

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

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PLANNING COMMISSION DATE: April 2, 2013

AGENDA ITEM: #3

CUP	#2013-001	Conditional Use Permit for a Winery and Tasting Room
APN	#047-272-013	Applicant/Owner: Ronald Patterson
CEQA	MND #2013-02	Mitigated Negative Declaration

REQUEST:

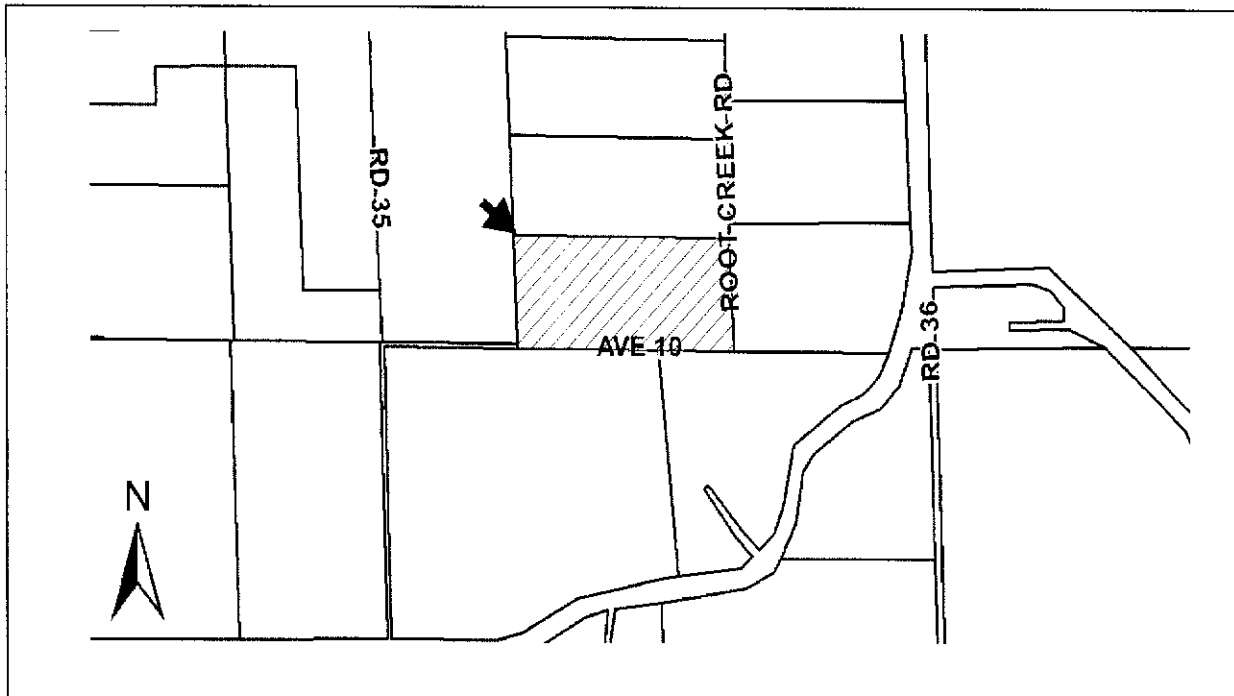
The applicant is requesting a Conditional Use Permit to allow for a winery and tasting room.

LOCATION:

The subject property is located at the northwest corner of Avenue 10 and Root Creek Road (10186 Root Creek Road), Madera.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2013-02) (Exhibit O) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION:

Staff recommends approval of Conditional Use Permit #2013-001 subject to conditions and Mitigated Negative Declaration MND #2013-02 and Mitigation Monitoring Program.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: AE (Agricultural Exclusive) Designation

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

ZONING (Exhibit B):

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

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

LAND USE:

SITE: Residential

SURROUNDING: North: residence approximately 800 feet away on 40 acres of newly planted pistachio trees; Northwest: residence approximately 1000 feet away on 38 acres planted in oat hay; East: 40 acres of open land prepped for trees; South: 50 acres of grazing land with a shop; West: open land.

SIZE OF PROPERTY: 43.51 acres.

ACCESS (Exhibit A): Access to the site is via Root Creek Road.

BACKGROUND AND PRIOR ACTIONS:

Zoning Permit 2004-038 was approved for a second residence on the property.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit to allow for a winery and tasting room facility. The applicant will be producing, storing and selling the wine onsite. Equipment that will be utilized include: fermentation tanks, bottling equipment, and filtration pumps. Grape juice, yeast, and sterilization products will be used and stored inside an onsite building.

ORDINANCES/POLICIES:

Section 18.58.010 of the Madera County Zoning Ordinance the permitted uses on an ARE-40 (Agricultural Rural Exclusive – 40 Acre) District parcel.

Chapter 18.90 of the Madera County Zoning Ordinance outlines the sign regulations for the County.

Section 18.92 of the Madera County Zoning Ordinance outlines the procedures for obtaining Conditional Use Permits.

Policy 1.E.3 of the Madera County General Plan encourages development of new businesses especially those that generate primary wage-earner jobs.

ANALYSIS:

The applicant is requesting a Conditional Use Permit to allow for winery and tasting room facility. The applicant will be producing, storing and selling the wine onsite. Equipment that will be utilized include: fermentation tanks, bottling equipment, and filtration pumps.

Grape juice, yeast, and sterilization products will be used and stored inside an onsite building.

The applicant will be producing, storing and selling wine onsite. The hours of operation are from 8:00AM to 5:00PM. The wine tasting is expected to be between 10:00 AM and 5:00 PM during non-special event dates. Special sales events, such as the Wine Trail event, held several times a year will end at 10:00PM. Due to the property being in Williamson Act, special events outside the Wine Trail are not permitted as it would be a conflict to the Williamson Act.

The applicant anticipates between 20 and 100 visitors a day for wine tasting. There are no trip specific generation rates specific for wineries. The closest category the Institute of Traffic Engineers uses that is similar to this establishment is a "Drinking Place." The generation rate for that type of use is 11.34 per 1,000 square feet of facility for peak PM trips. The structure in which the wine tasting will actually occur is approximately 960 square feet in size; therefore the trip generation rate would be approximately 11 per hour at per peak hour PM weekday average. Road 36 trip generation calculations indicate no more than 900 trips per hour in the north and south bound directions in the area south of Avenue 12 which is where this project is located. Therefore the amount of traffic generated from this project is not expected to be an impact to the existing road system and no mitigations are needed.

The operation is expected to utilize 80 gallons of water daily from existing wells on the property, while generating 50 gallons wastewater through an existing 2,000 gallon septic system on the property. It is anticipated that the operation will generate 5 cubic yards of trash weekly, which is picked-up by the County's contracted trash hauling service.

There are currently three employees, and it is anticipated to increase to 10 in the future. Fermentation tanks, bottling equipment, and filtration pumps will be used to make and bottle wine all of which will be stored in the buildings. Grape juice, yeast and sterilization products will be used and stored inside the building as well. Three modular buildings will be moved to the property adjacent to the existing gazebo. The buildings are prefabricated and they have wood siding.

The applicant anticipates two service vehicles utilized and make approximately two trips per day. There will be nine parking spaces made available onsite.

Minimal grading will level out the area for the placement of the modular structures and provide for the parking. Some trees will be removed during that process. However, trees, shrubs and fencing will be added to the north and west side of the winery area to partially shield the modular units from view of the neighbors.

The zoning ordinance allows for wineries to exist with a Conditional Use Permit as an agriculturally oriented service.

The property is under Williamson Act contract, which limits uses on the property to agricultural uses and related activities. Uses that significantly displace agricultural operations on the subject contracted parcel may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or neighboring lands, including activities such as harvesting, processing or shipping.

According to the Wine Institutes' California Wine Profile of 2011, California makes up 90% of all U.S. wine and is the world's 4th leading wine producer after France, Italy and Spain. California wine sales volume into the U.S. market grew approximately 26% since 2002 to 211.9 million cases with an estimated retail value of \$19.9 billion. Three out of every five bottles sold in the U.S. is a California wine.

The project was circulated to County Departments and outside regulatory agencies for comments and conditions. Of the outside regulatory agencies that were contacted, the San Joaquin Valley Air Pollution Control District and California Highway Patrol, Madera Office, responded. Their comments and conditions are incorporated into this report. Staff contacted the Department of Fish and Game (now named the Department of Fish and Wildlife to be more in line with the Federal U.S. Fish and Wildlife), and they have no comments on this project.

Should the project be approved, the applicant will need to submit a check, made out to Madera County, in the amount of \$2,206.25 to cover the Notice of Determination (CEQA) filing. The amount covers the current \$2,156.25 Department of Fish and Game fee and the County Clerk \$50.00 filing fee. In lieu of the Fish and Game fee, the applicant may choose to contact the Fresno office of the Department of Fish and Game to apply for a fee waiver. The County Clerk Fee, Department of Fish and Game Fee (or waiver if approved) is due within five days of approval of this permit.

FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of this conditional use permit application. Should the Planning Commission vote to approve the project, Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance in that pursuant to Section 18.58.010 of the Madera County Zoning Ordinance, the proposed use is allowed in the ARE-40 Zone District subject to a conditional use permit as an agriculturally oriented service*
2. *The proposed project is not contrary to the public health, safety, or general welfare in that the facility will adhere to all conditions of approval and mitigations as approved as they relate to the operations.*
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors, in that the project must adhere to local and state health and building codes. In addition, any potential environmental impacts have been mitigated to a level of less than significant through mitigation measures as outlined by the mitigated negative declaration and conditions of approval for the conditional use permit.*
4. *The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties. The proposed project is compatible with the nature of adjacent uses. The surrounding properties are largely vacant or in agriculturally based uses. The surrounding area is sparsely populated.*

WILLIAMSON ACT:

The property is subject to a Williamson Act contract.

GENERAL PLAN CONSISTENCY:

The general plan designates the site as AE (Agricultural Exclusive) which allows for similar uses as to that being proposed. The property is zoned ARE-40 (Agricultural Rural Exclusive – 40 Acre) District. The proposed project is consistent with the designations.

RECOMMENDATION:

The analysis provided in this report supports approval of CUP #2013-001, Mitigated Negative Declaration MND #2013-02 and the Mitigation Measure Monitoring Program as presented.

CONDITIONS:

Engineering Department (Exhibit H)

1. Prior to start of any construction, the applicant shall secure a Building Permit from the Engineering Department. All construction shall meet the standards of all applicable Codes. All plans must be prepared by a licensed architect or registered civil engineer.
2. 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 grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards and specifications of the California Code of Federal Regulations.

Environmental Health Department (Exhibit I)

1. According to all documentation reviewed prior to making these determinations for this subject property, it is not currently within a County Maintenance District or within a County Service Area administered by the County of Madera. Septic and water for this operation must be provided by the owners of this development.
2. If food is going to be served at this facility then the owners/operators must complete and submit food facility construction plan(s) and application(s) for Food Vending Permit(s) for each food operation to be submitted to this department Food Program before onset of any construction activities and/or before operation. Contact a Food Program specialist within this department at (559) 675-7823 for any questions that you may have regarding this process or for copies of the Permit Application form.
3. The owners/operator of this facility and/or shop operation must complete and submit a Business Activities Declaration Form with the CUPA Program within this department before onset of construction activities. This is to report storage of hazardous materials (like petroleum fuels or lubricants) onsite and/or for the storage of any amount of hazardous waste onsite at any time prior to facility operation.
4. The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): Vector(s), Dust, Odor(s), Noise(s), Lighting and/or Lighting and/or Litter accumulation to surrounding area uses. Adjacent occupied business operations within this type of development and its particular location to populated areas. This must be accomplished under accepted and approved Best Management Practices

(BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA) which is this department, the MCEHD and any other county or state regulatory agency having jurisdiction.

