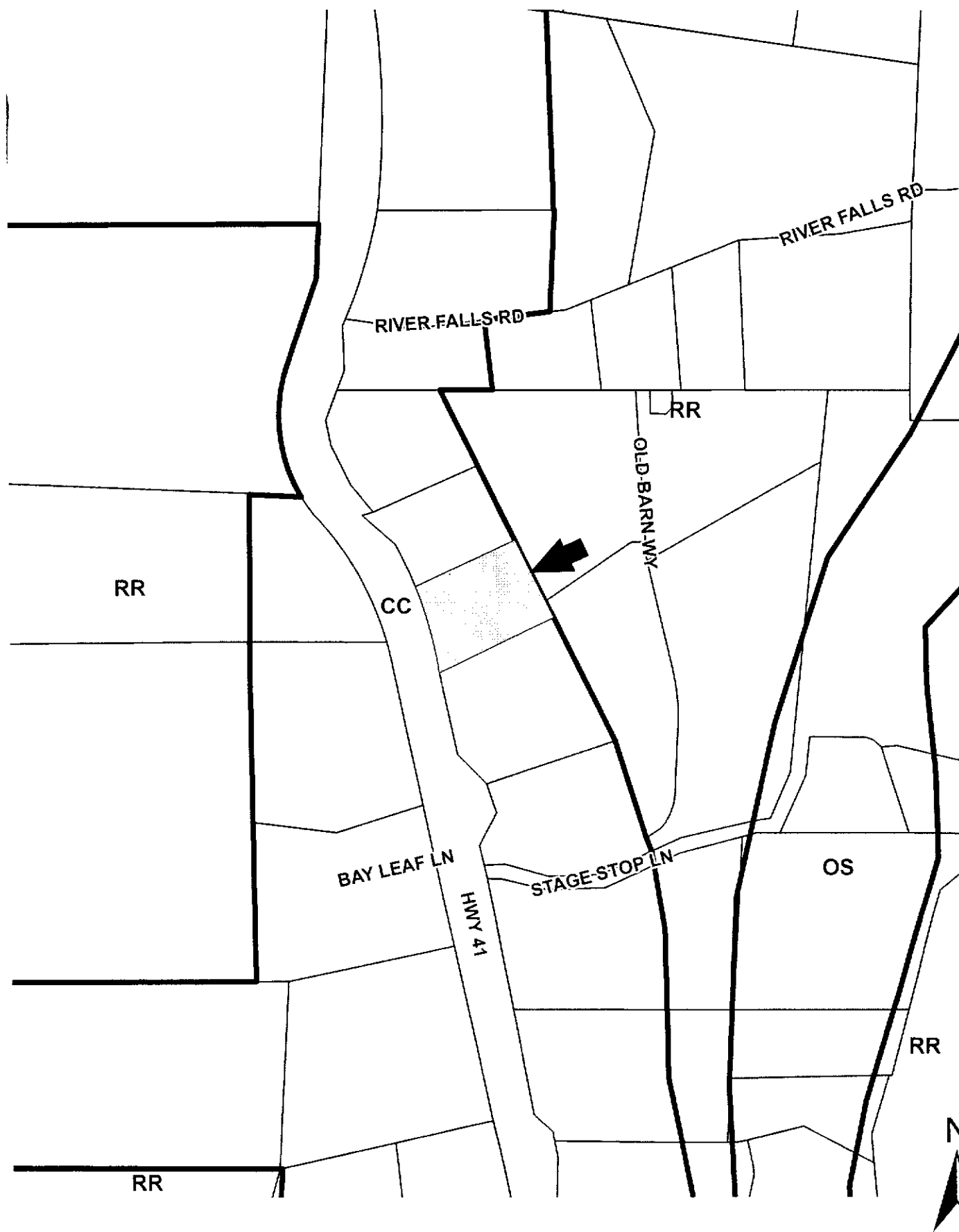
Road Department
No conditions.

