

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director

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- mc_planning@madera-county.com

PLANNING COMMISSION DATE: January 7, 2014

AGENDA ITEM: # 3

CUP	#2013-023	Conditional Use Permit to allow an Outdoor Recreational Facility to host events such as weddings
APN:	#048-110-024	Applicant/Owner: Philip and Linda Martin
CEQA	MND #2013-030	Mitigated Negative Declaration

REQUEST:

The application for a conditional use permit to allow for an outdoor event center where weddings can be held on the parcel

LOCATION:

The project is located on the south side of Avenue 9 approximately 0.4 mile west of the intersection of Road 35 (34614 Avenue 9), Madera

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND#2013-030) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Approval of the conditional use permit (CUP 2013-023) and Mitigated Negative Declaration (MND 2013-030) subject to conditions and the mitigation monitoring program.

GENERAL PLAN DESIGNATION:

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agricultural Exclusive)

ZONING:

SITE: ARV-20 (Agricultural, Rural, Valley, 20-acres)

SURROUNDING: ARV-20 (Agricultural, Rural, Valley, 20-acres) ARE-40 (Agricultural, Rural, Exclusive, 40-acres)

LAND USE:

SITE: Residential, and a vineyard

SURROUNDING: Agriculture, rural residential, irrigation canals, vineyards

SIZE OF PROPERTY: 20.3 acres

ACCESS: The property is accessed by Avenue 9.

BACKGROUND AND PRIOR ACTIONS:

Zoning Permit 82-125 was approved, allowing a mobile home, and was later voided.

ORDINANCES/POLICIES:

Madera County Code 18.62 outlines allowed uses within the ARV-20 (Agricultural, Rural, Exclusive, 20-acres) zone district

Madera County Code 18.94.080 outlines the requirements for conditional use permits for Private clubs and outdoor recreational facilities

Madera County General Plan Policy Document (page 7) outlines the allowable uses within the AE (Agricultural Exclusive) designation

PROJECT DESCRIPTION:

The project proposal is for a conditional use permit to allow an outdoor event/recreation center. The project site consists of 20.3 acres. The proposal is to utilize a portion of the grounds not occupied by an onsite vineyard for parties and events. Additional equipment that will be used during such events would be outdoor lighting, portable toilets and stereo equipment. The existing home will not be used by those attending events; it will remain as the primary residence. Hours of operation for the outdoor recreation/event center will operate from 5:00 p.m. to 11:00 p.m, 1-3 days per week. Such events will be hosted during the spring, summer and fall. Approximately between 50-350 guests are expected to attend events.

ANALYSIS:

This proposal is a request for a conditional use permit to allow an outdoor recreational facility for special events. The subject property is designated AE (Agricultural Exclusive) by the General Plan. The AE designation is a 40 acre district. The property is zoned ARV-20 (Agricultural, Rural, Valley - 20 Acre) district. The properties surrounding the subject parcel are zoned ARV-20 (Agricultural, Rural, Valley - 20 Acre) or ARE-40 (Agricultural, Rural, Exclusive- 40 Acre) district. The AE designation provides for agricultural uses, limited agricultural support service uses (e.g., barns, animal feed facilities, silos, stables, fruit stands, and feed stores), agriculturally-oriented services (e.g., wineries, cotton gins), timber production, mineral extraction, airstrips, public and commercial refuse disposal sites, recreational uses, public and quasi public uses, and similar and compatible uses. The minimum parcel size shall be 36 to 640 acres. However, all parcels within a 5 mile radius are designated AE (Agricultural Exclusive). To re-designate this one parcel would create an island contrary to the General Plan.

California Government Code §65455 states that zoning, subdivision, and public works projects must be consistent with the general plan and specific plan. The California Attorney General has opined that, "the term 'consistent with' means 'agreement with.' The courts have held that the phrase 'consistent with' means 'agreement with; harmonious with.' The term 'conformity' means in harmony therewith or agreeable to" (see 58 Ops. Cal. Atty. Gen. 21,23 (1975)).

Government code #65860(2) outlines zoning consistency with the General Plan:

"The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan."

The Madera County Zoning Ordinance states that with an approved conditional use permit, the ARV-20 zone district allows a private club and/or outdoor recreational facility.

Between 50 and 350 visitors a day are anticipated for special events. There are no trip generation rates specific for outdoor recreational facilities. The closest category the Institute of Traffic Engineers uses that is similar to this establishment is a "Drinking Place". The generation rate for that type of use is 11.34 per 1,000 square feet of facility for peak PM trips. The structure in which the wine tasting will actually occur is approximately 2,000 square feet resulting in a generation rate of 22.68 peak PM trips.

The ARV-20 (Agricultural, Rural, Valley - 20 Acre) zone district allows private clubs and outdoor recreational facilities with an approved conditional use permit. Special events, such as weddings, and parties would fall under this category.

Noise levels may be increased during special events (i.e., weddings, parties, etc.); however, the applicant shall comply with all noise regulation standards as per Section 9.58 of the Madera County Code.

The operational statement states that a maximum of 350 guests will be attending at one time. The Zoning Ordinance specifically refers to public gatherings (i.e., wedding) require one parking space for every five seats. Using this analysis, the maximum number of customers expected at one time is 350; therefore 70 parking spacing, on a dust free surface, will be required for the public. Parking for 200+/- vehicles will be provided.

The proposal is a significant distance from surrounding residential subdivisions. The impacts will be limited so long as the project is operated within the provisions of the submitted operational statement and any conditions generated by the reviewing County departments. The property to the south is a vineyard and the parcels to the north, east, and west are in single family rural residences with vineyards.

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 (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, Fire, Engineering, and Environmental Health Departments. There was a discussion regarding access onto Avenue 9. The Road Department is requiring access to be limited to two points, with one being gated for residence use and emergency access only.

FINDINGS OF FACT:

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

1. *The proposed project does not violate the spirit or intent of the zoning ordinance.* The property is zoned ARV-20 (Agricultural, Rural, Valley -20 Acre). Per Section 18.62.010 of the Madera County Code, this zone district allows Outdoor Recreational Facilities with an approved Conditional Use Permit.
2. *The proposed project (request) is not contrary to the public health, safety or general welfare* in that the proposed events such as weddings as an outdoor recreation facility will not be detrimental to surrounding properties. The facility will adhere to all conditions of approval and mitigations as approved as they relate to the operations.

3. *The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The proposal must adhere to local and state health and building codes. In addition, any potential environmental impacts have been mitigated to a level of less than significant through mitigations measures as outlined by the mitigated negative declaration. Conditions of approval for the conditional use permit have been outlined to address these issues such as noise levels generated with this project shall be in accordance with the Madera County Noise Element and that all driveways and parking areas are to be constructed and maintained in a dust free manner.*
4. *The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County. The proposal is consistent with uses allowed with a conditional use permit. The proposed use is not considered a use that will significantly impact adjacent properties or generate large amount of trips that could affect other properties.*

WILLIAMSON ACT:

The subject parcel is not subject to a Williamson Act (Agricultural Preserve) contract.

GENERAL PLAN CONSISTENCY STATEMENT:

The Conditional Use Permit to allow an outdoor recreational facility, if approved, would be consistent with the existing zone district of ARV-20 (Agricultural Rural Valley-20 Acre). The zone district is consistent with the general plan designation of AE which allows for agricultural uses, limited agricultural support service uses (e.g., barns, animal feed facilities, silos, stables, fruit stands, and feed stores), agriculturally-oriented services (e.g., wineries, cotton gins), timber production, mineral extraction, airstrips, public and commercial refuse disposal sites, recreational uses, public and quasi public uses, and similar and compatible uses. The ARV-20 zone district allows private clubs and outdoor recreational facilities with approval of a conditional use permit. Therefore, the proposal is consistent with the general plan.

RECOMMENDATION:

The analysis provided in this report supports approval of Mitigated Negative Declaration ND #2013-030 and Conditional Use Permit #2013-023 as presented subject to the following conditions and Mitigation Monitoring and Reporting Program.

CONDITIONS: *(See attached Conditions of Approval/Mitigation Monitoring Program)*

ATTACHMENTS:

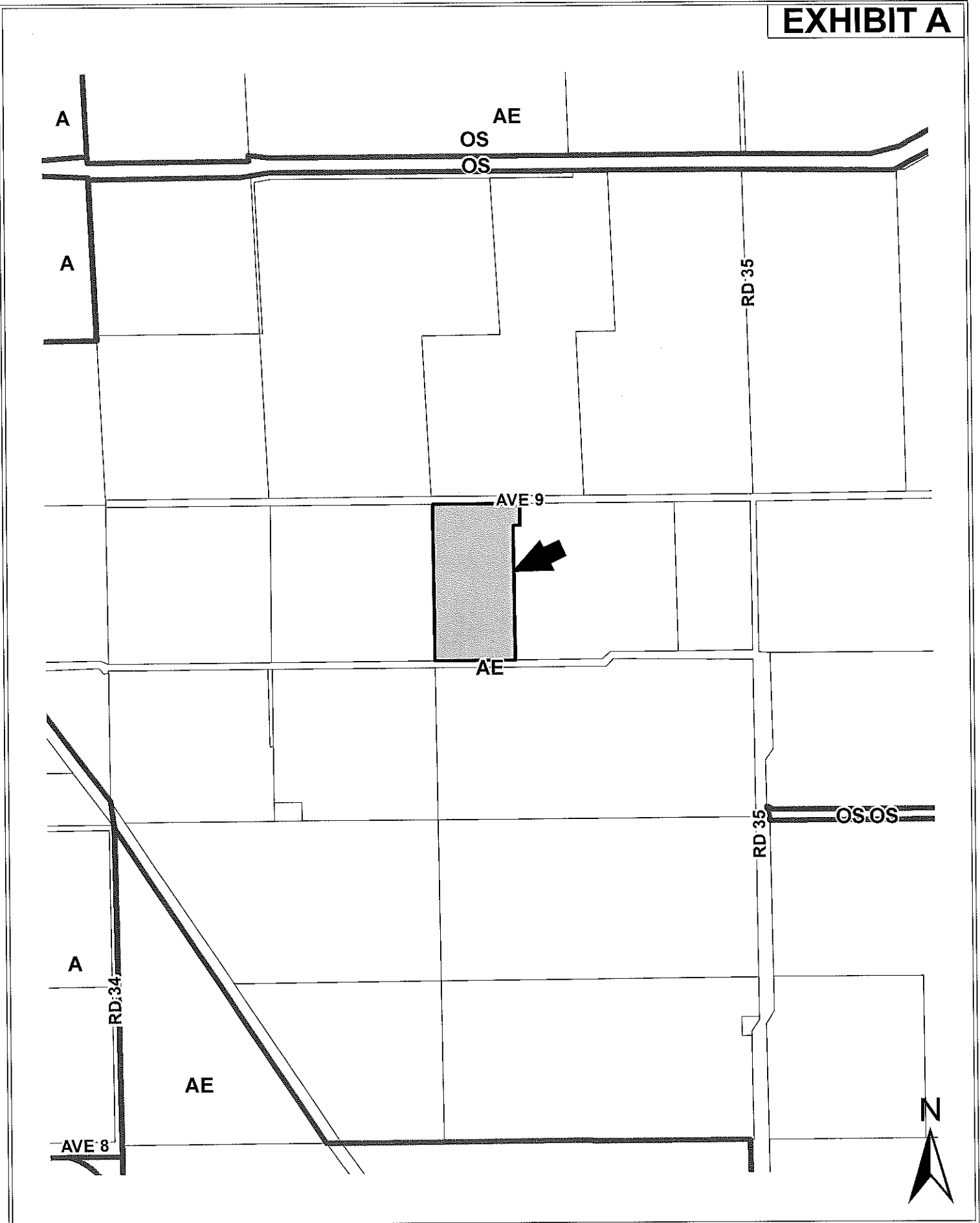
1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Parcel Map
4. Exhibit D1, Site Plan
5. Exhibit D2, Elevations

CUP#2013-023
STAFF REPORT

January 7, 2014

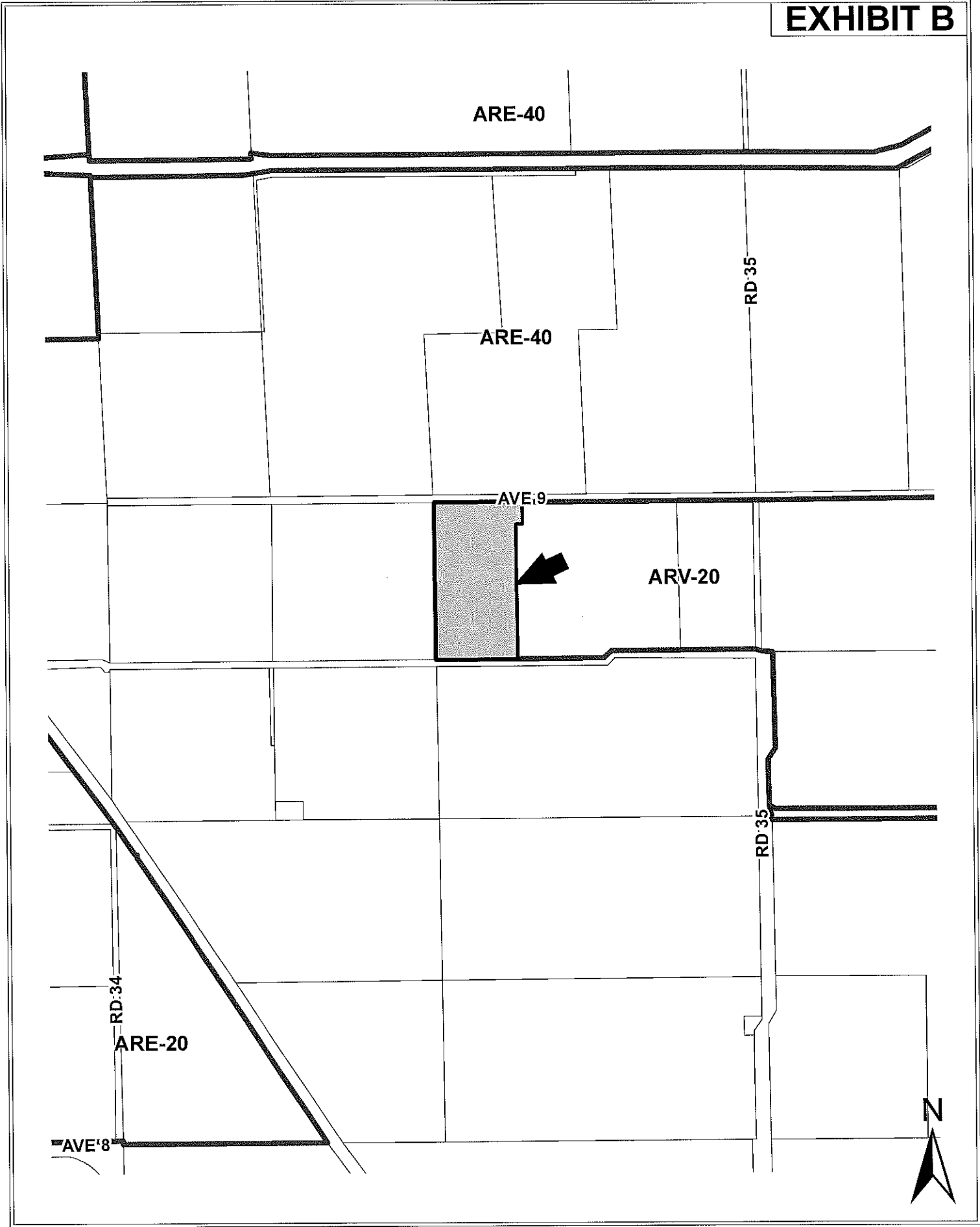
6. Exhibit E, Aerial Map
7. Exhibit F, Topographical Map
8. Exhibit G, Conditions of Approval
9. Exhibit H, Operational Statement
10. Exhibit I, Engineering Department Comments
11. Exhibit J, Environmental Health Department Comments
12. Exhibit K, Fire Department Comments
13. Exhibit L, Road Department Comments
14. Exhibit M, CEQA Initial Study
15. Exhibit N, Mitigated Negative Declaration #2013-03

EXHIBIT A



GENERAL PLAN MAP



EXHIBIT B



ZONING MAP

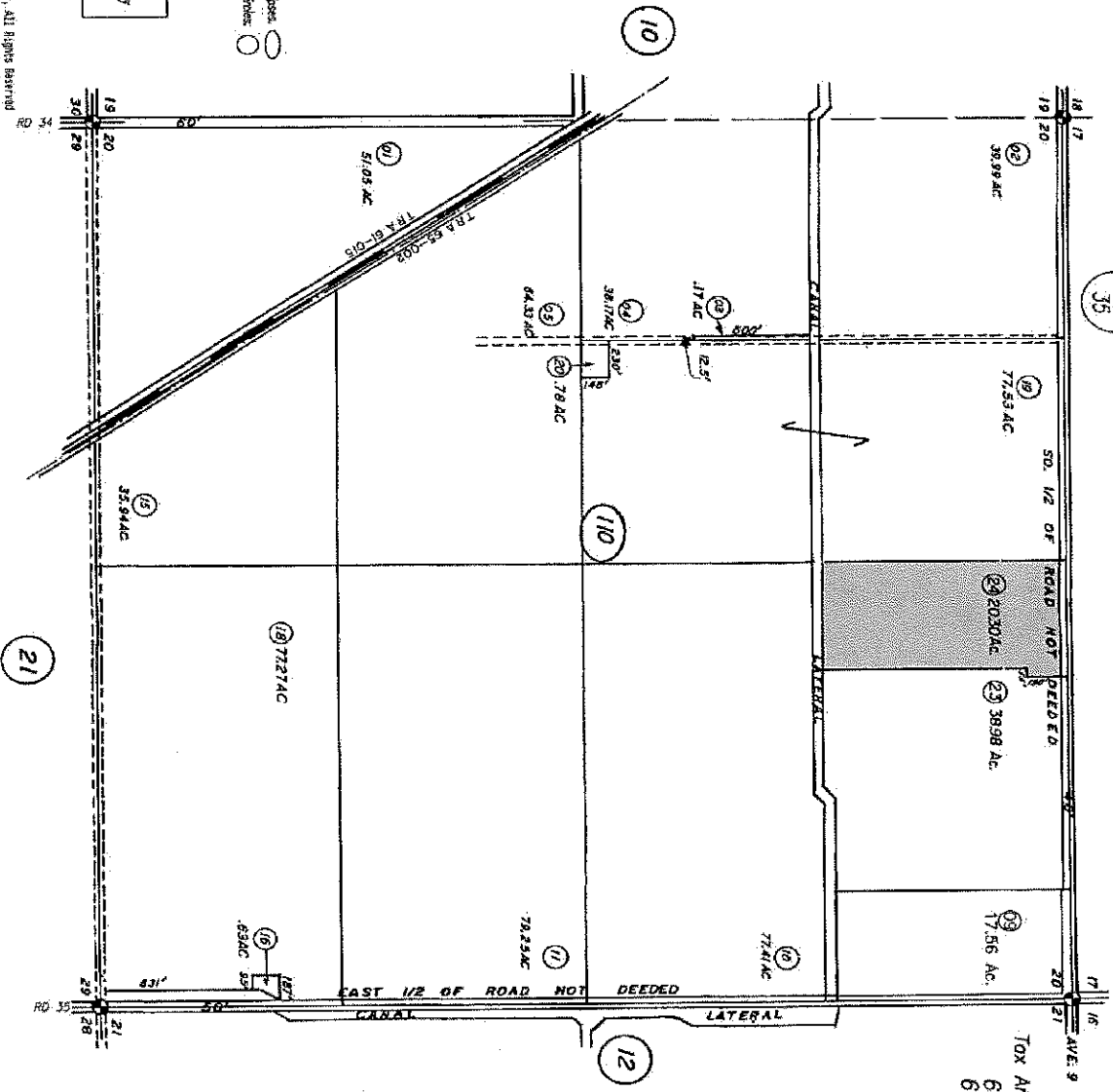
EXHIBIT C

THE BLUE ORIGINAL

NOTE: Assessor's Block Numbers Shown in Dishes: 
Assessor's Parcel Numbers Shown in Circles: 

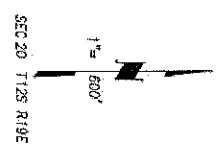
NOTE: This map is for assessment purposes only and is not for the benefit of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

0295-2-28 82
4003 Golden County Assessor, All Rights Reserved



47
35
SEC. 20 T.12S. R.19E. M.D.B.&M.

Tox Area Code
61-015
65-002



SEC 20 T.12S R.19E

48-11

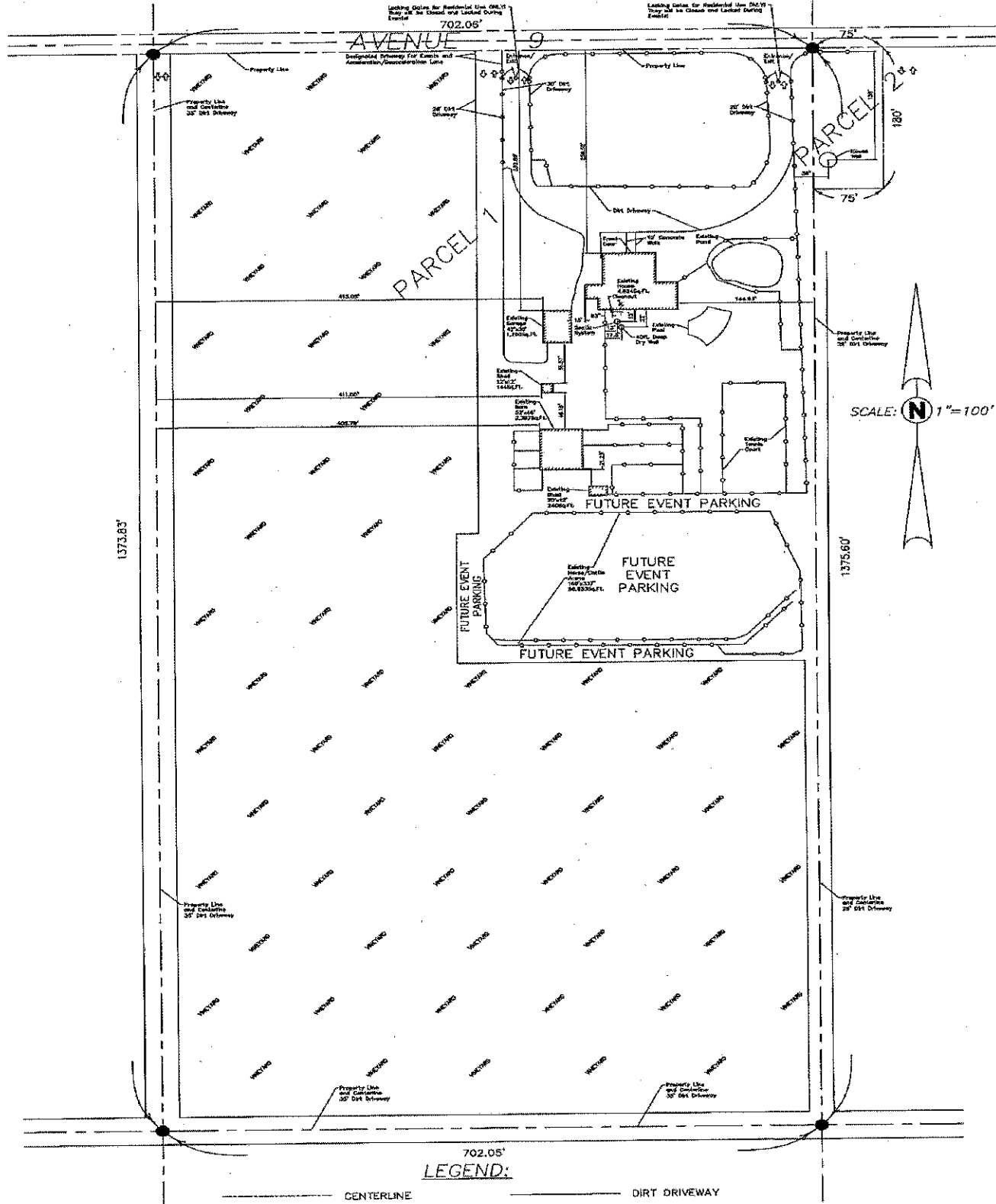
Assessor's Map No. 48-11
Madera Unified-Eastin Arcola
Golden Valley Unified
County of Madera, Calif.
1955

ASSESSOR'S MAP

EXHIBIT D1

APN: 048-110-024

SITE ADDRESS: 34614 AVENUE 9
MADERA, CA. 93636



SCALE: **N** 1"=100'

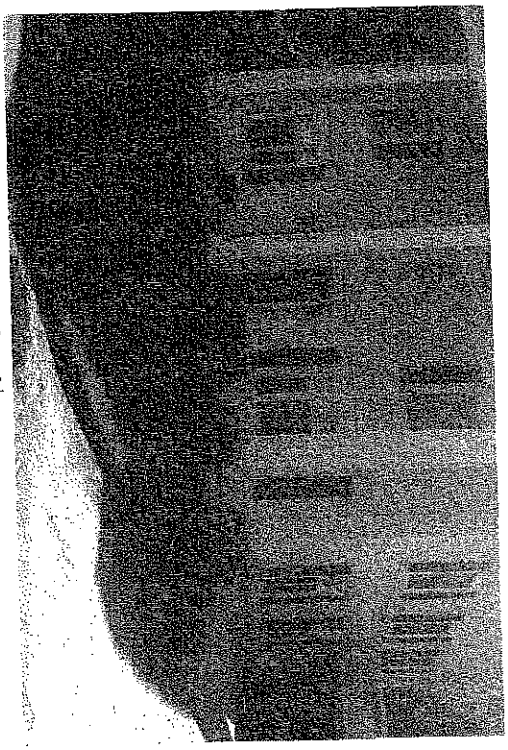
LEGEND:

- CENTERLINE
- RIGHT-OF-WAY LINE
- o---o---o--- FENCE
- DIRT DRIVEWAY
- TRAFFIC FLOW
- ▨ EXISTING BUILDING

SITE PLAN

EXHIBIT D2

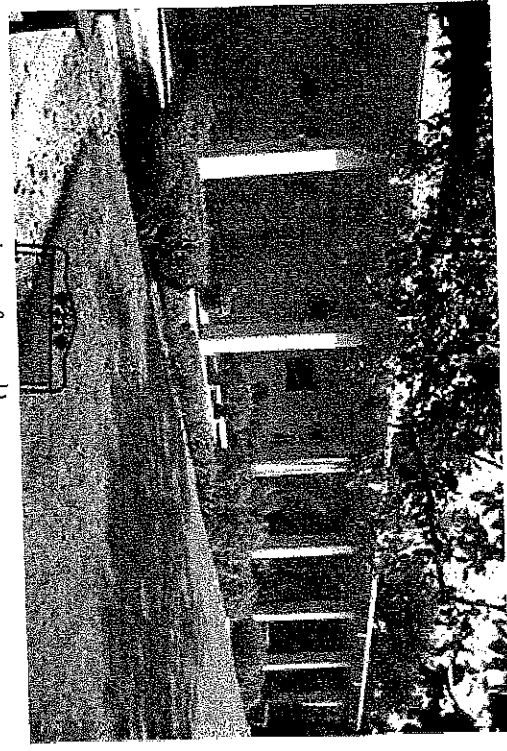
Front + Side of House



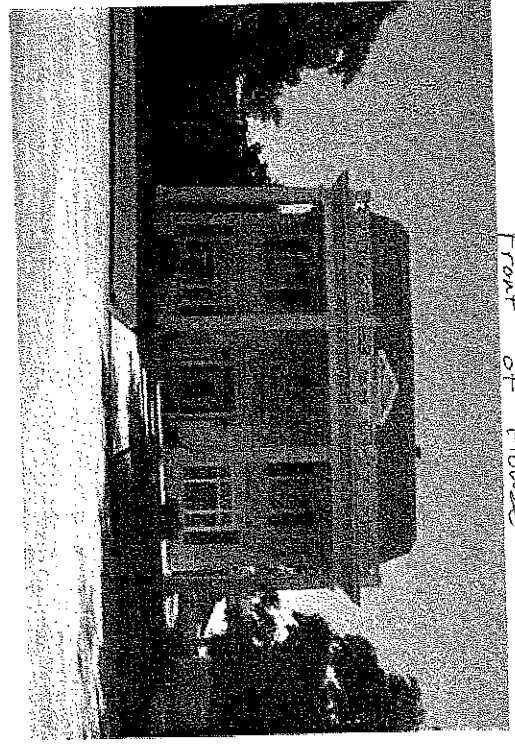
Side of House



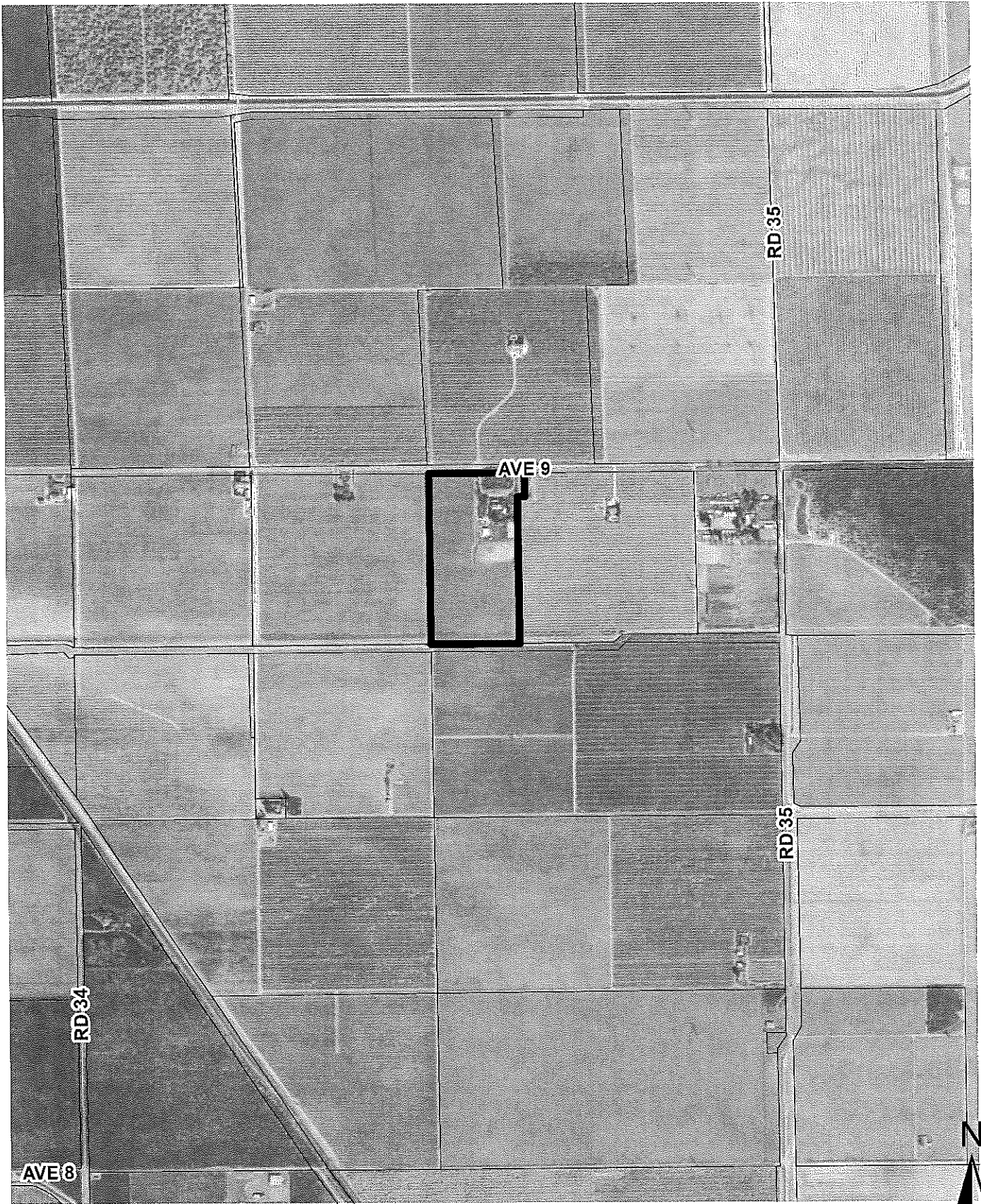
Back of House



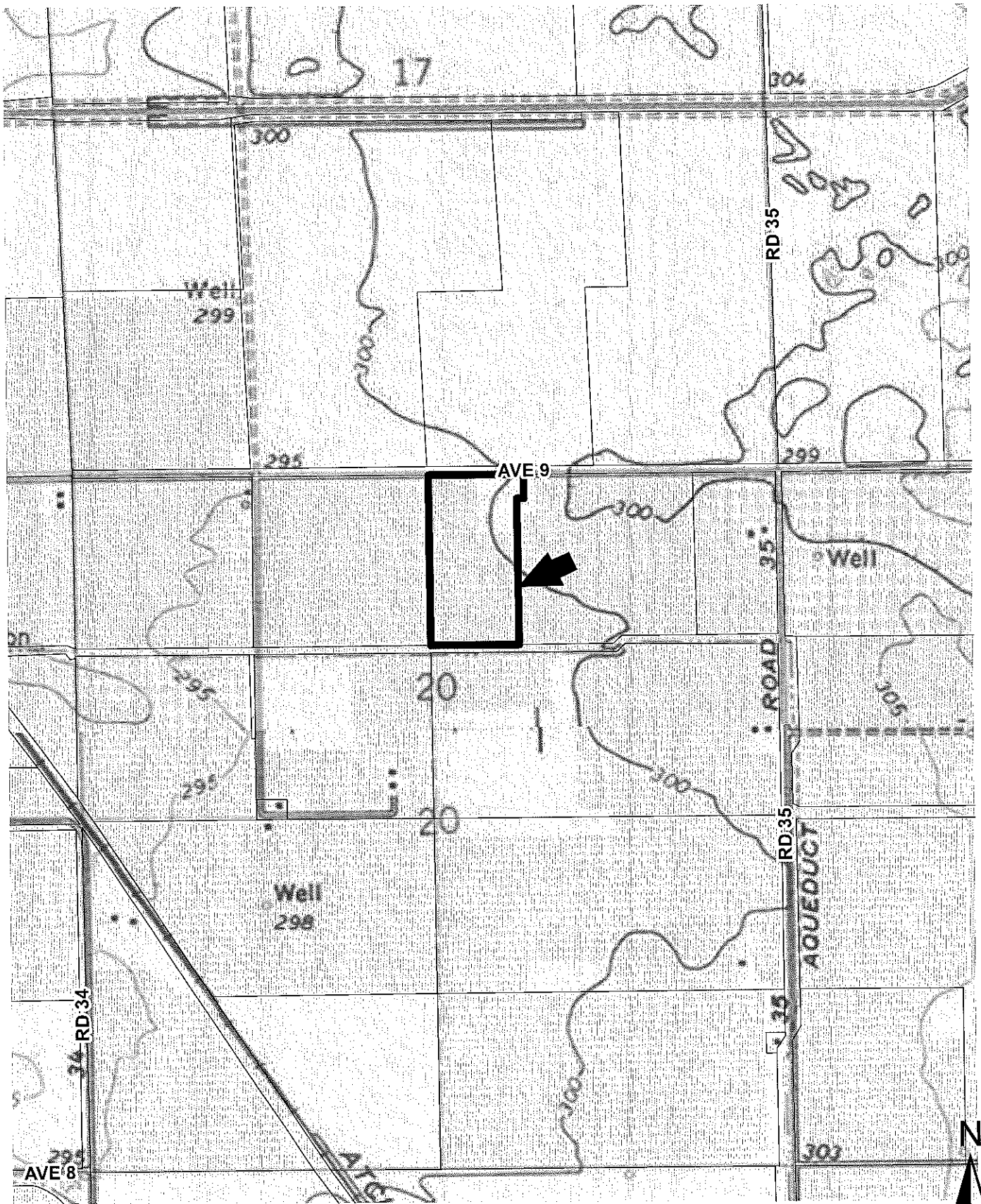
Front of House



ELEVATIONS



AERIAL MAP



TOPOGRAPHICAL MAP

CONDITIONS OF APPROVAL

PROJECT NAME: Philip and Linda Martin - Outdoor Event Center
PROJECT LOCATION: south side of Avenue 9 approximately 0.4 mile west of the intersection of Road 35 (34614 Avenue 9), Madera

PROJECT DESCRIPTION: The application for conditional use permit is to allow for an outdoor event center where weddings can be held on the parcel.

LEAD AGENCY: Madera County
CONTACT PERSON/PHONE NUMBER: Brenton Gibbons, (559)675-7821

APPLICANT: Philip and Linda Martin
CONTACT PERSON/TELEPHONE NUMBER: (559)-645-5441

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
1	Prior to the start of any construction, the applicant shall secure a Building Permit from the Building Department. All construction shall meet the most current standards and all applicable codes. All plans must be prepared by a licensed architect or registered civil engineer.	Madera County Engineering Department			
2	The applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by the project. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer.	Madera County Engineering Department			
3	All projects containing 1 acre or more of soil disturbance are required to submit a Storm Water Pollution Prevention Plan (SWPPP) and report.	Madera County Engineering Department			
Environmental Health					
1	The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site.	Madera County Environmental Health Department			
1	"Special Activities" or "Event" attendees must have access to drinking water. If they are to obtain access to drinking water through use of the existing water well(s) located on-site then it must be by the means of approved "Public Water System". The applicant shall initiate this process by contacting the Environmental Health Department's Drinking Water Program staff for assistance in applying for a Permit to Operate and submit a Technical, Managerial and Financial report for review. This must be indicated within submitted CUP documentation. If applicant has questions regarding this issue contact Phil Hudecek, within this dept. ASAP at 559-675-7823, Ext #3452.	Madera County Environmental Health Department			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
2	The construction and then ongoing operation and living conditions must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): odor(s), noise(s), lighting and/or litter accumulation to surrounding uses. This must be accomplished under accepted and approved best management practices and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA).	Madera County Environmental Health Department			
3	All measures must be taken to ensure that any construction activity and/or site operations comply with all nuisance dust issues as identified in County Ordinances and any other related State or Federal requirements.	Madera County Environmental Health Department			
4	The owner(s)/developer(s) of onsite operations, onsite facilities/equipment are required to ensure that all on-site persons are provided access to drinking water and/or onsite restrooms/toilets/urinals facilities that are acceptable to all State and Madera County requirements. If temporary portable toilets must be utilized on site, by any persons, at any time during any onsite activity then they must be properly maintained by a Madera County appropriately licensed company. Routine maintenance of these portable toilets must be adjusted according to their usage as to prevent an unhealthy human environment and/or nuisance of any kind, at all times while onsite..	Madera County Environmental Health Department			
5	Any future buildings or phases of development for this project shall be reviewed and approved by this department.	Madera County Environmental Health Department			
6	When the owner/operator submits the application(s) for any required county permits, the MCEHD will conduct a more detailed review of this proposed project's compliance with all current local, state & federal requirements. The owner/operator of this property/facility must submit an application for all required MCEHD permits prior to starting any construction activities.	Madera County Environmental Health Department			
Fire					
1	Label proposed parking area for 200+ vehicles.	Madera County Fire Department			
Planning					
1	Facility to operate in accordance with submitted operational statement and site plans except as modified or conditioned by the Conditional Use Permit and associated Mitigated Negative Declaration and Mitigation Monitoring Program.	Madera County Planning Department			
2	All driveways and parking area to be constructed and maintained in a dust free manner.	Madera County Planning Department			
3	Noise levels generated with this project should be in accordance with the Madera County Noise Element.	Madera County Planning Department			

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.

APN: 048-110-024

Applicant's Name: Philip and Linda Martin

Address: 34614 Avenue 9, Madera, CA 93636

Phone Number: 559-645-5441

2. Describe the nature of your proposal / operation:

Rent grounds for outside events, i.e. weddings, parties, etc.

3. What is the existing use of the property? Private residence and vineyard.

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite? Not apply / none.

5. What are the proposed operational time limits?

Months (if seasonal): Spring, Summer, Fall

Days per week: Friday – Sunday

Hours (from 5:00 p.m. to 11:00 p.m.): This could vary depending on the time of the event.

Total Hours per day: 6 to 8 +/- (3 days/week)

6. Will there be any special activities or events?

Frequency: 3 days/week

Hours (from 5 p.m. to 11:00 p.m.)

Are these activities indoors or outdoors? Outdoors only

7. How many customers or visitors are expected? 25 – 350 +/-

Average number per day: Depends on size of event. Only in operation a max of 3 days per week.

Maximum number per day: 350 +/-

What hours will customers / visitors be there? On a Friday, probably after 5:00 pm, on a Saturday or a Sunday, anytime during the day, no later than 11:00 pm.

8. How many employees will there be? 1-2

Current: 0

Future: 1-2 (security will be used for larger events)

Hours they work: Event hours

Do any live onsite? No If so, in what capacity? Not apply

9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures. Not apply

10. Will there be any service and delivery vehicles?

Number: None owned by us, maybe one or two

Type: Caterers or florist

Frequency: 1 x day, maximum 3 days per week

11. Number of parking spaces for employees, customers, and service/delivery vehicles:

200 +/- vehicles.

Type of surfacing on parking area: Sand and Gravel.

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

Avenue 9, Madera, CA, Currently three (3) entrances into center of property, plus 2 additional entrances into farm areas of property.

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

Maximum three (3) days per week, one trip per vehicle, maximum 133 cars if there is the maximum of 400 people at an event and average 3 people per car. This also depends on the size of event. It could be as little as 20+/- cars per day.

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

One sign, next to entrance of driveway, probably 3' x 4'.

15. Will existing buildings be used or will new buildings be constructed? No.

Indicate which buildings(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.
Not apply.

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

Landscaping and fencing already in place.

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

Vineyard, Almond orchards, single family residences on farm property

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

No.

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

Not apply, no different from water usage used now for vineyard irrigation and residence.

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

Not apply. Portable toilets used for events.

21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

Probably one small dumpster a week. Most supplies will not be thrown away.

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

No.

23. Are there any archeological or historically significant sites located on this property?

No. If so, describe and show location on site plan. Not apply.

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

There is an MID canal in the very back of the property.

25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan. None.

26. Will hazardous materials or waste be produced as part of this project? If so, how be shipped or disposed of? Not apply.

27. Will your proposal require use of any public services or facilities? (i.e. schools, and police protection or special districts?) No.

28. How do you see this development impacting the surrounding area? No impact.

29. How do you see this development impacting schools, parks, fire and police protection, special districts? No impact.

30. If your proposal is for commercial or industrial development, please complete the following: None

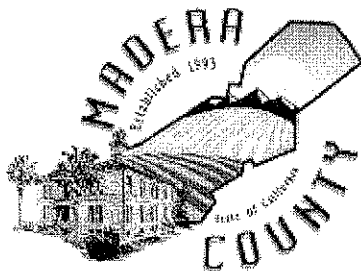
Proposed Uses(s): Outdoor events only.

Square feet of building area(s): None

Total number of employees: 1-2

Building Heights: None

31. If your proposal is for a land division(s), show any slopes over 10% on the map (attached map): Not apply.



Engineering and General Services

2037 West Cleveland Avenue
Madera, CA 93637

(559) 661-6333
(559) 675-7639
FAX
(559) 675-8970
TDD

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

engineering@madera-county.com

MEMORANDUM

TO: Brent Gibbons
FROM: Engineering Department
DATE: December 16, 2013
RE: Martin, Philip and Linda - Conditional Use Permit - Madera (048-110-024-000)

Comments

DATENovember 19, 2013

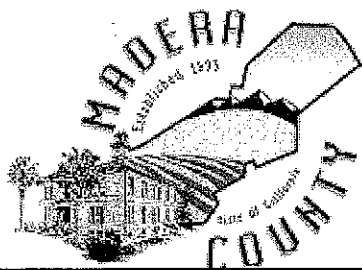
TOPlanning Department

FROMDario Dominguez, Assistant Engineer - DEGS

SUBJECTCUP 2013-023

- 1) The proposed project is not within the flood plain.
- 2) The subject property is not located in a County Service Area or Maintenance District.
3. Prior to the start of any construction, the applicant shall secure a Building Permit from the Building Department. All construction shall meet the most current standards and all applicable codes. All plans must be prepared by a licensed architect or registered civil engineer.
4. The applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by the project. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer.
5. All projects containing 1 acre or more of soil disturbance are required to submit a Storm Water Pollution Prevention Plan (SWPPP) and report.

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



RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Yaeger, Director

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

MEMORANDUM

TO: Brent Gibbons

FROM: Environmental Health Department

DATE: November 19, 2013

RE: Martin, Philip and Linda - Conditional Use Permit - Madera (048-110-024-000)

Conditions

The Environmental Health Department has reviewed the Conditional Use Permit CUP #2013-023, Martin, Philip and Linda, located on APN: 048-110-024, within the Madera area and has determined the following:

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

- “Special Activities” or “Event” attendees must have access to drinking water. If they are to obtain access to drinking water through use of the existing water well(s) located on-site then it must be by the means of approved “Public Water System”. The applicant shall initiate this process by contacting the Environmental Health Department’s Drinking Water Program staff for assistance in applying for a Permit to Operate and submit a Technical, Managerial and Financial report for review. This must be indicated within submitted CUP documentation. If applicant has questions regarding this issue contact Phil Hudecek, within this dept. ASAP at 559-675-7823, Ext #3452.
- The construction and then ongoing operation and living conditions must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): odor(s), noise(s), lighting and/or litter accumulation to surrounding uses. This must be accomplished under accepted and approved best management practices and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA).
- All measures must be taken to ensure that any construction activity and/or site operations comply with all nuisance dust issues as identified in County Ordinances and any other related State or Federal requirements.
- The owner(s)/developer(s) of onsite operations, onsite facilities/equipment are required to ensure that all on-site persons are provided access to drinking water and/or onsite restrooms/toilets/urinals facilities that are acceptable to all State and Madera County requirements. If temporary portable toilets must be utilized on site, by any persons, at any time during any onsite activity then they must be properly maintained by a Madera County appropriately licensed company. Routine maintenance of these portable toilets must be adjusted according to their usage as to prevent an unhealthy human environment and/or nuisance of any kind, at all times while onsite..
- Any future buildings or phases of development for this project shall be reviewed and approved by this department.

When the owner/operator submits the application(s) for any required county permits, the MCEHD will conduct a more detailed review of this proposed project's compliance with all current local, state & federal requirements. The owner/operator of this property/facility must submit an application for all

required MCEHD permits prior to starting any construction activities.

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.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

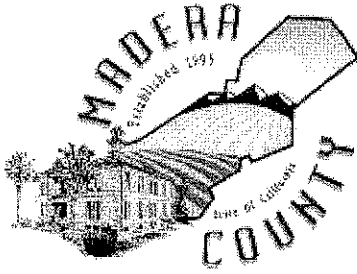
DEBORAH KEENAN
MADERA COUNTY FIRE MARCHAL

MEMORANDUM

TO: Brent Gibbons
FROM: Madera County
DATE: December 16, 2013
RE: Martin, Philip and Linda - Conditional Use Permit - Madera (048-110-024-000)

Comments

Site plan does not provide sufficient information. Label proposed parking area for 200+ vehicles.



ROAD DEPARTMENT
COUNTY OF
MADERA

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

MEMORANDUM

TO: Brent Gibbons
FROM: Road Department
DATE: December 16, 2013
RE: Martin, Philip and Linda - Conditional Use Permit - Madera (048-110-024-000)

We have reviewed the above-noted project to develop and operate an event facility. If mitigated by the conditions of approval listed below, this proposed project will not have a significant impact upon traffic.

The proposed project has frontage on Avenue 9. Additional road right-of-way will be required to facilitate future expansion of Avenue 9 as a major arterial with regional significance. The County General Plan designates Avenue 9 as a Major Arterial roadway requiring a total right-of-way width of 100 feet. The existing road right-of-way along the project side is prescriptive. A 50-foot strip of right-of-way will be required as a condition of approval.

According to the General Plan Policy Document, access onto Arterial roadways shall be minimized. Only one (1) access point shall be allowed for this proposal. The driveway approach as well as a deceleration/acceleration lane shall be built to a Commercial County/Caltrans Standard.

The Road Department has the following conditions of approval:

- 1.As a condition of approval of the CUP, the applicant shall grant deed a strip of land 50 ft wide contiguous to Avenue 9.
- 2.As a condition of approval of the CUP, the applicant will be granted one (1) access point onto Avenue 9. The single driveway access shall be constructed to current commercial standard.
- 3.As a condition of approval of the CUP, the applicant shall construct a Deceleration / Acceleration lane onto Avenue 9 to provide for a safe and efficient access in and out of the proposed project site. Commercial Access design and construction shall meet minimum Caltrans/County standard.
- 4.As a condition of approval, all future access onto Avenue 9 will not be granted.
- 5.As a condition of approval; prior to any road improvement work within County road right of way, the applicant must apply for and obtain an Encroachment Permit at the Road Department. Design and construction of all roads and road related improvements will be the responsibility of the developer, who will employ a California registered civil engineer and /or a California registered land surveyor to prepare all survey work and, a California registered civil engineer to prepare all road design, Construction supervision and inspection. Upon completion of all construction, documentation of all road construction will include: a written statement, signed and stamped by a California registered Civil Engineer, attesting to the fact that all road improvements were designed and constructed in accordance with county code and adopted standards. Copies of compaction tests and inspection logs and reproducible as-built plans, signed and stamped by the California registered Civil Engineer

Environmental Checklist Form

Title of Proposal: CUP #2013-023 Philip & Linda Martin

Date Checklist Submitted: December 3, 2013

Agency Requiring Checklist: Madera County Planning Department

Agency Contact: Brenton Gibbons, Planner I

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:

The Conditional Use Permit is requesting to allow for an outdoor event center where weddings can be held on the parcel.

The site is currently developed with a single family residence and vineyard. The parcel is surrounded by similar agricultural uses. The facilities will be used maximum 3 days per week, primarily weekends during the Spring, Summer and Fall months. Operating hours would be from 5:00 PM to 11:00 PM, with an average attendance of visitors ranging from 25-350 +/-.

Project Location:

The subject property is located on the south side of Avenue 9 approximately 0.4 mile west of the intersection of Road 35 (34614 Avenue 9), Madera

Applicant Name and Address:

Philip & Linda Martin
34614 Avenue 9
Madera, CA 93636

General Plan Designation:

AE (Agricultural Exclusive)

Zoning Designation:

ARV-20 (Agricultural, Rural Valley, Twenty Acre District)

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.

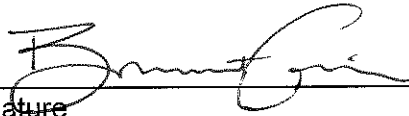
- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <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.

Prior EIR or ND/MND Number


Signature

12/3/13
Date

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.

<p>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:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporation</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest land?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact.

No new farmland will be converted since it will already be using a portion of the developed property.

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.

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

Discussion:

(a) No Impact

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

(b) No Impact

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

(c) No Impact

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

(d) No Impact

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

(a) No Impact.

The project site is currently developed and is not within an area that would be biologically affected by operations. There currently is a single family home on the property, while the remainder of the property is grape vines.

(b) No Impact.

The project site is currently in production and not in an area that would biologically affected by operations of the center.

(c) No Impact.

The project site is currently in production and not in an area that would biologically affected by operations of the center.

(d) No Impact.

The project site is currently in production and not in an area that would biologically affected by operations of the center.

(e) No Impact.

The project site is currently in production and not in an area that would biologically affected by operations of the center.

(f) No Impact.

The project site is currently in production and not in an area that would biologically affected by operations of the center.

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)

SSC Species of Special Concern

WL Watch List

General Information

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.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact.

The project site is currently developed and no new construction is planned, therefore no impacts are

Reference CEQA Guidelines §15064.5 for definitions.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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

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

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.

VII.	GREENHOUSE GAS EMISSIONS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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	Impact	with Mitigation Incorporation	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.

No impacts identified as a result of this project.

(b) No Impact.

No impacts identified as a result of this project.

(c) No Impact.

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)?

- | | | | | | |
|---|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| f | Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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

No impacts identified as a result of this project.

(b) Less than Significant Impact

The project will utilize groundwater as its water source. The amount of water necessary to accommodate the project is not significant and will not affect existing users or public water supplies.

(c) No Impact

The parcel is flat, making impacts to drainage less than significant. No streams or rivers traverse the property.

(d) No Impact

No streams or rivers traverse the property. Impacts to drainage will be less than significant.

(e) No Impact

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.

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

Discussion:

(a) No Impact.

The project site is located in a rural agricultural area of the County. No communities will be divided as a result of this project.

(b) No Impact.

The project is zoned ARV-20 and the General Plan is AE. The proposed project is consistent with the zone district and the general plan designation. An outdoor event center is considered a recreational use which is allowed by a conditional use permit in this zone district.

(c) No Impact.

The project was distributed to all agencies which are believed to have an interest in the project. These agencies have provided comments, where appropriate. No significant conflicts have been noted.

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

(b) No Impact

The project will not contain ground vibrations or boring, thus no impacts are expected.

(c) Less than Significant Impact

Special events are expected to take place on site, ambient noise levels will increase, however the area surrounding the site is a rural agricultural area with sparse population.

(d) Less than Significant Impact

Special events are expected to take place on site, ambient noise levels will increase, however the area surrounding the site is a rural agricultural area with sparse population.

(e) No Impact.

This project is not within proximity to an airstrip or airport. It is not within an airport/airspace overlay district. There will be no impacts as a result.

(e) No Impact.

This project is not within proximity to an airstrip or airport. It is not within an airport/airspace overlay district. There will be no impacts as a result.

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

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

Source: Whiffen and Leonard 1971

XIII. POPULATION AND HOUSING -- Would the project:

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

Discussion:

(a) No Impact.

The proposed project will not result in population growth. There is one existing dwelling on site and no new dwellings are proposed.

(b) No Impact.

There is one existing residence on the property. The house will not be removed. The project is located in a

(a-v) No Impact

No other public facilities will be required to be constructed as a result of this project.

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.

The building construction will be governed by the requisite Building, Life, Safety and Fire Codes applicable at the time of construction. The mitigation tied to this finding is written in such a manner as to leave open as to what year the applicable codes will be enforced at the time of construction. This will ensure that the most current codes are followed instead of being tied to outdated codes.

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

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 project will have no impacts to existing parks, or require the provision of new or additional facilities.

The project will be required to construct a Deceleration/Acceleration lane onto Avenue 9 to provide for safe an efficient access onto and out of the proposed project.

(c) No Impact

The project will not result in changes to air traffic patterns.

(d) Less than Significant Impact with Mitigation Incorporated

The project will be required to construct a Deceleration/Acceleration lane onto Avenue 9 to provide for safe an efficient access onto and out of the proposed project.

(e) No Impact

Access will be taken off of Avenue 9, which is a County maintained road.

(f) No Impact

The project is located in a rural agricultural area where alternative transportation will not be impacted.

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

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

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10
B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle	> 35 – 55

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.

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

Discussion:

(a) No Impact

Project consists of a wedding facility being utilized with minimal hours and operational days leading to minimal minor impacts.

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.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

(a) No Impact

The project does not have the potential to degrade fish and wildlife, or their habitat, or to eliminate major periods of California history or prehistory to any significant levels based on project operations. The project is compatible with the surrounding area under a Conditional Use Permit, and no unique impacts would occur to affect on-site or adjacent environmental resources.

(b) No Impact

The project is a recreational oriented service which is compatible with a Conditional Use Permit in an agriculturally zoned area. There is little opportunity for incremental impacts to occur from past or future projects in addition to the current project. The project does not have impacts which would be considered cumulatively significant.

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

Madera County General Plan

California Department of Finance

California Department of Transportation (CALTRANS)

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

Madera County Department of Environmental Health

Madera County Department of Engineering

Madera County Roads Department

Rolling Hills Subdivision Homeowners Association

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

MITIGATED NEGATIVE DECLARATION

MND

RE: Conditional Use Permit #2013-023 - Martin

LOCATION AND DESCRIPTION OF PROJECT:

The application for conditional use permit is to allow for an outdoor event center where weddings can be held on the parcel. The subject property is located on the south side of Avenue 9 approximately 0.4 mile west of the intersection of Road 35 (34614 Avenue 9), Madera

ENVIRONMENTAL IMPACT:

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

BASIS FOR NEGATIVE DECLARATION:

The following conditions and mitigation measures are specifically included as a part of the negative declaration.



Madera County Environmental Committee

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

DATED: December 3, 2013

FILED:

PROJECT APPROVED:

MITIGATION MONITORING REPORT

MND # 2013-08

No	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
1	Any proposed lighting shall be hooded and directed away from surrounding properties and roadways (County Code 18.102.120.J).		Madera County Planning Department	Madera County Planning Department				
Agricultural Resources								
Air Quality								
Biological Resources								
Cultural Resources								
Geology and Soils								
Hazards and Hazardous Materials								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance	
						Initials	Date
Hydrology and Water Quality							
Land Use and Planning							
Mineral Resources							
Noise							
Population and Housing							
Public Services							
Recreation							
Transportation and Traffic							
1	A Deceleration / Acceleration lane onto Avenue 9 shall be constructed to provide for a safe and efficient access in and out of the proposed project site. Commercial Access design and construction shall meet minimum Caltrans/County standard.		Madera County Roads Department	Madera County Roads Department			
Utilities and Service Systems							