Fire Department (Exhibit J)

1. Fire flow meeting the minimum standards of NFPA 1142 shall be provided based upon the largest building on the project site. Fire flow shall be on-site, tested and approved prior to final building permit inspection.
2. Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the exterior walls of the proposed building as measured by an approved route around the exterior of the building. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Signs shall be provided and maintained for fire apparatus access roads to identify roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating "No Parking Fire Lane" or other language as approved by the Madera County Fire Marshal. Fire apparatus access roads shall not be blocked in any manner, including parking of vehicles. (CFC, Section 503; and CVC Section 22500.1).
3. For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by the Madera County Fire Marshal. (CFC Section 902.2.2.4, CFC Section 503.2.5).
4. All gates accessing the project shall be equipped with a Knox Box emergency access device prior to final building inspection.

Planning Department

1. Facility to operate in accordance with submitted operational statement and site plans except as modified or conditioned by the Conditional Use Permit and associated Mitigated Negative Declaration and Mitigation Monitoring Program.
2. All lighting associated with this project to be hooded and directed away from neighboring parcels.
3. All driveways and parking areas to be constructed and maintained in a dust free manner.
4. Sales at the proposed site shall be limited to the agricultural products produced at the site.
5. Special events on the parcel shall be limited to occasional events that are incidental to the winery and do not generate more than fifty participants. No Weddings, Anniversaries, Birthdays, or similar type events are to be held on this parcel as it is under the Williamson Act.

Road Department (Exhibit K)

1. All proposed driveway approaches shall be improved to a Commercial County

Standard.

2. The applicants' civil engineer shall evaluate the existing roadway ("Root Creek Road"), before any improvements occur and shall submit repair and improvement recommendations for review and approval by the Road Department. Improvements to the intersection of Avenue 11 at its intersection with Road 36 shall be submitted to the Road Department for review and approval.
3. Prior to any construction within the public right of way, the applicant is required to apply for and obtain an Encroachment Permit from the Road Department. Once this permit is secured, the applicant may commence with construction improvements.

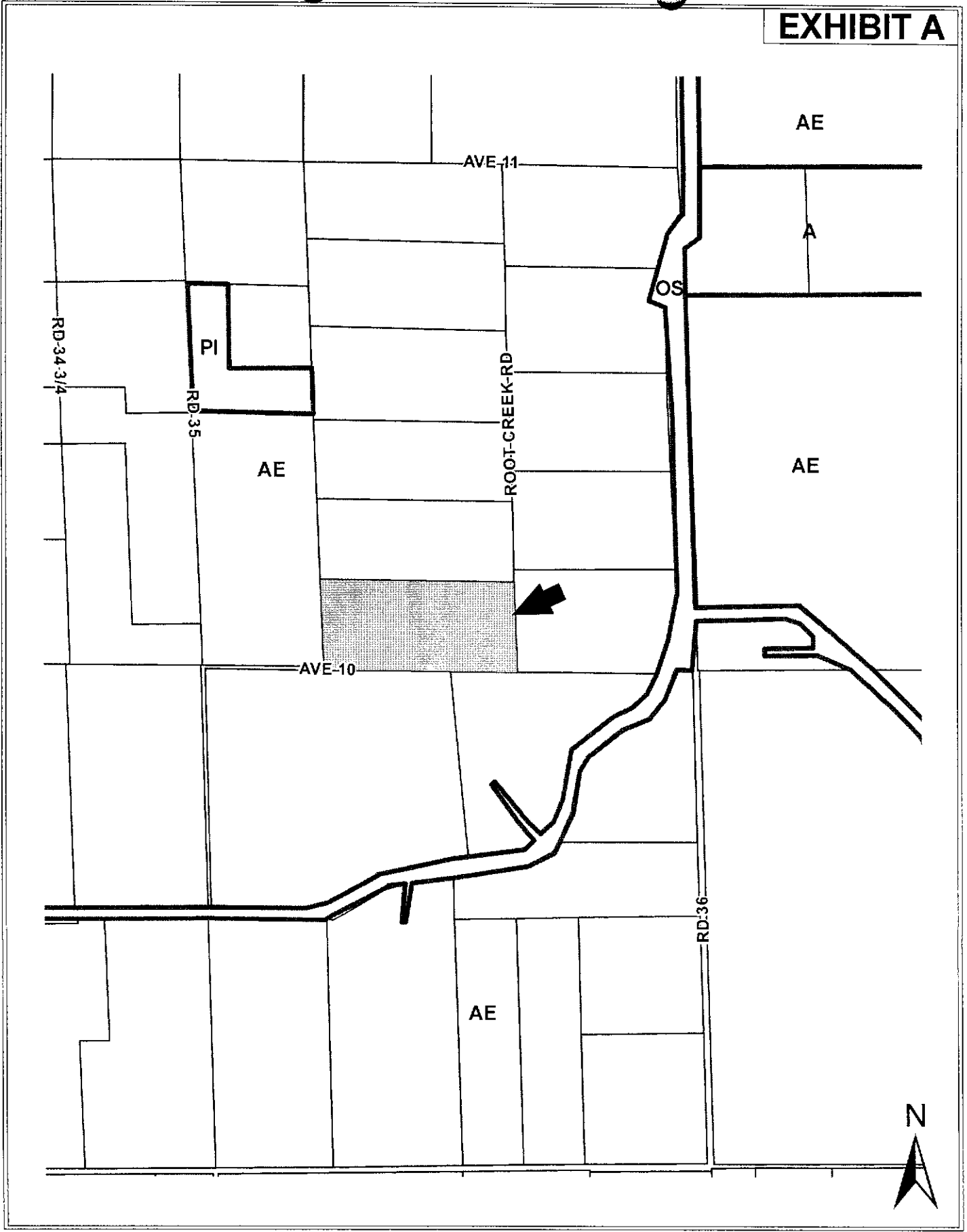
San Joaquin Valley Air Pollution Control (Exhibit M)

1. Applicant shall adhere to requirements of the San Joaquin Valley Air Pollution Control District.

ATTACHMENTS:

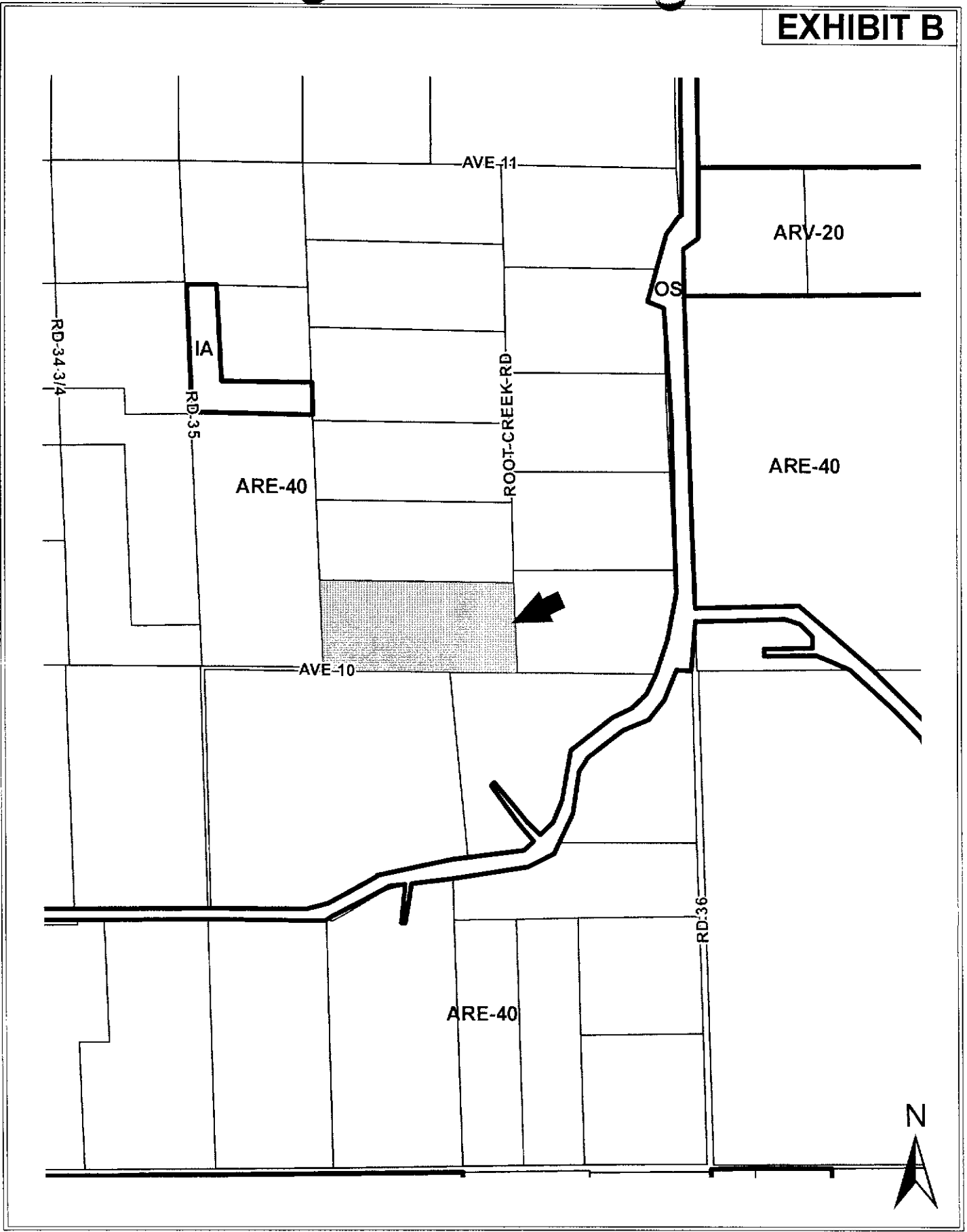
1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan Map
5. Exhibit D-2, Site Plan Map
6. Exhibit D-3, Site Plan Map
7. Exhibit D-4, Site Plan Map
8. Exhibit D-5, Site Plan Map
9. Exhibit D-6, Floor Plan
10. Exhibit D-7, Elevations
11. Exhibit D-8, Elevations
12. Exhibit D-9, Elevations
13. Exhibit E, Aerial Map
14. Exhibit F, Topographical Map
15. Exhibit G, Operational Statement
16. Exhibit H, Engineering Department Comments
17. Exhibit I, Environmental Health Department Comments
18. Exhibit J, Fire Department Comments
19. Exhibit K, Road Department Comments
20. Exhibit L, California Highway Patrol Comments
21. Exhibit M, San Joaquin Valley Air Pollution Control Comments
22. Exhibit N, CEQA Initial Study
23. Exhibit O, Mitigated Negative Declaration #2013-02
24. Exhibit P, CEQA Mitigation Monitoring and Conditions of Approval Monitoring Program

EXHIBIT A



GENERAL PLAN MAP

EXHIBIT B



ZONING MAP

SEC. 8 T.12S. R.19E. M.D.B.&M.