ATTACHMENTS:

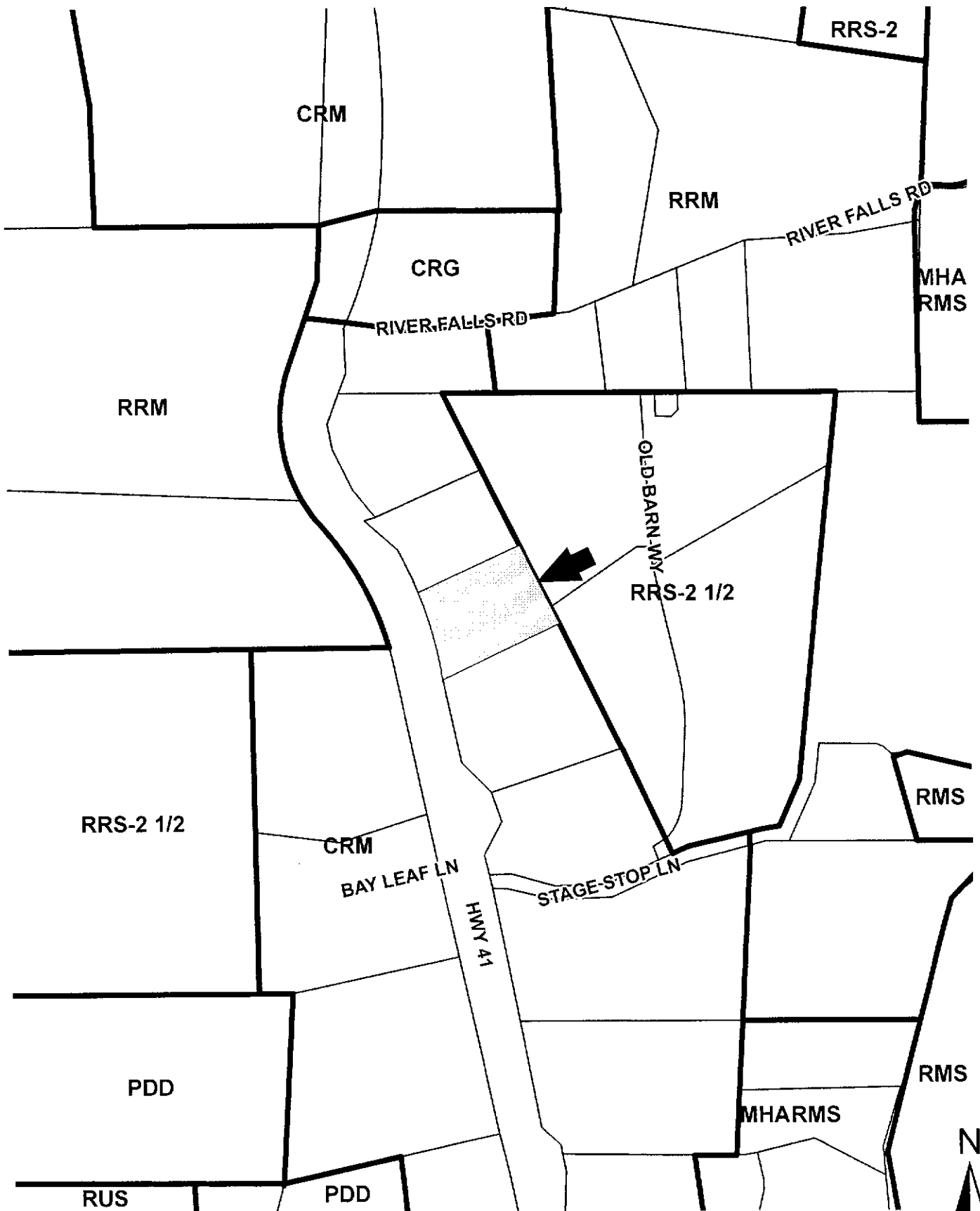
1. Exhibit A-1, General Plan Map
2. Exhibit A-2, Oakhurst Area Plan Map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D, Site Plan
6. Exhibit E, Aerial Map
7. Exhibit F, Topographical Map
8. Exhibit G, Operational Statement
9. Exhibit H, Conditions Monitoring Reporting Program
10. Exhibit I, Initial Study/MND #2007-75



