



RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director *Nut*

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

PLANNING COMMISSION DATE: July 9, 2013

AGENDA ITEM: #32

PM	#4171	Parcel Map, Variance from length to width ratio and side setback variance
VA	#2013-001	
CZ	#2013-001	
APN	#035-191-053	Applicant: Pacific Ethanol Madera, LLC
CEQA	ND #2013-16	Negative Declaration

REQUEST:

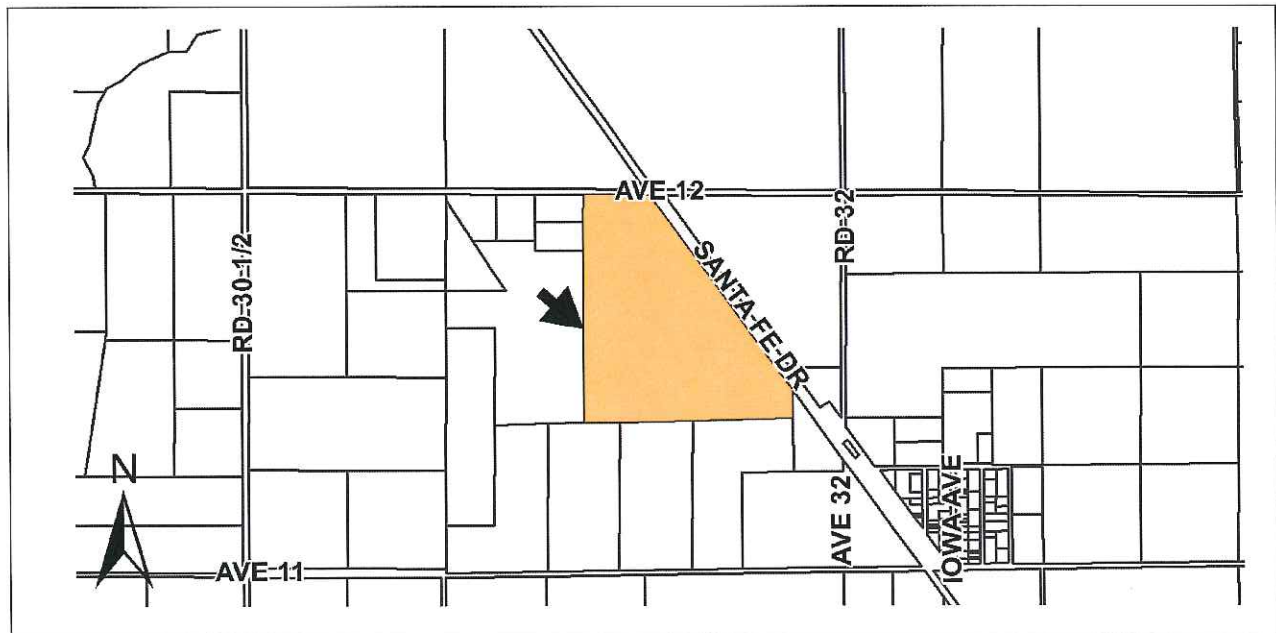
The application is for a division of 137.08 acres into 2, a Variance from the 4:1 lot length to width ratio, and a side setback variance to 0'-0" where a 10'-0" side setback is required by ordinance.

LOCATION:

The project is located on the south side of Avenue 12 at the southwest corner of its intersection with Santa Fe Drive (31470 Avenue 12), Madera.

ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2013-16) has been prepared and is recommended for approval by the Planning Commission.



RECOMMENDATION: Approval of Parcel Map #4172, Variance #2013-001, Setback Variance #2013-001, and Negative Declaration #2013-16 subject to Conditions.

STAFF REPORT

July 9, 2013

PM #4172, VA #2013-001, ZV #2013-001

GENERAL PLAN DESIGNATIONS (Exhibit A):

SITE: HI (Heavy industrial) Designation

SURROUNDING: HI (Heavy Industrial) Designation
A (Agriculture) Designation
CC (Community Commercial) Designation
TS (Transit Station) Designation

ZONING (EXHIBIT B)

SITE: IH (Industrial Heavy) District

SURROUNDING: IH (Industrial Heavy) District
ARE-40 (Agricultural Rural Exclusive-40 Acre) District
IL (Industrial Light) District

LAND USE:

SITE: Heavy Industrial

SURROUNDING: Heavy Industrial/Agricultural

SIZE OF PROPERTY (EXHIBIT C): 137.08 Acres

ACCESS (EXHIBIT C):

The property is access from Avenue 12

WILLIAMSON ACT:

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

BACKGROUND AND PRIOR ACTIONS:

The proposed site has been used by a large lumber mill for storage and milling of logs. The Norby Lumber Company closed the mill in 1995. In 1997, VA 97-14 was approved for a height variance to allow eight (8) 170 foot tall grain silos and one (1) 200 foot tall bucket elevator as part of a grain processing and storage facility. In 2004 The San Joaquin Valley Air Pollution Control District completed an environmental assessment to allow Authority to Construct (ATC) permits to build a fuel-grade ethanol production facility.

PROJECT DESCRIPTION:

The application is for a division of 137.08 acres into 2 parcels, a Variance from the 4:1 lot length to width ratio, and a side setback variance to 0'-0" where a 10'-0" side setback is required by ordinance. The setback variance is required for an existing conveyor belt which will cross the proposed property boundary.

ORDINANCES/POLICIES:

Madera County County Code 18.44 governs allowed uses within the IH (Industrial Heavy) District.

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Madera County County Code 17.72 governs the requirements for processing and reviewing parcel maps.

ANALYSIS:

The application is for a division of 137.08 acres into 2 parcels, a variance from the 3:10 lot length to width ratio, and a side setback variance to 0'-0" where a 10'-0" side setback is required by ordinance. The setback variance is required for an existing conveyor belt which will cross the proposed property boundary. No development is proposed as a part of this application.

The zone district of IH (Industrial Heavy) requires a 4:1 lot length to width ratio; however, the applicant is proposing a variance from this to allow for the proposed parcel boundaries. This is being proposed because of the location of the existing buildings and to eliminate as many points of contact with the proposed property boundaries as possible.

This parcel and parcels to the south of Avenue 12 and west of the Santa Fe railroad tracks are predominantly zoned IH (Industrial Heavy) and planned HI (Heavy Industrial). This zone district allows for industrial parks, warehouses, manufacturing, airports and airstrips, outdoor theatres, public and quasi-public uses, and similar and compatible uses. To the north of Avenue 12 and west of the railroad tracks parcels are predominantly zoned for agricultural use. There is no proposed change to the zoning or General Plan designation at this time.

The area has gentle rolling hills. A large portion of the property is located in a floodway; however, the project site was previously built up during construction of the industrial facility.

According to the Institute of Traffic Engineers, the average generation rate for heavy industrial use is 0.82 trips per employee per day. Avenue 12 is an arterial road allowing for 675 trips per hour to maintain a Level of Service D as required per policy 2.A.8 of the General Plan, making this proposal feasible in regards to traffic impacts. The existing facility proposes no change at this time and no development is proposed as part of this application.