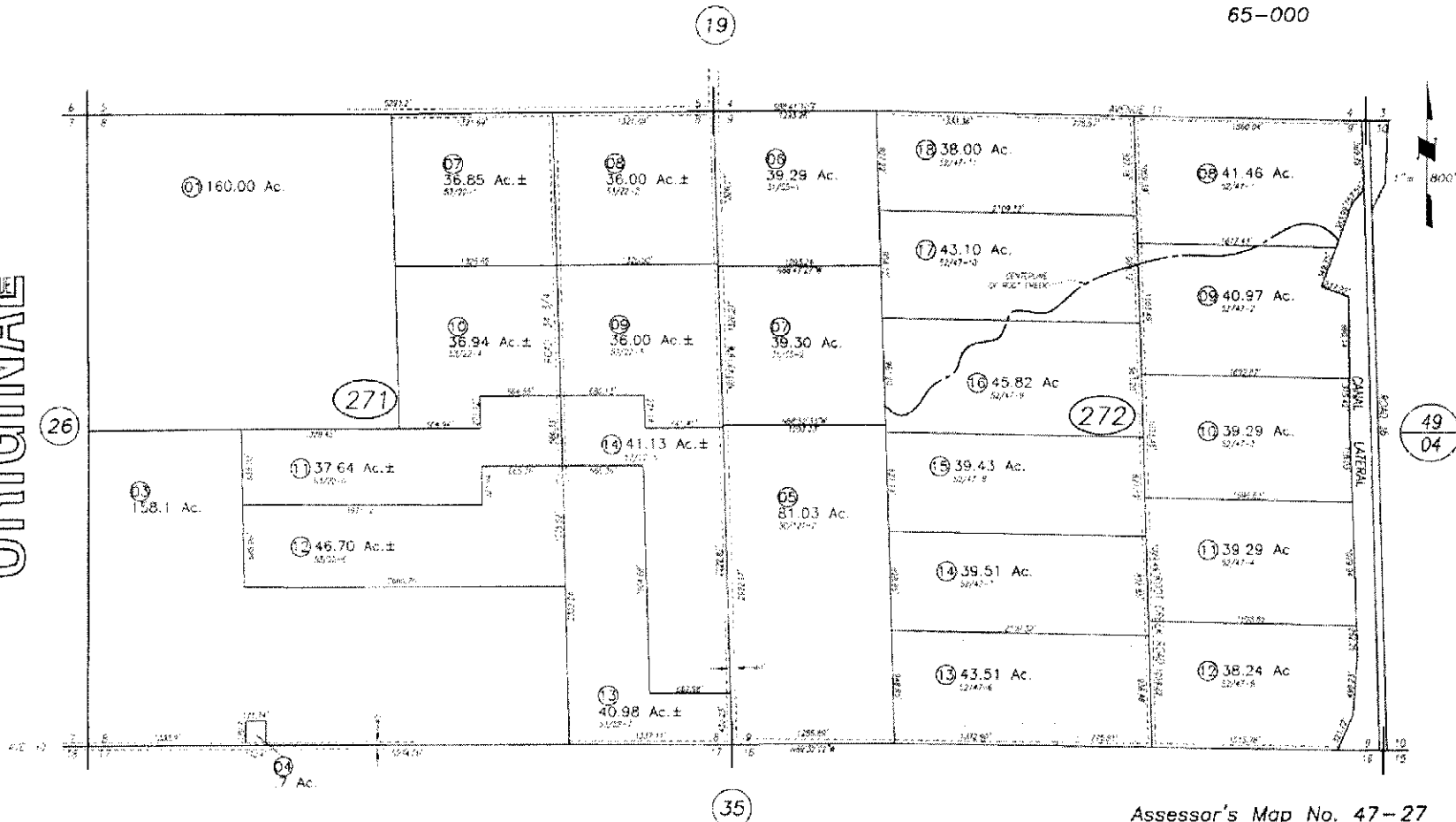
SEC. 9 T.12S. R.19E. M.D.B.&M.

47-27

Tax Area Code
65-000

ASSESSOR'S MAP

ORIGINAL



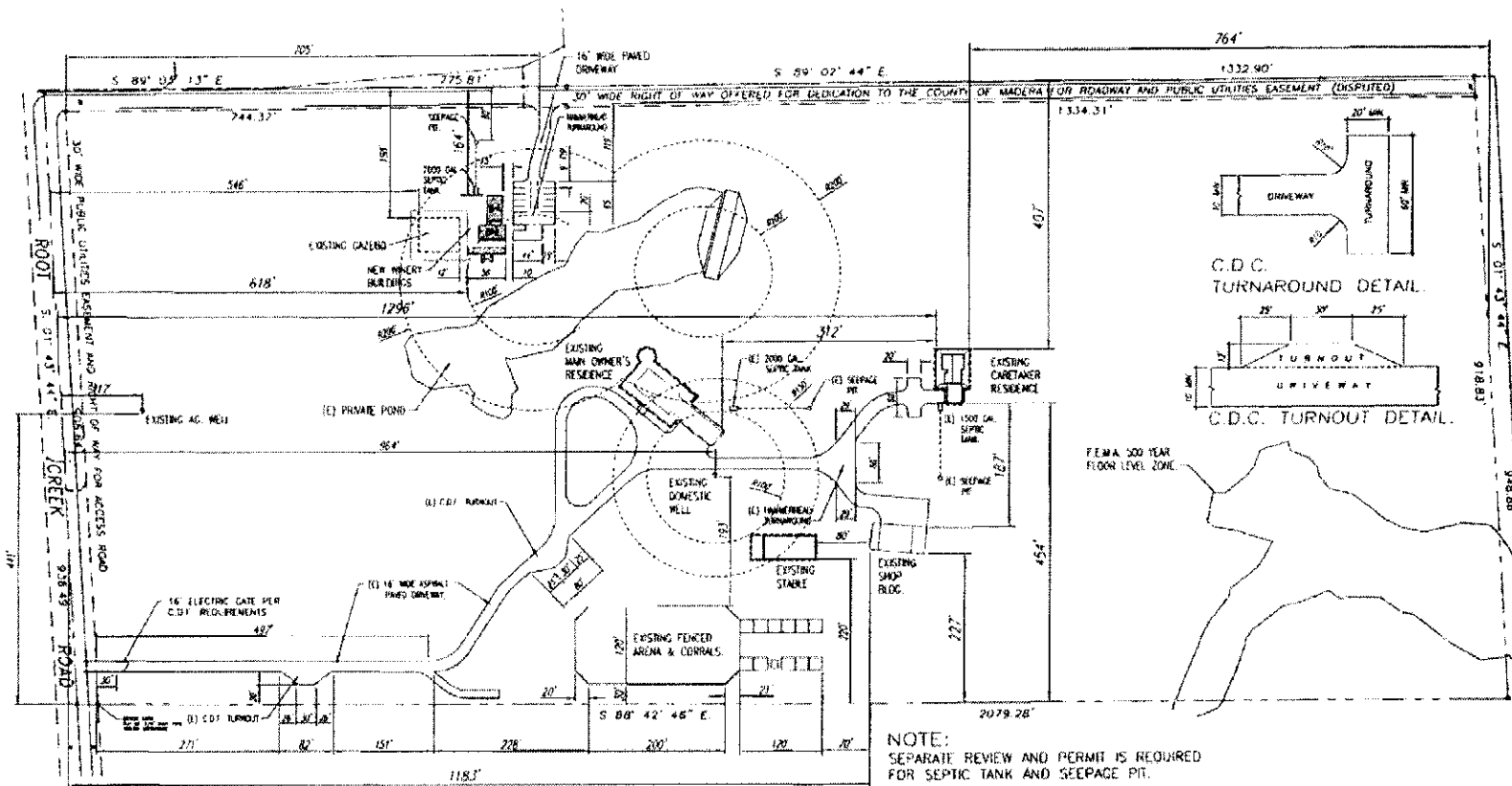
NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map No. 47-27
Golden Valley Unified
County of Madera, Calif.
1955

EXHIBIT C

PRINTED BY: [unclear] 1955
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SITE PLAN



NORTH SITE PLAN.

PARCEL 6 OF PARCEL MAP NO. 3826 FOR DOUBLE 'Y' RANCHES.
45.59 GROSS ACRES (INCLUDING RIGHT OF WAY) 43.91 NET ACRES.

GENERAL NOTES:

1. THE DRIVEWAY APPROACH SHALL BE CONSTRUCTED TO MADERA COUNTY STANDARDS PRIOR TO BLUE TAG INSPECTION.
2. THE APPLICANT SHALL OBTAIN AN ENCROACHMENT PERMIT FROM THE ROAD DEPT. PRIOR TO THE START OF EXCAVATION WITHIN THE ROAD RIGHT OF WAY.
3. ELECTRIC GATES MUST BE PROVIDED WITH AN APPROVED FIRE DEPARTMENT BY-PASS SWITCH, OR KEYS (V.V.V. ONLY END SIDE ENCROACHMENT USE).
4. DRIVEWAYS MUST BE AN ALL-WEATHER SURFACE CAPABLE OF SUPPORTING A 40,000 POUND APPARATUS. THE DRIVEWAY WILL REQUIRE A COMPACTION TEST.
5. DRIVEWAYS TO BE A MINIMUM OF 90% COMPACTION.
6. THE ROAD/DRIVEWAY GRADE SHALL NOT EXCEED 16%.
7. VERTICAL CLEARANCE AT DRIVEWAY SHALL BE A MINIMUM OF 15 FEET.

LEGAL DESCRIPTION:

PARCEL 6 OF PARCEL MAP NO. 3836, IN THE COUNTY OF MADERA, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 52 OF MAPS AT PAGES 47 AND 48, MADERA COUNTY RECORDS.