GENERAL PLAN MAP



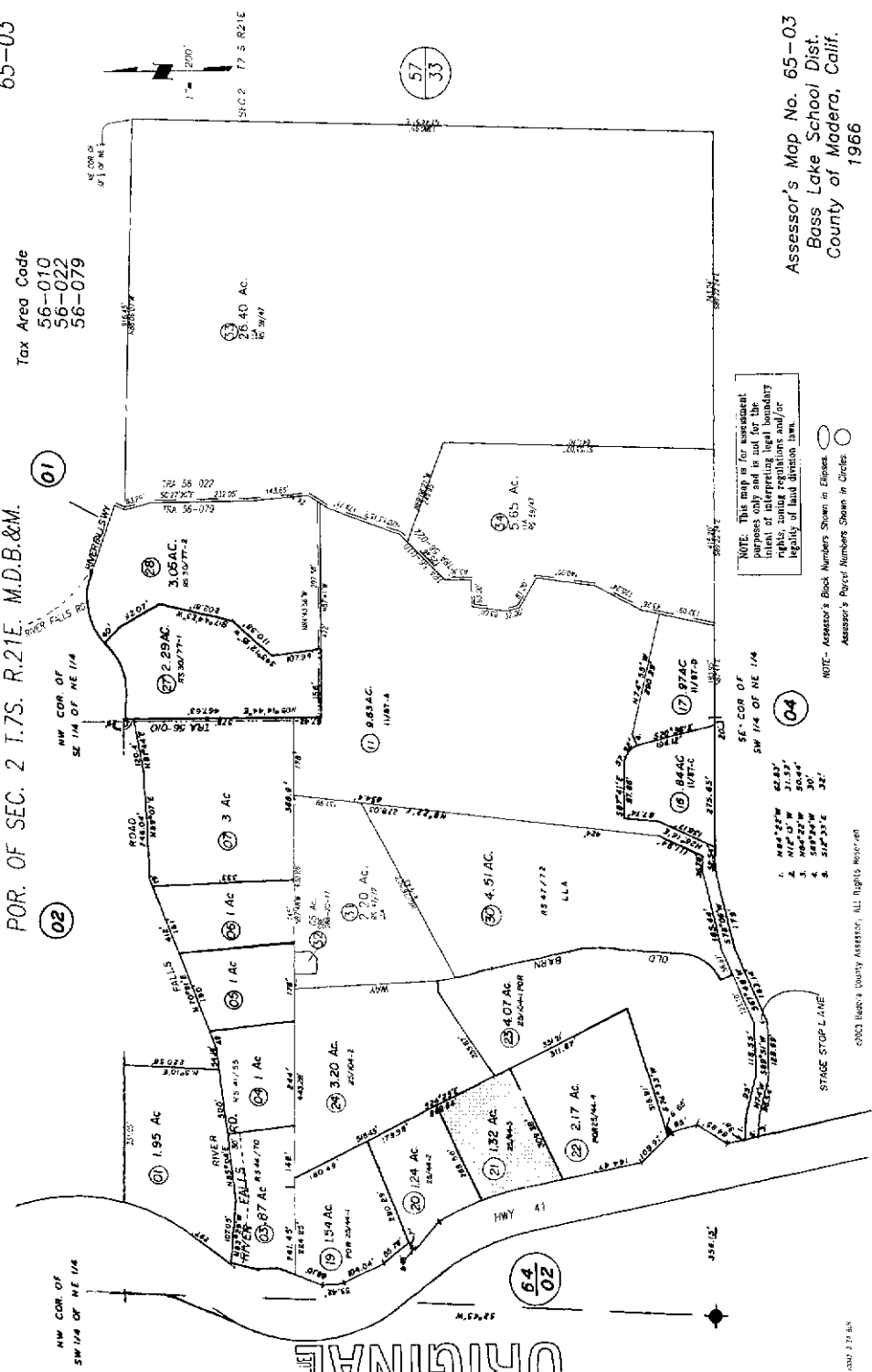
OAKHURST AREA PLAN



ZONING MAP

65-03

POR. OF SEC. 2 T.7S. R.21E. M.D.B.&M.