Since a Mitigated Negative Declaration has been authorized for this project under the provisions of Section 711.4(c) of the Fish and Game Code, an "Environmental Document Application/Filing Fee" is required in conjunction with the processing of this project and the filing of the required Notice of Determination. In addition, a fifty dollar (\$50.00) "County Administrative Fee" must be included. A single check made payable to the County of Madera is required. (The fee is to be submitted to the Planning Department.) State law

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(Section 21089(b) of the Public Resources Code) provides that project approval is not operative or final until these Fish and Game fees are paid.

Comments were received from the Road, Environmental Health, and Fire Departments.

GENERAL PLAN CONSISTENCY STATEMENT:

The Parcel Map, Variance, and Setback Variance are consistent with the general plan designation of HI (Heavy Industrial) which allows for industrial parks, warehouses, manufacturing, airports and airstrips, outdoor theatres, public and quasi-public uses, and similar and compatible uses. The zone district of IH (Industrial Heavy) allows for heavy industrial uses, light industrial uses, general commercial establishments, Transit mix operations, concrete manufacture and concrete products manufacture, according to the requirements of Section 18.94.120 , and communication towers.

FINDINGS

The Madera County Parcel Map Ordinance requires that the following findings of fact must be made by the Planning Commission to recommend approval of this entitlement:

1. *The proposed map is consistent with applicable general and specific plans.* The Parcel Map, Variance, and Setback Variance are consistent with the general plan designation of HI (Heavy Industrial) which allows for industrial parks, warehouses, manufacturing, airports and airstrips, outdoor theatres, public and quasi-public uses, and similar and compatible uses. The zone district of IH (Industrial Heavy) allows for heavy industrial uses, light industrial uses, general commercial establishments, Transit mix operations, concrete manufacture and concrete products manufacture, according to the requirements of Section 18.94.120 , and communication towers.
2. *The design or improvements of the proposed subdivision is consistent with applicable general and specific plans.* The current General Plan designation for this area was analyzed in the General Plan Environmental Impact Report for issues such as noise, traffic, and potential release of hazardous materials.
3. *The site is physically suitable for the type of development.* No development is proposed as part of this project. The proposed parcel sizes meet the required minimum parcel size of one acre.
4. *The site is physically suitable for proposed density or development.* The proposed parcel sizes meet the required minimum parcel size of one acre.

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5. *The design of the subdivision or the proposed improvements is not likely to cause serious public health problems. No improvements are required of this project.*
6. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. The proposal is a minor division of land. No species of concern exist on the project site. The surrounding area is predominantly heavy industrial in use.*
7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless subject to section 66414.01 of the Government Code which indicates that a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of the subdivision (a) of section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report. There are no easements on the property in which the public at large has access through.*
8. *The parcel map committee may approve the map if it finds that alternate easements, for access or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. No easements will be affected or created as a result of this project.*

RECOMMENDATION:

Staff recommends approval of Parcel Map #4172, Variance #2013-001, Setback Variance #2013-001, and Negative Declaration #2013-16, subject to conditions as shown in the Conditions Monitoring and Reporting Program.

CONDITIONS:

See attached Conditions Monitoring Program

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Tentative Parcel Map
5. Exhibit E, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, Operational Statement
8. Exhibit H, Applicant's Findings
9. Exhibit I, Environmental Health Comments

STAFF REPORT

PM #4172, VA #2013-001, ZV #2013-001

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10. Exhibit J, Road Department Comments
11. Exhibit K, Fire Department Comments
12. Exhibit L, Initial Study
13. Exhibit M, Negative Declaration

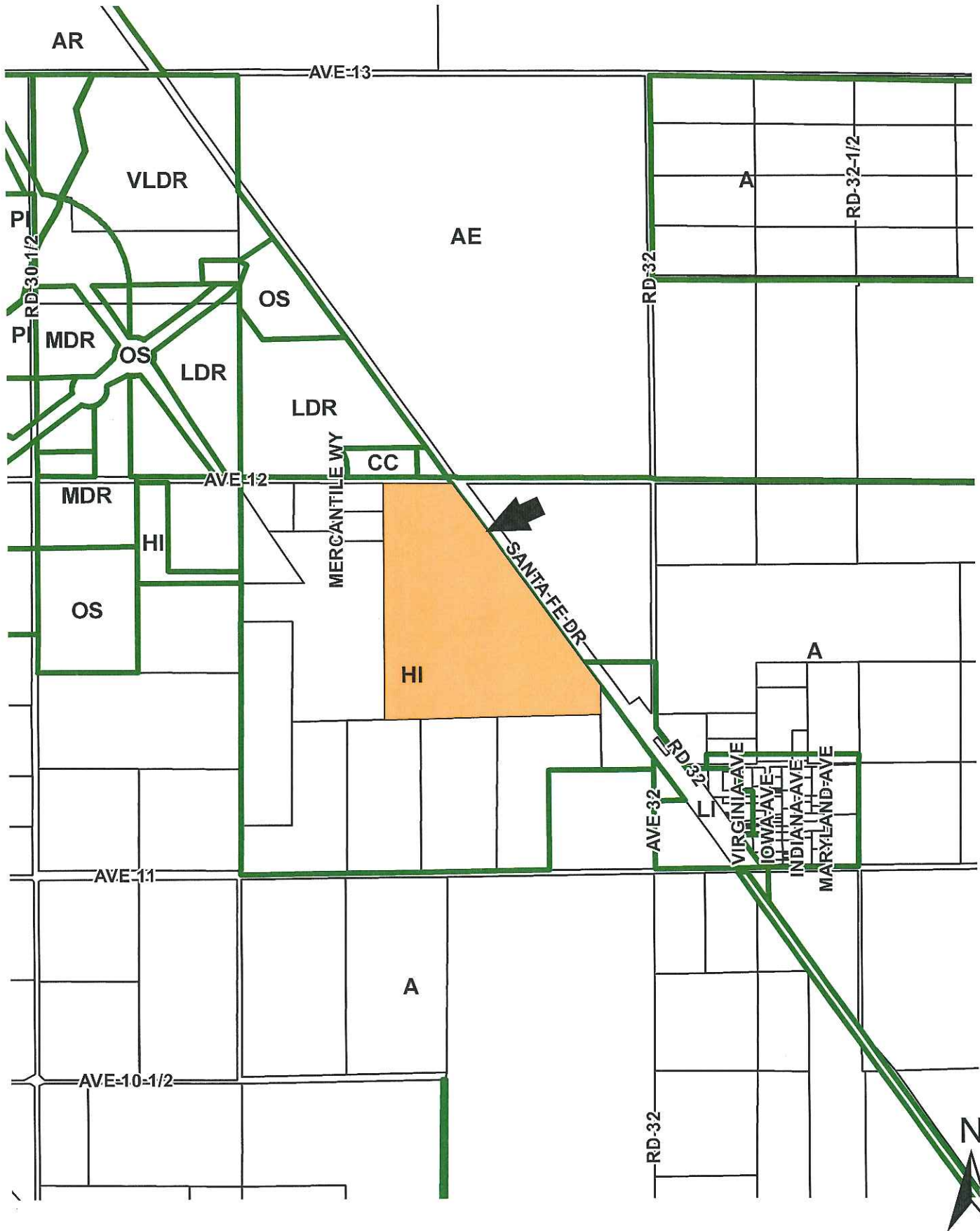
CONDITIONS OF APPROVAL

PROJECT NAME: Pacific Ethanol Madera, LLC - Parcel Map, Variance, and Setback Variance - south side of Avenue 12 at the southwest corner of its intersection with Santa Fe Drive (31470 Avenue 12), Madera
PROJECT LOCATION:
PROJECT DESCRIPTION: A division of 137.08 acres into 2 parcels, Variance from lot length to width ratio,