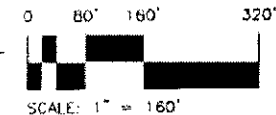
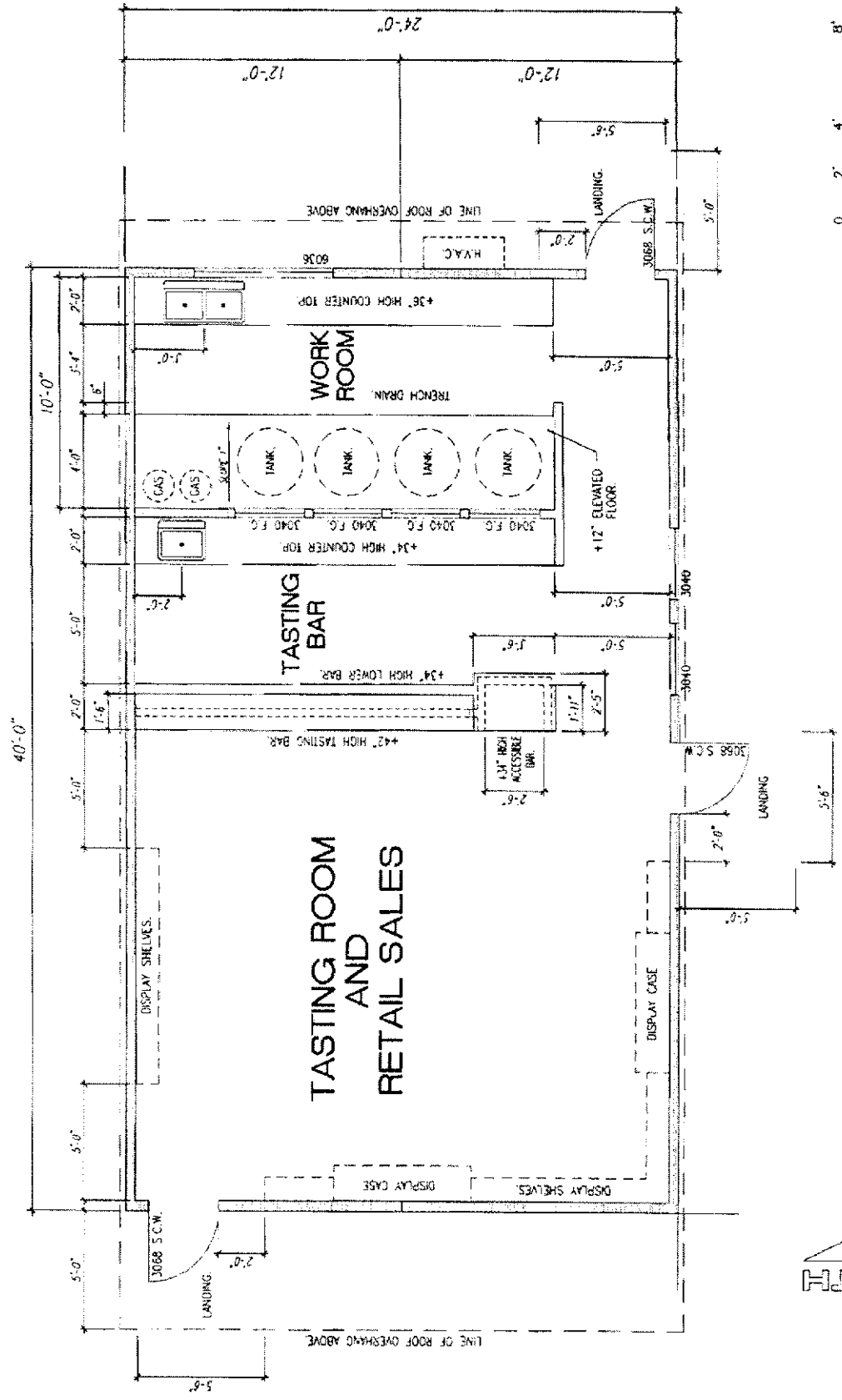


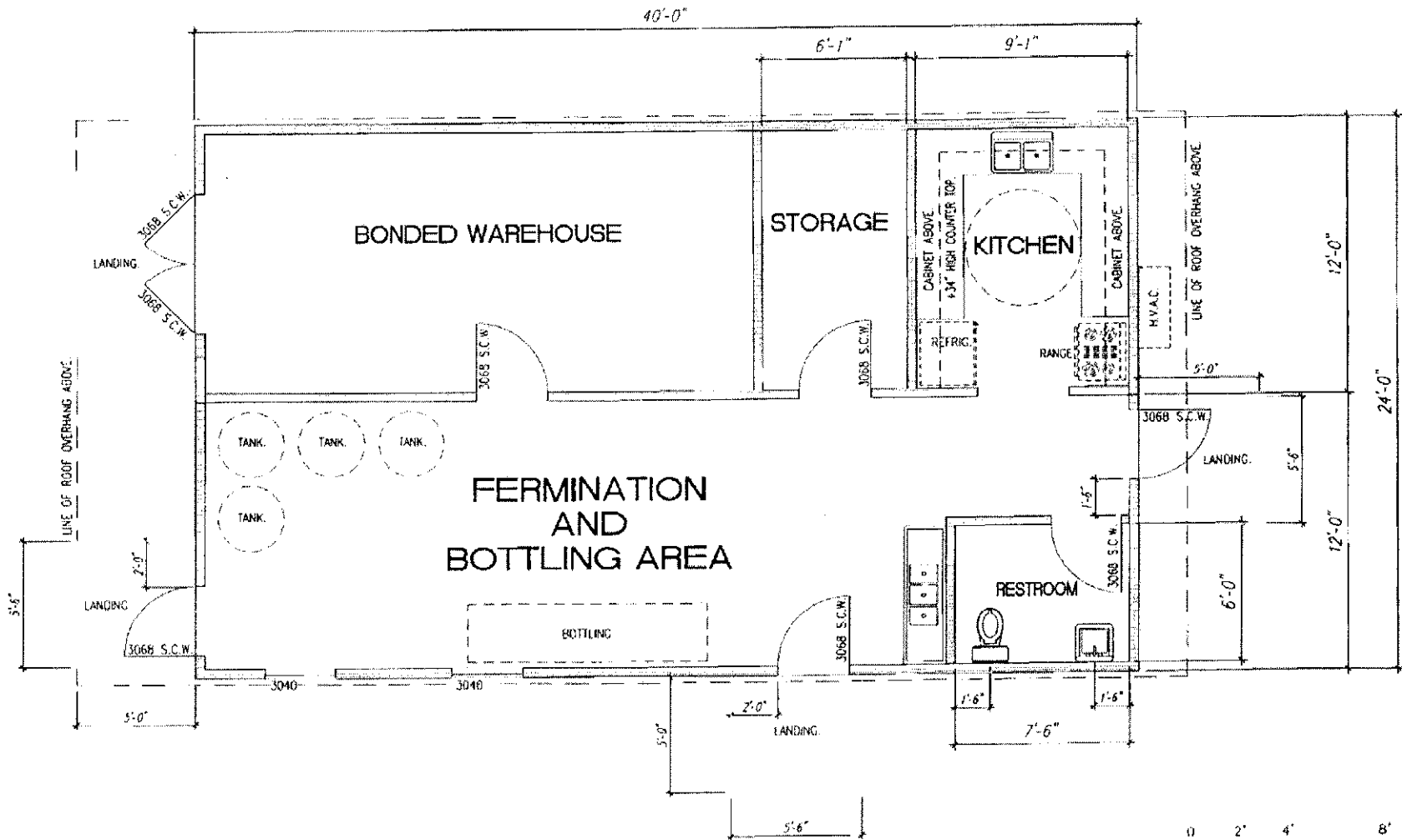
EXHIBIT D-2



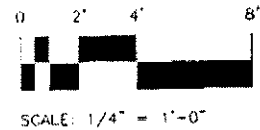
FLOOR PLAN-BUILDING-1.



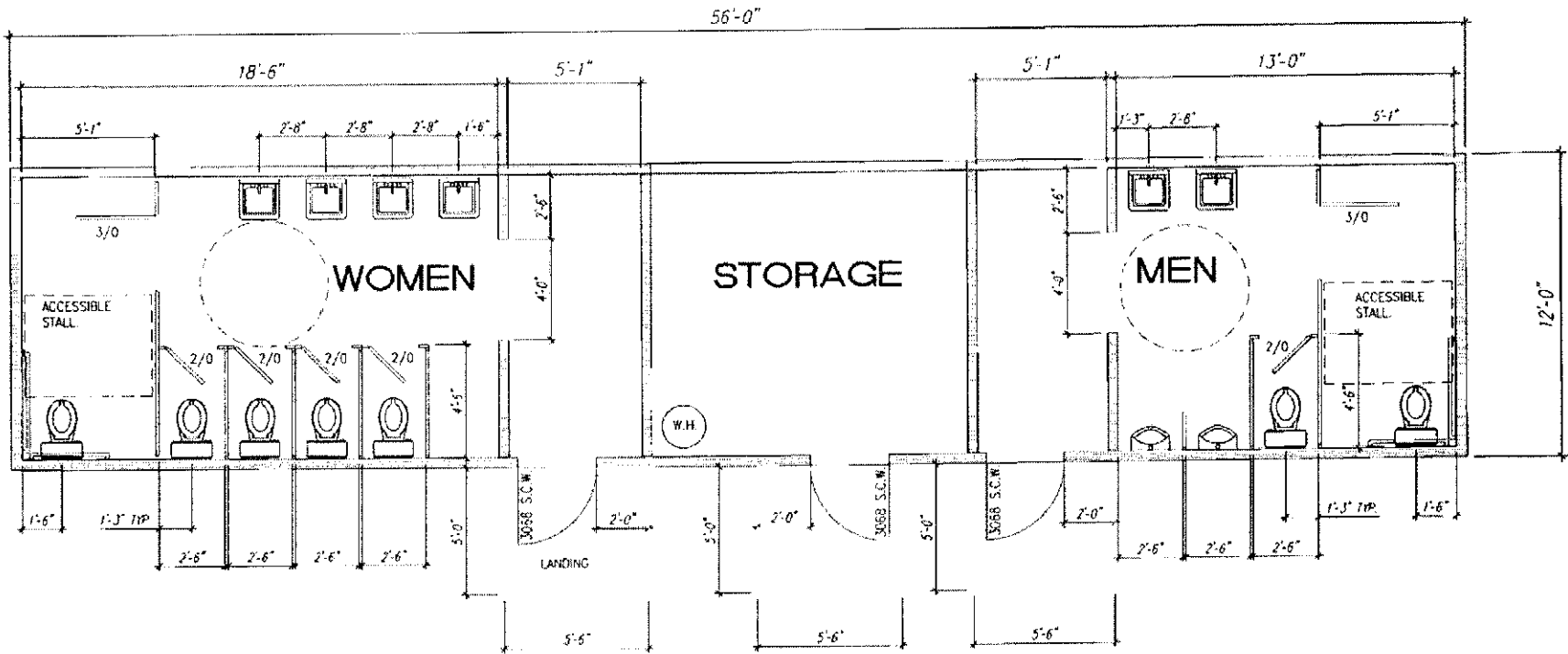
SITE PLAN



FLOOR PLAN-BUILDING-2.

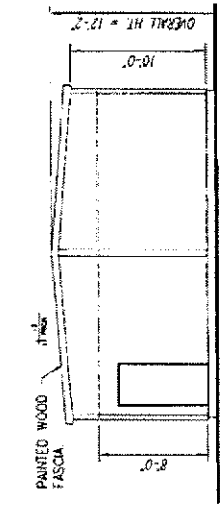


SITE PLAN

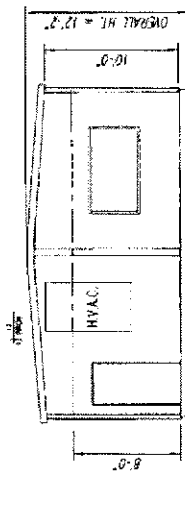


FLOOR PLAN-BUILDING-3.

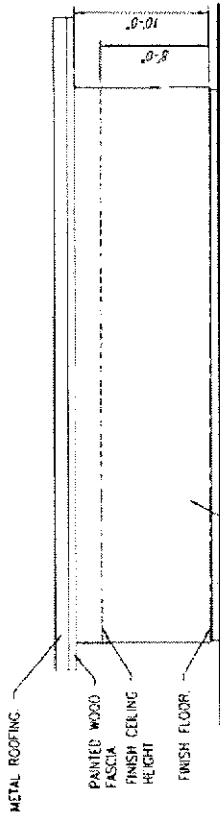




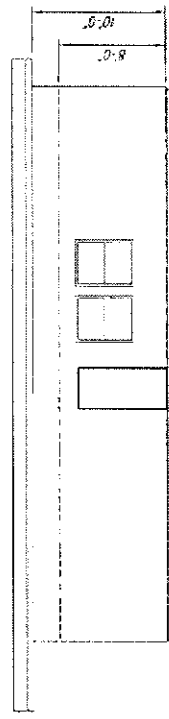
SOUTH ELEV.



NORTH ELEV.



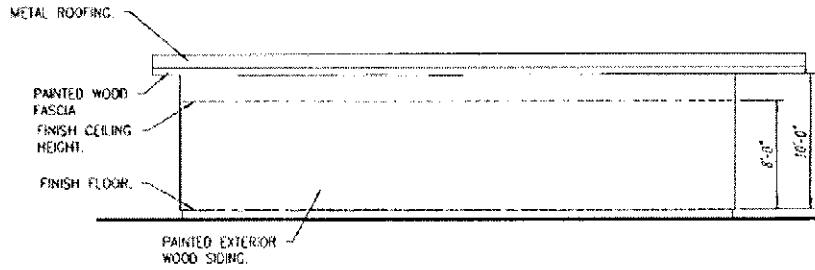
WEST ELEVATION.



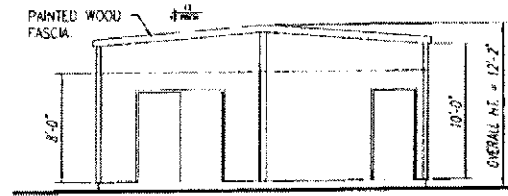
EAST ELEVATION.



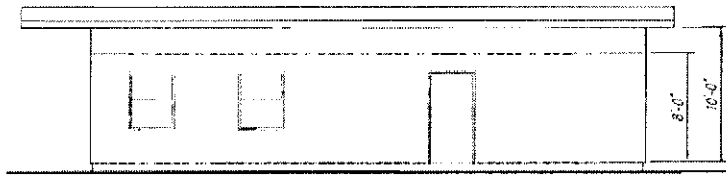
EXTERIOR ELEVATIONS BUILDING-1.



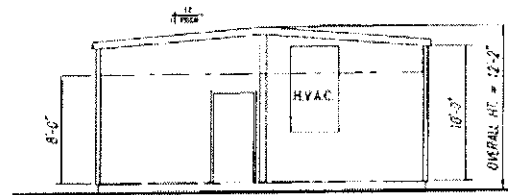
NORTH ELEVATION.



WEST ELEV.

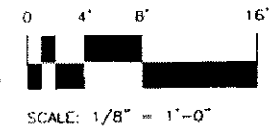


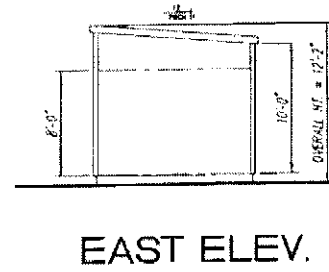
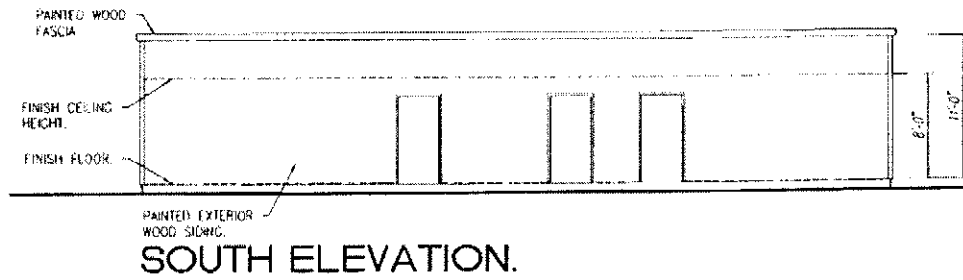
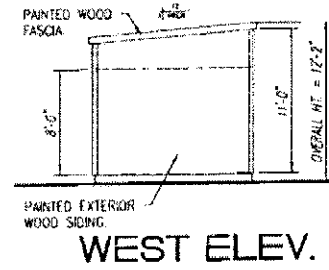
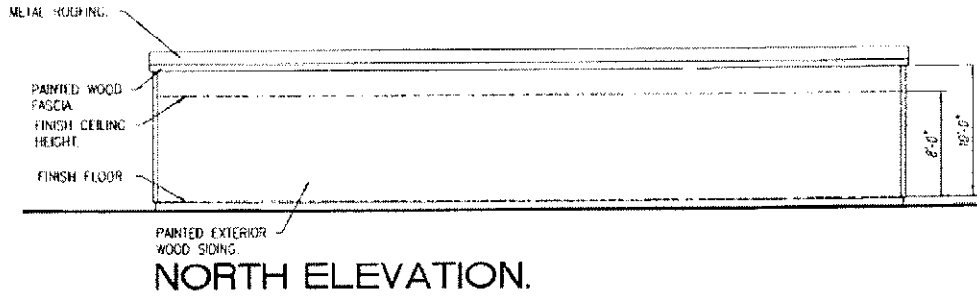
SOUTH ELEVATION.



EAST ELEV.

EXTERIOR ELEVATIONS BUILDING-2.





EXTERIOR ELEVATIONS BUILDING-3.

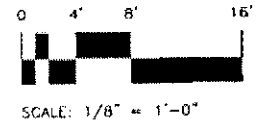
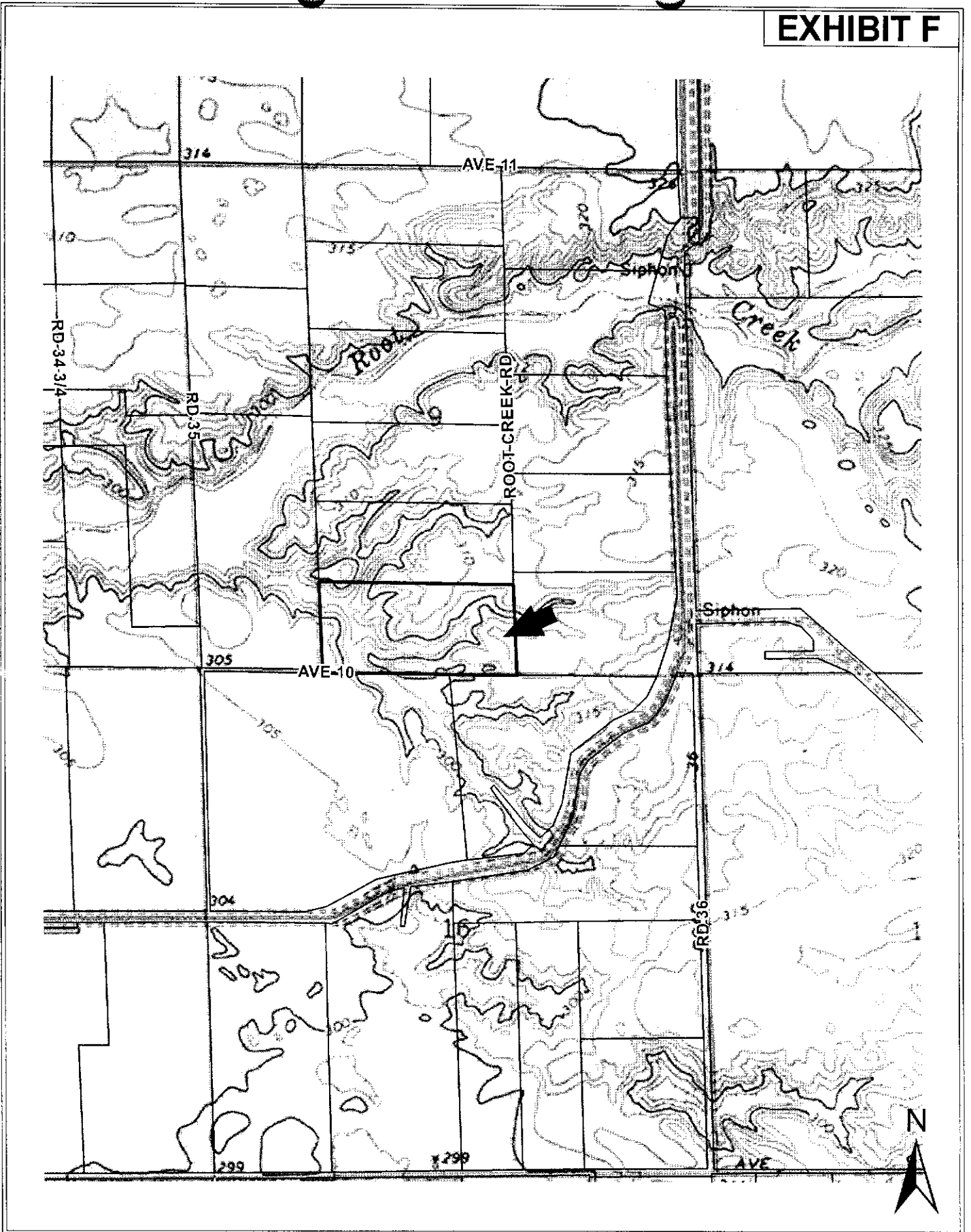


EXHIBIT E



AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

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

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

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

1. Please provide the following information

Assessor's Parcel Number: 047-272-013
Applicant's Name: Ronald Patterson and Barbara Perkins
Address: 10186 Root Creek Rd., Madera, CA 93636
Phone Number: (559) 289-5376

2. Describe the nature of your proposal/operation.

A boutique winery and tasting room.

3. What is the existing use of the property?

The property is a 43 acre ranch with our personal residence.

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

We will be producing wine, storing onsite, and selling onsite.

5. What are the proposed operational time limits?

Months (if seasonal): N/A
Days per week: 7 days a week.
Hours (from ___ to ___): 8 AM to 5 PM most days, occasionally to 10 PM for special sales events.
Total Hours per day: 9 hours most days

7. How many customers or visitors are expected?

Average number per day: 20
Maximum number per day: 100
What hours will customers/visitors be there? 10 AM to 5 PM most days, occasionally to 10 PM for spe

8. How many employees will there be?

Current: 3
Future: 10
Hours they work: 8 AM to 5 PM
Do any live onsite? 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, provided pictures or brochures.

Fermentation tanks, bottling equipment, filtration pumps will be used to make and bottle wine, all of which will be stored inside the buildings. Grape juice, yeast, and sterilization products will be used and stored inside the building also.

10. Will there be any service and delivery vehicles?

Number: 2

Type: Small truck, pickup or van.

Frequency: 2 trips per day

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

9 spaces paved with road base gravel.

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

Access is from Root Creek Road using the existing service road on the property.

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

Normal traffic to the property is estimated at 20 cars per day.

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

A small monument sign at the entrance to the property not to exceed 4' X 8'.

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

3 modular buildings will be moved to the property adjacent to the existing gazebo. The buildings are prefab and they have wood siding. (see drawings)

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

Trees, shrubs and fencing will be added to the north and west side of the winery area to partially shield the modular buildings from view of the neighbors.

17.

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

North: A house approximately 800 ft. away on 40 acres of newly planted pistachio trees. Northwest: A house approximately 1000 ft. away on 38 acres planted in oat hay. East: 40 acres of open land prepped for trees. South: 50 acres of grazing land with a shop and several unpermitted structures. Adjacent to that is 150 acres on almonds. West: Open land.