Assessor's Map No. 65-03
 Bass Lake School Dist.
 County of Madera, Calif.
 1966

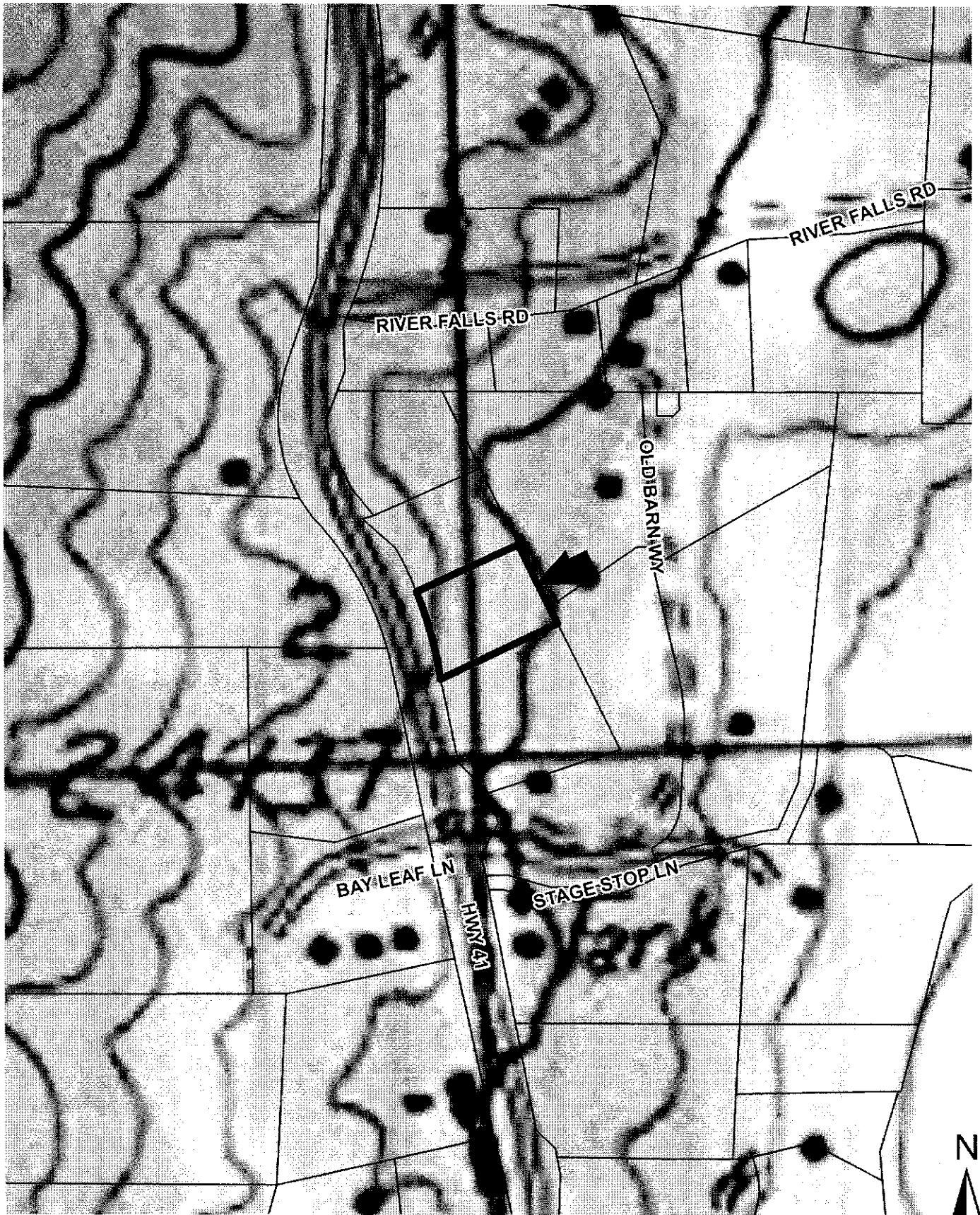
ASSESSOR'S MAP

ORIGINAL

FORM 177-BK



AERIAL MAP



TOPOGRAPHICAL MAP

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your proposal. Your operational/environmental statement must be typed or written in a legible manner on a separate sheet(s) of paper. DO NOT SUBMIT THIS CHECKLIST AS YOUR STATEMENT.

1. Please provide the following information:

Assessors Parcel Number 065-030-022
Applicants Name BOB ROBINSON
Address 4968 MEADOW VIEW DR.
Phone Number 209-966-2465 MARIPOSA, CA. 95338

NOTE: Your response to this operation statement must include:

1. Each question as it appears on the form.
2. Your complete answer to each question. Incomplete or illegible responses will not be accepted.