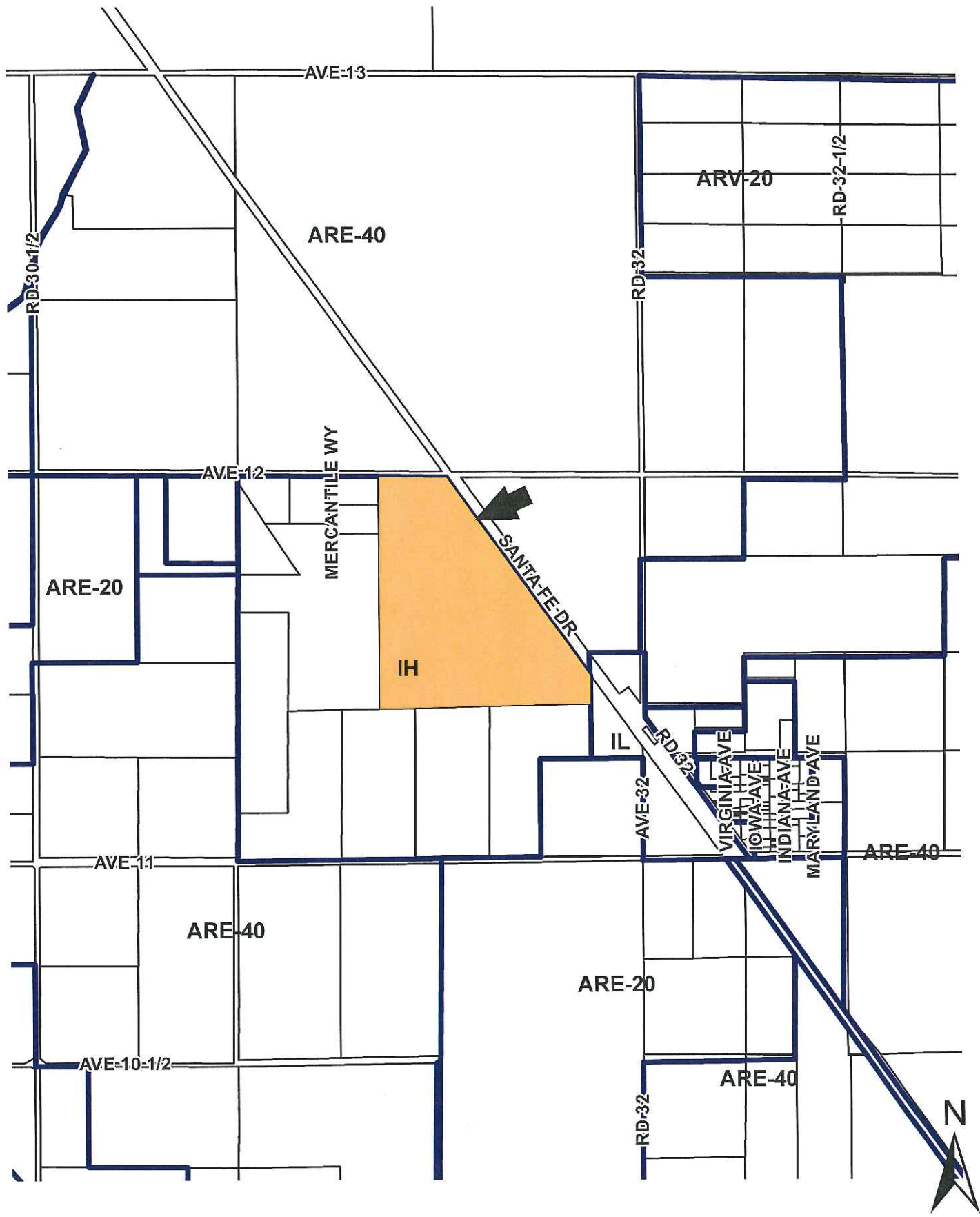
APPLICANT: Pacific Ethanol Madera, LLC (Provost & Pritchard)
CONTACT PERSON/TELEPHONE NUMBER: (559) 449-2700

No.	Condition	Department/Agency	Verification of Compliance	
			Initials	Date
Environmental Health				
1	At the time of application for required county permits, a more detailed review of the proposed project's compliance with all current local and state codes will take place by the Madera County Environmental Health Dept.			
2	The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site and must always maintain all county "Setback Requirements" throughout property development.			
Road				
1	Prior to recordation of the map, the applicant shall grant deed a 18 foot strip of land to be utilized for road right of way along Ave 12.			
2	Prior to recordation of the map, the applicant shall record an irrevocable cross access easement between the 2 proposed parcels. The map shall delineate the easement to be utilized by both parcels. One shared driveway access shall be indicated on the map. A note shall be placed on the map indicating the easement.			
3	All other access onto Ave 12 shall be waived.			
4	Prior to any construction within the right of way, the applicant is required to apply for and obtain an Encroachment Permit from the Road Department. Once this permit is secured, the applicant may commence with construction (ST-25.1, 26.1 and 27.5).			
Planning				
1	The final map will require the notarized signature(s) of the property owner(s).			
2	The final map will require the completion of the applicant's certificate.			
3	Place an Applicant Notary Public's certificate on the final parcel map.			
4	The final map will require the completion and signature of the property owner's Notary Public.			
5	The final map will require the signature and seal of the project engineer/surveyor.			
6	The final map will require completion of the surveyor's certificate.			
7	Place all other required certificates on the final parcel map as per Madera County Code Chapter 17.72.			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	
Remarks					
8	Pursuant to the California Government Code (Subdivision Map Act), the signature(s) of the beneficiary(ies) and/or trustee(s) under deed(s) of trust, if any, must be provided on the map and on any necessary documents required by the map process, such as offers of dedication. Pursuant to the California Government Code (Subdivision Map Act), public utilities or public entities whose easements are affected by this map have thirty (30) days to determine if the map will unreasonably interfere with the free and complete exercise of the easements. A copy of the map and the easement(s) must be sent by certified mail to the affected public utility or				
9	Supply the Planning Department with a land division guarantee (current within 30 days) covering the entire parcel proposed for division, as well as any portion of road right-of-way being offered for dedication to the County of Madera.				
10	Identify this proposal as Parcel Map #417Z.				
11	All parcels being created must maintain a minimum size of 1 acre gross and net as specified by the General Plan/Zoning Ordinance 525.				
12	Parcels proposed by this division must be bounded as a parcel with a member value (i.e., parcel #1, parcel #2, etc.).				
13	The final parcel map shall indicate gross and net acreages for all parcels being created.				
14	Place a north arrow on the final map.				
15	Place a vicinity map on the final map.				
16	The final map shall utilize a written and graphic scale of 1 inch = 100 feet (or larger), unless written authorization is received from the Planning Department to deviate therefrom.				
17	The final map shall indicate all structures which exist on the property with setback distances to the nearest two property lines. If there are no structures, add a note so stating.				
18	The final map shall indicate type of structures together with their dimensions.				
19	Under the provisions of County Code Section 17.72.187, prior to final map recordation the applicant or his authorized agent will provide the Planning Director with "Will Serve" letters from the appropriate water, wastewater, power, and telephone companies.				
20	The final map shall indicate the proposed division lines by means of short dashed lines.				
21	The final parcel map shall indicate a driveway location for each parcel being created. The driveway shall be a minimum of ten (10) feet in width and must be located within the road frontage of the parcel it serves. Each location is subject to inspection and approval.				
22	Place a grant deed certificate on that portion of road right-of-way which is being grant deeded to the County of Madera in conjunction with the proposal. Said certificate shall read as follows: " -wide road right-of-way grant deeded to the County of Madera as Instrument # _____, Madera County Official Records."				
23	The final map will require the completion of all data (i.e., record data, notes, original acreage, references, previous grant deeds and/or offers of dedication, etc.).				
24	The final map shall require letters of approval from the Fire, Assessor, Road, and Environmental Health Departments.				
25					