18.

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

No

- 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).**
Maybe 50 gallons per day from existing wells on the property.
- 20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?**
Maybe 50 gallons per day will be generated and disposed of by a new 2,000 gallon septic tank to be installed on the property.
- 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?**
5 cubic yards weekly. We will use the approved disposal contractor for the area which is currently Redrock Environmental.
- 22. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)**
Minor grading to smooth the area for the parking and levelling for the placement of the modular buildings. 6 small trees we planted 5 years ago will be removed.
- 23. Are there any archeological or historically significant sits 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.**
see drawings
- 25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.**
see drawings
- 26. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?**
No
- 27. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)**
Fire and Sheriff
- 28. How do you see this development impacting the surrounding area?**
Minor, if any, impact should occur as a result of this project.
- 29. How do you see this development impacting schools, parks, fire and police protection or special districts?**
No impact should occur to schools, parks or special service districts. The addition of the buildings will increase the chance of fire and theft occurring at the property.
- 30. If your proposal is for commercial or industrial development, please complete the following;**

EXHIBIT G

Proposed Use(s): see the drawings for more detailed description of the building and its uses.

Square feet of building area(s):

Total number of employees:

Building Heights:

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

N/A

End

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: January 24, 2013
RE: Patterson, Ronald - Conditional Use Permit - Madera (047-272-013-000)

Comments

DATE January 24, 2013

TO Planning Department

FROM Dario Dominguez, Assistant Engineer - DEGS

SUBJECT CUP 2013-001

- 1) The proposed project is not within the 100 year flood plain.
- 2) The subject property is not located in a County Service Area or Maintenance District.
3. Prior to the start of any construction, the applicant shall secure a Building Permit from the Engineering Department. All construction shall meet the standards of all applicable Codes. All plans must be prepared by a licensed architect or registered civil engineer.
4. The applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards and specifications of the California Code of Federal Regulations.

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

RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Yaeger, Director

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

MEMORANDUM

TO: Robert Mansfield
FROM: Madera County
DATE: January 28, 2013
RE: Patterson, Ronald - Conditional Use Permit - Madera (047-272-013-000)

Conditions

The Environmental Health Department has reviewed the Conditional Use Permit (CUP) #2013-001 Ronald Patterson, located on APN: 047-272-013, within the Madera area and has determined the following:

According to all documentation reviewed prior to making these determinations for this subject property, it is NOT currently within a County Maintenance District or within a County Service Area administered by the County of Madera. Septic and water for this operation must be provided by the owners of this development.

If food is going to be served at this facility then the owners/operators must complete and submit food facility construction plan(s) and application(s) for Food Vending Permit(s) for each food operation it be submitted to this department Food Program before onset of any construction activities and or before operation. Contact a Food Program specialist within this Dept. at (559) 675-7823 for any questions that you may have regarding this process or for copies of the Permit Application form.

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

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): Vector(s), Dust, Odor(s), Noise(s), Lighting and/or Litter accumulation to surrounding area uses. Adjacent occupied home/land owners are the most adversely affected by any nuisances caused by even the most routine business operations within this type of development and its particular location to populated areas. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA), which is this Dept., the MCEHD and any other county or state regulatory agency having jurisdiction.

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

If there are any questions or comments regarding these conditions/requirements or for copies of any

EXHIBIT I

Environmental Health Permit Application forms and/or other required Environmental Health form please, feel free to contact the appropriate program specialist as indicated in the above comments or contact me within this department at (559) 675-7823, M-F, 8:00 AM to 5:00 PM.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

EXHIBIT J

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

DEBORAH KEENAN
MADERA COUNTY FIRE MARCHAL

MEMORANDUM

TO: Robert Mansfield
FROM: Madera County
DATE: January 24, 2013
RE: Patterson, Ronald - Conditional Use Permit - Madera (047-272-013-000)

Conditions

Fire flow meeting the minimum standards of NFPA 1142 shall be provided based upon the largest building on the project site. Fire Flow shall be on-site, tested and approved prior to final building permit inspection.

Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the exterior walls of the proposed building as measured by an approved route around the exterior of the building. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Signs shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating "No Parking Fire Lane" or other language as approved by the Madera County Fire Marshal. Fire apparatus access roads shall not be blocked in any manner, including parking of vehicles. (CFC, Sections 503 and CVC Section 22500.1)

For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by the Madera County Fire Marshal. (CFC, Section 902.2.2.4, 503.2.5)

All gates accessing the project shall be equipped with a Knox Box emergency access device prior to final building inspection.



ROAD DEPARTMENT
COUNTY OF
MADERA

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

EXHIBIT K

JOHANNES HOEVERTSZ
Road Commissioner

MEMORANDUM

TO: Robert Mansfield
FROM: Road Department
DATE: January 24, 2013
RE: Patterson, Ronald - Conditional Use Permit - Madera (047-272-013-000)

CONDITIONS -

We have reviewed the above-referenced project to develop and operate a winery and tasting room.

The proposed project takes access from Root Creek Rd which is a local roadway. Root Creek Rd is a non-County maintained road and was developed as part of Parcel Map 3826, as was Avenue 11 from its intersection with Rd 36 to Root Creek Rd. Although this road was paved, it appears to be in need of some repair specifically at the Root Creek crossing. Pavement ripples directly above the culverts in the roadway appear to have been caused by soil instability and subsidence.

Additionally, Avenue 11 at its intersection with Rd 36 is in need of improvement. A wider paved radius will be needed at this location.

THE ROAD DEPARTMENT HAS THE FOLLOWING CONDITIONS OF APPROVAL:

1.8 All proposed driveway approaches shall be improved to a Commercial County Standard.

2.d The applicants' civil engineer shall evaluate the existing roadway ("Root Creek Road"), within the Creek limits as mentioned above, before any improvements occur and shall submit repair and improvement recommendations for review and approval by the Road Department. Improvements to the intersection of Ave 11 at its intersection with Rd 36 shall be submitted to the Road Department for review and approval.

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

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Madera Area
3051 Airport Drive
Madera, CA 93637-8709
(559) 675-1025
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 9, 2013

File No.: 450.11396.13669

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

RE: Winery and tasting room; CUP #2013-001

Mr. Robert Mansfield:

Staff at the Madera office of the California Highway Patrol (CHP) has reviewed the Conditional Use Permit (CUP) #2013-001 regarding the proposed winery and tasting room located at 10186 Root Creek Road (Assessor's Parcel Number 047-272-013). The CHP, Madera Area, is the primary agency providing traffic law enforcement, traffic safety, and traffic management of the unincorporated areas, within the eastern and northern portions of Madera County. After a thorough review of this document, we offer the following comments:

The proposed new project area is located within the jurisdictional responsibility of the CHP Madera Area office. According to the information received, the CHP believes there will be a minimal increase in vehicular traffic as a result of this project. Mostly, there will be a small increase of traffic patterns near and around the development. No changes in CHP duties are anticipated since the increase in vehicle traffic will be minimal.

Should there be questions regarding these comments, please contact me at (559) 675-1025.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Paris".

D. PARIS, Lieutenant
Commander
Madera Area

cc: Special Projects Section – CHP
Central Division – CHP

RECEIVED
JAN 17 2013
MADERA COUNTY PLANNING DEPARTMENT





San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

EXHIBIT M



HEALTHY AIR LIVING™

January 18, 2013

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

RECEIVED

JAN 22 2013

Project: Conditional Use Permit #2013-001

District CEQA Reference No: 20130009

MADERA COUNTY
CLERK OF SUPERIOR COURT

Dear Mr. Mansfield:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a Conditional Use Permit to allow a winery and tasting room located at 10186 Root Creek Rd. in Madera, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions are expected have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed is not subject to District Rule 9510 (Indirect Source Review).
3. The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
4. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region

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

Central Region (Main Office)

1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230 6000 FAX: (559) 230 6061

Southern Region

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

To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

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

If you have any questions or require further information, please call Mark Montelongo, at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services



for: Arnaud Marjollet
Permit Services Manager

DW: mm

Cc: File

Environmental Checklist Form**Title of Proposal:** CUP #2013-001 Patterson**Date Checklist Submitted:** 2/19/2013**Agency Requiring Checklist:** Madera County Planning Department**Agency Contact:** Robert Mansfield, Planner III**Phone:** (559) 675-7821

Description of Initial Study/Requirement

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

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

Description of Project:

To allow for winery and tasting room.

Project Location:

North east corner of Avenue 10 and Root Creek Road (10186 Root Creek Road), Madera

Applicant Name and Address:

Ronald Patterson
10186 Root Creek Road
Madera, CA 93636

General Plan Designation:

AE (Agricultural Exclusive)

Zoning Designation:

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

Surrounding Land Uses and Setting:

Residential

Other Public Agencies whose approval is required:

None

EXHIBIT N

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

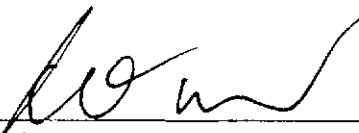
- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

I.C.E. Form No. 101
Prior EIR or ND/MND Number


Signature

2-19-13
Date

EXHIBIT N

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a) No Impact

No scenic vistas are known to exist in the vicinity of this project, therefore no known impacts will occur.

(b) Less than Significant Impact

There will be some grading and construction that will occur as a result of this project. The impact is less than substantial given the agricultural nature of the surrounding properties. There are no known historic structures on the property or in the vicinity of this project that will be impacted.

(c) Less than Significant Impact

While construction of new structures does lend itself to impacting the existing visual character of any area, the overall impact will be minimal in light of the whole area.

(d) Less than Significant Impact with Mitigation Incorporated

There will be new structures constructed as a result of this project, therefore an increase in light sources, and what is typically referred to as light bleed.

General Information:

A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Light pollution, as defined by the International Dark-Sky Association, is any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. Two elements of light pollution may affect city residents: sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring property and homes.

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered "sensitive" to this unwanted light include residences, hospitals, and care homes.

Daytime sources of glare include reflections off of light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times.

[Click here to enter text.](#)

III. **AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Protection (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact

Under the Farmland Mapping and Monitoring Program of the California Resources Agency, the property is classed as grazing land, therefore no impact.

(b) No Impact

While the property is in the Williamson Act, the project is agriculturally based, and therefore is not in conflict with the Williamson Act. The County Zoning for the project site does allow for the project with an approved Conditional Use Permit.

(c) No Impact

The area is not considered forest land, or zoned as forest land, or timberland, therefore no known impacts will occur.

(d) No Impact

See above.

(e) No Impact

No impact as a result of the project.

General Information

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to

EXHIBIT N

agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Department of Conservation oversees the Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The program's definition of land is below:

PRIME FARMLAND (P): Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

FARMLAND OF STATEWIDE IMPORTANCE (S): Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

[Click here to enter text.](#)

EXHIBIT N

<p>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:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporation</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Create objectionable odors affecting a substantial number of people?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a) No Impact

No impacts are anticipated as a result of this project.

(b) No Impact

No impacts are anticipated as a result of this project.

(c) Less than Significant Impact

Based on information provided by the San Joaquin Valley Air Pollution Control District, this project is not anticipated to exceed criteria pollutant thresholds. There may be limited and less than significant impacts at the source.

(d) Less than Significant Impact

While the area is sparsely populated, localized impacts may expose sensitive receptors to impacts.

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).

(e) Less than Significant Impact

The process in and of itself may not create a significant objectionable odor incident. The area in which this project is located is sparsely populated. Any significant odor may be localized at its source.

General Information

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.

EXHIBIT N

CEQA requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

[Click here to enter text.](#)

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California 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 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 type="checkbox"/>	<input checked="" 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 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:

(a) Less than Significant Impact

The majority of the site is built out already. A minimal footprint of the property will be impacted as a result of this project. No habitats are known to exist on the project site, therefore it is not anticipated to impact any special status species.

(b) No Impact

No known impacts as a result of this project.

(c) No Impact

There are no known wetlands on the project site, therefore there are no impacts anticipated as a result of this project.

(d) No Impact

While there are species known to exist in the vicinity of the project, as indicated in the table below, the size and scope of this project is not considered to be an impact on the migratory nature of any species in the vicinity.

(e) No Impact

There are no known impacts as a result of this project.

(f) No Impact

There are no known impacts as a result of this project.

General Information

Special Status Species include:

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

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

Species	Federal Listing	State Listing	Dept. of Fish and Game Listing	CNPS Listing
California Tiger Salamander	Threatened	Threatened	SSC	None
Western Spadefoot	None	None	SSC	None
Northern Hardpan Vernal Pool	None	None	None	None
Vernal pool fairy shrimp	Threatened	None	None	None
California Indriella	None	None	None	None
Succulent owl's-clover	Threatened	Endangered	None	1B 2

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Hairy Orcutt Grass	Endangered	Endangered	None	1B.1
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List 1A: Plants presumed extinct

List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.

List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere

List 3: Plants which more information is needed – a review list

List 4: Plants of Limited Distributed - a watch list

Ranking

0.1 – Seriously threatened in California (high degree/immediacy of threat)

0.2 – Fairly threatened in California (moderate degree/immediacy of threat)

0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

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 California Department of Fish and Wildlife (formally the California Department of Fish and Game). A Notice of Determination filing fee is due each time a NOD is filed at the jurisdictions Clerk's Office. The authority comes under Senate Bill 1535 (SB 1535) and Department of Fish and Wildlife Code 711.4. Each year the fee is evaluated and has the potential of increasing. For the most up-to-date fees, please refer to http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

The Valley elderberry longhorn beetle was listed as a threatened species in 1980. Use of the elderberry bush by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry's use by the beetle is an exit hole created by the larva just prior to the pupal stage. According to the USFWS, the Valley Elderberry Longhorn Beetle habitat is primarily in communities of clustered Elderberry plants located within riparian habitat. The USFWS stated that VELB habitat does not include every Elderberry plant in the Central Valley, such as isolated, individual plants, plants with stems that are less than one inch in basal diameter or plants located in upland habitat.

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V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

(a) Less than Significant Impact

There are no known historical resources in the vicinity of the project. This does not mean that there are none, just none have been noted. There is a less than significant impact as a result of this project.

(b) Less than Significant Impact

There has been construction on the property prior to this project. There are no known instances of

archaeological resources on the property. However there may be instances of previously unknown resources yet to be discovered.

(c) Less than Significant Impact with Mitigation Incorporated

The only known paleontological resource has been at the County's landfill. However, there is still the potential of uncovering previously unknown sites within the County as a whole. With mitigation, this impact can be lessened to less than significant.

(d) Less than Significant Impact with Mitigation Incorporated

While most of the human remains of historical past has been found in the foothills of the County at traditional Native American sites, there is still the potential of finding previously unknown sites. With mitigation, this impact can be lessened to less than significant impact.

General Information

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.

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).

[Click here to return to text.](#)

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VI. 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 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:

(a-i) Less than Significant Impact

While the County is not in an area typically thought of as earthquake prone (such as those areas off of the San Andreas fault line), the County much like the rest of the State may have impacts related to any significant earthquakes. It is not likely to cause ruptures, but depending on the magnitude of the quake may cause some damage.

(a-ii) Less than Significant Impact

As mentioned, the County is not in proximity to know faults, therefore may not be in any significant danger of fault activity. However, depending on fault activity the County may experience some movement as a result of activity. The level may not be significant.

(a-iii) No Impact

As the County is not on any known faults, the chances of liquefaction is not expected.

(a-iv) Less than Significant Impact

The terrain in the area of the proposed project is considered "rolling." While this terrain may induce localized land movement considered landslides, the effect will be localized and minimal and does not pose a substantial risk.

(b) Less than Significant Impact with Mitigation Incorporated

The terrain of the area is not flat. As a result, localized erosion can occur during normal rainfall events. With paving and building activities, rainfall will be diverted to areas where erosion may not have been as significant. With mitigations, this impact can be lessened to less than significant.

(c) No Impact

No impacts are expected as a result of this project.

(d) No Impact

No impacts are expected as a result of this project.

(e) No Impact

No impacts are expected as a result of this project.

General Information

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

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

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

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

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

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

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

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

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be

active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

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

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

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

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VII. GREENHOUSE GAS EMISSIONS - Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) Less than Significant Impact

The project in and of itself will not produce greenhouse gas emissions. Vehicular traffic, a known generator of greenhouse gas constituents, can contribute to localized generation of said gases. However, the amount and duration of said generation is expected to be minimal and generally localized.

(b) No Impact

There are no known impacts as a result of this project.

General Information

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing

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activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to "smart growth" land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

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VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input 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"/>

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- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 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?

Discussion:

(a) No Impact

No impacts have been identified as a result of this project.

(b) No Impact

No impacts have been identified as a result of this project.

(c) No Impact

No impacts have been identified as a result of this project.

(d) No Impact

No impacts have been identified as a result of this project.

(e) No Impact

There are no known airports or airstrips in the vicinity of this project. No known impacts are seen.

(f) No Impact

There are no known airports or airstrips in the vicinity of this project. No known impacts are expected.

(g) No Impact

No impacts are known as a result of this project.

(h) No Impact

No known impacts as a result of this project.

General Information

Any hazardous material because of its quantity, concentration, physical or chemical properties, pose a significant present or potential hazard to human health and safety, or the environment the California legislature adopted Article 1, Chapter 6.95 of the Health and Safety Code, Sections 25500 to 25520 that requires any business handling or storing a hazardous material or hazardous waste to establish a Business Plan. The information obtained from the completed Business Plans will be provided to emergency response personnel for a better-prepared emergency response due to a release or threatened release of a hazardous material and/or hazardous waste.

Business owners that handle or store a hazardous material or mixtures containing a hazardous material, which has a quantity at any one time during the year, equal to or greater than:

- 1) A total of 55 gallons,
- 2) A total of 500 pounds,
- 3) 200 cubic feet at standard temperature and pressure of compressed gas,
- 4) any quantity of Acutely Hazardous Material (AHM).

Assembly Bill AB 2286 requires all business and agencies to report their Hazardous Materials Business Plans to the Certified Unified Program Agency (CUPA) information electronically at <http://cers.calepa.ca.gov>

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IX. HYDROLOGY AND WATER QUALITY – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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, 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:

(a) No Impact

No known impacts are known to occur as a result of this project.

(b) Less than Significant Impact

The applicant is not expecting to use significant amounts of water as a result of this project. Water is being supplied by wells on the parcel.

(c) Less than Significant Impact

There will be some alteration in the existing drainage pattern as a result of this project. As a result, there will be some localized erosion occurring. No stream alteration as a result of this project is expected.

(d) Less than Significant Impact

There will be new construction as it relates to this project. While the alteration of rainfall flows is expected, the amount is not expected to be significant given the size of new construction. No alteration

of streams or rivers is expected, given no rivers or streams are in the area of the new construction. No significant flooding is expected as a result. It is expected that there will be some localized flooding and erosion.

(e) No Impact

New construction as it relates to this project will not significantly increase rainfall runoff. No impacts are expected.

(f) Less than Significant Impact

The parcel is served by wells and a septic system. The applicant is not anticipating more than 50 gallons of water and wastewater flows a day as a result of this project. The impacts will be less than significant.

(g) No Impact

No housing is a part of this project. The parcel is not within a 100-year flood zone. No impacts are expected as a result of this project.

(h) No Impact

This project is not within a 100-year flood zone, therefore no impacts are expected as a result of this project.

(i) Less than Significant Impact

The area is not within a 100-year flood zone, but it still may be subject to localized minimal flooding given the terrain. It is not anticipated to be of any significance as it relates to this project.

(j) No Impact

The area is not conducive of a seiche or tsunami event, therefore no impacts are expected.

General Information

Groundwater quality contaminants of concern in the Valley Floor include high salinity (total dissolved solids), nitrate, uranium, arsenic, methane gas, iron, manganese, slime production, and dibromochloropropane with the maximum contaminant level exceeded in some areas. Despite the water quality issues noted above, most of the groundwater in the Valley Floor is of suitable quality for irrigation. Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area at specific depths.

Groundwater quality contaminants of concern in the Foothills and Mountains include manganese, iron, high salinity, hydrogen sulfide gas, uranium, nitrate, arsenic, and methylbutylethylene (MTBE) with the maximum concentration level being exceeded in some areas. Despite these problems, there are substantial amounts of good-quality groundwater in each of the areas evaluated in the Foothills and Mountains. Iron and manganese are commonly removed by treatment. Uranium treatment is being conducted on a well by the Bass Lake Water Company.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami is an unusually large sea wave produced by seaquake or undersea volcanic eruption (from the Japanese language, roughly translated as "harbor wave"). According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

The flood hazard areas of the County of Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstruction in areas of special flood hazards which increase flood height and

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velocities also contribute to flood loss.

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

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

Discussion:

(a) No Impact

This project as designed will not divide any established communities within the County.

(b) No Impact

No known impacts exist.

(c) No Impact

No known impacts.

XI. MINERAL RESOURCES – Would the project result in:

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

Discussion:

(a) No Impact

No known impacts are associated with this project.

(b) No Impact

No known impacts are associated with this project.

XII. NOISE – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

(a) Less than Significant Impact

There may be temporary increases of noise levels as a result of this project, both during construction (temporary duration) and the periodic site events such as the Wine Trail.

(b) Less than Significant Impact

Any groundborne vibrations that may exist may occur during construction of facilities. The impact will be minimal and temporary in nature.

(c) Less than Significant Impact

It is anticipated that there will be slight increases in ambient noise levels during events such as the Wine Trail. These are anticipated to be minimal and periodic.

(d) Less than Significant Impact

There is expected a slight temporary increase in ambient noise levels as a result of Wine Tour events on site.

(e) No Impact

No airports or airstrips exist in the vicinity of the project, no impacts are expected.

(f) No Impact

No private airstrips or airports exist in the vicinity of the project. No impacts are expected.

General Discussion

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

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

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and

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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.

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR NON-TRANSPORTATION NOISE SOURCES*

		Residential	Commercial	Industrial (L)	Industrial (H)	Agricultural
Residential	AM	50	60	55	60	60
	PM	45	55	50	55	55
Commercial	AM	60	60	60	65	60
	PM	55	55	55	60	55
Industrial (L)	AM	55	60	60	65	60
	PM	50	55	55	60	55
Industrial (H)	AM	60	65	65	70	65
	PM	55	60	60	65	60
Agricultural	AM	60	60	60	65	60
	PM	55	55	55	60	55

*As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line.

AM = 7:00 AM to 10:00 PM

PM = 10:00 PM to 7:00 AM

L = Light

H = Heavy

Note: Each of the noise levels specified above shall be lowered by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be pre-

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sumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz.

Reaction of People and Damage to Buildings from Continuous Vibration Levels		
Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.006 to 0.019	Threshold of perception; possibility of intrusion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations	Architectural damage and possibly minor structural damage

Source: Whiffen and Leonard 1971

XIII. POPULATION AND HOUSING -- Would the project:

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

Discussion:

(a) No Impact

This project will not induce any population growth within the area.

(b) No Impact

No housing will be displaced as a result of this project.

(c) No Impact

No population will be displaced as a result of this project.

General Information

According to the California Department of Finance, in January of 2012, the County wide population was 152,074 with a total of 49,334 housing units. This works out to an average of 3.33 persons per

housing unit. The vacancy rate was 11.84%.

Click here to enter text.

XIV. 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:

(a-i) Less than Significant Impact

No additional fire protection services will be required as a result of this project. Due to the nature of the business, the Fire Department as well as Environmental Health will need to know about any potential hazardous materials that will be utilized on site as normal operations of the winery.

(a-ii) Less than Significant Impact

Potential incidental need for law enforcement coverage may be needed as a result of any vandalism on site.

(a-iii) No Impact

No known impacts as a result of this project is expected.

(a-iv) No Impact

No known impacts as a result of this project is expected

(a-v) No Impact

No known impacts as a result of this project is expected.

General Information

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.

The Madera County Fire Department exists through a contract between Madera County and the CALFIRE (California Department of Forestry and Fire Prevention) and operates six stations for County responses in addition to the state-funded CALFIRE stations for state responsibility areas. Under an "Amador Plan" contract, the County also funds the wintertime staffing of four fire seasonal CALFIRE stations. In addition, there are ten paid-call (volunteer) fire companies that operate from their own stations. The administrative, training, purchasing, warehouse, and other functions of the Department operate through a single management team with County Fire Administration.

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A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1.7 law enforcement officials per 1,000 population.

Single Family Residences have the potential for adding to school populations. The average per Single Family Residence is:

Grade	Student Generation per Single Family Residence
K – 6	0.425
7 – 8	0.139
9 – 12	0.214

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

[Click here to enter text](#)

XV. RECREATION

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

Discussion:

(a) No Impact

No known impacts as a result of this project.

(b) No Impact

No known impacts as a result of this project.

General Information

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

[Click here to enter text](#)

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?
- 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?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion:

(a) No Impact

No impacts identified as a result of this project.

(b) No Impact

No impacts identified as a result of this project.

(c) No Impact

No impacts identified as a result of this project.

(d) No Impact

No impacts identified as a result of this project.

(e) No Impact

No impacts identified as a result of this project.

(f) No Impact

No impacts identified as a result of this project.

General Information

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

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

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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

Madera County is predicted to experience significant population growth in the coming years (62.27 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintain air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (61.36 percent between 2008 and 2030).

Horizon Year	Total Population (thousands)	Employment (thousands)	Average Week-day VMT (millions)	Total Lane Miles
2010	175	49	5.4	2,157
2011	180	53	5.5	NA
2017	210	63	6.7	NA
2020	225	68	7.3	2,264
2030	281	85	8.8	2,277

Source: MCTC 2007 RTP

EXHIBIT N

The above table displays the predicted increase in population and travel. The increase in the lane miles of roads that will serve the increase in VMT is estimated at 120 miles or 0.94 percent by 2030. This indicates that roadways in Madera County can be expected to become much more crowded than is currently experienced.

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.

[Click here to enter text.](#)

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

Discussion:

(a) No Impact

No impacts identified as a result of this project.

(b) No Impact

No impacts identified as a result of this project.

(c) No Impact

No impacts identified as a result of this project.

(d) Less than Significant Impact

Water is supplied by well on the property. The applicant anticipates approximately 50 gallons usage per day as a result of this project.

(e) No Impact

No impacts identified as a result of this project.

(f) Less than Significant Impact

The site will be served by the landfill near Fairmead. The applicant anticipates no more than 8 cubic yards of garbage per week.

(g) Less than Significant Impact

The applicant will be utilizing the County's approved waste hauler.

General Discussion

Madera County has 34 County Service Areas and Maintenance Districts that together operate 30 small water systems and 16 sewer systems. Fourteen of these special districts are located in the Valley Floor, and the remaining 20 special districts are in the Foothills and Mountains. MD-1 Hidden Lakes, Bass Lake (SA-2B and SA-2C) and SA-16 Sumner Hill have surface water treatment plants, with the remaining special districts relying solely on groundwater.

The major wastewater treatment plants in the County are operated in the incorporated cities of Madera and Chowchilla and the community of Oakhurst. These wastewater systems have been recently or are planned to be upgraded, increasing opportunities for use of recycled water. The cities of Madera and Chowchilla have adopted or are in the process of developing Urban Water Management Plans. Most of the irrigation and water districts have individual groundwater management plans. All of these agencies engage in some form of groundwater recharge and management.

Groundwater provides almost the entire urban and rural water use and about 75 percent of the agricultural water use in the Valley Floor. The remaining water demand is met with surface water. Almost all of the water use in the Foothills and Mountains is from groundwater with only three small water treatment plants relying on surface water from the San Joaquin River and its tributaries.

In areas of higher precipitation (Oakhurst, North Fork, and the topographically higher part of the Coarsegold Area), groundwater recharge is adequate for existing uses. However, some problems have been encountered in parts of these areas due to well interference and groundwater quality issues. In areas of lower precipitation (Raymond-Hensley Lake and the lower part of the Coarsegold area), groundwater recharge is more limited, possibly requiring additional water supply from other sources to support future development.

Madera County is served by a solid waste facility (landfill) in Fairmead. There is a transfer station in North Fork. The Fairmead facility also provides for Household Hazardous Materials collections on Saturdays. The unincorporated portion of the County is served by Red Rock Environmental Group. Above the 1000 foot elevation, residents are served by EMADCO services for solid waste pick-up.

Click here to enter text.

EXHIBIT N

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

(a) No Impact

No impacts identified as a result of this project.

(b) No Impact

No impacts identified as a result of this project.

(c) No Impact

No impacts identified as a result of this project.

General Information

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.

Are there any other impacts?

**Documents/Organizations/Individuals 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

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

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

Madera County Integrated Regional Water Management Plan.

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark*. Sacramento, California, May 2012

Madera County Fire Department

Madera County Environmental Health Department

Madera County Roads Department

San Joaquin Valley Air Pollution Control District

MITIGATED NEGATIVE DECLARATION

MND

RE: Conditional Use Permit #2013-001 -- Patterson Winery

LOCATION AND DESCRIPTION OF PROJECT:

The application for conditional use permit is to allow a winery and tasting room.

The proposal is located on the north east corner of Avenue 10 and Root Creek Road (10186 Root Creek Road).

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. All lighting associated with this project shall be hooded and directed downwards and away from adjoining parcels.
2. If project construction related activities (including but not limited to ground disturbing activities) result in the disturbing of subsurface cultural deposits, project related activities should be halted and a professional archaeologist brought in to determine the culture of the deposits.
3. Applicant to develop and implement an erosion control plan and submit to the Department of Engineering and General Services.



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: February 19, 2013

FILED:

PROJECT APPROVED:

CONDITIONS OF APPROVAL

EXHIBIT P

PROJECT NAME:
PROJECT LOCATION:
PROJECT DESCRIPTION:

CUP #2013-001 Patterson – winery
 northwest corner of Avenue 10 and Root Creek Road
 winery and tasting room

APPLICANT:
CONTACT PERSON/TELEPHONE NUMBER:

Ron Patterson
 559-289-5376

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
1	Prior to start of any construction, the applicant shall secure a Building Permit from the Engineering Department. All construction shall meet the standards of all applicable Codes. All plans must be prepared by a licensed architect or registered civil engineer.				
2	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 grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards and specifications of the California Code of Federal Regulations.				
Environmental Health					
1	According to all documentation reviewed prior to making these determinations for this subject property, it is not currently within a County Maintenance District or within a County Service Area administered by the County of Madera. Septic and water for this operation must be provided by the owners of this development.				
2	If food is going to be served at this facility then the owners/operators must complete and submit food facility construction plan(s) and application(s) for Food Vending Permit(s) for each food operation to be submitted to this department Food Program before onset of any construction activities and/or before operation. Contact a Food Program specialist within this department at (559) 675-7823 for any questions that you may have regarding this process or for copies of the Permit Application form.				
3	The owners/operator of this facility and/or shop operation must complete and submit a Business Activities Declaration Form with the CUPA Program within this department before onset of construction activities. This is to report storage of hazardous materials (like petroleum fuels or lubricants) onsite and/or for the storage of any amount of hazardous waste onsite at any time prior to facility operation.				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
	The construction and then ongoing operation must be done in a manner that shall nit allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): Vector(s), Dust, Odor(s), Noise(s), Lighting and/or Lighting and/or Litter accumulation to surrounding area uses. Adjacent occupied business operations within this type of development and its particular location to populated areas. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA) which is this department, the MCEHD and any other county or state regulatory agency having jurisdiction.				
Fire					
1	Fire flow meeting the minimum standards of NFPA 1142 shall be provided based upon the largest building on the project site. Fire flow shall be on-site, tested and approved prior to final building permit inspection.				
2	Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the exterior walls of the proposed building as measured by an approved route around the exterior of the building. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Signs shall be provided and maintained for fire apparatus access roads to identify roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating "No Parking Fire Lane" or other language as approved by the Madera County Fire Marshal. Fire apparatus access rods shall not be blocked in any manner, including parking of vehicles. (CFC, Section 503; and CVC Section 22500.1).				
3	For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by the Madera County Fire Marshal. (CFC Section 902.2.2.4, CFC Section 503.2.5).				
4	All gates accessing the project shall be equipped with a Knox Box emergency access device prior to final building inspection.				
Planning					
1	Facility to operate in accordance with submitted operational statement and site plans except as modified or conditioned by the Conditional Use Permit and associated Mitigated Negative Declaration and Mitigation Monitoring Program.				
2	All lighting associated with this project to be hooded and directed away from neighboring parcels.				

MITIGATION MONITORING REPORT

EXHIBIT P

MND # 2013-02

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
1	All lighting associated with this project shall be hooded and directed downwards and away from adjoining parcels.	Construction	Planning/Building	Planning	Sign off			
Agricultural Resources								
	none							
Air Quality								
	none							
Biological Resources								
	none							
Cultural Resources								
2	If project construction related activities (including but not limited to ground disturbing activities) result in the disturbing of subsurface cultural deposits, project related activities should be halted and a professional archaeologist brought in to determine the culture of the deposits.	construction	Planning/building	Planning/building	sign off			
Geology and Soils								
3	Applicant to develop and implement an erosion control plan and submit to the Department of Engineering and General Services.	Construction	Engineering	Planning	sign off			
Hazards and Hazardous Materials								
	none							
Hydrology and Water Quality								
	none							
Land Use and Planning								

EXHIBIT P

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
	none							
Mineral Resources								
	none							
Noise								
	none							
Population and Housing								
	none							
Public Services								
	none							
Recreation								
	none							
Transportation and Traffic								
	none							
Utilities and Service Systems								
	none							