2. Describe the nature of your proposal/operation (please be specific).

"SMALL CUSTOM RADIO CONTROLLED CAR GEARS"

3. What is the existing use of the property?

CUSTOM METAL GATES

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

SMALL METAL GEARS, SOLD THROUGHOUT DIST. ONLY

5. What are the proposed operational time limits?

Months (if seasonal):

Days per week: 4

Hours (from 7³⁰ to 5³⁰):

Total hours per day: 10 - 4 DAYS A WEEK

6. Will there be any special activities or events? NO

Frequency:

Hours:

Are these activities indoors or outdoors?

7. How many customers or visitors are expected? 0

Average number per day:

Maximum number per day:

What hours will customers/visitors be there?

8. How many employees will there be?

Current: 3

Future: 5

Hours they work: 7³⁰ TO 5³⁰

Do any live on-site? If so, in what capacity (i.e., caretaker)? NO

9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures. STEEL ROUND BAR, PLASTIC ROUND BAR "ZACKED"

10. Will there be any service and deliver vehicles?

Number: 1 - UPS

Type:

Frequency: DAILY

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

ABOUT 5 - DIRT / CONCRETE

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

41547 HWY. 41

- 13. Estimate the number and type (i.e., cars, trucks) of vehicular trips per day that will be generated by the proposed development. *4 CARS / UPS TRUCK*
- 14. Describe any proposed advertising including size, appearance, and placement. *4x4' NOW LIGHTED SIGN ON HWY 41.*
- 15. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate. *Existing*
- NA 16. Is there any landscaping or fencing proposed? Describe type and location.
- 17. What are the surrounding land uses to the north, south, east, and west boundaries of the property? *commercial / residential*
- 18. Will this operation or equipment used generate noise above existing parcels in the area? *no*
- NA 19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).
- NA 20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how ill it be disposed of?
- NA 21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?
- 22. Will there be any grading? Tree removal? (please state the purpose, i.e., for roads, building pads, drainage, etc.) *no*
- 23. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan. *no*
- 24. Locate and show all bodies of water on application plot plan or attached map. *none*
- 25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.
- 26. Will hazardous materials or waste be produced as part of this project? If so, how ill they be shipped or disposed of? *no*
- 27. Will your proposal require use of any public services or facilities? (i.e., schools, parks, fire and police protection or special districts?) *no*
- NA 28. How do you see this development impacting the surrounding area?
- NA 29. How do you see this development impacting schools, parks, fire and police protection or special districts?
- 30. If your proposal is for commercial or industrial development, please complete the following: *Existing*
 - Proposed Use(s)
 - Square Feet of Building Area(s)
 - Total Number of Employees
 - Building Height(s)
- 31. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

CONDITIONS OF APPROVAL

PROJECT NAME:

Robinson, Rob - Conditional Use Permit - Madera (065-030-021)

PROJECT LOCATION:

east side of Highway 41, approximately 450 feet north of its intersection with Stage Stop Lane (41547 Highway 41), Oakhurst

PROJECT DESCRIPTION:

manufacturing of steel gear hobby products

APPLICANT:

Robinson, Rob

CONTACT PERSON/TELEPHONE NUMBER:

(209) 966-2465

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Planning					
1	The project shall operate in accordance with the operational statement and site plan submitted with the application.				
2	Any changes or alteration will require an amendment to the Conditional Use Permit.				
3	Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.				
4	Any proposed lighting shall be hooded and directed away from surrounding properties and roadways. Any security lighting utilized around the perimeter of the project site must utilize motion detection systems that only operate the lights when movement is detected.				

Title of Proposal: CUP #2007-036; Robert A. Dunham

Date Checklist Submitted: 12/19/07

Agency Requiring Checklist: Madera County

Agency Contact: Scott Harmstead, Planner II

Phone: (559) 675-7821

Description of Project:

The applicant requests a conditional use permit to allow the construction of custom garden and driveway gates on a 1.32 acre parcel. The parcel is zoned CRM (Commercial Rural Median) and is currently vacant. The business is proposed to be located on the downhill portion of the property, setback approximately 110 feet from State Route 41.