GENERAL PLAN MAP

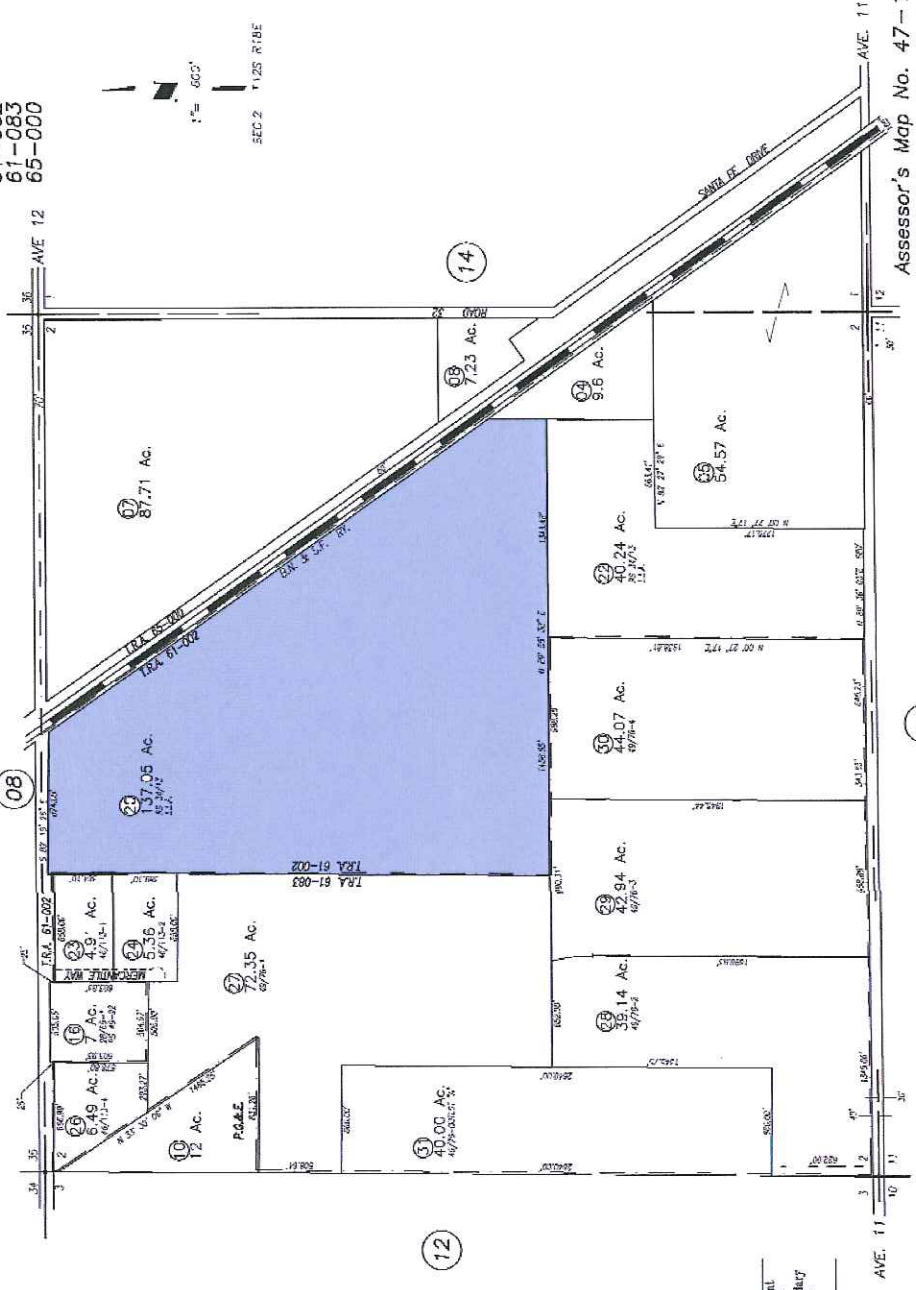


ZONING MAP

EXHIBIT C

Tax Area Code 47-13
 61-002
 61-083
 65-000

SEC. 2 T. 12S. R. 18E. M.D.B. & M.



Assessor's Map No. 47-13
 Golden Valley Unified
 Madera Unified/Eastin Arala
 County of Madera, Calif.

ORIGINAL

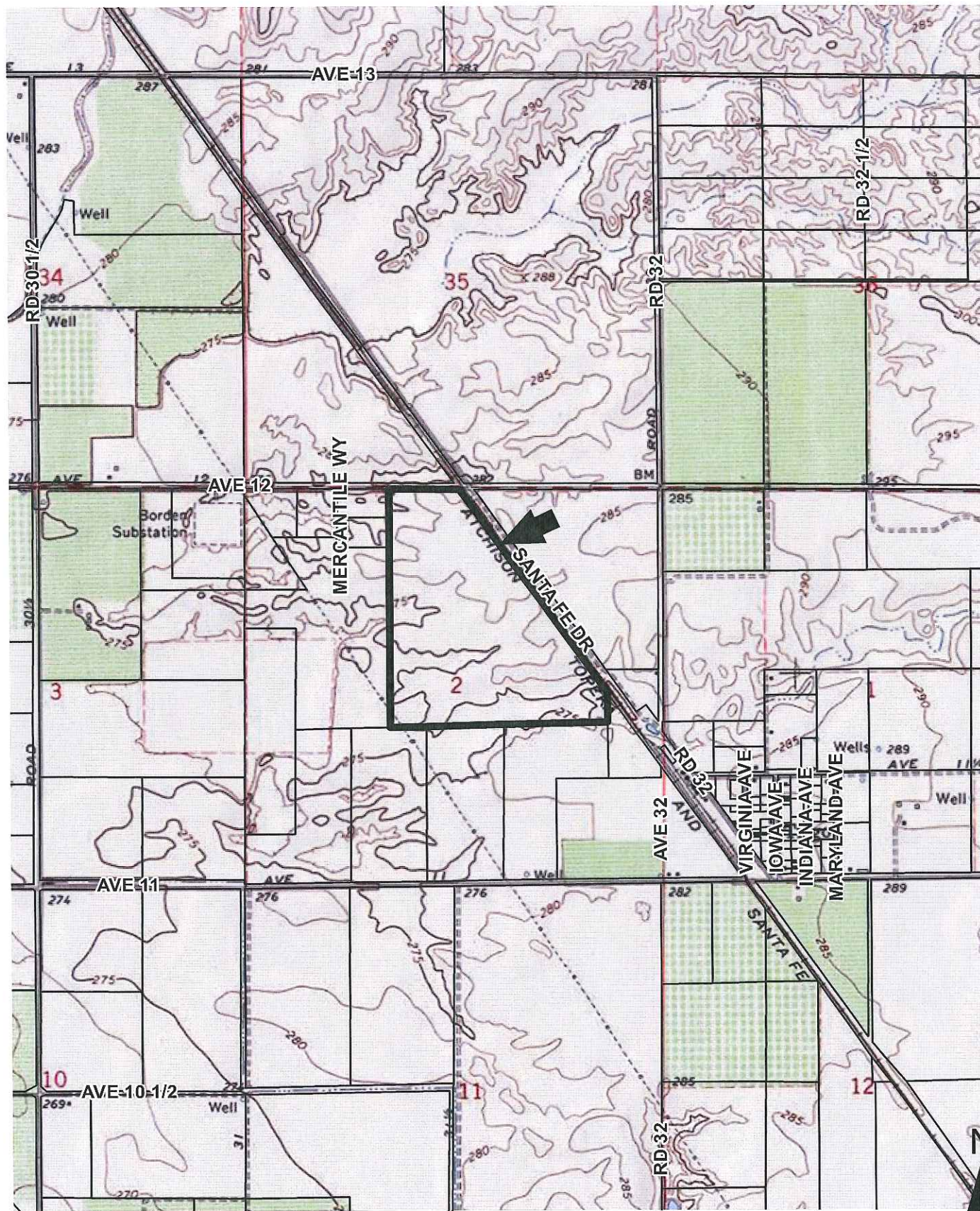
NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

5/15/2014

ASSESSOR'S MAP



AERIAL MAP



TOPOGRAPHICAL MAP

EXHIBIT G

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

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

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

1. Please provide the following information.

Assessor's Parcel Number: 047-130-20
Applicant's Name: Pacific Ethanol Madera, LLC
Address: 400 Capitol Mall, Suite 2060
Sacramento, CA 95814
Phone Number: (530)703-6466

2. Describe the nature of your proposal/operation.

The project proposes to divide Assessor's Parcel No. 047-130-20, currently comprising 137.08 acres, into two parcels of approximately 13.41 and 123.68 acres, respectively. Parcel 2, is proposed with a frontage width of 102 feet and a length of 3,055 feet. Therefore the proposal includes a variance request to allow a deviation from the Heavy Industrial zone's maximum 4:1 length-to-width ratio. There is an existing conveyor system connecting the granary on Parcel 2 to the ethanol plant on parcel 1. Because that conveyor crosses one of the proposed parcel lines the proposal also includes a variance request to waive setback requirements to allow that conveyor to stay in place. The rationale for both variances is set forth in the attached Variance Application.

3. What is the existing use of the property?

The property currently supports an ethanol production facility, a granary and related infrastructure for rail delivery of grain. No new uses are proposed as part of this project.

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

The infrastructure on the overall site is designed to store up to 40,000 tons of grain, to produce animal feed and to produce up to 40 million gallons of ethanol on an annual basis. The animal feed and the ethanol are sold offsite. The granary on proposed Parcel 2 provides grain storage to support operation of the ethanol plant located on proposed Parcel 1.

5. What are the proposed operational time limits?

Months (if seasonal): Year-round.
Days per week: Seven (7)

Hours (from ____ to ____): 24 hours per day
Total hours per day: 24

6. How many customers or visitors are expected?

No change from the currently permitted number.

Average number per day: No change.

Maximum number per day: No change.

What hours customers/visitors will be there: No change.

7. How many employees will there be?

Current: Proposed Parcel 1 – 0; Proposed Parcel 2 - 4

Future: Proposed Parcel 1 – 30; Proposed Parcel 2 – 30

Hours they work: 24 hours per day, with heavier staffing during daytime shifts.

Do any live onsite? No. If so, in what capacity (i.e. caretaker)? Not applicable.

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

The equipment consists of grain handling machinery and the feed mill installed in the existing granary and ethanol manufacturing equipment installed in the ethanol plant. The primary materials used for both businesses are the grain that is delivered to the site by rail and stored in the large silo's on the granary site.

9. Will there be any service or delivery vehicles?

Service and delivery vehicles will only visit the site incidentally or for maintenance. No regular deliveries are anticipated.

Number:

Type:

Frequency:

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

The site contains approximately 31 striped parking spaces for standard passenger vehicles, including six ADA-accessible stalls. Though not formally delineated, there are approximately 16 additional parking spaces at the northern end of the site facing and perpendicular to Avenue 12. The site contains ample circulation areas throughout, many in excess of 50 feet in width, which provide suitable locations for service and delivery vehicle parking. All circulation and parking areas are paved with asphalt.

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

Access is provided via a single approach on Avenue 12. The drive aisle proceeds across proposed Parcel 1, ultimately providing access to Parcel 2. A cross-access covenant or an easement will be recorded against the property to ensure continued access between Parcel 2 and Avenue 12.

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

No changes from current permit.

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

No additional signage is proposed, existing signage consists of a two-sided, freestanding pole sign, approximately 12 feet in height and containing approximately 48 square feet of advertising surface, along with a flat sign of approximately 12 square feet affixed to the fencing adjacent to the gate. Both signs are located immediately to the east of the Avenue 12 drive approach.

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

The project does not propose to construct any new buildings, nor would any of the existing buildings be expanded or otherwise modified.

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

The site is partially surrounded by six-foot chain-link fencing topped with three-strand barbed wire. Ornamental deciduous trees provide partial screening along the Avenue 12 frontage, and similar screening is provided along the western property line and adjacent to the rail corridor to the east. No additional landscaping or fencing is proposed.

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

North: Idle agricultural land
South: Vacant land, orchards (rural residences ~½-mile to the southeast)
East: Railroad corridor, vineyards
West: Vacant land, sodium bicarbonate manufacturing, PG & E substation, orchards

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

No.

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how water is to be supplied to the proposed development (please be specific).

Same as currently permitted.

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

No change from existing system and permits.

20. 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?

No change from current permit.

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

Not applicable.

22. Are there any archaeological or historically significant sites located on this property? If so, describe and show location on the site plan.

Not applicable.

23. Locate and show all bodies of water on application plot plan or attached map.

The only onsite bodies of water are three ponds used for water discharge that are shown on the attached plot plan.

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

The site does not contain any of these features.

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

No change.

26. Will your proposal require use of any public services or facilities (i.e. schools, parks, fire and police protection or special districts)?

The proposal would not result in an increase in school attendance or increase park usage. Fire and police protection would continue to be provided by Madera County with no change from the current coverage.

27. How do you see this development impacting the surrounding area?

The project does not propose to change any of the currently permitted uses of the site.

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

The proposal would not have any effects on schools or parks, and demands for fire and police protection would remain as they currently are.

29. If your proposal is for commercial or industrial development, please complete the following:

Not applicable.

Proposed Use(s):

Square feet of building area(s):

Total number of employees:

Building height(s):

30. If your proposal is for a land division, show any slopes over 10% on the map on an attached map.

No slopes greater than 10%.

Variance Application
Findings of Fact
Simplified Wording Statement
Variance to setback requirements and parcel length-to-width ratio

1. What is unique or unusual about your property or the buildings on your site as compared to other properties in your neighborhood that have the same zoning as yours? These unique or unusual features are why you need relief from the rules or requirements that you have requested through this Variance procedure.

- a. Variance from Parcel Width to Length Ratio

The existing parcel is an oddly-shaped trapezoid bounded on the east by the BNSF Railway (BNSF) rail corridor, which trends northwest-to-southeast as it traverses the Valley. As a result of the angle at which the rail corridor abuts the site, the southern property line the parcel is approximately 2,800 feet wide, while the northern property line (at Avenue 12) is only 874 feet wide. The two existing facilities, a grain-handling facility and an ethanol plant, are both located at the extreme northern end of the site. The grain-handling facility predates the ethanol plant, which was constructed in 2007. The plant was connected to the grain facility by a conveyor to allow delivery of ground grain to the ethanol plant. The area south of the granary, comprising the remainder of Proposed Parcel 2, is occupied by an extensive double rail loop that accommodates an entire train to efficiently deliver grain to the granary from the adjacent BNSF corridor.

While the current owner has handled grain deliveries necessary to operate the ethanol plant, the granary has a much greater unused capacity and a feed mill. The grain-handling business is distinct from the ethanol production business. As a result, the owner desires to sell proposed Parcel 2 to a party with expertise in grain handling and feed production. Both businesses occupy a single legal parcel, however. Creation of two parcels from the single existing parcel would allow for separate ownership of the land and the two facilities that are operated by distinct entities,. The size and configuration of the rail loop, which is integral to the function of the granary requires that the length of the proposed parcel 2 far exceeds its width at the narrow northern side. The south side of proposed Parcel 2, however, is 2,800 feet wide compared to the 3,055 foot north-south length. Therefore, due to the angle of the east side adjacent to the BNSF rail line, a variance from the maximum 4:1 length-to-width ratio is required for the north side of proposed Parcel 2. That variance would allow all granary infrastructure to remain on a single parcel in one ownership.

- b. Variance from Setback Requirement.

The conveyor system connecting the ethanol system to the granary is proposed to remain because it is the most cost effective and environmentally benign way to deliver ground grain from the granary to the plant to produce ethanol. The proposed new parcel line separating the ethanol parcel and the granary parcel results in the connecting conveyor violating the 10-foot-minimum side yard setback requirement of the I-H zoning district. The variance from this setback requirement, in conjunction with creation of a new parcel, would allow the granary to continue to provide services to the ethanol plant while still allowing for separate ownership of the land.

2. Explain why the granting of your request is needed to allow the reasonable use of this property.

Without granting the requests for variance the properties cannot be divided into separate parcels in any logical fashion that would still support the separate but complementary function of the two existing businesses. Creation of Proposed Parcels 1 and 2 in the configuration requested would allow for separate ownership of the underlying lands and keep all facilities associated with each business on their respective properties, while still allowing the two operations to function together.

- 3. Explain why you believe that your request will not affect the health or safety of persons who live or work in the neighborhood. Also, explain why your request will not affect the welfare of your neighbors or be detrimental to property or improvements in the neighborhood.**

The proposal does not seek to alter any of the existing physical features or operational characteristics of the overall site. Any neighbor or other observer would be unable to distinguish that a variance had been granted.

- 4. Explain why the granting of your request is necessary for you to use your property or make the improvements that you desire. You need to describe why your particular request would not be viewed as a special privilege that has not been granted to other similar properties. Reasons to grant the Variance may include that other properties in your neighborhood with the same zoning were granted a Variance or don't have the limitations of your property.**

We seek these variances so the grain facilities and underlying land can be owned and operated separately from the ethanol production facilities. This special request for variance is necessary due to the limitations resulting from existing facilities on and abutting the property, that are needed for successful operation of both businesses, and that can most logically be accommodated by creation of the parcels as proposed. The other properties in the zoning district are rectangular or square so they do not have the limitations of the trapezoidal shape created by the BNSF line cutting diagonally across the USGS parcel grid.

- 5. Describe the special or unusual features that relate to your property such as size, shape, topography, location, or surroundings which will limit your ability to develop or use your property in the same way as other property in your neighborhood which has the same zoning as yours.**

As discussed above, the grain facility and ethanol facility are situated in a way that requires the variance to allow for separate land ownership and continued cooperative function. The strange shape of the existing parcel and the proposed Parcel 2 is dictated by the location of the BNSF rail line and the attached rail loop. Those are the unique features that create exceptional value for these parcels to be used by a granary that serves an ethanol plant in addition to its business producing animal feed. No other property in the same zoning category in Madera has the same or similar features. Therefore, it is equitable to grant the two variances for this unique industrial property.

RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Yaeger, Director

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

MEMORANDUM

TO: Jamie Bax
FROM: Madera County
DATE: May 29, 2013
RE: Pacific Ethanol Madera, LLC - Parcel Map - Madera (047-130-020-000)

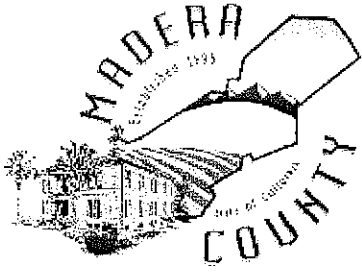
Conditions

The Madera County Environmental Health Dept. has reviewed the PM #4172 Pacific Ethanol MAdera, LLC. APN 047-130-020, within the Madera area and has determined the following:

"At the time of application for required county permits, a more detailed review of the proposed project's compliance with all current local and state codes will take place by the Madera County Environmental Health Dept.

"The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site and must always maintain all county "Setback Requirements" throughout property development.

If there are any questions or comments regarding these conditions/requirements or for copies of any Environmental Health Permit Application forms and/or other required Environmental Health requirements 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.



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

EXHIBIT J
JOHANNES HOEVERTSZ
Road Commissioner

MEMORANDUM

TO: Jamie Bax
FROM: Road Department
DATE: May 29, 2013
RE: Pacific Ethanol Madera, LLC - Parcel Map - Madera (047-130-020-000)

The Department has reviewed the tentative map (PM 4172) and if mitigated by the conditions listed below this project will not have a significant impact upon traffic.

The project site is dividing APN 047-130-020 into two (2) parcels, which lies along the south side of Avenue 12, adjacent to the BNSF rail line. Ave 12 is within the County Maintained Mileage System. There are no Special Districts in this vicinity. This public road has been designated as a limited expressway requiring 116 foot right of way. Additional right-of-way of 18 ft is needed for this road.

Shared driveway accesses shall be indicated on the map. Driveway access shall be located as close to the southerly property line as deemed possible. Prior to any construction within the road right-of-way, the applicant shall apply for and obtain an Encroachment Permit with the Road Department.

An irrevocable cross access easement between the 2 proposed parcels shall be recorded prior to

THE ROAD DEPARTMENT HAS THE FOLLOWING RECOMMENDATIONS OF APPROVAL:

1. Prior to recordation of the map, the applicant shall grant deed a 18 foot strip of land to be utilized for road right of way along Ave 12.
2. Prior to recordation of the map, the applicant shall record an irrevocable cross access easement between the 2 proposed parcels. The map shall delineate the easement to be utilized by both parcels. One shared driveway access shall be indicated on the map. A note shall be placed on the map indicating the easement.
3. All other access onto Ave 12 shall be waived.
4. Prior to any construction within the right of way, the applicant is required to apply for and obtain an Encroachment Permit from the Road Department. Once this permit is secured, the applicant may commence with construction (ST-25.1, 26.1 and 27.5).

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

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

DEBORAH KEENAN
MADERA COUNTY FIRE MARCHAL

MEMORANDUM

TO: Jamie Bax
FROM: Madera County
DATE: May 29, 2013
RE: Pacific Ethanol Madera, LLC - Parcel Map - Madera (047-130-020-000)

Conditions

As the proposed land division will create a separation in existing infrastructure, means shall be provided securing coverage for the existing structures on proposed parcel 2 of fire flow and hydrant system operation and coverage.

A maintenance agreement covering both parcels and an easement recordation for both the infrastructure and the existing conveyer shall be approved and recorded prior to approval of the final map.

In lieu of a maintenance agreement, the conveyer may be removed, as it is a commercial structure.

Environmental Checklist Form

Title of Proposal: Parcel Map #4172, Pacific Ethanol

Date Checklist Submitted: 6/10/2013

Agency Requiring Checklist: Madera County Planning Department

Agency Contact: Jamie Bax, 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:

A division of 137.08 acres into 2 parcels a variance to allow an increase to the current 3:1 lot length to width ratio, and a setback variance to allow for a 0'-0" side setback.

Project Location:

The project site is located on the south side of Avenue 12 at the southwest corner of its intersection with Santa Fe Drive (31470 Avenue 12), Madera.

Applicant Name and Address:

Pacific Ethanol Madera, LLC
400 Capitol Mall, Suite 2060
Sacramento, CA 93638

General Plan Designation:

HI- Heavy Industrial Designation

Zoning Designation:

IH (Industrial Heavy) District

Surrounding Land Uses and Setting:

Industrial, Agricultural

Other Public Agencies whose approval is required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

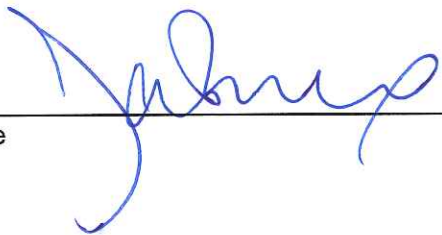
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Click here to enter text.
Prior EIR or ND/MND Number

Signature



Date

6/10/13

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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact

The project site is located in a heavy industrial area on the valley floor of the County. No scenic vistas are located within the vicinity of the project site.

(b) No Impact

The project site is located in a heavy industrial area on the valley floor of the County. There are no scenic resources within the vicinity of the project site.

(c) No Impact

The proposal is a minor division of land with no proposed development. There will be no effect to the visual character of the site or surrounding area as no development is proposed on the site. Currently, a vacant ethanol plant exists on the property.

(d) No Impact

No new development is proposed as part of this project.

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

The site is currently zoned for heavy industrial use.

(b) No Impact

The site is not subject to a Williamson Act contract.

(c) No Impact

The project site is not in an area impacted by forest land.

(d) No Impact

The project site is not in an area impacted by forest land.

(e) No Impact

The current zoning and general plan land use allow for heavy industrial use. No impacts to Farmland will occur as a result of this 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 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 oversee 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.

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

(a) No Impact

The project is a minor division of land resulting in one additional parcel. No development is proposed as a part

of this project. A vacant ethanol plant currently exists on the property.

(b) No Impact

The proposed land division does not include any development which would affect any air quality standard. The heavy industrial use of the property is not proposed to be changed.

(c) No Impact

See a.

(d) No Impact

See a.

(e) No Impact

See b.

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.

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?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Discussion:

(a) Less than Significant Impact

The proposed project is a minor division of land. The project site currently has an existing vacant ethanol plant. Impacts to wildlife habitat will be less than significant because of the existing development and the current general plan designation of heavy industrial use. This use was analyzed in the general plan EIR.

(b) No Impact

No riparian habitat or other sensitive natural community exists on the project site.

(c) No Impact

There are no federally protected wetlands as defined by Section 404 of the Clean Water Act on the project site.

(d) Less than Significant Impact

See a.

(e) Less than Significant Impact

See a.

(f) Less than Significant Impact

See a.

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	Click here to enter text.
Western spadefoot	None	None	SSC	1B.2
Northern hardpan Vernal Pool	None	None	Click here to enter text.	
Vernal pool fairy shrimp	Threatened	None		

California linderiella	None	None		
Succulent owl's-clover	Threatened	Endangered		1B.2
Hairy Orcutt grass	Endangered	Endangered		1B.1

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.

Click here to enter text.

V. CULTURAL RESOURCES -- Would the project:

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

Discussion:

(a) No Impact

No historical resources exist on the project site.

(b) Less than Significant Impact

No sites of archeological or historical significance are known to exist on or in the vicinity of the subject property. Though the majority of the project site has been disturbed by previous agricultural activities, grading and excavating of the areas in question could result in disturbance of unknown cultural resources.

(c) Less than Significant Impact

No known unique geological features in the vicinity of the project site exist. There are no known fossil bearing

sediments on the project site.

(d) Less than Significant Impact

No known human remains exist on the project site. If human remains are discovered as a result of the construction of additional dwellings, the Coroner's office shall be contacted immediately.

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 enter text.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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) No Impact

The proposed project is a minor division of land. 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 geological hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

(a-ii) No Impact

See a-i.

(a-iii) No Impact

See a-i.

(a-iv) No Impact

See a-i.

(b) No Impact

No development is proposed as part of this project. A vacant ethanol plant currently exists on the project.

(c) No Impact

See a-i.

(d) No Impact

See a-i.

(e) No Impact

There is currently one septic tank on the property. The soil is capable of supporting additional septic tanks.

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.

Click here to enter text.

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

Discussion:

(a) Less than Significant Impact

The proposed project is a minor division of land. No development is proposed as a part of this project. The potential impacts of the project to generate greenhouse gas emissions are less than significant. A vacant ethanol plant exists on the project site which was previously analyzed. New construction may occur in the future as the current zoning and general plan designation allow.

(b) Less than Significant Impact

See a.

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 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.

Click here to enter text.

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"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

(a) No Impact

The proposed project is a minor division with no proposed development. No hazardous materials are proposed to be used as a part of this project.

(b) No Impact

See a.

(c) No Impact

See a.

(d) No Impact

The property is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(e) No Impact

The project site is not located within an airport land use plan or within two miles of a public airport.

(f) No Impact

The project site is not located within the vicinity of a private airstrip.

(g) No Impact

The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site has adequate access to a through road.

(h) No Impact

The project site is not located in a wildland area impacted by wildland fires.

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 I, 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>

Click here to enter text.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact

Septic tanks are used on the parcel and in the vicinity. Any new septic tanks will be regulated by the Environmental Health Department.

(b) Less than Significant Impact

No development is proposed as a part of this project. If new buildings are constructed the amount of water consumed will be increased for the area; however, the impact would be less than significant.

(c) No Impact

No development is proposed as a part of this project which would 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.

(d) No Impact

See c.

(e) Less than Significant Impact

The potential for industrial buildings to create additional runoff will have a less than significant impact. A vacant ethanol plant already exists on the project site.

(f) Less than Significant Impact

See e.

(g) No Impact

The project site is not located within a 100-year flood hazard area.

(h) No Impact

See g.

(i) No Impact

The project site is not located in an area which would expose people to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The project will not be affected by seiche, tsunami, or mudflow.

(j) No Impact

See i.

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 velocities also contribute to flood loss.

Click here to enter text.

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

Discussion:

(a) No Impact

The proposed project does not have the potential to divide an established community.

(b) No Impact

The project is a minor division of land. The zone district and general plan designation are consistent.

(c) Less than Significant Impact

If approved, the project will allow light industrial uses, though no development is planned at this time. The construction of these buildings will have a less than significant impact to any applicable habitat conservation plan or natural community conservation plan as the General Plan EIR recognized this area for heavy industrial use.

XI. MINERAL RESOURCES – Would the project result in:

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

Discussion:

(a) No Impact

The proposed project is not located within an area with the potential for this project to 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.

(b) No Impact

See a.

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

Discussion:

(a) No Impact

The proposed project is a minor division of land. There is no potential for exposure of persons to or generation of noise levels in excess of standards established in the general plan.

(b) Less than Significant Impact

If approved, the project will allow by-right light industrial uses. Temporary groundborne vibrations from normal construction activities may occur, however these impacts are less than significant as the proposed zone district is consistent with the general plan EIR.

(c) Less than Significant Impact

Heavy industrial uses may raise the amount of noise generated in the area; however, the impact will be less than significant. A vacant ethanol plant exists on the site which was previously analyzed. Noise impacts were analyzed for the current land use designation in the general plan EIR.

(d) Less than Significant Impact

See c.

(e) No Impact

The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip.

(f) No Impact

See e.

General Discussion

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

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

Short Term Noise

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

Long Term Noise

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

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

**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 presumed 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

Click here to enter text.

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

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion:

(a) Less than Significant Impact

The proposed project is a minor division of land resulting in one additional parcel. The impact to population growth will be less than significant.

(b) No Impact

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

(c) No Impact

See b.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a-i) Less than Significant Impact

The proposed project is a minor division of land. Two parcels are proposed which will have a less than significant impact on public services.

(a-ii) Less than Significant Impact

See a-i.

(a-iii) Less than Significant Impact

See a-i.

(a-iv) Less than Significant Impact

See a-i.

(a-v) Less than Significant Impact

See a-i.

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.

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

The proposed project is a minor division of land resulting in one additional parcel. There will be no impact to neighborhood and regional parks.

(b) No Impact

No recreational facilities are required as part 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 estab-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

lishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- 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

The proposed project is a minor division of land resulting in one additional parcel. It will not conflict with any plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system. No improvements to roadways are required for this project. The level of service for the road system will not change as a result of this project.

(b) No Impact

See a.

(c) No Impact

The proposed project is a minor division of land which will not result in changes to air traffic. No road improvements are required as part of this project.

(d) No Impact

No road improvements are required of this project.

(e) No Impact

There is adequate access to the project site. The driveway for both parcels will be to an existing road.

(f) No Impact

The proposed project, if approved, will result in two parcels. There will be no impacts to alternative transportation systems in this rural area.

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 Weekday 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

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

The proposed project is a minor division of land resulting in two parcels. There is no potential for the project to exceed wastewater treatment requirements. Individual septic systems regulated by the Environmental Health Department will be used for any future development; however, a vacant ethanol plant already exists on the site.

(b) No Impact

The proposed project does not require the construction of new water or wastewater facilities. An Individual septic system is in use for the existing ethanol plant.

(c) No Impact

The proposed project does not require the construction of new storm water drainage facilities.

(d) Less than Significant Impact

Water is supplied by on-site individual wells.

(e) No Impact

Individual on-site septic systems are in use.

(f) Less than Significant Impact

Madera County is served by the landfill in Fairmead which complies with federal, state, and local statutes.

(g) Less than Significant Impact

See f.

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.](#)

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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) Less than Significant Impact

The proposed project is a minor division of land. No development is proposed as a part of this project. The project does not have a high potential to degrade fish and wildlife, or their habitat, or to eliminate major periods of California history or prehistory. The impacts to these resources will be less than significant.

(b) Less than Significant Impact

If approved, the proposed project will allow by-right heavy industrial uses to be constructed on each parcel as analyzed in the general plan EIR. The amount of water used and an added light source to the area will add to the cumulative amount, but will be individually limited.

(c) No Impact

The proposed project is a minor division of land with no change in the land use. No development is proposed as a part of this project. The project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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.

[Click here to enter text.](#)

**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

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NEGATIVE DECLARATION

ND

Parcel Map 4172, Variance #2013-001, Setback Variance #2013-001
Project Name

Pacific Ethanol Madera, LLC
Name of Proponents

Project Location:

The project site is located on the south side of Avenue 12 at the southwest corner of its intersection with Santa Fe Drive (31470 Avenue 12), Madera.

Project Description:

The project is a division of 137.08 acres into 2 parcels, a variance from the 3:1 lot length to width ratio, and a setback variance to allow a 0'-0" side setback where 10'-0" is required by ordinance.

PROPOSED FINDINGS

- An Initial Study has been conducted and a findings made that the proposed project will have no significant effect on the environment (CEQA 15070(a)).
- An Initial Study has been conducted and a finding made that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because Mitigation Measures have been added to the project (CEQA 15070(b)).



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: 6/10/13

FILED:

PROJECT APPROVED: