



Community and Economic Development Planning Division

Jamie Bax
Director *JB*

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970

PLANNING COMMISSION DATE: April 4, 2023

AGENDA ITEM: #1

CZ	#2022-007	Rezone RRS-2 (Residential, Rural, Single Family-10 Acre) to PDD (Planned Development) District
APN	055-190-016 055-162-005	Applicant: Jones Snyder & Associates
CEQA	ND #2023-01	Negative Declaration

REQUEST:

The applicant is requesting a rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan.

LOCATION:

On the north side of Hwy 49 approximately 0.5 mile east of Harmony Lane (40603 & 40611 Highway 49) Oakhurst.

ENVIRONMENTAL ASSESSMENT:

Negative Declaration (ND #2023-01) has been prepared and is subject to approval by the Planning Commission and the Board of Supervisors.



RECOMMENDATION: Staff supports a recommendation of approval of CZ #2022-007, subject to conditions, Negative Declaration #2023-01, and associated Resolution.

GENERAL PLAN DESIGNATION (EXHIBIT A):

SITE: AR (Agricultural Residential).

SURROUNDING: AE (Agriculture Exclusive) Designation

AREA PLAN DESIGNATION (EXHIBIT A-1)

SITE: AR (Agricultural Rural).

SURROUNDING: AE (Agricultural Exclusive) Designation

ZONING (EXHIBIT D)

SITE: RRS-10 (Residential, Rural, Single Family - Ten Acre) District

SURROUNDING: ARE-40 (Agricultural Rural Exclusive - 40 Acre) District

PROPOSED ZONE DISTRICT:

SITE: PDD (Planned Development District)

LAND USE:

SITE: Residential

SIZE OF PROPERTY: 055-190-016 – 32.12 acres, 055-162-005 – 40 acres

ACCESS (EXHIBIT B): Access to the site is via Highway 49.

WILLIAMSON ACT:

The subject property is not subject to a Williamson Act Contract.

BACKGROUND AND PRIOR ACTIONS:

Parcel was split from 055-190-005.

PROJECT DESCRIPTION:

The applicant is requesting a rezone of 72.12 acres from RRS-10 (Residential, Rural, Single Family - Ten Acre) District to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan to allow a Lot Line Adjustment to be processed between two parcels. Two existing residences will remain with no additional construction to occur.

ORDINANCES/POLICIES:

Gov't Code 66499.35 (a) (b) Chapter 7, Enforcement and Judicial Review

Madera County General Plan Part 1, Land Use Designations

Ahwahnee/Nipinnawasee Area Plan Section V.2. Density Averaging/Clustering

Madera County Development Ordinance Chapter 18.110 - Amendments

ANALYSIS:

The applicant is requesting to rezone 72.12 acres from RRS-10 (Residential, Rural, Single Family - Ten Acre) District to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan to allow a Lot Line Adjustment to be processed between two parcels. Two existing residences will remain

AK

with no additional construction to occur. The proposed rezone is to allow for a lot line adjustment between two parcels to settle an estate division of property. The lot line adjustment will result in an ~1.9-acre parcel and an ~70.22 acre parcel.

Section V.2. of the Ahwahnee/Nipinnawasee Area Plan outlines Density Averaging/Clustering as an implementation action. Density averaging allows the division of a property down to the minimum parcel size allowed in the zone district regardless of the specified minimum in the area plan.

The Area Plan outlines specific implementation standards for clustering. The zoning must be PDD (Planned Development) District to ensure that adequate information is provided, and appropriate standards are applied. The minimum lot size allowed is 1 acre and a portion of the site must be open space. An open space area of ~5.37 has been designated in the PDD plans and a condition has been added that a covenant be recorded to ensure that the designated area is permanently retained for an open space purpose in accordance with the Area Plan implementation standards. The open space area must remain in its natural state.

Benefits of density averaging, and clustering outlined in the area plan include preservation of the natural drainage system, open space, and environmentally sensitive areas and less land disturbance. Additionally, the provision of open space and protection of plant and wildlife is applicable for the proposed project.

The application was circulated to internal and external agencies for comments, including Native American tribes per Assembly Bill 52 requirements. Comments were received from Environmental Health. Standard comments from Environmental Health require the owner(s) to comply with Madera County Code(s) Title 13 as it related to water and sewer.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,814.00 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,764.00 Department of Fish and Wildlife fee that took effect January 1, 2023, and the County Clerk \$50.00 filing fee. In lieu of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit at the Board of Supervisors.

GENERAL PLAN CONSISTENCY:

The applicant is requesting to rezone 72.12 acres from RRS-10 (Residential, Rural, Single Family - Ten Acre) District to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan to allow a Lot Line Adjustment to be processed between two parcels. Two existing residences will remain with no additional construction to occur. The proposed use is consistent with the General Plan and Zoning Ordinance. The rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District with a ~5.37-acre buffer zone will meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan. The proposed PDD (Planned Development) zone district is consistent with the general plan designation of AR (Agricultural Residential) and the area plan designation of AR (Agriculture Rural) and complies with the Density Averaging/Clustering program outlined in Section V.2 of the Ahwahnee/Nipinnawasee Area Plan.

RECOMMENDATION:

Staff supports a recommendation of approval CZ #2022-007, subject to conditions, Negative Declaration #2023-01, and associated Resolution.

CONDITIONS:

See attached conditions of approval.

ATTACHMENTS:

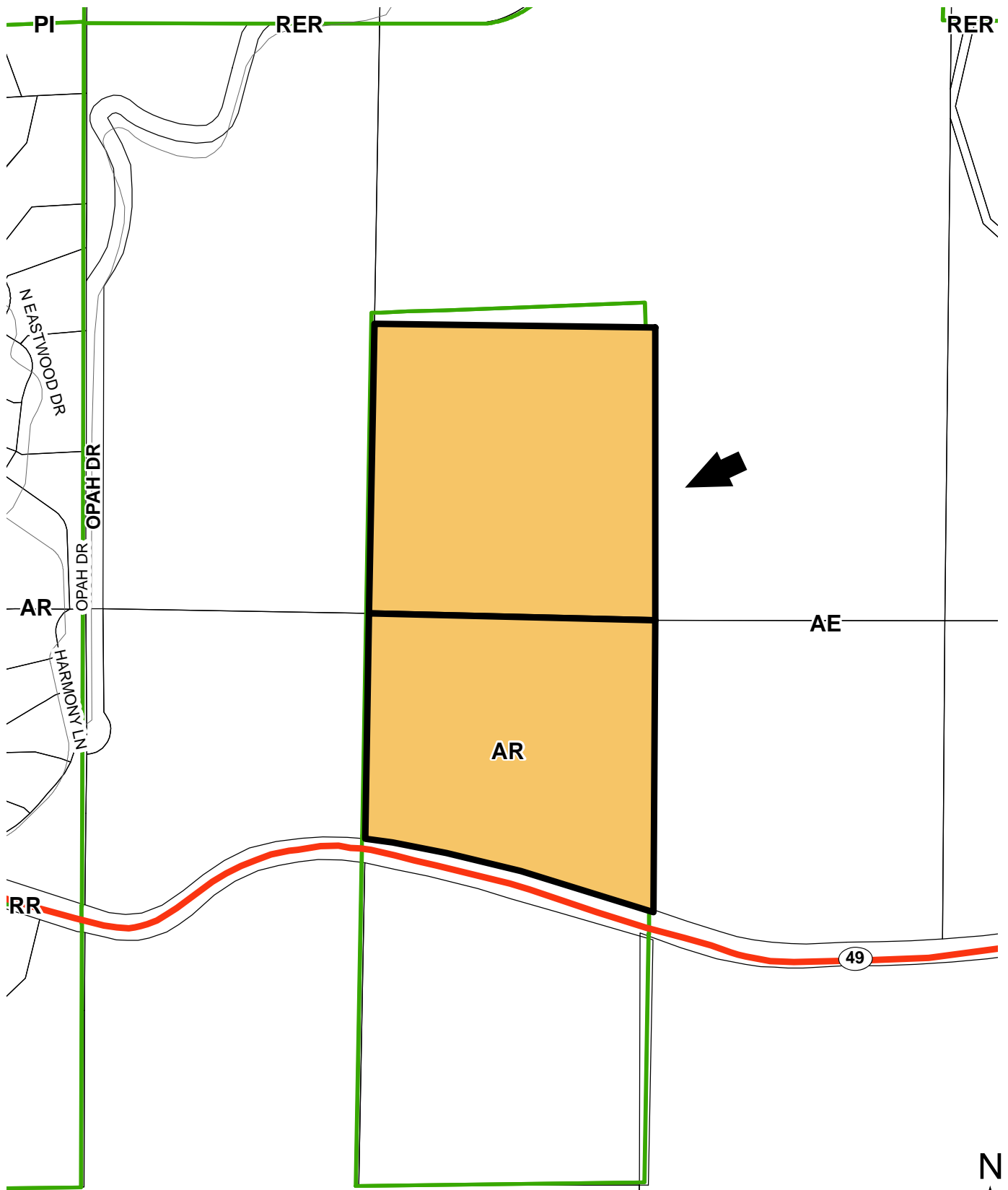
1. Exhibit A. General Plan Map
2. Exhibit B. Zoning Map
3. Exhibit C. Assessor Map
4. Exhibit C-1. Assessor Map 2
5. Exhibit D. Site Plan
6. Exhibit D-1. Enlarged Site Plan
7. Exhibit E. Aerial Map
8. Exhibit F. Topographical Map
9. Exhibit G. Operational Statement
10. Exhibit H. Environmental Health Division Comments
11. Exhibit I. Initial Study
12. Exhibit J. Negative Declaration #2023-01
13. Resolution

CONDITIONS OF APPROVAL

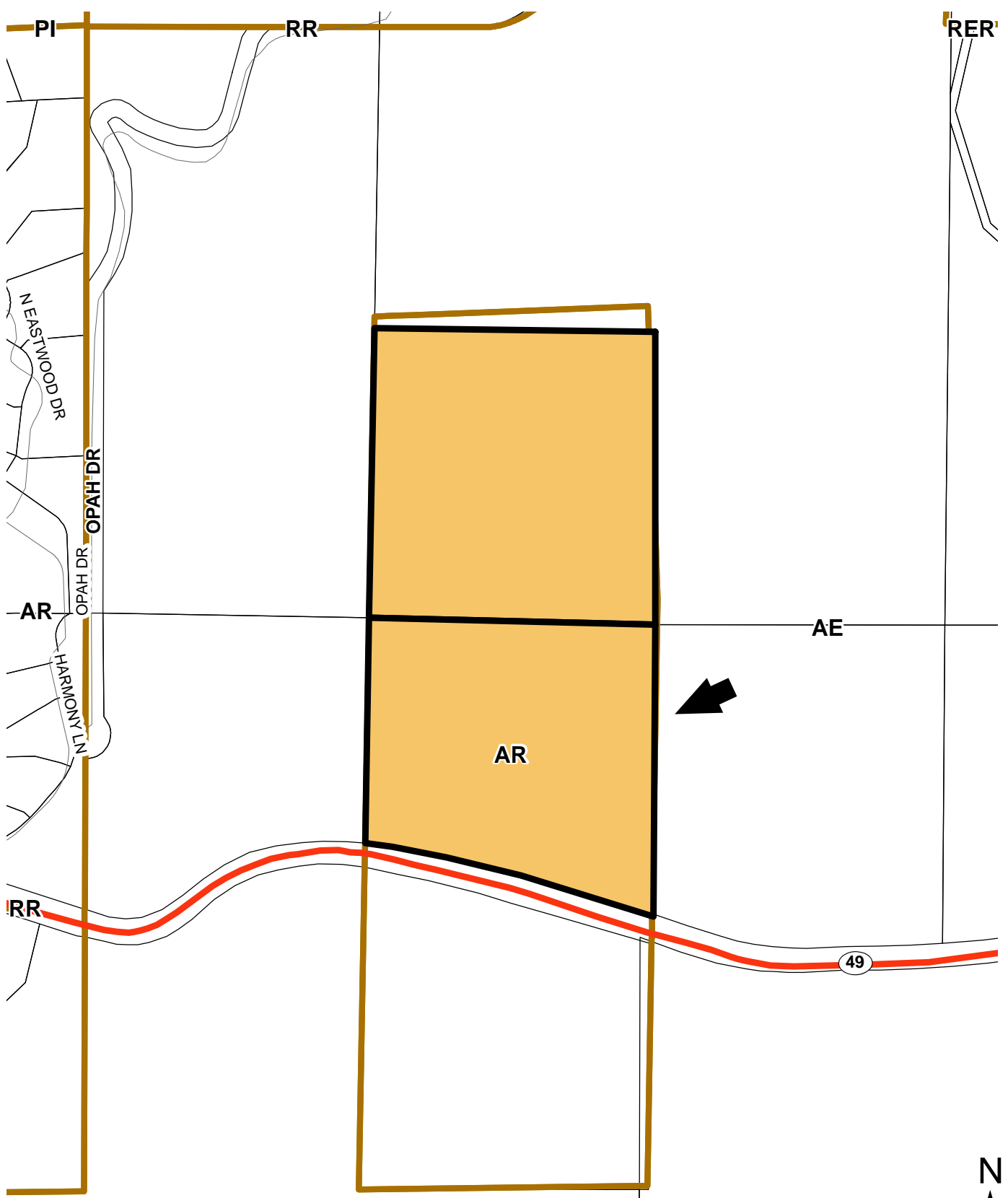
PROJECT NAME:	Rezone (CZ #2022-007) – John Reed, General Contractor
PROJECT LOCATION:	The project is located on the north side of Hwy 49 approximately 0.5 mile east of Harmony Lane (40603 & 40611 Highway 49) Oakhurst.
PROJECT DESCRIPTION:	The applicant is requesting a rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan.
APN:	055-190-016-000, 055-162-005-000
APPLICANT:	John Reed, General Contractor
CONTACT PERSON/TELEPHONE NUMBER:	John Reed, 559-683-7393

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	All parcels must comply with Madera County Code Title 13 as it relates to Water and Sewer.	EH			
2	During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department.	EH			
3	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
Fire					
Planning					
1	The project shall be developed and operate in accordance with the operational statement and site plan submitted with the application, except as modified by the conditions of approval required for the project.	Planning			
2	Property owner must record a covenant to ensure that the designated area is permanently retained for an open space purpose.	Planning			
3	Designated open space must remain in its natural state.	Planning			

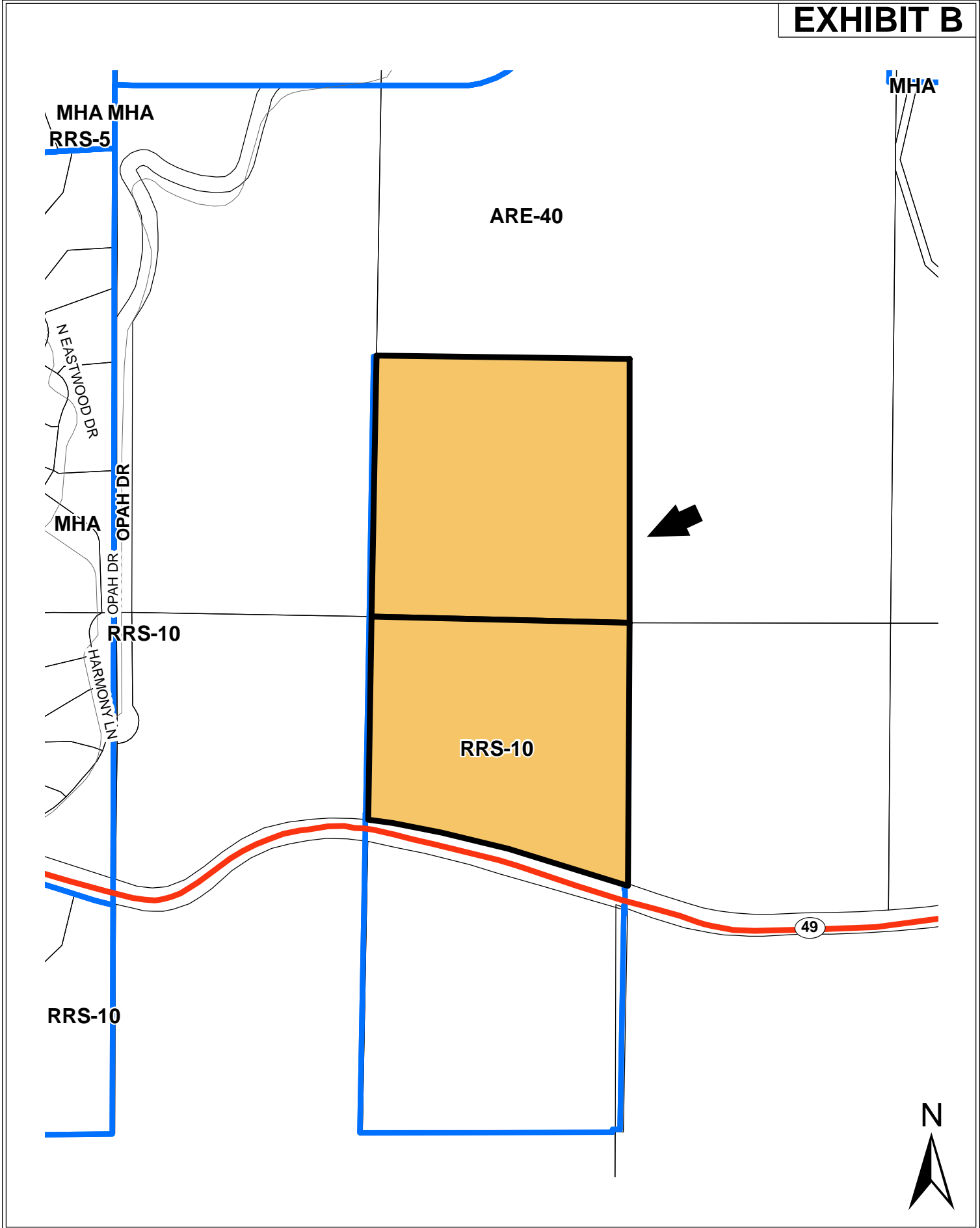
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
4	The owner or developer shall provide, through legally enforceable means, for the perpetual preservation of the land as open space and for the continued maintenance of the area.	Planning			
Public Works					



GENERAL PLAN MAP



GENERAL PLAN MAP

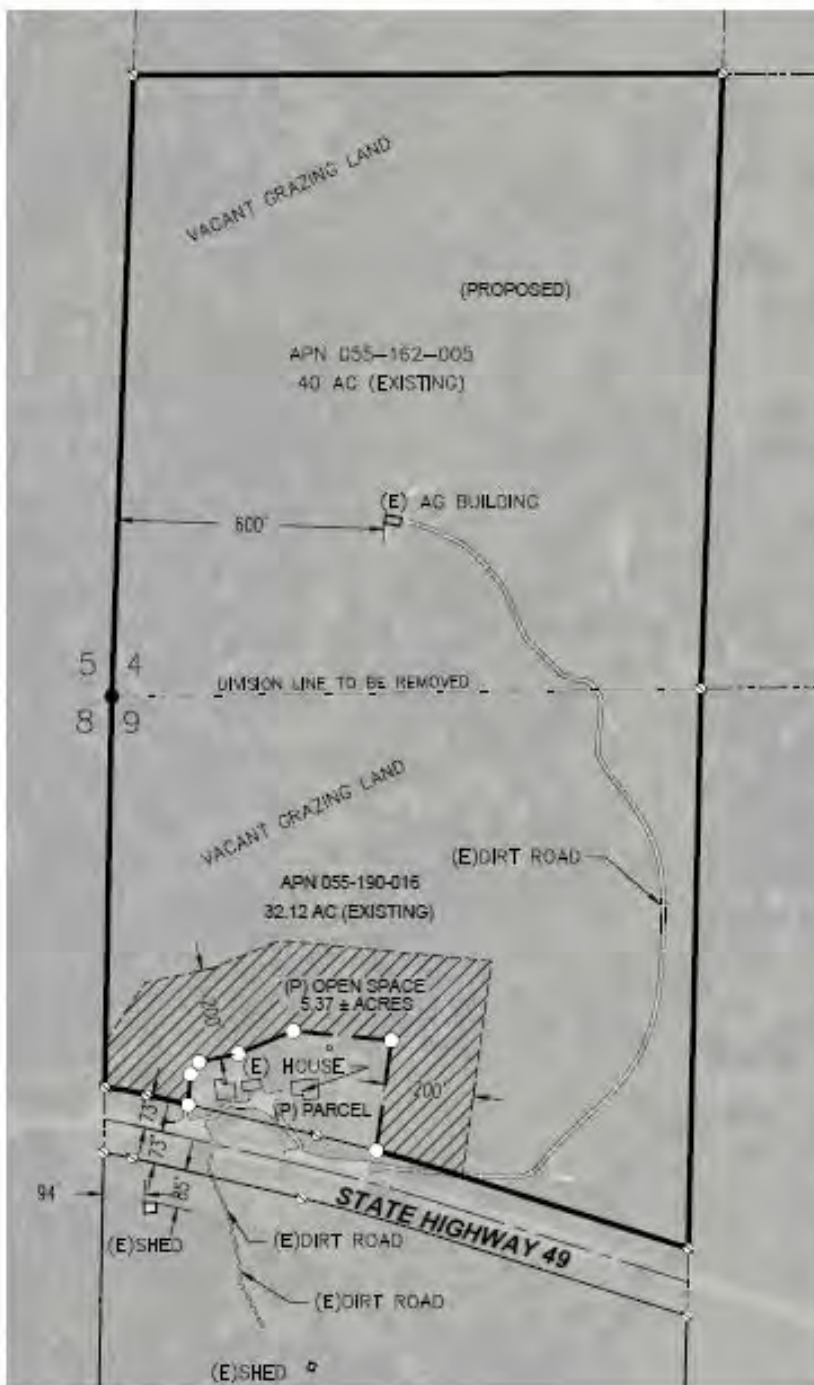


ZONING MAP



SCALE 1"=400'

PROPOSED REZONE



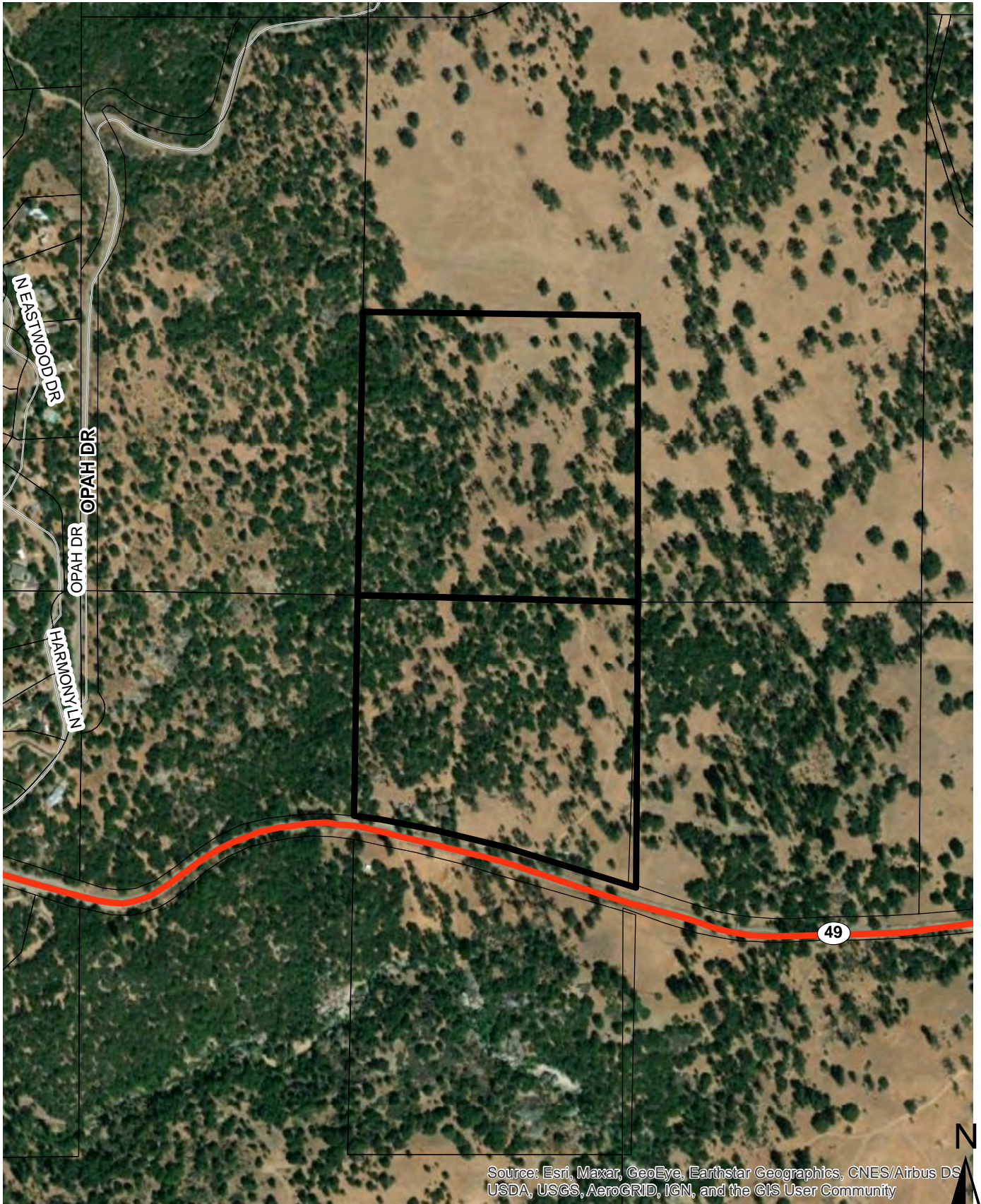
LEGEND

- SURVEY MONUMENT (AS NOTED)
- SET 5/8" REBAR TAGGED PLS 8393
- ⊗ DIMENSION POINT (NOTHING FOUND OR SET)
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- OPEN SPACE BOUNDARY

JONES SNYDER & ASSOCIATES
 (559)683-7661 WWW.JSSURVEYING.COM
 DATE: 03/02/23 BY: EM

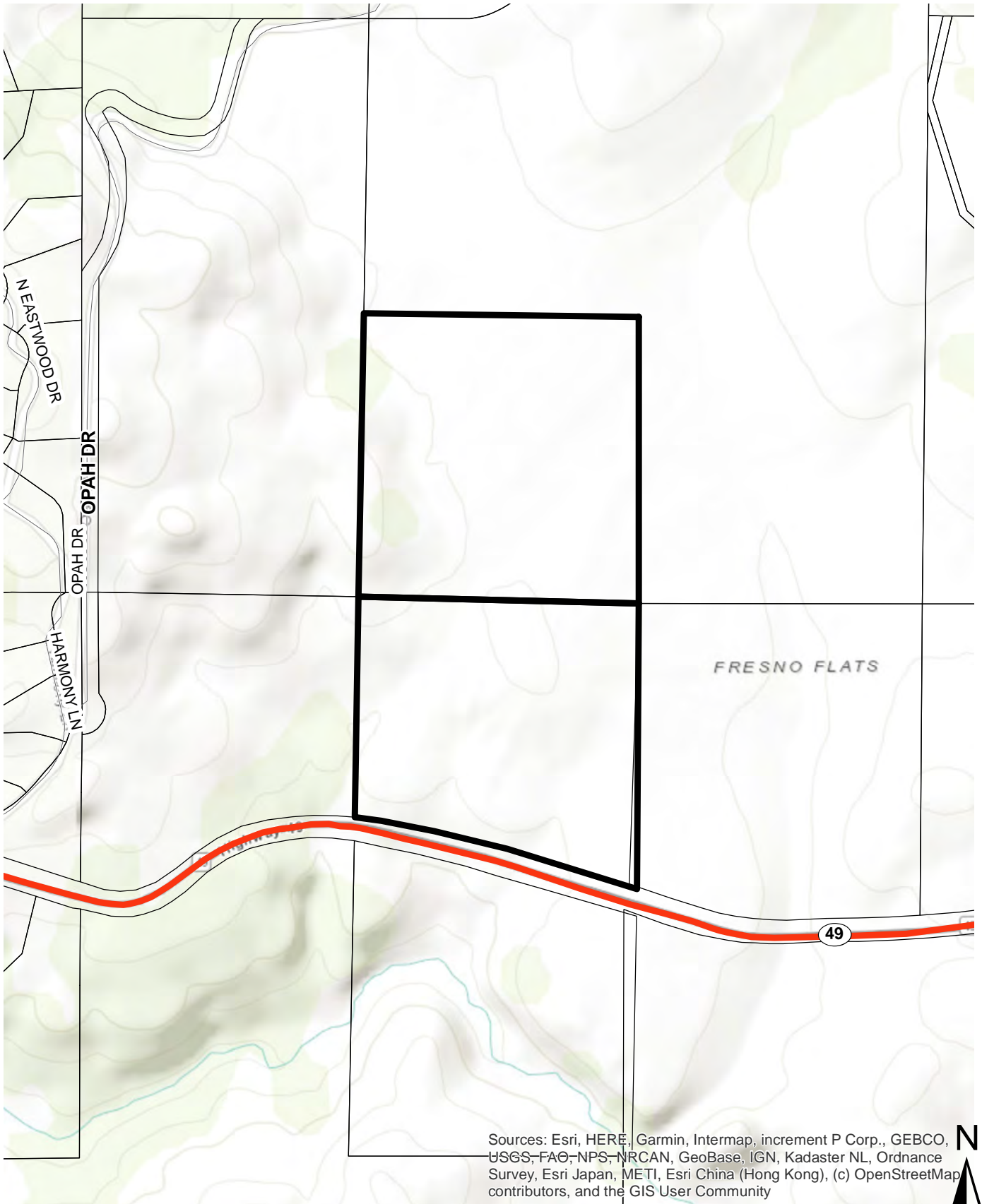


ENLARGED SITE PLAN MAP



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS
USDA, USGS, AeroGRID, IGN, and the GIS User Community

AERIAL MAP



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS-FAO-NPS-NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Community and Economic Development
Planning Division

Matthew Treber
Director

- 200 W 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

**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: 055-190-016

Applicant's Name: John Reed

Address: P. O. Box 338, Oakhurst, CA 93644

Phone Number: 559.683.7474

2. Describe the nature of your proposal/operation.

This action is being taken to settle an estate division of property. A rezoning is requested to allow two existing residences to remain on a 1.9 acre parcel to be created by LLA from an existing 32.12 acre parcel. The GP designation is 10 acre minimum so three parcels should be allowed. The owner is not requested any new development.

3. What is the existing use of the property?

Residential and grazing.

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?

None

5. What are the proposed operational time limits?

Months (if seasonal): N / A

Days per week: N / A

Hours (from ___ to ___): Total Hours per day: N / A

6. How many customers or visitors are expected?

Average number per day: with a change

Maximum number per day: N / A

What hours will customers/visitors be there? N / A

7. How many employees will there be?

Current: N/A

Future: N/A

Hours they work: N / A

Do any live onsite? If so, in what capacity (i.e. caretaker)? N/A

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

N/A

9. Will there be any service and delivery vehicles? No

Number: N/A

Type:

Frequency: N/A

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

N/A

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

Existing encroachment

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

None

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

None

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

Existing homes to remain

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

No

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

Grazing land

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 is water to be supplied to the proposed development (please be specific).

Water use will not change. Water supplied by existing domestic well.

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

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?

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

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

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

OK

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

OK

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

No

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

No

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

Not at all.

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

No

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s):

Square feet of building area(s):

Total number of employees:

Building Heights:

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

N/A, no new parcels to be created, LLA only.



Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

MEMORANDUM

TO: Annette Kephart
FROM: Dexter Marr, Environmental Health Division
DATE: March 21, 2023
RE: 525- - John Reed General Contractor - Rezoning - Oakhurst(055-162-005-000)

Comments

All parcels must comply with Madera County Code Title 13 as it relates to Water and Sewer.

During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise (s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

For any questions contact Environmental Health at 559-675-7823.

**County of Madera
California Environmental Quality Act (CEQA)
Initial Study**

- 1. Project title:** CZ #2022-007 – John Reed General Contractor
- 2. Lead agency name and address:** County of Madera
Community and Economic Development Department
200 West 4th Street, Suite 3100
Madera, California 93637
- 3. Contact person and phone number:** Annette Kephart, Planner III
559-675-7821
Annette.Kephart@maderacounty.com
- 4. Project Location & APN:** The project is located on the north side of Hwy 49 approximately 0.5 mile east of Harmony Lane (40603 & 40611 Highway 49) Oakhurst

APN# 055-190-016, 055-162-005
- 5. Project sponsor’s name and address:** John Reed General Contractor
Po Box 338
Oakhurst, CA 93644
- 6. General Plan Designation:
Area Plan Designation:** AR (Agricultural Residential)
AR (Agricultural Residential)
- 7. Zoning:** RRS-10 (Residential, Rural, Single Family - Ten Acre)
- 8. Description of project:**
The applicant is requesting a proposed rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District with a ~5.37 acre buffer zone to meet the standards for clustering established by the Ahwahnee Area Plan. Two existing residences will remain. No additional construction to occur.
- 9. Surrounding Land Uses and Setting:**
Agriculture and Residential
- 10. Other Public Agencies Whose Approval is Required:**
None
- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

No comments have been received from local tribes.

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

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <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"/> |

Responses:

(a - d) No Impact. There are no scenic vistas in the vicinity of this project site. There are no scenic resources on this property that will be damaged as a result of this project. Two existing residences will remain, and no additional construction is to occur. The featured parcels are rural parcels with minimal development which will fit the visual character of the surrounding area.

GENERAL INFORMATION

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.

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

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether agricultural 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:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (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 use? | <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?

Responses:

(a) No Impact. There is no prime farmland, unique farmland or farmland of statewide importance designated on the property. The parcel is zoned residential and listed as grazing land under The Department of Conservation’s Farmland Mapping and Monitoring Program.

(b) No Impact. The project site is not subject to a Williamson Act Contract.

(c-e) No Impact. There is no forest land, or zoning for forest land, in the vicinity of the project site. There are no active farm practices on the property.

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

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

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

UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of the state’s leading agricultural crops. This land is usually irrigated, but may include no irrigated 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.

VACANT OR DISTURBED LAND (V): Open field areas that do not qualify as an agricultural category, mineral and oil extraction area, off road vehicle areas, electrical substations, channelized canals, and rural freeway interchanges.

	Potential y Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	---	---	------------------------------------	--------------

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

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) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a - b) No Impact. No significant impacts have been identified as a result of this project. The proposed project will not obstruct implementation of any air quality plans. The project is consistent with the Air Quality Element of the General Plan.

(c - d) No Impact. There is no proposed construction on the associated parcel. Existing structures

on the property includes two single family dwellings and a detached garage. No objectionable odors will be created as a part of the project.

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

Due to the rural agricultural landscape surrounding the proposed project, there will not be many sensitive receptors that could be affected by the proposed project. The project is consistent with the Air Quality Element of the General Plan.

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.

The California Environmental Quality Act (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.

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

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?

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 U.S. Fish and Wildlife Service?

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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 a native wildlife nursery site?

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?

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

Responses:

(a) Less Than Significant. The rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District with a ~5.37-acre buffer zone is proposed to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan. Some objectives of clustering under the Area Plan include a provision of open space and protection of plant and wildlife. No new construction is included with the proposed rezone. While species have been identified as being potentially in the quadrangle of this project, no impacts to those species have been identified because of this project, directly or indirectly. These identified species in the quadrangle does not necessarily mean they are located on the project site either in a habitat setting or migrating through.

(b - c) No Impact. No impacts on riparian habits or wetlands have been identified as a result of this project. There are no vernal pools or habitats identified on the project site, nor any that would be impacted directly or indirectly as a result of this project. There are no federally identified

wetlands on the project site.

(d) No Impact. There are no activities associated with this project off-site, therefore there will be no indirect impacts to habitats as a result.

(e - f) No Impact. No impacts have been identified as a result of this project. There are no federally protected wetlands on or in the vicinity of this project. There are no streams or bodies of water of which migratory fish or other species that would use bodies of water would be impacted by this project.

While the list below shows species listed in the quadrangle in which this project is located, this does not necessarily mean that this species is actually located on the project site either in a habitat setting or migrating through. The CNDB only lists species in the quadrangle where the project is located, but this never is an indication of whether these species are or ever were on the project site. The Department of Fish and Wildlife was contacted in the early stages of the project for review and comment on the proposal. They did not provide any feedback as to whether there were any potential impacts on the site.

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 Wildlife’s databases for special status species have identified the following species:

Common_Name	Federal Status	State Status	Dept. of Fish and Game Listing	CNPS Listing
foothill yellow-legged frog - south Sierra DPS	Proposed Endangered	Endangered	-	-
California Spotted Owl	None	None	SSC	-
rufous hummingbird	None	None	-	-
An andrenid bee	None	None	-	-
western bumble bee	None	Candidate Endangered	-	-
valley elderberry longhorn beetle	Threatened	None	-	-
Sierra Nevada red fox - Sierra Nevada DPS	Endangered	Threatened	-	-

pallid bat	None	None	SSC	-
western pond turtle	None	None	SSC	-
Hall's wyethia	None	None	-	4.3
orange lupine	None	None	-	1B.2
Mariposa pussypaws	Threatened	None	-	1B.1
grassland suncup	None	None	-	1B.2
Yosemite evening-primrose	None	None	-	4.3
Kings River monkeyflower	None	None	-	3
slender-stalked monkeyflower	None	None	-	1B.2
Gray's monkeyflower	None	None	-	4.3
Madera leptosiphon	None	None	-	1B.2
Ewan's larkspur	None	None	-	4.2

Knowles Quadrangle

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)

SSC Species of Special Concern

WL Watch List

Movement corridors are characterized by the regular movements of one or more species through relatively well-defined landscape features. They are typically associated with ridgelines, wetland complexes, and well-developed riparian habitats.

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:

<https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>

The Valley Elderberry Longhorn Beetle (VELB) 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §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) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a - c) No Impact. The proposed project is not projected to have an adverse change in the significance historical or archaeological resource. No construction or grading is proposed.

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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. ENERGY				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a & b) No. Impact. The proposed zone district change does not include any construction. The change from RRS 10-acre District to Planned Development District does not include additional construction on the parcel. No increase in energy resources is expected to result from proposed project.

Adopted federal vehicle fuel standards have continually improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful, and unnecessary use of energy by vehicles.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS				
Would the project:				

a) Directly or indirectly cause 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 Zone Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geological 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 direct or indirect 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 wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) 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"/> |

Responses:

(a. i – iv) Less Than Significant Impact. 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 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.

(b) Less Than Significant Impact. The parcel is subject to potential erosion due to rain events. Potential erosion is expected to be less than significant. There is current road access to the parcel and two single-family dwellings located on the parcel.

(c – f) No Impact. There are no known impacts that will occur as a direct or indirect result of this project.

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

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Responses:

(a - b) Less than Significant Impact. There is no construction involved in the proposed project. The proposed zone change does not allow for increased development in the current zone district for the parcel.

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 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 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
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"/>
	<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?

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?

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 or excessive noise for people residing or working in the project area?

f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Responses:

(a – b) No Impact. No impacts have been identified as a result of this project.

(c – d) No Impact. No impacts have been identified as a result of this project. The project is not listed a hazardous site nor is located with one-quarter mile of an existing school.

(e - g) No Impact. The project is not located within the vicinity of a private airstrip. No impacts have been identified as a result of this project.

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR Title 22 Division 4.5 Chapter 10 Article 2 §66260.10).

Hazardous wastes are defined in the same manner. Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated or are being stored prior to proper disposal. Hazardous materials and hazardous wastes are classified according to four properties: toxicity, ignitability, corrosively, and reactivity.

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>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (iii) 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; or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (iv) Impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Responses:

(a - b) No Impact. No construction is included with the proposed rezone and the rezone does not allow for additional development in the parcel's zone district. Implementation standards for clustering states that open space must be clearly designated in the PRD plans for that purpose and a covenant recorded to ensure that the designated area is permanently retained for an open space purpose. The owner or developer shall provide, through legally enforceable means, for the perpetual preservation of the land as open space and for the continued maintenance of the area.

(c i - iv) No Impact. No impacts have been identified as a result of this project.

(d) No Impact. 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 (from the Japanese language, roughly translated as "harbor wave") is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. Additionally, there are no bodies of water (lakes, etc.) within proximity of the site. Madera County is geographically located in the center of the state, therefore not affected by tsunamis.

(e) No Impact. The proposed project will not have any impact to water quality control plans or sustainable groundwater management plans.

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

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 (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. 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, flood proofed, 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.

With mitigations, this impact will be maintained as less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a - c) No Impact. No impacts identified as a result of this proposed project.

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

Responses:

(a - b) No Impact. No impacts identified as a result of this proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. NOISE				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?

Responses:

(a - b) No Impact. No construction will be associated with this project. The rezone does not allow for additional development than is allowed in the current zone district.

(c) 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, and 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, 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 vibration	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

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

XIV. POPULATION AND HOUSING

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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

Responses:

(a - b) No Impact. The rezone will not allow for increased development on the parcel. The parcel has two existing homes, and a covenant is required to ensure ~5.37 of the parcel is permanently retained for open space.

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

XV. PUBLIC SERVICES

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

Responses:

(a-i - a-v) No Impact. No impacts identified as a result of this proposed project. The rezone will not include any construction.

There are fire stations in Oakhurst and Bass Lake that would be able to respond in time of need to this location. The closest station is Madera County Fire Station #14 in Bass Lake and is in proximity of the project site.

The Madera County Fire Department exists through a contract between Madera County and 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.

Crime and emergency response is provided by the Madera County Sherriff’s Department. The change in use is not expected to create a significant impact.

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.

The proposed rezone will not result in an increase in population in the area.

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.

County Sherriff's Department personnel are strapped for resources as well. With new development, the potential for criminal activity (including but not limited to home burglaries, assaults, auto thefts) increases. Currently, the Madera County's Sherriff's Department provides law enforcement and patrols in the planning area, operating from a substation in Oakhurst on Road 425B.

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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. RECREATION				
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"/>
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"/>

Responses:

(a - b) No Impact. The proposed rezone will not result in an increase in population in the area.

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

XVII. TRANSPORTATION

Would the project:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a - d) No Impact. No impacts identified as a result of this proposed project. The proposed project does not propose any roadway changes or infrastructure.

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

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

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

Madera County currently uses Level Of Service "D" as the threshold of significance level for

roadway and intersection operations. The following charts show the significance of those levels.

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

Unsignalized intersections.

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

Signalized intersections.

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

Capacity per hour per lane for various highway facilities

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.

As this project is not within an airport/airspace overlay district, or in proximity to any airport or airstrip within the County, no impacts to airspace or air flight will occur as a result.

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with

cultural value to a California Native American tribe, and that is:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Responses:

(a - b) No Impact. The proposed rezone does not propose additional construction or development. Any future development must follow the current zone district. The project was circulated to local tribes. No comments received.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>XIX. UTILITIES AND SERVICE SYSTEMS Would the project:</p>				
<p>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it had adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Responses:

Water Quality Issues

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

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

Groundwater availability issues

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

Due to these concerns regarding the uncertainty of groundwater, the Area Plan outlines the need to both understand groundwater availability for the area, and to examine opportunities to develop a source of surface water for the community. Several potential surface water sources for the greater eastern Madera County area have been evaluated over the years. Planning documents for the area beginning in the early 1960's identified the potential for a "Soquel" reservoir above Oakhurst within the Sierra National Forest. Later concepts included purchasing surface rights and delivering water from Bass Lake or the Fresno River. Most recently, the potential to purchase and deliver water from Redinger Lake has been studied. The development and implementation of a plan for surface water source been hindered by the presence of existing commitments for all surface water in the area. Additionally, environmental clearances, technical requirements, and

the costs associated with developing a surface water source are significant. Despite these hurdles, the Area Plan notes that a surface water source must be viewed as the long-term solution and includes as a policy the initiation of a study to examine opportunities for a surface water source. The following Area Plan policies are proposed to address issues related to the provision of water.

Wastewater Issues

The reliance on septic systems has generated concerns regarding potential impacts to both surface and ground water quality, particularly where septic systems are concentrated on individual lots. This project will have an on-site treatment facility.

Solid Waste Issues

According to the Madera County General Plan Background report, all solid waste generated in the unincorporated area is currently disposed of at the Fairmead Landfill, which is owned by the County and operated by Madera Disposal Systems, Inc. The landfill facility is located on 48 acres at the southeast corner of Road 19 and Avenue 22. The landfill is expected to reach capacity in 2020. If additional waste can be diverted, the life of the expansion area could be increased. There is the potential for approximately 28 residential units' total that would be in need of disposing of residential related waste material to this landfill. Recycling measures are strongly encouraged. According to the California Integrated Waste Management Board, the generation rate per resident is 0.63 pounds per day of trash.

(a - e) No Impact. No impacts have been identified as a result of this project.

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 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 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 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XX. WILDFIRE				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

(a- d) No Impact. No impacts identified as a result of this project. The project does not include any development.

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

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to substantially 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, substantially 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 significant 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

Responses:

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.

(a - c) Less Than Significant Impact. While there have been some minimal impacts identified through this study, none are considered significant in and of themselves, and/or cumulative inducing enough to be considered significant.

Mitigation Measures - NA

Bibliography

California Department of Finance

California Department of Transportation (CALTRANS)

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Ahwahnee Area Plan

San Francisco Estuary Institute & The Aquatic Science Center website <https://www.sfei.org/cari>

California Department of Conservation website <https://maps.conservation.ca.gov/DLRP/CIFF/>

California Department of Fish and Wildlife “California Natural Diversity Database”
<https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data#43018410-cnddb-quickview-tool>

Madera County Airport Land Use Compatibility Plan

Madera County General Plan

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Fire Marshall’s Office

Madera County Department of Public Works

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

ND 2023-05

1

March 21, 2023

NEGATIVE DECLARATION

ND 2023-01

Rezone – CZ 2022-007

John Reed

Project Location:

On the north side of Hwy 49 approximately 0.5 mile east of Harmony Lane (40603 & 40611 Highway 49) Oakhurst.

Project Description:

A proposed rezone of ~7.29 acres from RRS-10 to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan. Two existing residences will remain with no additional construction to occur.

PROPOSED FINDINGS

- An Initial Study has been conducted and 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)).

Annette Kephart

Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Division, 200 W 4th Street, Madera, California.

DATED:

FILED:

PROJECT APPROVED:

**BEFORE
THE PLANNING COMMISSION
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA**

In the Matter of) Resolution No.: PCR 2023-_____
)
JOHN REED) RESOLUTION APPROVING THE
) APPLICATION OF JOHN REED FOR A
_____) REZONE
)

WHEREAS, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, _____, 2023 held a duly noticed public hearing to consider the application of John Reed for a Rezone; and

WHEREAS, County staff has presented substantial factual information regarding the Rezone; and

WHEREAS, the hearing was to consider the application of John Reed for a Rezone (CZ #2022-007) to change the zoning of 72.12 acres from RRS-10 to PDD (Planned Development) District to meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan; and

WHEREAS, the properties 055-190-016-000 (31.12 acres) and 055-162-005-000 (40 acres) are located on the north side of Hwy 49 approximately 0.5 mile east of Harmony Lane, (40603 & 40611 Highway 49), Oakhurst; and

WHEREAS, the property is zoned RRS-10 (Residential, Rural, Single Family-10 Acre) District; and

WHEREAS, a draft Negative Declaration (ND #2023-01) was also considered; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that:

1. The proposed use is consistent with the General Plan and Zoning Ordinance. The rezone of 72.12 acres from RRS-10 to PDD (Planned Development) District with a ~5.37 acre buffer zone will meet the standards for clustering established by the Ahwahnee/Nipinnawasee Area Plan. The proposed PDD (Planned Development)

zone district is consistent with the general plan designation of AR (Agricultural Residential) and the area plan designation of AR (Agriculture Rural) and complies with the Density Averaging/Clustering program outlined in Section V.2 of the Ahwahnee/Nipinnawasee Area Plan.

2. The Commission found that any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated. Under the provisions of the California Environmental Quality Act (CEQA), Section 15074 and the Madera County Environmental Guidelines, the County has determined that this project will not have a significant effect on the environment. The Planning Commission therefore approves Negative Declaration (ND 2023-01). The foregoing reflects the independent judgment and determination of the Planning Commission.

3. The Commission found that the Rezoning will not adversely affect the health, safety or general welfare of the citizens of Madera County.

4. As a result of Findings 1 – 3, the Rezone is approved, subject to the attached conditions.

//

//

//

//

//

//

//

//

//

//

//

//

//

* * * * *

The foregoing resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Madera County Planning Commission on this _____ day of _____ 2023 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: _____

COMMISSIONER DAL CERRO VOTED: _____

COMMISSIONER BURDETTE VOTED: _____

COMMISSIONER NIJJAR VOTED: _____

COMMISSIONER ESTRADA VOTED: _____

MADERA COUNTY PLANNING COMMISSION

_____, _____

ATTEST:

Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: _____