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 parcel is located in on the east side of Highway 41, approximately 450 feet north of Stage Stop Lane (no situs address), in Oakhurst.

Applicant Name and Address:

Dunham, Robert A.
40179 Enterprise Drive
Oakhurst, CA 93644

General Plan Designation:

CC (Community Commercial)

Zoning Designation:

CRM (Commercial Rural Median)

Surrounding Land Uses and Setting:

North: vacant commercial parcel; West: SR 41 (state highway); East: Rural residential; South: vacant commercial parcel.

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 checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" 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 type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> <u>Transportation/Traffic</u> |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

Dec. 19, 2007
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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

The applicant proposes to construct a steel frame building setback approximately 110 feet east of State Route 41, set below Highway grade approximately twenty five feet. The building is proposed to be 19.5 feet in height and therefore will not conflict with viewsheds from Highway 41. Furthermore, the applicant proposes to maintain many trees on the site, which will contribute to screening the proposed developed portion of the property from state right-of-way. A decorative fence is planned to be installed at street level along Highway 41, which has the potential to have a significant impact on the aesthetics of the Highway 41 corridor. In order to maintain a viewshed that is not visually disruptive to traffic along Highway 41 and is harmonious with the surrounding natural environment, fencing colors must be of earth tones or colors that reflect the natural environment. Any lighting installed outdoors does have the potential to contribute glare onto adjacent properties or right-of-way. It is therefore necessary that all outdoors lighting be hooded and directed downward to minimize glare.

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

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

No evidence exists to suggest that the subject property has been utilized for agricultural production. The parcel is designated for commercial purposes and is not designated as farmland, but as urban or built-up land. The topography is too steep for most farming activity.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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?
- e) Create objectionable odors affecting a substantial number of people?

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).

The operational statement indicates that seven employees will be working at the proposed facility, along with service provided by a UPS truck. No customers or visitors will be expected for the proposal. Cumulatively, the project proposal involves little impact upon air quality. No comment was received from the San Joaquin Air Pollution Control District. The project will generate a small amount of trips (approximately 16 trips per day) and will therefore have a minimal impact on air quality.

The applicant has indicated that onsite circulation areas may be paved. In order to mitigate potential dust problems from onsite circulation, it is required that all circulation areas be paved. For any storage onsite, it is important that the area involved is either paved or covered to mitigate any issues associated with dust from the periodic movement of stored items.

IV. MINERAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The subject parcel is currently covered with native oak woodland and scrub habitat despite former grading activities that have altered the former topography of the parcel. A number of species of concern are located in the area, including:

- *Ambystoma californiense* (California tiger salamander): Federal Fish and Wildlife **Threatened Species**; California Department of Fish and Game **Species of Concern**
- *Desmocerus californicus dimorph* (valley elderberry longhorn beetle): Federal Fish and Wildlife **Threatened Species**
- *Emys (=Clemmys) marmorata* (western pond turtle): California Department of Fish and Game **Species of Concern**
- *Leptosiphon serrulatus* (Madera leptosiphon): California Native Plant Society: **1B Status**
- *Calyptridium pulchellum* (Mariposa pussypaws): Federal Fish and Wildlife **Threatened Species**; California Native Plant Society: **1B Status**
- *Mimulus gracilipes* (slender-stalked monkeyflower): California Native Plant Society: **1B Status**

Due to the location of the subject parcel adjacent to highly-trafficked Highway 41 and developed commercial and residential parcels, the value of the subject parcel as habitat has been substantially degraded. The current state of the parcel is far from pristine and is extremely unlikely to harbor any species of concern due to its poor habitat value. Therefore, it can be assumed that development upon the subject parcel will have a minimal impact in relation to habitat loss in the surrounding region.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The Madera County General Plan notes that the subject area has historically been inhabited by the Chukchansi Yokuts. The area surrounding the project site has been found to contain a number of archeological sites. In order to ensure that any possible archeological remains and/or artifacts are protected onsite, the proper mitigations must be in place to protect any possible remains and/or artifacts. Therefore, during any construction, the applicant shall have a Cultural Observer on site especially during any ground disturbing activities. The applicants shall adhere to any and all conditions set forth by the cultural observer concerning the protection of any remains or artifacts discovered.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project would not divide any existing communities, or conflict with any adopted plans, policies, or regulations designed to avoid environmental impacts. The project is compatible with the zone district and the surrounding area.

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

area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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.

The project site involves relatively steep topography that may, when subject to intensive grading for future residential development, involve erosion concerns. Therefore, the proper erosion control measures must be utilized and enforced to ensure slope stability. Such measures may include seeding, landscaping, or retaining walls. Efforts must be made to ensure that all runoff is diverted to avoid the substantial erosion of topsoil and possible landslides. All of the measures must be contained in a holistic grading, drainage, and erosion control plan dependent upon approval by the Engineering Department.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project would not result in interference with any emergency response plan. No component of the

project site would constitute a threat or hazard to any existing or planned airport or airstrip. The project is located outside of the County's Airport Land Use Compatibility Zone. There are no schools within a 1/2 mile of the project site.

The project proposal is to allow for land division for future residential development. Existing County and State regulations control the use of all hazardous materials related to residential development.

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

including flooding as a result of the failure of a levee or dam?

- j) Inundation by seiche, tsunami, or mudflow?

Discussion:

The existing project site consists primarily of natural vegetation, with a very minimal amount of impervious surfaces. Future land division and residential development will allow substantial grading, new paved driveways and parking areas, and the removal of vegetation. Due to these changes, impervious areas onsite will be substantially increased and runoff offsite will increase. To account for these changes, the applicant will be required to identify onsite retention for any increase in storm runoff generated. The basis of all designs shall be the provision of capacity for the runoff from a 100 year, 24 hour storm event.

The Madera County Environmental Health Department noted concern about water quality and quantity and wastewater disposal for future residential development. For future land division, water supply information acceptable to a certified hydrogeologist will be required in order to assure water supply for future residential development. If the existing water supply is found not to be sufficient, well drilling and testing will be required. Furthermore, water supplies shall be tested for water quality. Also at the time of future land division, areas of residential development will be subject to soils testing for septic suitability. All of the above issues concerning water quality and quantity, along with septic issues will be addressed at the land division stage.

The property is in Flood Zone X. The study area has a less than 1% chance of flooding each year. Flooding depths average no more than a foot. There are no base flood elevations identified in the area.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

For a project within the vicinity of a private

- f) airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion:

Excessive groundborne vibration or noise levels are not anticipated during either construction or operations. What vibrations that may occur would be during construction and construction related activities and would be temporary (duration of construction).

Noise levels will be temporary and confined to construction and construction related activities. There is no anticipated permanent increase in excessive noise as a result of the project.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project as mitigated would not result in population growth, and would not displace existing housing or people.

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 project will some provide jobs for the existing population in the area and region.

XIII. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain				

acceptable service ratios, response times or other performance objectives for any of the public services:

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

Discussion:

The proposed project site is located within the unincorporated County and will be served by the County Fire Department. These services will be adequate to serve the proposed facility. The project will not have any discernable impacts on schools or parks. Police protection maybe needed in case of theft or vandalism, however, the rural location of the proposed project minimizes the need for such protection.

The Fire Department requires that the facility abide by all County and State statutory regulations. The applicant must provide driveway access at least 20' wide, provide an approved turnaround at no more than a 16% grade, and provide fire extinguishers. Also for emergency purposes, any gated access shall be approved by the fire department and emergency access arrangements made prior to occupancy. In order to reduce overall fire danger in such a densely vegetated area, the applicant will be required to remove all flammable vegetation at least 30 feet from any flammable building material.

XIV. RECREATION

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

Discussion:

The project will have no discernable impacts to existing parks or require the provision of new or additional facilities. No parks are located in the vicinity.

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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The project proposes to take access from Business Route 41, which is under State control (Caltrans). The project is projected to create a maximum of 16 automobile trips per day, which will result in a minimal impact to the transportation system. Based on traffic speeds along the subject section of Highway 41, Caltrans requires at least a 160 buffer between driveways for adequate sight distance. The distance of the proposed entrance from Highway 41 is now only 80 feet from the nearest driveway. The applicant will be required to reposition the driveway 80 feet to the north to provide safe sight distance.

- | 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

Solid waste/garbage disposal is provided by Eastern Madera County Disposal Company (EMADCO), which has a franchise agreement with the County to provide solid waste pickup from both residential and commercial addresses with the area of this project. Residents arrange curbside pickup with EMADCO on an individual and voluntary basis. Some newer developments within the Oakhurst Area Plan area may have been required to arrange curbside pickup as a condition of approval. EMADCO operates a transfer station in Oakhurst, located adjacent to the sewer treatment plant, where garbage is collected and condensed for transport to the County landfill. No recycling or specific sorting activity occurs at the transfer station. All such efforts occur at the material recycling facility at the County landfill in Fairmead. While no formal or mandatory recycling programs operate within the planning area, several privately operated facilities allow residents to recycle materials such as aluminum, glass and plastic.

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. The landfill is expected to reach capacity in 2020. If additional waste can be diverted, the life of the expansion area could be increased. The operational statement indicates that one pickup will be required per week. Packing material will be the primary form of solid waste disposed of. One dumpster will be utilized.

The proposed project is not within a County Service Area or a Maintenance District.

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:

Some of this site's most sensitive resources include cultural resources, water quality, and soil resources. The project will have less than significant impacts on these resources, after mitigation measures are implemented.

It is recommended that an observer is presented during any ground disturbing activities to identify any possible cultural deposits. If human remains are encountered, the County Coroner must be contacted immediately and if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted.

Many of the erosion and runoff concerns will be addressed per ordinary County requirements, including the requirement for a stormwater management plan, and a grading, drainage, and erosion control plan.

If proper mitigation measures are included, the project will not generate significant environmental impacts. The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects does not yield impacts which are cumulatively considerable.

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

San Joaquin Valley Air Pollution Control District

Madera County Fire Department

Madera County Environmental Health Department

California Department of Transportation

MITIGATED NEGATIVE DECLARATION

MND 2007-75

RE: CUP #2007-036 Robert A. Dunham

LOCATION AND DESCRIPTION OF PROJECT:

The parcel is located in on the east side of Highway 41, approximately 450 feet north of Stage Stop Lane (no situs address), in Oakhurst.

The applicant requests a conditional use permit to allow the construction of custom garden and driveway gates on a 1.32 acre parcel. The parcel is zoned CRM (Commercial Rural Median) and is currently vacant. The business is proposed to be located on the downhill portion of the property, setback approximately 110 feet from State Route 41.

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.

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. Fence colors must be of Earth tones or colors that match the surrounding natural environment.
2. All outdoor lighting must be hooded and directed downward to minimize glare onto adjacent properties and right-of-way.
3. The applicant shall have a Cultural Observer on site especially during any ground disturbing activities. The applicants shall adhere to any and all conditions set forth by the cultural observer concerning the protection of any remains or artifacts discovered.
4. Prior to any grading or ground disturbance, the applicant shall have a drainage, grading, and erosion plan prepared by a Licensed Civil Engineer and submitted to the Department of Engineering. The grading plan is required to identify on-site retention for all increased runoff. No increased runoff will be allowed onto adjacent properties. Holding facilities shall be designed by a register civil engineer and capable of retaining a 100 year 48 hour rainfall event. (Engineering)
5. 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. (Engineering)

6. Fire apparatus access roads required for this project per (CFC 901 & 902). All driveways shall be minimum 20 foot wide. (Fire)
7. Fire extinguishers are required in accordance with California Fire Code Standard 10-1. All fire extinguishers shall be in approved exterior cabinets in storage areas and in every business shop or suite. (Fire)
8. Any gated access shall be approved by the fire department and emergency access arrangements made prior to occupancy. (902 CFC) (Fire)
9. Prior to any framing construction occurring, all flammable vegetation shall be removed from each building site a minimum distance of thirty (30) feet from any flammable building material, including finished structure. (Fire)
10. An approved turnaround shall be provided at the end of the fire access roadway, not to exceed 16%. (Fire)
11. Fire extinguishers are required in accordance with California Fire Code Standard 10-1. (Fire)
12. The facility shall pave/cover all areas with an approved material where vehicular trips and storage shall take place. (Environmental Health)
13. The applicant will be required to reposition the driveway 80 feet to the north to provide safe sight distance from the nearest private road connection to Highway 41 (currently 80 feet to the south). (Caltrans)


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: December 19, 2007

FILED:

PROJECT APPROVED: