



# Community and Economic Development Planning Division

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Director

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**PLANNING COMMISSION DATE:** October 3, 2023

**AGENDA ITEM:** #1

<b>CUP</b>	<b>#2023-007</b>	<b>Conditional Use Permit for Mini Storage Facility</b>
<b>VA</b>	<b>#2023-001</b>	<b>Variance for 18.94.075 - Mini storage facilities</b>
<b>APN</b>	<b>#057-170-063</b>	<b>Applicant: Keith Horton</b> <b>Owner: HORTON KEITH &amp; ROGERS JENNIFER ETAL</b>
<b>CEQA</b>	<b>MND #2023-21</b>	<b>Mitigated Negative Declaration</b>

### REQUEST:

A Conditional Use Permit (CUP#2023-007) for a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces. Also, a variance (VA#2023-001) for the exemption of landscaping and screening requirements from Madera County Ordinance section 18.94.075 - Mini storage facilities.

### LOCATION:

The subject property is located on the north side of Highway 41, approximately 600 ft northeast from the intersection with Empty Creek Road, (No Situs), Oakhurst.

### ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2023-21) (Exhibit S) has been prepared and is subject to approval by the Planning Commission.



**RECOMMENDATION:** Adoption of a resolution approving Conditional Use Permit #2023-007 and Variance #2023-001 subject to conditions, Findings of Fact, Mitigated Negative Declaration #2023-21 and associated Mitigation Monitoring Program.

**GENERAL PLAN DESIGNATION (Exhibit A):**

SITE: CC (Community Commercial) Designation

**Oakhurst Area Plan Designation (Exhibit A-1):**

SITE: CC (Community Commercial) Designation

SURROUNDING: CC (Community Commercial) Designation; LI (Light Industrial)

**ZONING (Exhibit B):**

SITE: CRM (Commercial, Rural, Median) District

SURROUNDING: CRM (Commercial, Rural Median) District; RRS 2 ½ (Residential, Rural, Single Family 2 ½ Acre) District; ARE-20 (Agricultural, Rural, Exclusive 20 Acre) District

**LAND USE:**

SITE: Commercial

SURROUNDING: Commercial, Residential, Agricultural

**SIZE OF PROPERTY:** 7.97 Acres

**ACCESS (Exhibit A):** Access to the site is via Empty Creek Road

**PROJECT DESCRIPTION:**

The applicant requests a Conditional Use Permit (CUP#2023-007) for a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces. Also, a variance (VA#2023-001) for the exemption of landscaping and screening requirements from Madera County Ordinance section 18.94.075 - Mini storage facilities. There will be nine enclosed storage structures, four covered storage structures, and one office as part of the project development. The project site has trees and vegetation throughout the property and is currently vacant.

The project will include 21 parking spaces, including the Americans with Disabilities Act (ADA) compliant parking. Seven parking stalls will be located south of the enclosed storage units, six parking stalls north and south of the covered storage units, and eight parking stalls adjacent to the office. There will be two storm water detention basins on the project site. One storm water detention basin will be located to the west of the covered storage units and the second storm water detention basin will be located to the south of the office building (refer to figure 1).

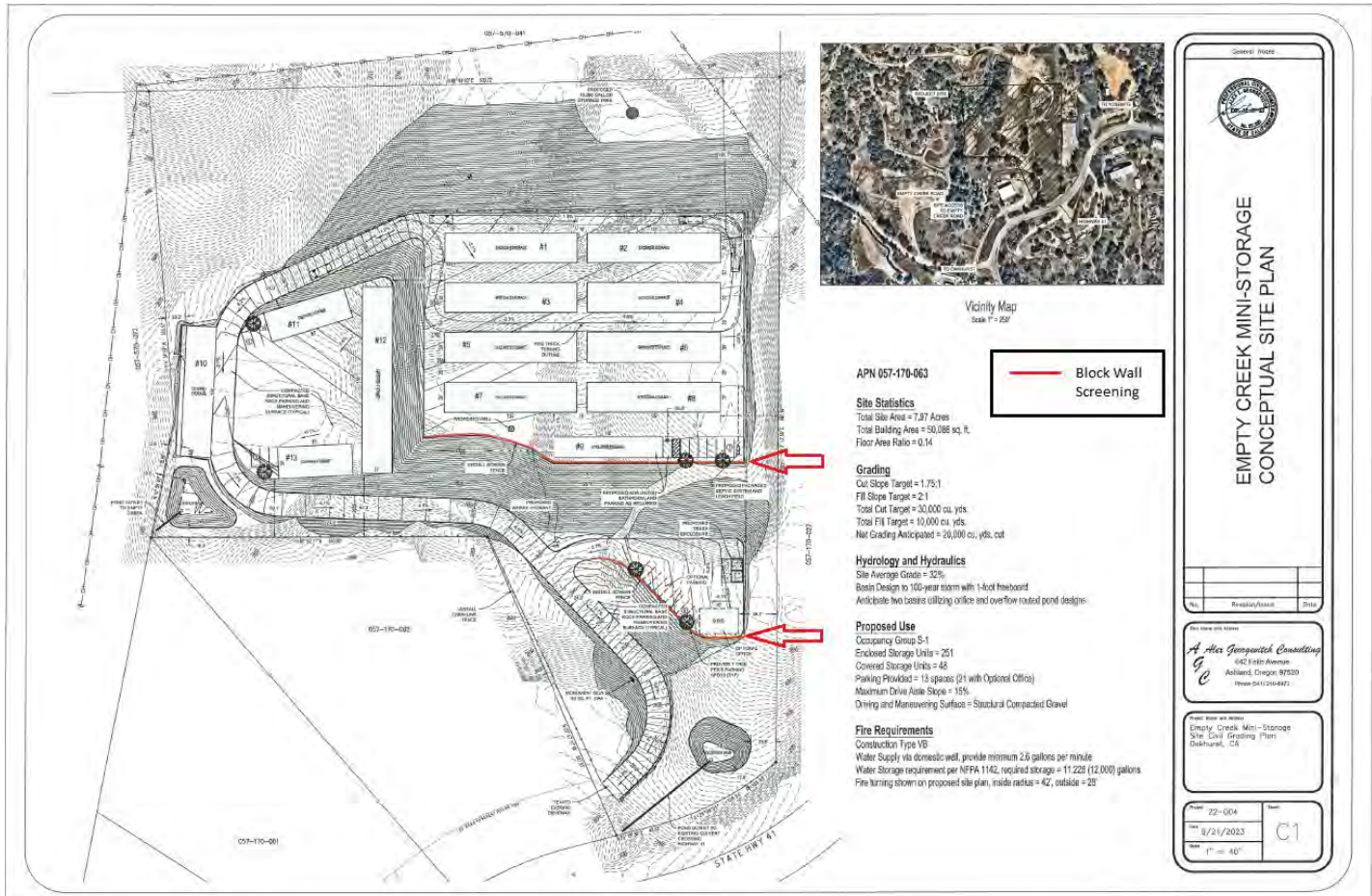


Figure 1

**ORDINANCES/POLICIES:**

Section 18.34.010 of the Madera County Zoning Ordinance outlines the permitted uses within the CRM (Commercial, Rural, Median) District.

Chapter 18.92 of the Madera County Zoning Ordinance outlines the procedures for the processing of conditional use permits.

Chapter 18.94.075 of the Madera County Zoning Ordinance outlines the Mini storage facilities requirements.

Chapter 18.04.337 of the Madera County Zoning Ordinance provides the definition of Mini Storage



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Part 1 of the Madera County General Plan outlines the CC (Community Commercial) designation.

Goal 1.D: To designate adequate commercial land for and promote development of commercial uses to meet the present and future needs of Madera County residents and visitors and maintain economic vitality.

Policy 1.D.1 of the Madera County General Plan require that new Community Commercial centers located adjacent to major activity nodes and major transportation corridors.

Policy 1.D.2 of the Madera County General Plan require that the County shall promote new commercial centers to provide a variety of goods and services, both public and private.

Land Use – Development Proposals of the Oakhurst Area Plan outline the following goals:

LU-10: Formulate and implement highway frontage development improvement programs for the commercial corridor along Highway 41 and, 49 and Road 426.

LU-11: Encourage and where possible, require the provision of shared or common driveways.

**ANALYSIS:**

The applicant is requesting a Conditional Use Permit and Variance to construct a mini storage facility with the exemption of landscaping and screening. There will be nine enclosed storage structures with approximately 250 storage units, four covered storage structures with approximately 50 outdoor storage spaces, and one office as part of the project development. The project will include 21 parking spaces, including the Americans with Disabilities Act (ADA) compliant parking. Seven parking stalls will be located south of the enclosed storage units, six parking stalls north and south of the covered storage units, and eight parking stalls adjacent to the office. There will be two storm water detention basins on the project site. One storm water detention basin will be located to the west of the covered storage units and the second storm water detention basin will be located to the south of the office building. The proposed mini storage facility will be encompassed by a chain link to the north, east, and west while the southern portion of the facility will be screened.

The applicant is requesting a variance regarding Madera County Municipal Code 18.94.075 (b) & (d) which states (b) A landscaped buffer at least ten feet deep shall be planted and maintained along all interior property lines abutting an existing or proposed residential development and (d) Mini storage facilities shall be surrounded by a minimum eight-foot screening wall or fence. Screening walls

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shall be designed to screen the site from public right-of-ways and adjoining properties. The project site sits above grade of neighboring commercial parcels located on the east and west side of the property and is above grade from S.R. 41. The parcel is surrounded by native flora and is hidden from the designated scenic route of S.R. 41. The project site is visible from Empty Creek Road, where the project access is located, and staff recommends that an 8-foot block wall to be constructed along the southern portion of the parcel surrounding the office and bordering the enclosed storage units (Exhibit D-1). With the parcel being engulfed by the natural environment, staff recommends approval of the exemption of landscaping as the site will benefit by blending in with the surrounding parcels and environment.

The Madera County Municipal Code allows for the placement of the fencing and landscaping buffer be modified on consideration to the landscaping buffer zone. The Madera County Municipal Code also allows for the placement of the fencing and landscaping buffer be modified on a case-by-case basis by the planning director, subject to review by the planning commission, considering specific site topography, location, public improvements, aesthetics, and ease of maintenance.

A Biological Evaluation (B.E.) was completed to support this Initial Study. The B.E. assesses the types of habitats present and sensitive species associated within those habitats on the project site and surrounding areas. The source of information to assist in the B.E. included the California Natural Diversity Data Base (CNDDDB) and California Native Plant Society (CNPS), manuals, reports, and references related to plants and animals of the Sierra Nevada Foothills region and a field survey. The B.E. determined the project site has the potential to be used for nesting by a variety of birds protected by state and federal law. If project construction takes place during the nesting season, birds nesting on the site could be injured or killed by construction activities or disturbed such that they would abandon their nests. To mitigate the impact to less than significant if construction occurs between February 1 and September 1, a qualified biologist will conduct pre-construction surveys for active bird nests within ten days prior to the start of construction. The survey area will encompass the site and accessible surrounding lands within 250 feet for nesting migratory birds and 500 feet for raptors (i.e., birds of prey). Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently (Exhibit P).

Within 15 feet of the project, but outside the project impact area established by the biological survey report, a seasonal tributary that runs north to south is located along the north property line. The proposed mini storage project is not anticipated to impact the tributary. The seasonal tributary joins with Empty Creek

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alongside Empty Creek Road and S.R. 41 and will discharge into Nelder Creek. Both Empty Creek and Nelder Creek are considered blue line streams which are under State and Federal jurisdiction, and both creeks are located outside the biological study area. The current plans include avoiding the bed, bank, and channel of jurisdictional waters. To avoid and minimize the potential for construction-related impact to tributaries, the project shall implement Stormwater Best Management Practices (BMP'S) per the developed project Storm Water Pollution Prevention Plan and shall ensure impacts to tributaries do not occur.

A Vehicle Miles Traveled (VMT) Analysis was conducted utilizing the 11<sup>th</sup> Edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual, land use code 151 for mini warehouse, and it was anticipated that the project will generate 73 average daily trips. Based on the analysis and guidance from the OPR it can be determined that the site generates less than 110 trips per day and therefore has a less than significant transportation impact (Exhibit Q).

Oakhurst is located in an area designated as a State Area of Responsibility (SRA); however, the area is deemed very high fire severity (Office of the State Fire Marshal , n.d.). Some of the issues facing Oakhurst are that large areas have heavy concentrations of grass and brush that are mingled amongst structures, roads are narrow and winding, and there is an inadequate water supply to support firefighting operations in many community areas. The project shall ensure that road be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface as to provide all-weather driving capabilities. Also, a County Standard Dry Barrel Hydrant shall be installed within 400 feet of the furthest portion of the proposed buildings measured by way of drivable access. In which the hydrant location shall be approved by the Madera County Fire Marshal prior to installation of any portion of the system. (Exhibit K).

#### Conditional Use Permit Analysis

An administrative method of providing relief from the strict terms of a comprehensive zoning ordinance is a conditional use permit. Unlike the variance procedure, the Planning and Zoning Law is silent with respect to the proper criteria to evaluate whether a CUP should be issued. The CUP is well recognized by zoning administrators and the courts as a necessary and proper method to provide flexibility and alleviate hardship. The granting of use permits is a quasi-judicial administrative function. Use permits run with the land (*County of Imperial v. McDougal*, 19 Cal. 3d 505, 510 (1977)). Jurisdictions cannot condition a use permit on its' transfer (*Anza Parking Corp. v. City of Burlingame* 195 Cal. App. 3d 855, 860 (1987)). This basically means that if the facility were to be sold to a new owner, that new owner would have to abide by the conditions in place at time of sale. If the Conditional Use Permit were amended (increase in footprint of the site, new amenities, etc.), then new conditions can be applied dependent on what is being amended. The original conditions would remain in place and enforceable.

The Conditional Use Permit allows the jurisdiction to allow uses that are not typically seen on proposed sites with a series of conditions that would reduce (or eliminate) any potential impacts related to the project. In addition, should an applicant fail to adhere to any of the conditions of approval, having the CUP in place gives the County more leverage to enforce the conditions. This can include up to, and including, revocation of the CUP for failure to adhere to conditions. The county does not necessarily jump right to revocation hearings but goes through the steps of working with the applicant to come into compliance first. If failure to comply continues, then Staff has the standing to bring the CUP to a public hearing before the Planning Commission and to request revocation.

The project was circulated to County Departments and outside regulatory agencies for comments and conditions. This included the San Joaquin Valley Air Pollution Control District, Regional Water Quality Control, Caltrans, and Sheriff's Department.

Pursuant to Public Resource Code (PRC) §21080.3.1(d), the project was also circulated to requesting tribes, including Table Mountain Rancheria, Dumna Wo Wah, Picayune Rancheria of Chuckchansi Tribe and the Chowchilla Yokuts Tribe. This circulation allows for local native tribes the opportunity to indicate if they wish to be further consulted on the project, request various different levels of archaeological studies on site prior to continuing with the processing of the project or starting of constructing, or decline further consultation. No comments were received in return.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,598.00 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,548.00 Department of Fish and Wildlife fee that took effect January 1, 2022, 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 Planning Commission.

**FINDINGS OF FACT:**

The following findings of fact must be made by the Planning Commission to make a finding of approval of the project. Should the Planning Commission vote to approval the project, Staff recommends that the Planning Commission concur with the following:

1. The Commission finds that the proposed use is consistent with the General Plan and Zoning Ordinance, and any applicable Area Plan or Specific Plan. The subject property is designated CC (Community Commercial) by the General Plan and the

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Oakhurst Area Plan. The property is zoned CRM (Commercial, Rural, Median) District. The zone district is consistent with the general plan and area plan designation of CC which allows for retail, wholesale, service uses.

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 Mitigated Negative Declaration (MND 2023-21). The foregoing reflects the independent judgment and determination of the Planning Commission
3. The proposed project does not violate the spirit or intent of the zoning ordinance. The parcel is zoned CRM (Commercial, Rural, Median) District. The zoning designation allows for a mini storage facility with an approved conditional use permit. The conditional use permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and welfare issues to make a recommendation. The approved conditional use permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions and mitigation measures included in the approval.
4. The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. The mini storage facility is in a predominately commercial area in Oakhurst which allows for the proposed use. The proposed mini storage facility will provide the residents of Oakhurst the ability to store their personal goods. With conditions that will prohibit the storage of fuel or other hazardous materials within the storage facility.
5. The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors in that the project had been required to comply with Best Management Practices to address any noise, dust, smoke, odor, glare, or similar factors generated from onsite activity and must operate according to the operational statement and plans. The proposal will not involve hazardous materials being stored onsite. The project is currently in operation as a mini storage facility and adding outdoor boat/RV storage is not projected to significantly increase noise levels in the area.
6. The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the neighborhood. The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties as the surrounding properties are developed for commercial uses.
7. There are exceptional or extraordinary circumstances or conditions applying to the



land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same zoning district. The subject property is higher in elevation than S.R. 41, therefore the project site will be out of sight and the access to the project site will be via private easement. Therefore, the screening of the public right of way will need excessive grading along S.R. 41 and due to the natural topography of the site and surrounding properties, it will not be feasible. By adding additional internal fencing to the site would create operational issues and potentially restrict internal traffic flow, but there will be partial screening at the entrance of the site that faces Empty Creek Road.

8. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Granting of this variance preserves the existing rights of the property owner and will allow a new mini storage facility to serve the Oakhurst and surrounding communities.
9. The granting of such application will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, in the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in that neighborhood. The exemption of landscaping and screening will not affect the surrounding parcel neighbors as they are developed for commercial use. The project site will mostly be hidden from public view traveling along S.R. 41 due to the topographical obstacles and natural environment setting of the north Oakhurst area blocking the view to the site. The screening will partially be exempt as the southern property line will be screened.
10. The granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. The variance will not constitute a grant of any special privileges as the applicant's variance request is necessary due to the topographical challenges that the site provides. Surrounding properties currently have similar landscaping as the project site and due to the natural environment the project site will be hidden.
11. Because of special circumstances, applicable to subject property, including size, shape, topography, location, or surroundings the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The special circumstance that promotes approval for the proposal is the project location. The subject property is in a mountain area. The use of existing trees provides a much more aesthetically appealing alternative that is consistent with the mountain scenery and provides much better screening. Additionally, strict adherence to code section 18.94.075 – D requiring an eight-foot wall or fence surrounding the facilities will provide challenges due to the topography of the site that will require extensive grading. With a partial screening the applicant is able to provide the screening

where necessary for aesthetic and security purposes.

**GENERAL PLAN CONSISTENCY:**

The General Plan designation for the property is CC (Community Commercial) Designation which allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. The property is zoned CRM (Commercial, Rural Median) District which allows for a mini storage facility with a Conditional Use Permit. The Zoning and General Plan designations are compatible with the proposed use.

**RECOMMENDATION:**

Staff recommends approval of Conditional Use Permit (CUP #2023-007) and Variance (VA #2023-001) subject to conditions, Mitigated Negative Declaration #2023-21, Mitigation Monitoring Program, Findings of Fact, and associated Resolution.

**CONDITIONS**

See attached.

**ATTACHMENTS:**

1. Exhibit A, General Plan Map
2. Exhibit A-1, Area Plan
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D-1, Site Plan
6. Exhibit D-2, Floor Plan/Bldg. A
7. Exhibit D-3, Floor Plan/Bldg. B
8. Exhibit D-4, Floor Plan/Bldg. C
9. Exhibit D-5, Floor Plan/Bldg. D & E
10. Exhibit D-6, Elevation/Bldg. A
11. Exhibit E, Aerial Map
12. Exhibit F, Topographical Map
13. Exhibit G, Operational Statement
14. Exhibit H, Project Description
15. Exhibit I, Finding of Fact
16. Exhibit J, Environmental Health Comments
17. Exhibit K, Fire Marshall's Comments
18. Exhibit L, Public Works Comments
19. Exhibit M, SJVAPCD Comments
20. Exhibit N, Caltrans Comments
21. Exhibit O, State Water Resources Control Board Comments
22. Exhibit P, Biological Survey Report
23. Exhibit Q, VMT Analysis
24. Exhibit R, Applicant Comments
25. Exhibit S, Initial Study

**CUP #2023-007**  
**VA #2023-001**  
**STAFF REPORT**

**October 3, 2022**

26. Exhibit T, Mitigated Negative Declaration #2023-21
27. Exhibit U, Resolution

**CONDITIONS OF APPROVAL**

<b>PROJECT NAME:</b>	CUP #2023-007 & VA #2023-001, Keith Horton
<b>PROJECT LOCATION:</b>	Located on the north side of Highway 41, approximately 600 ft northeast from the intersection with Empty Creek Road, (No Situs), Oakhurst.
<b>PROJECT DESCRIPTION:</b>	The applicant is proposing Conditional Use Permit (CUP#2023-007) for a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces. Also, a variance (VA#2023-001) for the exemption of landscaping and screening requirements from Madera County Ordinance section 18.94.075 - Mini storage facilities
<b>APPLICANT:</b>	Keith Horton
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	(559) 676-3787

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	If this proposed project is within 500 feet of an existing Public/Community Water system or within Water Maintenance District service area it shall connect [MCC Title 13, Section 13.52.030]	EH			
2	Maintain all Local and State setback requirements as it relates to municipal or private water and wastewater services [Madera County Code Title 13].	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			
4	Solid waste collection with sorting for recyclables and garbage is required. If applicable at time of project approval Senate Bill 1383 is required to be implemented.	EH			
<b>Fire Marshal</b>					
1	The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (CFC, Sections 503; and CVC Section 22500.1)	Fire			
2	A County Standard Dry Barrel Hydrant shall be installed within 400 feet of the furthest portion of the proposed buildings measured by way of drivable access. The hydrant location shall be approved by the Madera County Fire Marshal prior to installation of any portion of the system. (CFC, Section 507.5.1)	Fire			
3	A minimum of 1500 gallons/min is required for commercial development. Final required flow rates are determined at Building permit submittal. ***check with the water company on available flow ****	Fire			

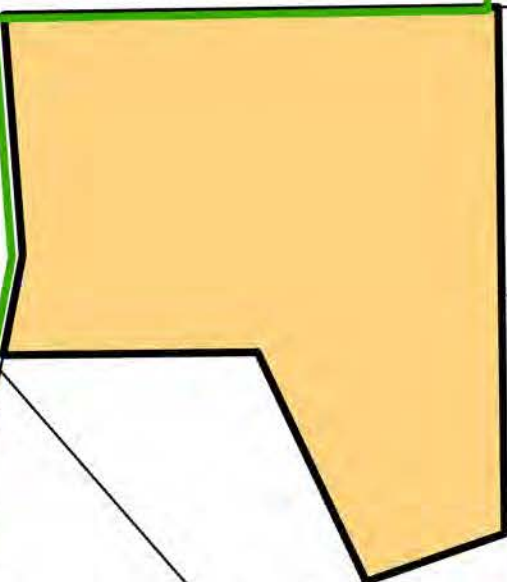
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Planning</b>					
1	Facility to operate in accordance with submitted Operational Statement and site plan unless otherwise modified by conditions of approval and CEQA mitigation measures.	Planning			
2	Must comply with section 5.04.050 General Licensing Requirement: "Except as otherwise provided in this chapter, no person shall maintain, conduct or carry on a business, whether or not for profit, within the unincorporated portion of Madera County without first obtaining a business license. No person shall establish a new or additional business location, change or expand the business use of any building or participate in a change of business ownership without first obtaining a new license. Separate licenses must be obtained for each branch establishment or separate business located within the unincorporated portion of Madera County."	Planning			
3	All areas of circulation related to this project are to be constructed and maintained in a dust free manner.	Planning			
4	If archaeological evidence is noted on the site prior to the start of construction, no work shall start without first notifying the Planning Department.	Planning			
5	If during the grading or trenching work archaeological evidence is found, all work is to stop and the Planning Department is to be notified within 24 hours, or on the first workday following for weekends and holidays.	Planning			
6	No toxic or hazardous waste to be stored on site.	Planning			
<b>Public Works</b>					
1	All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.	Public Works			
2	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works			
3	If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development. Drainage easements must be shown on plans if deemed necessary.	Public Works			
4	Due to the development being located near/adjacent to Caltrans facilities, the applicant will need to reach out to Caltrans for any conditions of approvals and comply with any conditions imposed by Caltrans.	Public Works			



**EXHIBIT A**

RER

RR



RR

CC

41

EMPTY CREEK RD

RR

RER



**GENERAL PLAN MAP**

RER

RR

RR

RR

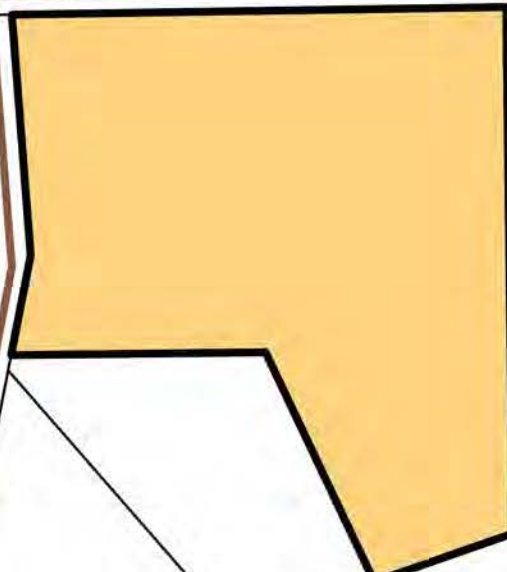
EMPTY CREEK RD

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CC



OAKHURST AREA PLAN MAP



**EXHIBIT B**

ARE-20

RMS

RRS-2 1/2

CRG

CRM

EMPTY CREEK RD

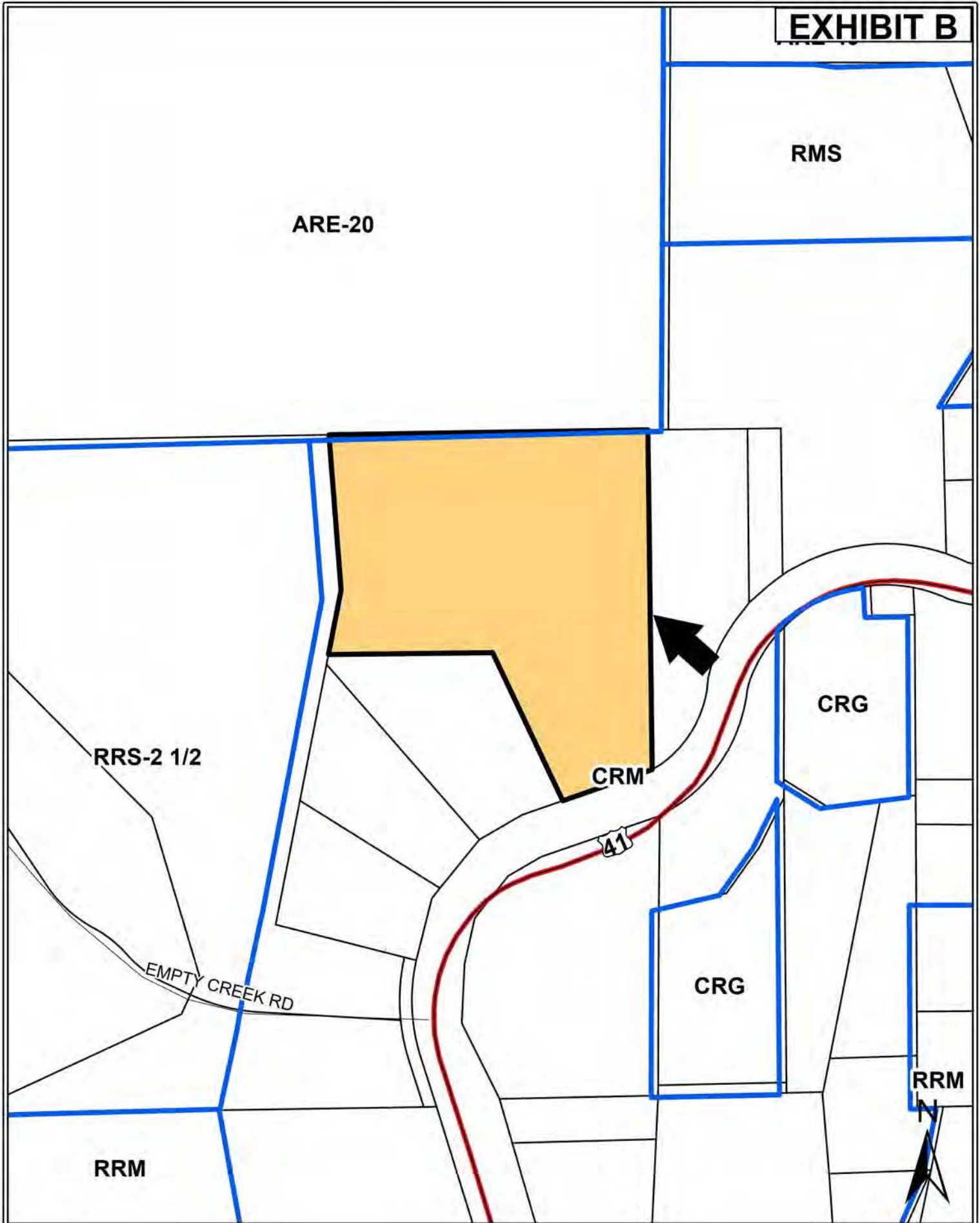
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CRG

RRM

RRM

**ZONING MAP**

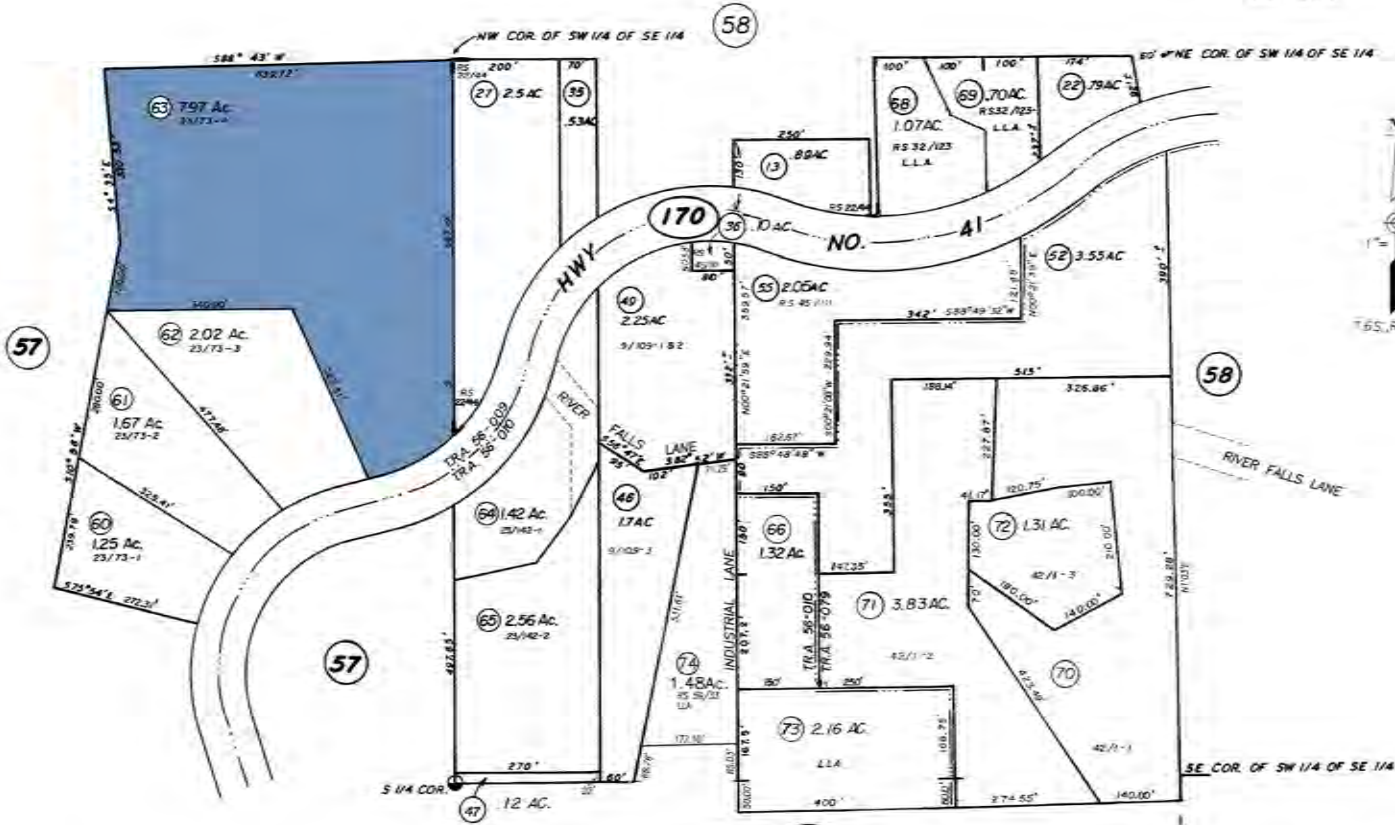


SW 1/4 OF SE 1/4 & POR. OF SW 1/4  
OF SEC.35 T.6S., R.21E M.D.B.&M.

Tax Area Code  
56-009  
56-010  
56-079

57-17

IN BLUE  
ORIGINAL



Vol. 22 page 44 - Record of Survey

NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

NOTE- Assessor's Block Numbers Shown in Ellipses. ○  
Assessor's Parcel Numbers Shown in Circles. ○

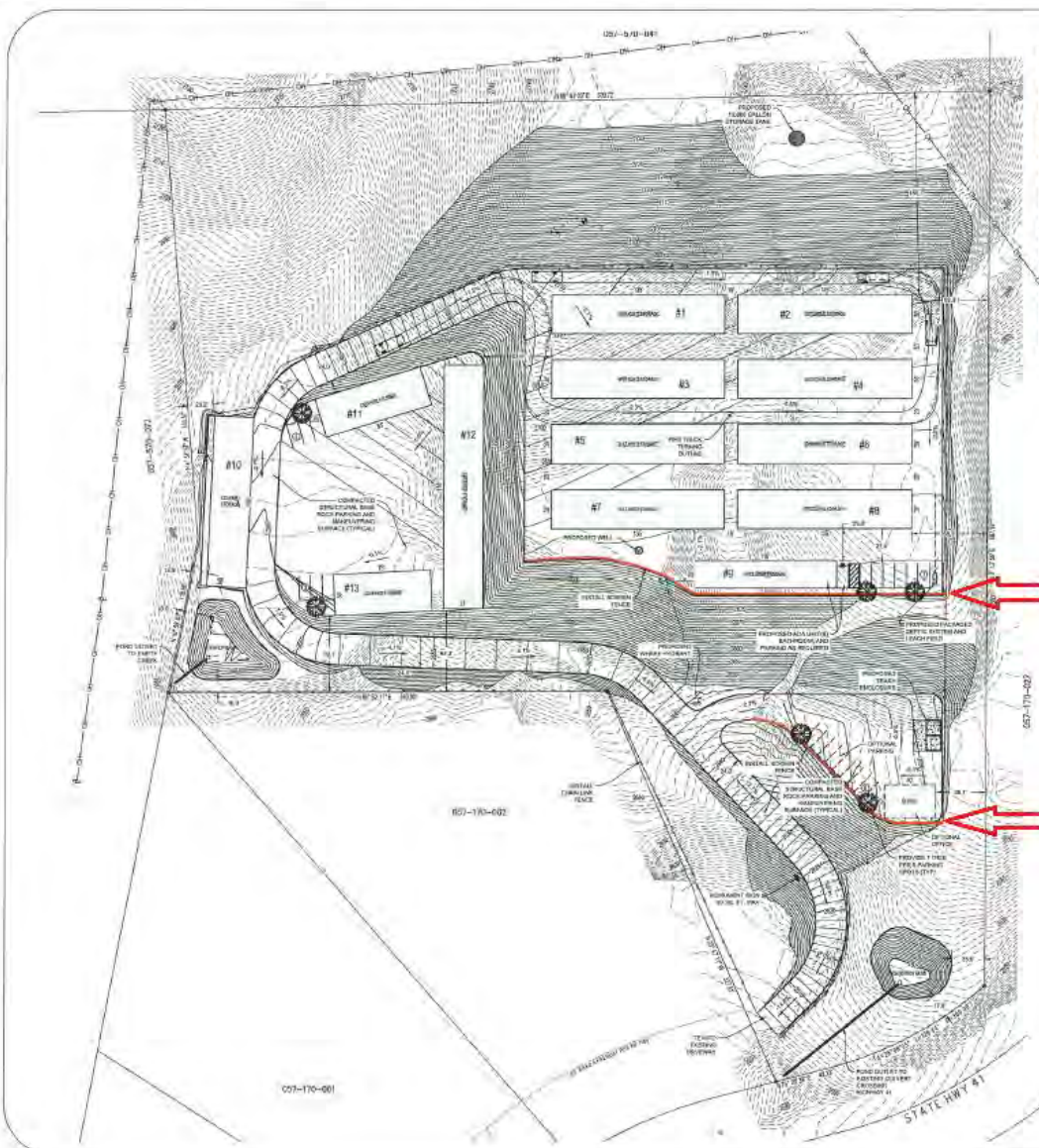
Assessor's Map  
No. 57-17  
Manzanita Div.  
Bass Lake School Dist.  
County of Madera, Calif.  
1966

ASSESSOR'S MAP

EXHIBIT C



# SITE PLAN MAP



Vicinity Map  
Scale 1" = 200'

**Block Wall Screening**

APN 057-170-063

**Site Statistics**  
 Total Site Area = 7.97 Acres  
 Total Building Area = 50,088 sq. ft.  
 Floor Area Ratio = 0.14

**Grading**  
 Cut Slope Target = 1.75:1  
 Fill Slope Target = 2:1  
 Total Cut Target = 30,000 cu. yds.  
 Total Fill Target = 10,000 cu. yds.  
 Net Grading Anticipated = 20,000 cu. yds. cut

**Hydrology and Hydraulics**  
 Site Average Grade = 32%  
 Basin Design via 100-year storm with 1-foot freeboard  
 Anticipate two basins utilizing orifice and overflow routed pond designs

**Proposed Use**  
 Occupancy Group S-1  
 Enclosed Storage Units = 251  
 Covered Storage Units = 48  
 Parking Provided = 13 spaces (21 with Optional Offices)  
 Maximum Drive Aisle Slope = 15%  
 Driving and Maneuvering Surface = Structural Compacted Gravel

**Fire Requirements**  
 Construction Type VB  
 Water Supply via domestic well, provide minimum 2.6 gallons per minute  
 Water Storage requirement per NFPA 1142, required storage = 11,223 (12,000) gallons  
 Fire hosing shown on proposed site plan, inside radius = 42', outside = 28'

General Notes

**EMPTY CREEK MINI-STORAGE  
CONCEPTUAL SITE PLAN**

No.	Revision/Date	Date

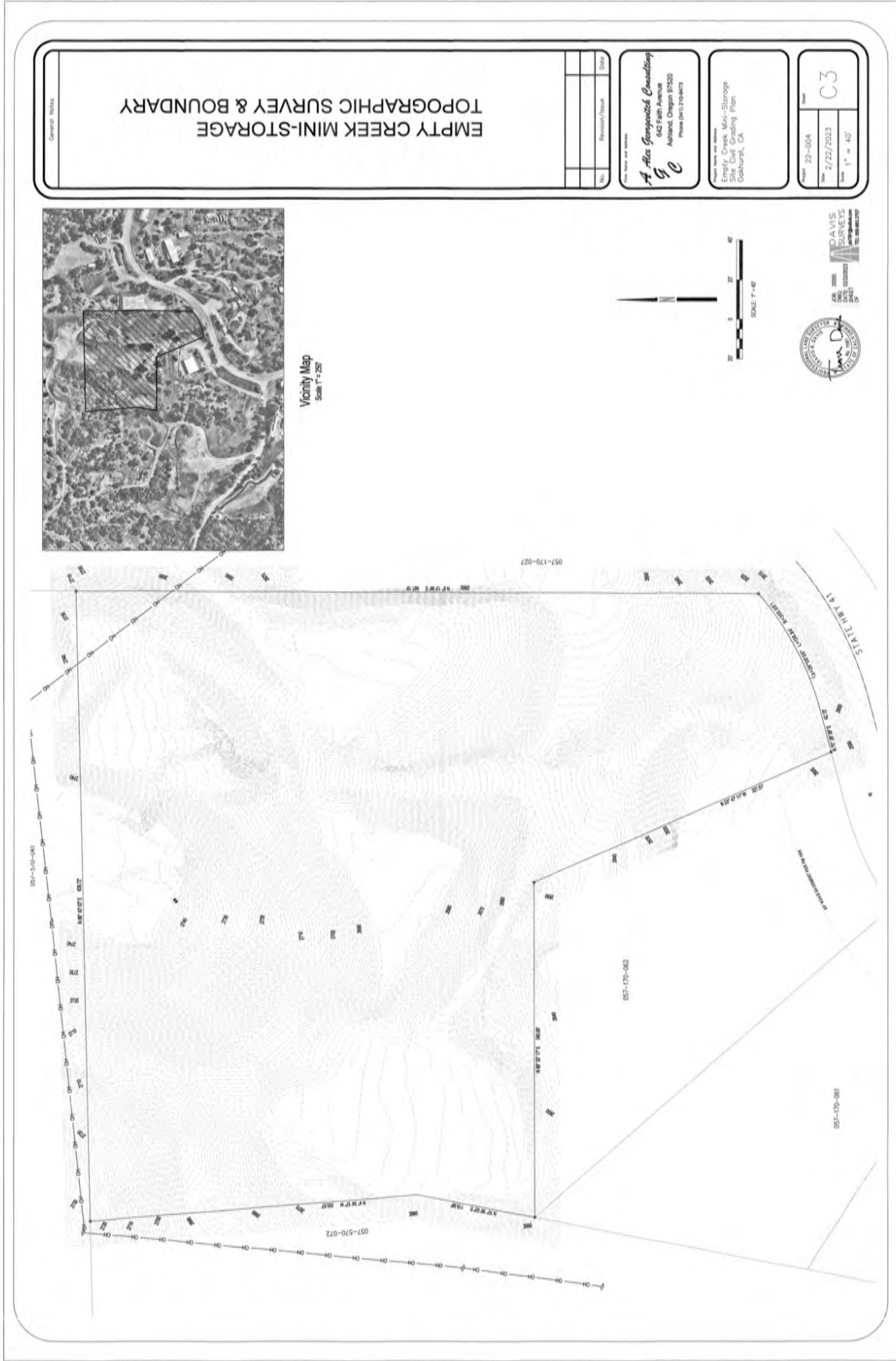
(See Note 104 Address)

*Alex Georgievich Consulting*  
 g e  
 442 19th Avenue  
 Oakland, Oregon 97502  
 Phone (503) 270-6871

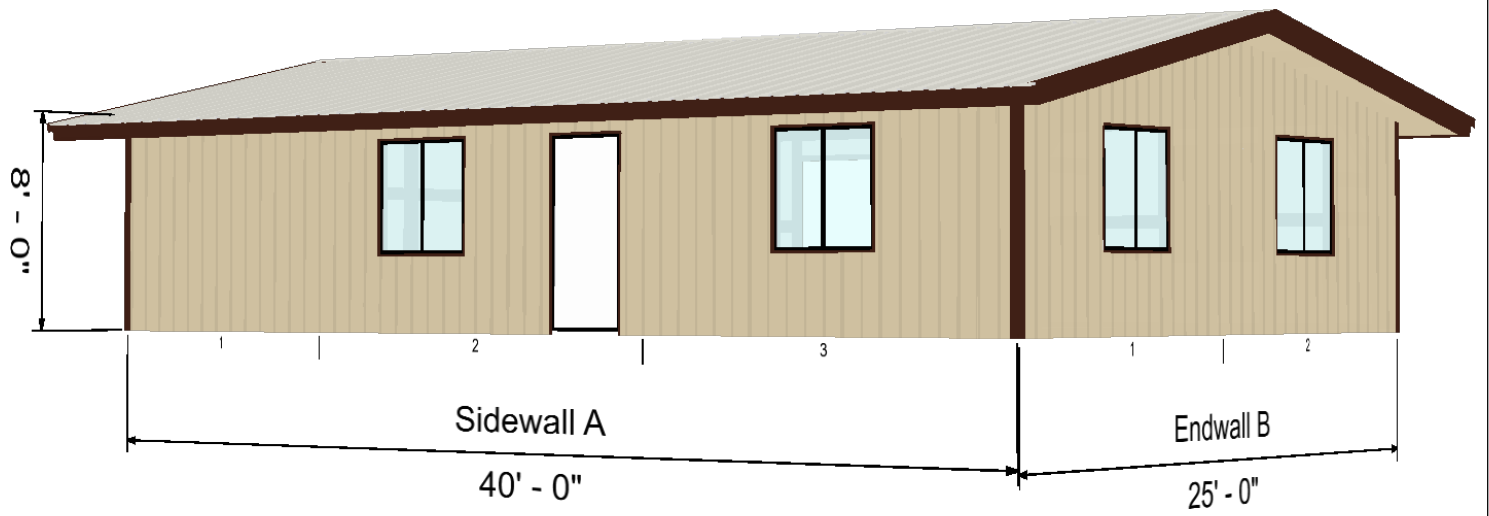
(Project Name, Not Address)  
 Empty Creek Mini-Storage  
 Site Civil Grading Plan  
 Oakhurst, CA

Project: 22-004	Sheet:
Date: 8/21/2023	C1
Scale: 1" = 40'	

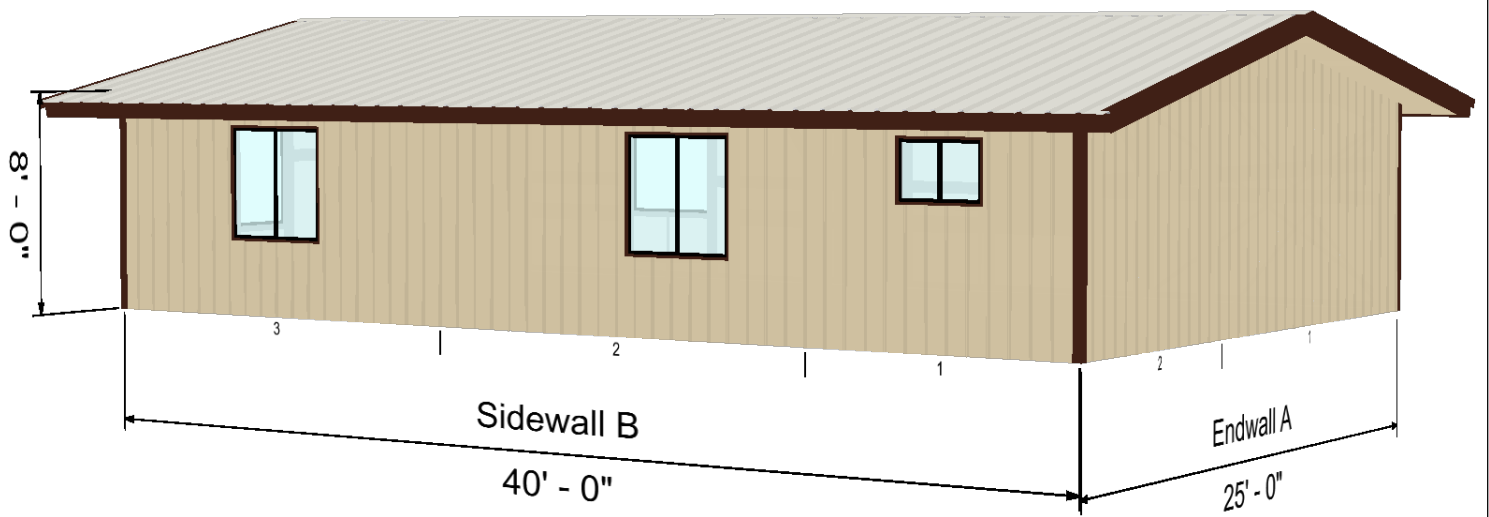




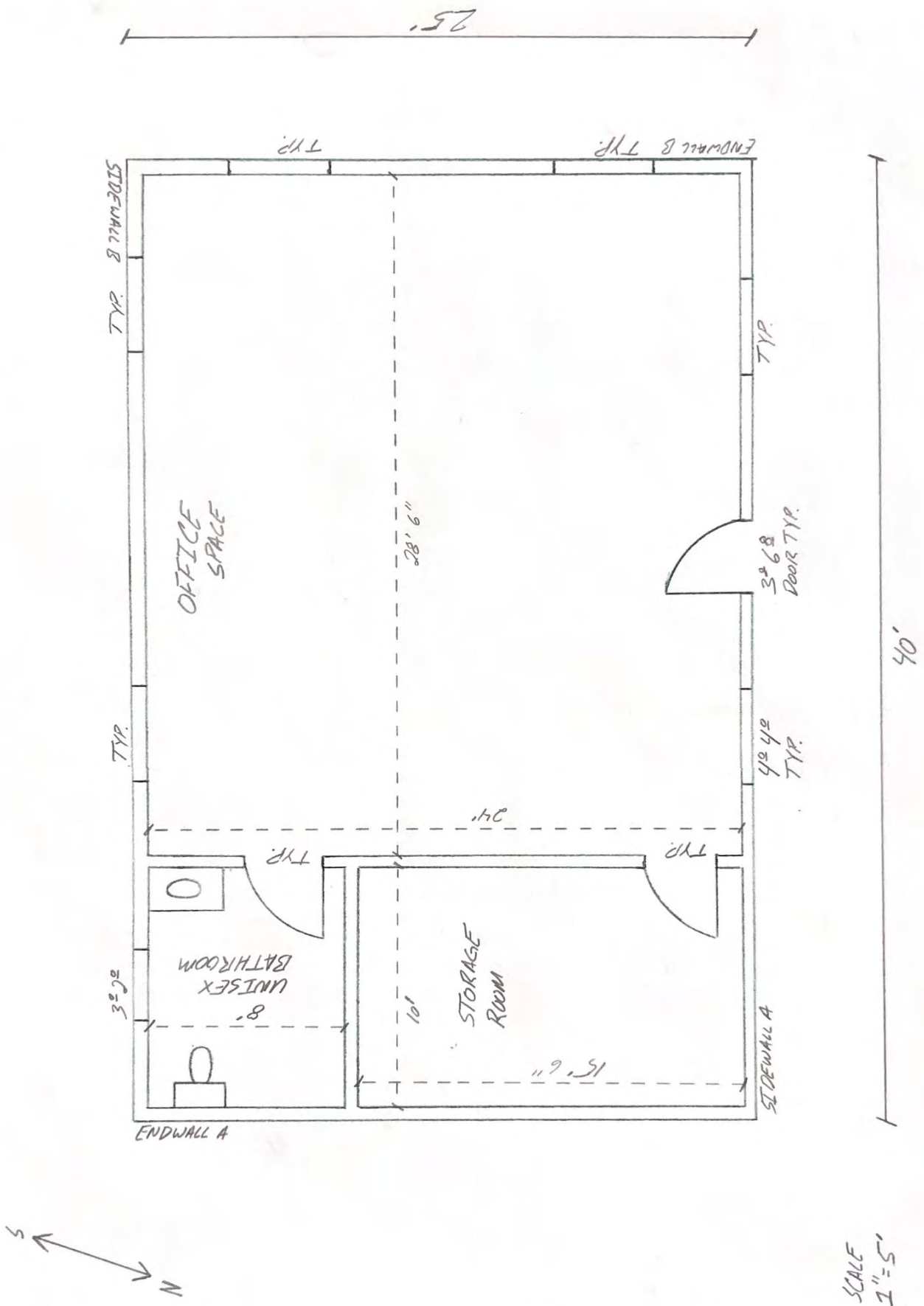
TOPOGRAPHIC SURVEY MAP



**OFFICE ELEVATION MAP**

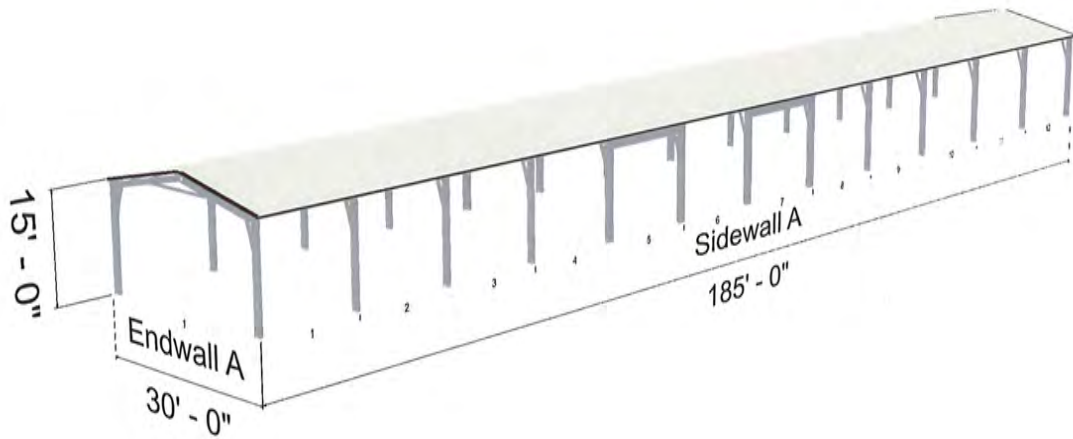
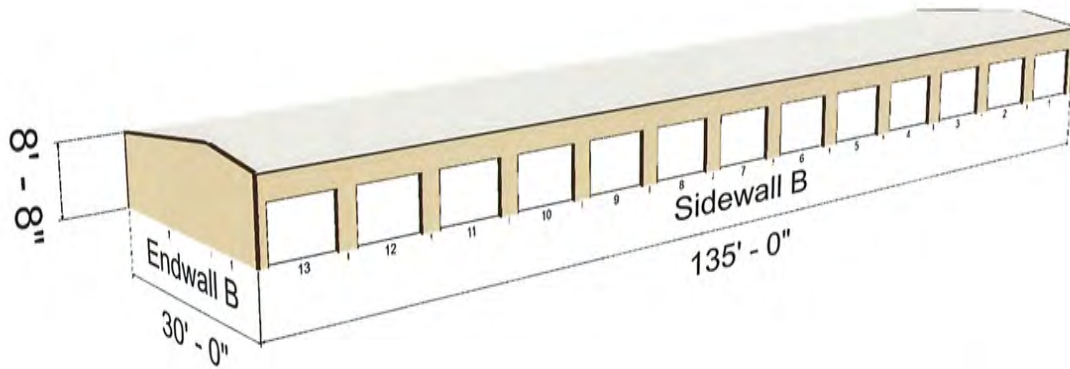
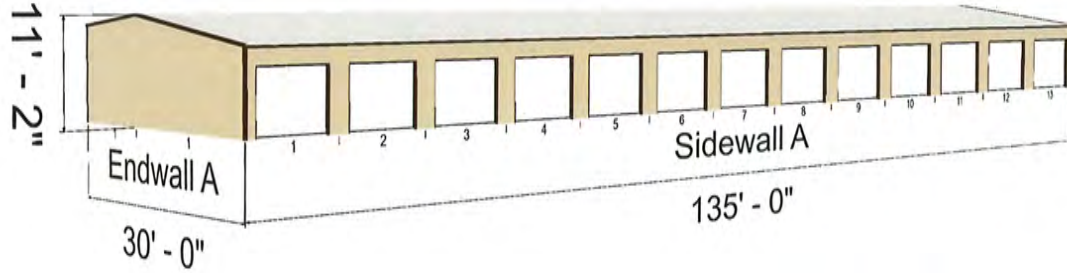


**OFFICE ELEVATION MAP**



OFFICE FLOOR PLAN MAP

**Storage Units Elevation and Floor Plans**



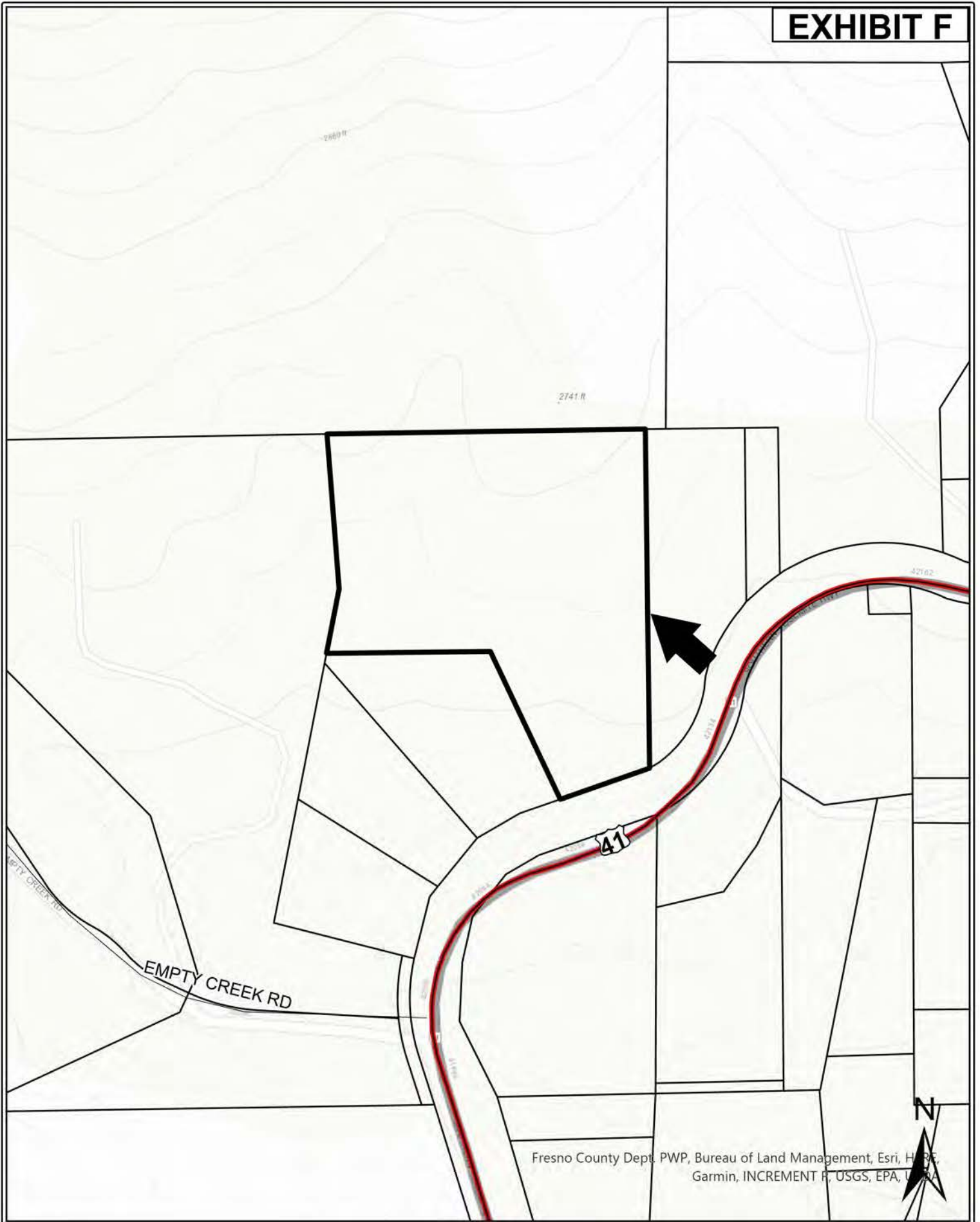
**STORAGE UNITS ELEVATION & FLOOR PLAN MAP**





**AERIAL MAP**





**TOPOGRAPHICAL MAP**

- 200 W 4<sup>th</sup> Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc\_planning@madera-county.com



**Community and Economic Development  
Planning Division**

Matthew Treber  
Director

**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: \_\_\_\_\_  
 Applicant's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

2. Describe the nature of your proposal/operation.

\_\_\_\_\_  
 \_\_\_\_\_

3. What is the existing use of the property?

\_\_\_\_\_  
 \_\_\_\_\_

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?

\_\_\_\_\_  
 \_\_\_\_\_

5. What are the proposed operational time limits?

Months (if seasonal): \_\_\_\_\_  
 Days per week: \_\_\_\_\_  
 Hours (from \_\_\_\_\_ to **7PM**): Total Hours per day: \_\_\_\_\_

6. How many customers or visitors are expected?

Average number per day: \_\_\_\_\_  
 Maximum number per day: \_\_\_\_\_  
 What hours will customers/visitors be there? \_\_\_\_\_

7. How many employees will there be?

Current: \_\_\_\_\_  
 Future: \_\_\_\_\_  
 Hours they work: \_\_\_\_\_  
 Do any live onsite? If so, in what capacity (i.e. caretaker)? \_\_\_\_\_

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

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9. Will there be any service and delivery vehicles? \_\_\_\_\_

Number: \_\_\_\_\_

Type: \_\_\_\_\_

Frequency: \_\_\_\_\_

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

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

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

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

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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.

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

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

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

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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).

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

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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?

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

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

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

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

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

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

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

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

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

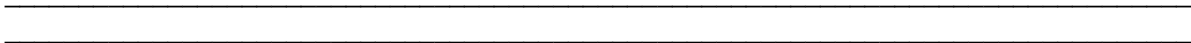
Square feet of building area(s): \_\_\_\_\_

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.



**CONDITIONAL USE PERMIT APPLICATION**

For: THE HORTON FAMILY OF OAKHURST, CA.

This is an application for a Conditional Use Permit for the development of a self-storage facility in the Community of Oakhurst, California, to be developed by the Horton Family of Oakhurst.

The applicants, the Horton Family, is a local family living and working in the community since 2006. Keith Horton and Jennifer Rogers moved from Colorado to Bass Lake to raise their children in this mountain community which has been a beloved extended family destination spot since 1956. Keith has been in the excavation and construction industry his entire life and for the past 15 years, they have started and operated businesses in the Bass Lake, Oakhurst, and North Fork communities that was felt would not only provide for the family, but also be a helpful contribution to the community.

In addition to excavation and construction, other family projects includes recycling centers, forest cleanup, and building fire camps during wildfire emergencies. They've also enjoyed donating their time and resources to area organizations such as the Boys and Girls club, YHS band, and the North Fork Jamboree. Their son, Matthew Horton, attended school from Bass Lake Elementary through Yosemite High School, bought his first home in Indian Lakes Park at age 18, and has been working in the industry since graduation. Together, as a family, they pride themselves on conscientious, quality work and fully satisfied clients/customers. As with all endeavors, the self-storage facility will be built and operated with pride and integrity and they firmly are of the belief that the new facility will provide a beneficial service to the mountain community.

The Project consists of approximately 251 enclosed storage units and 48 covered storage units. Most of the units are on average consisting of a square footage of 150 gross square feet, with a range of footages of 100 sq. ft. to 300 sq. ft., situated on 7.97 acres of CRM zoned property, resulting in 50,088 sq. ft of structures on the property yielding a Floor Area Ratio of 0.14, where the allowable FAR in the CRM Zone is 0.40. Thirteen (13) of the self-storage units will be constructed to be fully ADA accessible with a proper mix of rentable opportunities and with special ADA accessible features and appropriately placed near the Northeast corner of the upper pad enclosed self-storage units in the project, at a point where grading considerations and drainage considerations can be homogenized to satisfy the accessible grade requirements.

The site will provide a 12,000 gallon water storage tank in compliance with NFPA 1142 base upon the total volume of the largest enclosed structure and in consideration of the Occupancy Hazard Classification and the Type of Construction. For fire water suppression considerations, a conveniently available location is provided for a Wharf Hydrant along the access roadway to the upper areas of the site that house the storage buildings. An on-site well for the provision of potable and fire storage water shall be drilled on the site after the grading activities, and the well must demonstrate the ability to refill the storage tank within a three (3) day pumping period at a minimum rate of 2.8 gallons per minute by testing by a qualified well contractor BEFORE the issuance of any building permits for the construction of storage units on the property.

The travel surface of the access roadway will consist of asphaltic concrete in some area in consideration of the grades necessary to develop the property, and the flatter access and maneuvering areas of the

storage units shall be surfaced with structural compacted gravel to encourage some storm water infiltration and to reduce costs of the development. The access roadways shall maintain a minimum of 24 ft. in the clear, and the travel ways in the storage areas shall maintain a minimum of 20 ft.

All of the building security lighting shall be downlit to avoid any glare trespass on the adjoining properties, and the timing shall be controlled by both photo sensors and motion sensors. Access to the project shall be computer controlled at the automated gate access point near the southeast corner and programmed to only operate between the hours of 7 a.m. to 7 p.m. business hours, accessible 7 days a week. On-site stormwater detention facilities will be installed to detain the post- development off-site flows per the Madera County code, including the allowances for off-site run-on flows.

The Project Site Plan and the other attendant Exhibits hereto demonstrate the goals and the intent of the Horton family in this proposal by blending common sense and the seasoning of a California Licensed Engineering Contractor owner. Clearly, this use is the highest and best use for the property. It's approval will enable the County to generate both sales tax revenue and secured property tax revenue generation.

The support of the County staff and the approval by the Madera County Planning Commission of this proposal and the variances thereto would be genuinely appreciated and it will help improve the northerly portions of the Oakhurst community.

## Findings of Fact

(Per Madera County Code 18.106.040)

### In Support of a Variance from Provisions in County Code 18.94.075

Following are the Findings of Fact to support the Approval by the Madera County Zoning Code 18.94.075 for the development of a new Self-Storage Facility situated on the west side of Hwy 41 with its access off of Empty Creek Rd , Oakhurst, California.

BACKGROUND: With the residential down-sizing trend and together with the clear new preference for smaller and more dense housing types, the results therefrom are an increasing demand for personal and business storage, and therefore, the need for this new self storage is clearly apparent to the applicant.

INTRODUCTION: This Variance Application and the attendant Findings of Fact is being processed in conjunction with the processing of a Conditional Use Permit which is required for this CRM Zoned property (APN 057-170-063) under Madera County Code 18.94.075. The Subject property is adjoining an automotive repair and service center located on the neighboring APN 057-170-062, both of which were created by Parcel Map No. 1199 as recorded in Vol. 23 of Book of Maps, at Page 73, M.C.O.R. Access to the proposed storage facility shall be via a 60.00 ft. wide private easement that was granted by and between the previous owners of all those parcels as shown on said Madera County Parcel Map No. 1199. The construction of the new expansion facilities will be phased at the discretion of the ownership, however, the first phase shall provide all the infrastructure elements necessary to support all the phases, and the construction of the various buildings shown on the site plan will be pursued on a "leased up" demand basis.

NECESSARY VARIANCES REQUESTED: The identified conditions that are respectfully requested for approval of a full or partial variance therefrom are in Sections 18.94.075.B, 18.94.075C and 18.94.075Das shall be further articulated and justified herein. Fundamentally, there are special and/or unique and unusual characteristics of this property that warrants the consideration(s) of the granting of the requested variances.

More specifically, the highlighted elements of said Madera County Code 18.94.075 (which was adopted in 2003 with respect to Mini-Storages facilities) are the portions of the Code for which this Variance application is being submitted for the cited reasons.

*"18.94.075 - Mini storage facilities*

*To be allowed by CUP in CUG, CRG, CUM, CRM zone districts and to be allowed by zoning permit in IL and IH zane districts.*

*A. The location, building, topography, site plans, elevations and plan of operation shall be submitted to and approved by the planning agency.*

**B.** *Except as provided for below, all street frontages (not including alleys) shall generally have a ten-foot landscaped buffer measured from the right-of-way property line, to be located between the property line and the screening wall or fence surrounding the mini storage facility as described in subsection D of this section. A landscaped buffer at least ten feet deep shall be planted and maintained along all interior property lines abutting an existing or proposed residential development. A sideyard landscape area will normally include a solid fence or wall on the property line with a minimum of ten feet of landscaping inside of the fence. However, the actual design and placement of the fencing and landscaping buffer may be modified on a case-by-case basis by the planning director, subject to review by the planning commission, taking into account specific site topography, location, public improvements, aesthetics and ease of maintenance. The landscaping buffer shall include mature trees of at least fifteen-gallon size, shrubs and groundcover plantings that will be of sufficient size and number to visually screen the project from the public right-of-ways and adjoining properties within a period of not more than ten years after planting. The landscaping buffer shall utilize xeriscape ("dry" or minimally-irrigated landscape design and planting) and native vegetation when practicable.*

**C.** *A plan shall be provided showing an appropriate irrigation method for watering all landscaped areas of the project to assure survival of landscape plantings.*

**D.** *Mini storage facilities shall be surrounded by a minimum eight-foot screening wall or fence. Screening walls shall be designed to screen the site from public right-of-ways and adjoining properties. The wall shall be designed to be compatible with the adjoining property's planned development.*

**E.** *Onsite parking shall be provided on the site at a ratio of one stall per twenty-five number of storage units. Outdoor storage of vehicles shall be allowed only in a separately enclosed area with required landscape buffers.*

**F.** *Signs located on the exterior of the site shall include an emergency and twenty-four-hour contact number for the general public. The sign shall be located at the main entrance to the site and shall be a maximum of ten square feet with minimum four-inch high lettering.*

**G.** *Storage of hazardous materials is prohibited in mini storage facilities.*

**H.** *Onsite provisions shall be made for permanent public restroom facilities in compliance with state and county codes.*

In order of their presentation in the foregoing section, the Variances shall be discussed in more detail as follows:

1. The site for the proposed project site sits well above the grade of the State Highway 41 transportation corridor. Moreover, the Westerly right-of-way line of Hwy. 41 is coincident with the Easterly boundary of the subject property and is at the top of an existing cut that is approximately 10 -15 ft. in height for most of the project's Highway 41 ROW. The line of sight from a normal Highway 41 northbound passenger in a typical vehicle looking at the site from the highway will generally look at the immediate horizon in front of them at vehicle height or slightly above. Accordingly, the need for a

screening element (fence) and a landscape buffer for this site sitting in the range of 65 ft to 100 ft above the highway grade is unwarranted and would be very difficult to implement due to the existing sloping topography.

2. In conjunction with the granting of the landscape buffer variance, the development standard for trees and shrubs becomes mute. Likewise, the irrigation requirement should be eliminated coincidental with the removal of the streetscape buffer and the right-of-way fencing as well as in conjunction with the requested variance of 18.94.075.C below. The placement of perimeter fencing at a site surrounded by Commercial properties on two (2) sides seems to serve no specific purpose as none of the other surrounding are required to screen their respective commercial utilizations nor is the subject site (in the heart of the central business district of Oakhurst) or adjacent to any residential uses that could see the site at the northerly boundary line. This screening requirement first showed up in the Madera County Zoning Ordinance in 2003 in an acquiescence and apparent response to some negative input from some of the public constituency to two self-storage facilities that were stand-alone projects which were **prominently visible** from Highway 41 in Coarsegold.

3. With the removal of the landscaping bufferyard requirement as articulated and set forth hereinabove, the provision of an Irrigation Plan becomes unnecessary. However, some limited interior plantings of English Privet or Oleander could be utilized on the southerly ends of the pads as suggested on the site plan. Full screening and fencing for this site seems to be both a waste of water resources as well as potentially, an unnecessary fire hazard.

4. The subject site is on the Northerly end of the existing general Oakhurst business district in Oakhurst and on the fringe of the well-known homeless camp enclaves where illegal occupation and purposefully hidden and disguised camping occurs close to city services that the homeless need, most notably food, water and convenience stores. With respect to 18.94.075.D, an opaque screen only exasperates the attractiveness of the facility as a shelter and opportunity for vandalism and unlawful mischief. To screen the facility seems to serve no public health, safety, or welfare purposes. Furthermore, an opaque screen also becomes an invitation for graffiti "tagging" that must be continually removed thereby also wasting resources.

5. According to the Institute of Traffic Engineers-Trip Generation Rates, the traffic generated by self-storage facilities is exceedingly low as most personal visits to the rented units are very infrequent (other than perhaps usage by businesses), and the customers park by the rented unit for short time periods to facilitate additions or removals to the stored materials therein.

6. Public Restroom facilities for the consolidated project will be situated near the most easterly enclosed storage building on the main upper pad near the required handicapped storage units.

The Project Applicant believes that the approval of these variances are pivotal to the economic success of the project as the elements of relief requested would otherwise render the "out-of-pocket" funding difficult and unattainable. Moreover, no other self-storage operations in the mountain area, and in particular, within the community of Oakhurst have been subjected to these onerous conditions. Further,

the development of this property will eliminate the attraction of the homeless population to take up residency on the vacant parcel that is close to the services in the community.

The granting of these requested variances from the express code will not materially or adversely impact or effect the health or safety of the persons working in the neighborhood, nor will it be detrimental or injurious to the general public welfare. The development of the property (as opposed to it remaining vacant) will be a benefit to the public and the community as a whole and will provide sales tax and property tax revenue to the County of Madera.

Additionally, because of the unique topographic constraints, the CRM zoned property would not be attractive for any other type of Commercial enterprises such as retail or restricted retail, and the access off of State Highway 41 would be best served by a very low impact traffic generator which is clearly what self-storages facilities represents, having one of the lowest factors per square footage as per ITE. Therefore, in the opinion of the Applicant and all of his consultants, the Highest and Best use of the property is the proposed self-storage project with all constraints considered.

From the foregoing, it should be clear and found as follows:

- A. There are unique and unusual characteristics with respect to this project. This site is NOT accessible other than through the private easement as described heretofore.
- B. The only reasonable and practical use of the property is most clearly a low traffic generator which the self-storage represents.
- C. The site has previously been "rough graded" in the past for other purposes and therefore the proposed project appears to be the lowest impacting projected use of the CRM property so it will not be detrimental to the properties or the business improvements in the neighborhood, nor will it impact or effect the health, safety, or welfare of the individuals who work or live in the neighborhood as it (the subject) is surrounded by commercially zoned properties.
- D. Due to the notable topographic constraints and lack of Highway 41 access and the adjoining existing automotive use, the granting of these variances would be considered a special privilege to this existing business entity and are necessary to enable the property to be developed to the betterment of the community of Oakhurst and the property tax base of the County of Madera. No other self-storage businesses in the community were involuntarily subjected to these screening and landscaping requirements that would serve no functional property utilization purposes and would instead be a target for graffiti and would be an economic burden on the property owner as well a burden on precious water resources.
- E. The location of the property, significantly above the highway grade and adjoining the existing properties limits the opportunity to improve the property for any viable business uses other than the proposed use. Moreover, its' development will provide a needed opportunity for additional self-storage opportunities for the community evidenced by the demand for same being made on the current ownership of the existing facilities.



The Madera County Planning Commission's approval of the foregoing departures from the cited sections of Title 18 of the Madera County Code is respectfully requested.



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

**M**EMORANDUM

TO: Jacob Aragon  
FROM: Dexter Marr, Environmental Health Division  
DATE: July 21, 2023  
RE: Horton, Keith - Project - PC - Oakhurst (057-170-063-000)

**Comments**

TO: Planning Division  
FROM: Environmental Health Division  
DATE: June 27, 2023  
RE: Project (PRJ) #2023-005 Keith Horton, Oakhurst,  
APN 057-170-063

Madera County Environmental Health Division (MCEHD) comments:

If this proposed project is within 500 feet of an existing Public/Community Water system or within Water Maintenance District service area it shall connect [MCC Title 13, Section 13.52.030]

Comply with Madera County Code Title 13 as it relates to onsite Water and Sewer.

Solid waste collection with sorting for recyclables and garbage is required. If applicable at time of project approval Senate Bill 1383 is required to be implemented.

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.

During the application process for any 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 Division.

If there are any questions or comments regarding these conditions/requirements, please contact this Land Use Division at (559) 675-7823.



Community and Economic Development  
Fire Prevention Division

Deborah Mahler, Fire Marshal  
Deputy Director

**EXHIBIT K**

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

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**MEMORANDUM**

TO: Jacob Aragon  
FROM: Deborah Mahler, Fire Marshal  
DATE: July 21, 2023  
RE: Horton, Keith - Project - PC - Oakhurst (057-170-063-000)

---

**Condition**

The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (CFC, Sections 503; and CVC Section 22500.1)

A County Standard Dry Barrel Hydrant shall be installed within 400 feet of the furthest portion of the proposed buildings measured by way of drivable access. The hydrant location shall be approved by the Madera County Fire Marshal prior to installation of any portion of the system. (CFC, Section 507.5.1)

A minimum of 1500 gallons/min is required for commercial development. Final required flow rates are determined at Building permit submittal. \*\*\*check with the water company on available flow \*\*\*\*

At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)

**COUNTY OF MADERA  
DEPARTMENT OF PUBLIC WORKS**

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

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**MEMORANDUM**

**DATE:** July 21, 2023  
**TO:** Jacob Aragon  
**FROM:** Madera County Public Works  
**SUBJECT:** Horton, Keith - Project - PC - Oakhurst (057-170-063-000)

**Comments**

Provide a grading and drainage plan to address the following:

1. Cut and fill slopes shall not exceed 2:1, the plans indicate that the cut slope target is 1.75:1 Do you have a GeoTech report that states that the soil can handle that slope target?
2. Provide a legend.
3. Show and indicate proposed elevations and existing elevations of the countours
4. Show elevations of finished floors for the storage structures
5. How will storm drain get to the basins?
6. Outfall structure, method of metering water off site
7. Show elevations and flowlines of the culverts and elevations of the west basin
8. Page 24 shows total rainfall volume (in) for 100-yr 24-hours as 4.94. NOAA shows for 100-yr 24-hrs as 8.00. Please clarify where the 4.94 is from.
9. Oil and sand separator
10. O & M plan for cleaning of drainage components.

All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.

Drainage easements must be shown on plans if deemed necessary.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600  
Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.

**COUNTY OF MADERA**  
**DEPARTMENT OF PUBLIC WORKS**

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

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**MEMORANDUM**

**DATE:** July 21, 2023  
**TO:** Jacob Aragon  
**FROM:** Phu Duong, Public Works  
**SUBJECT:** Horton, Keith - Project - PC - Oakhurst (057-170-063-000)

**Comments**

Due to the development being located near/adjacent to Caltrans facilities, the applicant will need to reach out to Caltrans for any conditions of approvals and comply with any conditions imposed by Caltrans.



June 23, 2023

Keith Horton  
 Keith Horton & Matthew Horton  
 P.O. Box 505  
 Bass Lake, CA 93604

**Project:** Project Review PRJ 2023-005 Empty Creek Mini Storage – 250 storage units & 50 outdoor open storage spaces

**APN #:** 057-170-063

**Subject:** District Rule 9510 Indirect Source Review (ISR) applicability

**District CEQA Reference No.:** 20230513

To Whom It May Concern:

Based on the information provided, the San Joaquin Valley Air Pollution Control District (District) concludes that the proposed project is subject to District Rule 9510 Indirect Source Review (ISR) and therefore requires an Air Impact Assessment (AIA). As of the date of this letter, the District has not received an AIA application for this project. Please immediately submit an AIA application to the District to comply with District Rule 9510. One AIA application should be submitted for the entire project. The application provides the required information to quantify emissions from the project and determine the amount of mitigation required.

For your convenience, enclosed is an AIA application, which can also be downloaded from the District's website: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>. Also enclosed is a document with answers to frequently asked questions regarding ISR. This may be used as a reference to better understand ISR and how the District processes applications. For additional information, please visit the District's ISR website: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>.

Please pay close attention to the following important information:

- Generating emissions before paying required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.
- In the event there is a change in project ownership or developer, the new owner/developer is responsible for contacting the District to finalize the AIA.

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

**Northern Region**

4800 Enterprise Way  
 Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**

1990 E. Gettysburg Avenue  
 Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**

34946 Flyover Court  
 Bakersfield, CA 93308-9725

Tel: (661) 392-5500 FAX: (661) 392-5585



Keith Horton  
Page 2

District staff is available to meet with you and/or the applicant to assist in the submittal of the application, help you identify potential mitigation measures to reduce emissions from the project, and further discuss the regulatory requirements that are associated with this project.

Thank you for your cooperation in this matter. If you have any questions or require further information, please contact Jacob Torrez by e-mail at [jacob.torrez@valleyair.org](mailto:jacob.torrez@valleyair.org) or by phone at (559) 230-6558.

Sincerely,

Brian Clements  
Director of Permit Services



for Mark Montelongo  
Program Manager

Enclosures: ISR FAQ and AIA application

June 23, 2023

Jacob Aragon  
City of Madera  
Planning Department  
2000 West 4<sup>th</sup> Street  
Madera, CA 93637

**Project: Oakhurst Mini Storage – CUP #2023-007**

**District CEQA Reference No: 20230513**

Dear Mr. Aragon:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Conditional Use Permit (CUP) from the City of Madera (City) for the proposed mini-storage facility. Per the CUP, the project consists of a new mini-storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces (Project). The Project is located on the north side of HWY 41, approximately 600 ft. northeast from the intersection with Empty Creek Road, in Oakhurst, CA.

The District offers the following comments regarding the Project:

### **1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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

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

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

### **1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

### **2) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities.

The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:  
[www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

### **3) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

### **4) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

## **5) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

### **5a) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 sq. ft. of commercial development.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510. One AIA application should be submitted for the entire Project. It is preferable for the applicant to submit an AIA application as early as possible in the City's approval process so that proper mitigation and clean air design under ISR can be incorporated into the City's analysis.

Information about how to comply with District Rule 9510 can be found online at:  
<http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at:  
<http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

#### **5b) District Rule 4601 (Architectural Coatings)**

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/currnrules/r4601.pdf>

#### **5c) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:  
<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:  
[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **5d) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

#### **6) District Comment Letter**

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

If you have any questions or require further information, please contact Jacob Torrez by e-mail at [Jacob.torrez@valleyair.org](mailto:Jacob.torrez@valleyair.org) or by phone at (559) 230-6558.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager



## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



June 20, 2023

MAD-41-37.996  
PRJ# 2023-005 CUP# 2023-007  
Mini Storage Facility

<https://ld-igr-gts.dot.ca.gov/district/6/report/29988>

### ***SENT VIA EMAIL***

Mr. Jacob Aragon, Planner  
Madera County – Planning Department  
200 West 4<sup>th</sup> Street  
Madera, CA 93637  
[jacob.aragon@maderacounty.com](mailto:jacob.aragon@maderacounty.com)

Dear Mr. Aragon:

Thank you for the opportunity to review Project (PRJ) #2023-005 to allow a Conditional Use Permit (CUP#2023-007) for a mini storage facility with approximately 250 inside units and 50 open-air boat/RV storage spaces. The proposed project is located approximately 0.20 miles north of State Route (SR) 41, approximately 600 feet northeast from the intersection with Empty Creek Road in Oakhurst, CA.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans anticipates the project would have a minimal impact on the State Highway System, particularly the SR 41.
2. Caltrans recommends the project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), to reduce the Project's traffic-related impacts.

3. If transit is not available within ¼-mile of the site, the County might also consider transit be extended to provide services.
4. Active Transportation Plans (ATP) and Smart Growth efforts support the State's 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and GHG emissions in ways that increase the likelihood that people will benefit from a multimodal transportation network.

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner, at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,



Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North



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## State Water Resources Control Board Division of Drinking Water

June 13, 2023

Mr. Jacob Aragon  
Planning Department  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

### **PRJ #2023-005, HORTON, KEITH – PROJECT – PC – OAKHURST (057-170-063-000)**

Dear Mr. Aragon:

The State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW) Merced District is in receipt of the Madera County Community and Economic Development Planning Division Project Review Request titled PRJ #2023-005, Horton, Keith – Project – PC – Oakhurst (057-170-063-000). Upon review, the following comments are applicable to the document:

1. The project document does not indicate whether the public will be allowed to access potable water at the facility. Please indicate if the public will have access to potable water at the facility in the form of restrooms, hose bibs, etc.
2. If the public has access to potable water, the project may be classified as a public water system with regulatory oversight from Madera County Environmental Health – Local Primary Agency 50 (LPA 50) delegated from the SWRCB-DDW.
3. If the project is a public water system, as determined based on the comments above, a preliminary technical report analyzing the feasibility to consolidate with a nearby water system is required to be submitted to LPA 50 prior to issuance of a Domestic Water Supply Permit.
4. If the project is a public water system, as determined based on the comments above, a Domestic Water Supply Permit Application is required to be submitted to LPA 50 for review and approval prior to serving potable water onsite.

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you have any questions regarding the information contained in the report, please contact myself at (559) 447-3316 and [shawn.demmers@waterboards.ca.gov](mailto:shawn.demmers@waterboards.ca.gov).

Sincerely,

Shawn

Demmers



Digitally signed by  
Shawn Demmers  
Date: 2023.06.13  
07:47:51 -07'00'

Shawn Demmers, P.E.  
Merced District Engineer  
Division of Drinking Water  
State Water Resources Control Board

SD

ecc: Madera County Environmental Health Department  
([EHWaterProgram@maderacounty.com](mailto:EHWaterProgram@maderacounty.com))

**Biological Survey Report can be accessed at the  
Madera County Planning Department  
200 W. 4<sup>th</sup> Street, Suite 3100  
Madera, CA 93637**



**Alex Georgevitch Consulting**

642 Faith Avenue  
Ashland, OR 97520  
Email: alexg@andrelix.com

Phone: (541) 261-7442

November 15, 2022

Matthew Treber, Chief of Development Services  
Madera County Planning Department  
200 W. 4th St. Suite 3100  
Madera, CA 93637

**RE: California Environmental Quality Act (CEQA) Vehicle Miles Traveled (VMT) Analysis**

Dear Mr. Treber:

Empty Creek Mini-Storage is a proposed commercial development in Oakhurst that fronts on Highway 41 but takes access off Empty Creek Road. The proposed development is for approximately 50,100 square feet of mini storage on an approximate 7.97-acre site. The site APN is 057-170-063 and the land is currently zoned CRM. Mini storage uses require a Conditional Use Permit (CUP) per Madera County Code of Ordinances section 18.94.075. As part of the CUP application, the applicant is providing the following findings of facts for California Environmental Quality Act (CEQA) transportation impacts.

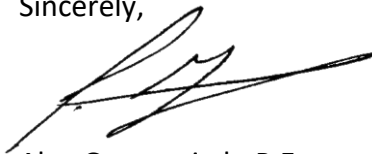
CEQA impacts are identified based on the project's effect on VMT. For land use projects, intersection operation impacts (as measured by Level of Service and similar congestion-based metrics) are specifically excluded from CEQA consideration per CEQA Guidelines §15064.3 and Senate Bill 743 (Steinberg, 2013).

Using the 11<sup>th</sup> Edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual, land use code 151 for mini warehouse, the site is anticipated to generate 73 average daily trips.

**Based on the provided analysis as well as guidance from OPR it can be determined that the site generates less than 110 trips per day and therefore has a less than significant transportation impact.** No further transportation analysis is required.

Thank you and please let me know if you have any questions or concerns.

Sincerely,



Alex Georgevitch, P.E.

Attachments



# Mini-Warehouse (151)

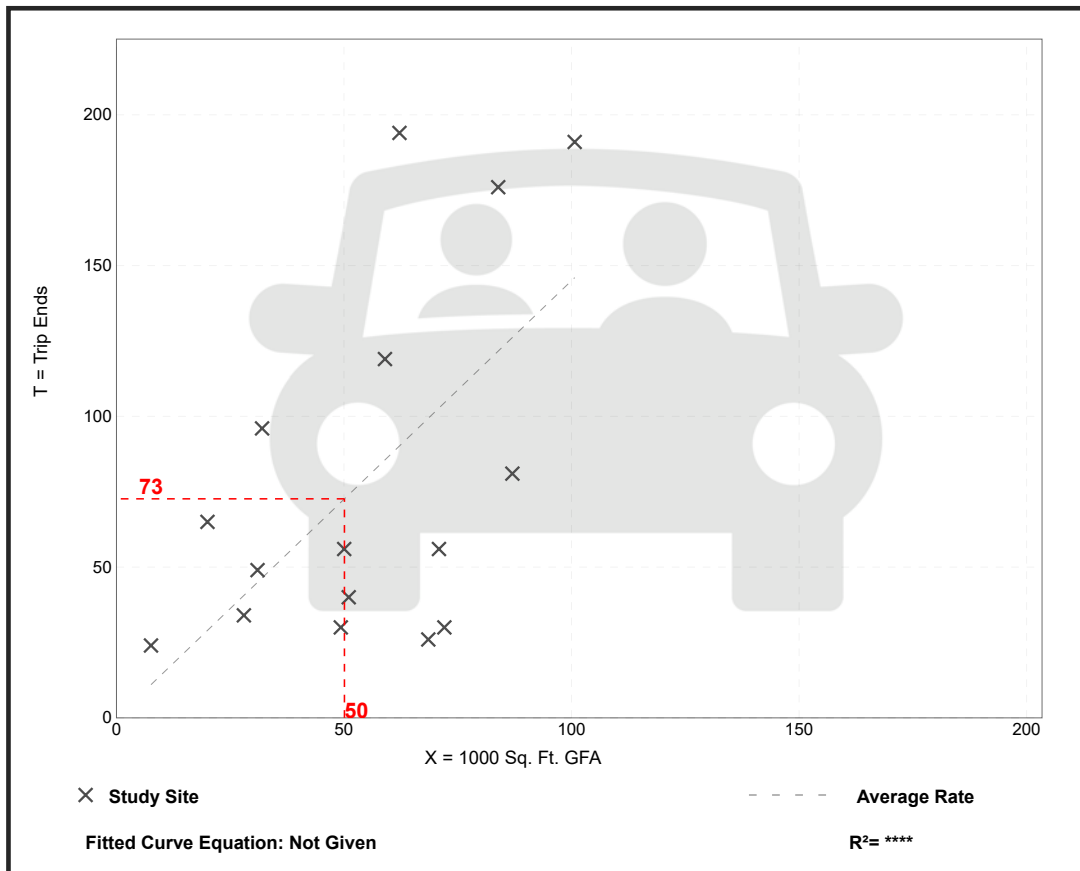
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 16  
Avg. 1000 Sq. Ft. GFA: 55  
Directional Distribution: 50% entering, 50% exiting

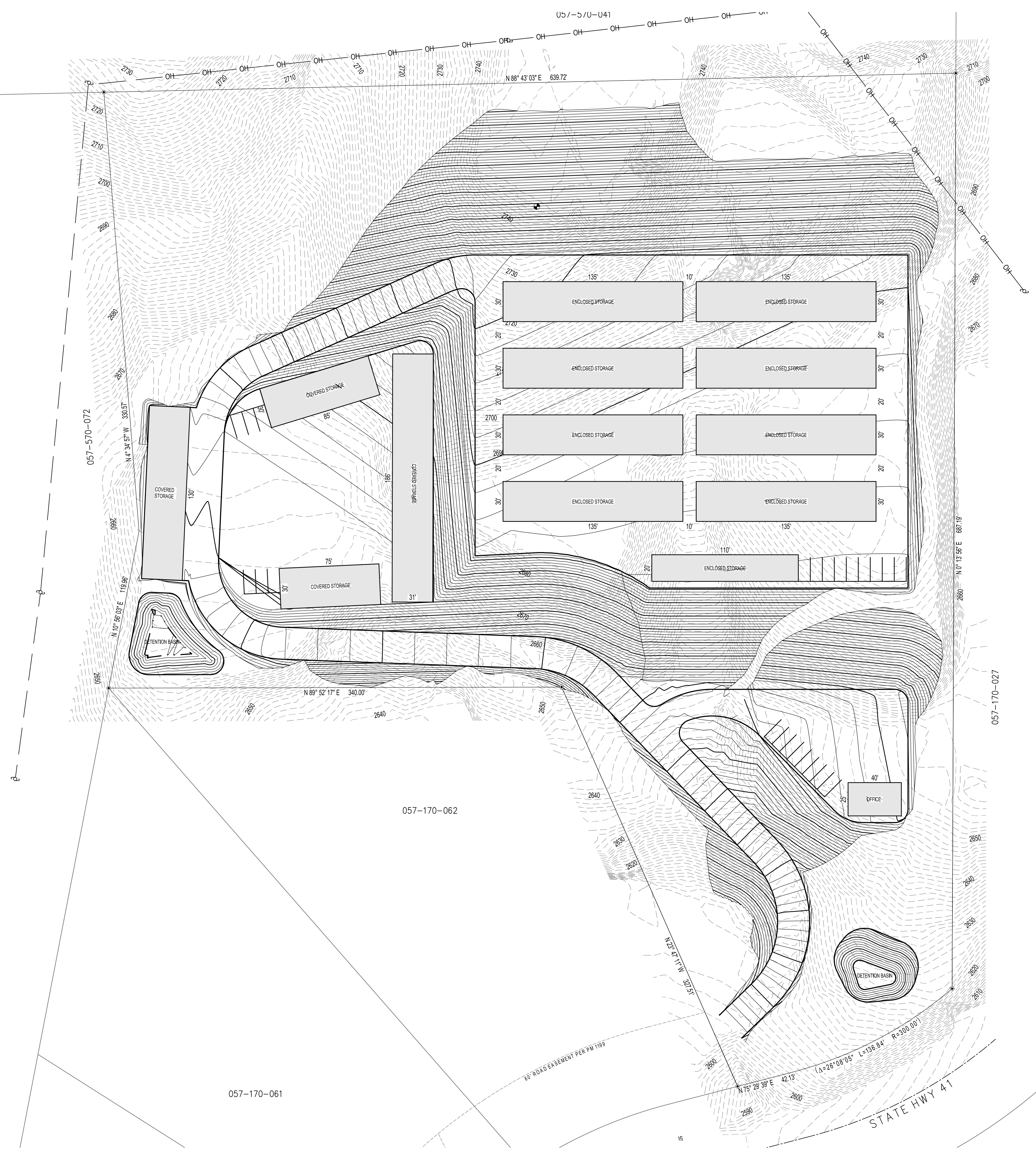
## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.45	0.38 - 3.25	0.92

## Data Plot and Equation







General Notes



# EMPTY CREEK MINI-STORAGE CONCEPTUAL SITE PLAN

No.	Revision/Issue	Date

Firm Name and Address  
**Alex Georgevitch Consulting**  
 642 Faith Avenue  
 Ashland, Oregon 97520  
 Phone (541) 210-8473

Project Name and Address  
 Empty Creek Mini-Storage  
 Site Civil Grading Plan  
 Oakhurst, CA

Project	22-004	Sheet	C2
Date	11/2/2022		
Scale	1" = 40'		



**Re: Screen**

Jacob Aragon <Jacob.Aragon@maderacounty.com>

Mon 9/25/2023 10:54 AM

To: Keith Horton/Matthew Horton <handworks@yahoo.com>

Hello Keith,

I have received the site plan.

Thank you,

---

**From:** Keith Horton/Matthew Horton <handworks@yahoo.com>

**Sent:** Monday, September 25, 2023 10:29 AM

**To:** Jacob Aragon <Jacob.Aragon@maderacounty.com>

**Subject:** Screen

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe. Please forward this email to phish@maderacounty.com if you believe this email is suspicious.**

Jacob,

I wanted to make sure you received the new drawing from Alex. Also, I wanted to let you know that we agree to put up a screen in the location that you requested but we will be asking the commission if we can install a different design that matches the environment and is more aesthetically pleasing. We will bring pictures of our design. We believe a block wall will be as noticeable as the buildings themselves, and would overwhelm the hillside with a stark urban/industrial look as opposed to the beautiful, natural, rural hillside that we enjoy seeing in our community.

We understand why you are making the recommendation. We would like to let you know we do not intend to do what others have done in the community. We want a nice, pleasing to the eye, safe and secure facility that will be a contribution to our community. We want to thank you and the other planners for all that you have done for this project.

Thank you,  
Keith

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

- 1. Project title:** CUP #2023-007 & VA #2023-001 – Horton, Keith
- 2. Lead agency name and address:** County of Madera  
Community and Economic Development Department  
200 West 4<sup>th</sup> Street, Suite 3100  
Madera, California 93637
- 3. Contact person and phone number:** Jacob Aragon, Planner II  
559-675-7821  
  
Jacob.Aragon@maderacounty.com
- 4. Project Location & APN:** The subject property is located on the north side of Highway 41, approximately 600 ft northeast from the intersection with Empty Creek Road, (No Situs), Oakhurst.  
  
APN #: 057-170-063
- 5. Project sponsor's name and address:** Keith Horton  
P.O. Box 505  
Bass Lake, CA 93604
- 6. General Plan Designation:** CC (Community Commercial)  
**Oakhurst Area Plan Designation:** CC (Community Commercial)
- 7. Zoning:** CRM (Commercial, Rural, Median District)

**8. Description of project:**

The project site has trees and vegetation throughout the property and is currently vacant. The applicant requests a Conditional Use Permit (CUP#2023-007) for a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces. Also, a variance (VA#2023-001) for the exemption of landscaping requirements from Madera County Ordinance section 18.94.075 - Mini storage facilities. There will be nine enclosed storage structures, four covered storage structures, and one office as part of the project development.

The project will include 21 parking spaces, including the Americans with Disabilities Act (ADA) compliant parking. Seven parking stalls will be located south of the enclosed storage units, six parking stalls north and south of the covered storage units, and eight parking stalls adjacent to the office. There will be two storm water detention basins on the project site. One storm water detention basin will be located to the east of the covered storage units and the second storm water detention basin will be located to the south of the office building (refer to figure 1).

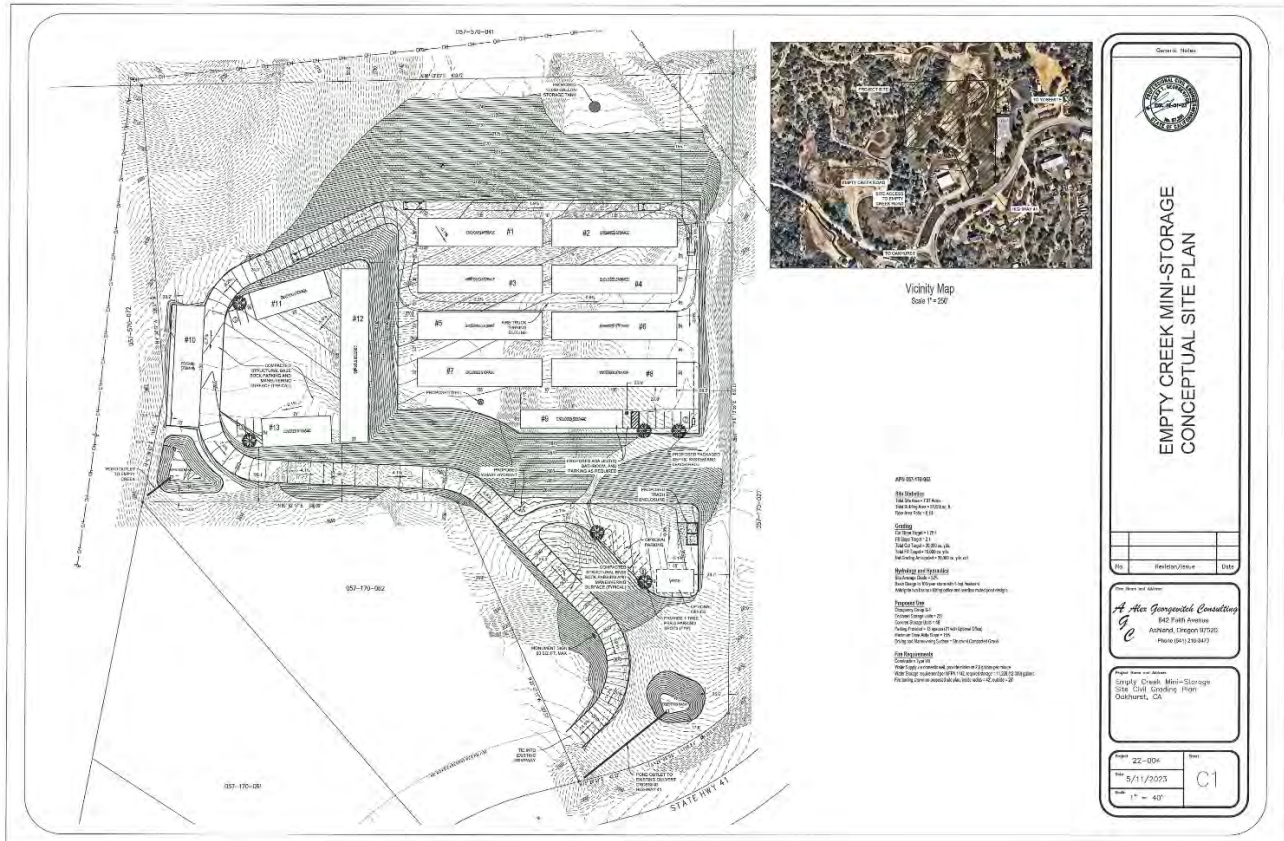


Figure 1 – Site Plan

**9. Surrounding Land Uses and Setting:**

The parcels located to the south and east of the project site have a land use designation of Community Commercial and is zoned CRM (Commercial, Rural, Median District). The parcels are developed with operational facilities. The parcel located to the west has a land use designation of Rural Residential and is zoned RRS-2 ½ (Rural, Residential, Single Family 2 ½ Acre) District. The parcel located north of the project site has a land use designation of Rural Estate Residential and is zoned ARE-20 (Agricultural, Rural, Exclusive, 20 Acre) District. Both parcels located to the north and west of the project site are vacant.

**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.?**

In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area of Madera County. Tribal representatives were advised of the project and invited to request



formal consultation with the County regarding the project within 30 days of receiving the notification letters. Eight notification letters were sent to representatives of the following tribes on April 11, 2022:

- Table Mountain Rancheria
- Picayune Rancheria of the Chukchansi Indians
- Dumna Wo Wah Tribal Government
- Chowchilla Yokuts Tribe

As of the preparation of this Initial Study, more than 30 days following the County's transmittal of notification letters, no requests for consultation have been received. Section XVIII of this Initial Study provides additional discussion of tribal cultural resources and outreach.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

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

Signed: Jacob Aragon Date: 9/20/2023

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Responses:**

**(a) Less Than Significant Impact.** The project site is along scenic vista Hwy 41, and some components of the project will be visible from the route. The vast majority of the project site will be out of sight due to the topographical elevations of the area. The project site sits above Hwy 41 and will be hidden along the scenic vista, therefore having a less than significant impact.

**(b) Less Than Significant Impact.** The project site does contain scenic resources such as trees and rock on the project site but due to the unique shape of the parcel, the material to be removed is not visible from the scenic vista route. The parcel is vacant and will have a less than significant impact on the scenic resources.

**(c) Less Than Significant Impact.** The project site is largely vacant and does not represent a unique or otherwise important visual resource. The project development of mini storage facility would be visible to motorists on Hwy 41 northbound; however, the visual character will be consistent with the existing facilities in the area. The project would not substantially alter the site’s character and would not result in visually dominant or adverse qualities affecting a substantial number of viewers. Therefore, the project’s change in the visual character of the site is considered less than significant.

**(d) Less than Significant Impact With Mitigation.** The project is in an area where development exists to the south and east. Otherwise, the surrounding parcels are vacant. There is potential for additional lighting resulting from the project; however, the additional lighting would be minimal. With the implementation of AES MM-1 it would have a less than significant impact.

**(AES MM-1)** Lighting will be required to be hooded and directed down and away from neighboring parcels to maintain the visual character and mitigate any light disbursement during the evenings.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Responses:**

**(a) No Impact.** The project site is designated as Urban and Built-Up Land by the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use (Department of Conservation, 2016).

**(b) No Impact.** The project site is not subject to a Williamson Act contract and is not zoned for agricultural use. The subject property is zoned CRM (Commercial, Rural, Median District) and has a land use designation of CC (Community Commercial). Community Commercial allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels, motels, public and quasi-public uses, and similar comparable uses. The project use would not convert existing agricultural uses and would not conflict with agricultural uses on adjacent properties (County of Madera , 1995).

**(c - d) No Impact.** The project site does not contain forest land or forest resources and is not zoned for such uses.

**(e) No Impact.** The project would not involve changes to convert agricultural land or forest land to non-agricultural or non-forest land.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a) Less Than Significant Impact.** The project is consistent with the Air Quality Element of the General Plan and does not impact it at all.

**(b) Less Than Significant Impact with Mitigation** A less than significant impact have been identified as a result of this project. During the construction phase of the project, there is the potential for a slight increase in emission, yet this increase is considered temporary. The general operations of a mini storage facility will not have significant impacts to air quality. The project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the GAMAQI per SJVAPCD comments.

**AIR MM-1** Per District Rule 9510, (Indirect Source Review) mitigations have been enforced by the district to help mitigate the potential impact the project can have on air quality. If subject to rule, an Air Impact Assessment (AIA) application will be required prior to project-level approval. The applicant is required to follow all mitigations listed by the San Joaquin Valley Air Pollution Control District.

**(c-d) Less Than Significant Impact.** Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. The proposed project is of the first type only since it involves a potential new odor source and would not locate any new sensitive receptors.

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.



The project is one mile from the nearest sensitive receptor, the project is not expected to be a significant source of odors. The screening levels for these land-use types are shown in Table 1.

Table 1: Screening Levels for Potential Odors

<b>Odor Generator</b>	<b>Screening Distance</b>
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile
Wastewater Treatment Facilities	2 miles
Source of Thresholds: San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: <a href="https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF">https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF</a> .	

## **Construction**

During construction, various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and intermittent, which would decrease the likelihood of the odors concentrating in a single area or lingering for any notable period of time. As such, these odors would likely not be noticeable for extended periods of time beyond the project’s site boundaries. The potential for odor impacts from construction of the proposed project would, therefore, be less than significant.

## **General Information**

### Global Climate Change

Climate change is a shift in the “average weather” that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is “very high confidence” (by IPCC definition a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

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
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**IV. BIOLOGICAL RESOURCES**

Would the project:

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of a native wildlife nursery site?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**(a) Less Than Significant Impact with Mitigation.** A Biological Survey Report (BSR) was completed to support this Initial Study. The BSR assesses the types of habitats present and sensitive species associated within those habitats on the project site and surrounding areas. A field survey was conducted on the project site on December 13<sup>th</sup>, and the 23<sup>rd</sup>, 2022. All accessible adjacent roadways were driven to observe is previous year migratory nests were within proximity of the project (Jenny Kirk, 2022). As an additional component, jurisdictional water and their tributaries were surveyed where present on the biological survey area.

The project site has the potential to be used for nesting by a variety of birds protected by state and federal law. Although the survey was conducted outside of the nesting season,

the trees within the biological survey were scanned for abandoned nests. None of the trees within the biological survey area contained abandoned raptor nest, and no other abandoned nests were observed (Jenny Kirk, 2022). Birds could also nest in or on on-site trees and shrubs or on the ground. If project construction takes place during the nesting season, birds nesting on the site could be injured or killed by construction activities or disturbed such that they would abandon their nests. Construction-related mortality of nesting birds and disturbance leading to nest abandonment would violate state and federal laws and constitute significant impacts on the project area. To avoid and minimize the potential for construction-related mortality/disturbance of nesting birds, implement BIO MM-1.

**(BIO MM-1)** If construction occurs between February 15th and September 1st, a qualified biologist will conduct pre-construction surveys for active bird nests within ten days prior to the start of construction. The survey area will encompass the site and accessible surrounding lands within 250 feet for songbirds and 500 feet for raptors. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.

**(b) Less Than Significant Impact.** Sensitive Natural Communities and Designated Critical Habitats are absent from the project site and surrounding lands. Project development would have no impact on Sensitive Natural Communities or Designated Critical Habitats.

**(c) Less Than Significant Impact.** Within 15 feet of the project, but outside the project impact area established by the biological survey report, a seasonal tributary that runs north to south is located along the north property line. The proposed mini storage project is not anticipated to impact the tributary. The seasonal tributary joins with Empty Creek along side Empty Creek Road and S.R. 41 and will discharge into Nelder Creek. Both Empty Creek and Nelder Creek are considered blue line streams which are under State and Federal jurisdiction, and both creeks are located outside the biological study area. The current plans include avoiding the bed, bank and channel of jurisdictional waters (Jenny Kirk, 2022). To avoid and minimize the potential for construction-related impact to tributaries, implement BIO MM-2.

**(BIO MM-2)** Stormwater Best Management Practices (BMP'S) shall be implemented per the developed project Storm Water Pollution Prevention Plan and shall ensure impacts to tributaries do not occur.

**(d) Less Than Significant Impact.** No geographic features occur on the site that would provide a wildlife movement corridor. As a result, the project will have a less than significant impact on wildlife movement corridors.

**(e) Less Than Significant Impact.** The project would not conflict with local policies or ordinances protecting biological resources.

**(f) No Impact.** The Project site is not covered by any local, regional, or state conservation plan. Therefore, the Project would not conflict with a local, regional, or state conservation plan. There would be no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a-c) Less Than Significant Impact.** No impacts have been identified as a result of this project. The area surrounding the project site has been developed for commercial purposes for years with significant ground disturbances as a result (infrastructure, roadways, commercial uses, etc.). This does not mean however that there are no archaeological or cultural resources on, in or around the subject property. There is still the potential of finding previously unknown resources during any phase of this project.

While the County is known to potentially have historical and archaeological resources, due to the development of surrounding properties as commercial, the chances of finding any archaeological or paleontological resources are less than likely. Most of the paleontological finds in Madera County have been found in the proximity of the landfill, located near the community of Fairmead. Most of the historical finds in Madera County have been found in the mountain and foothill areas above the valley floor due to previous Native American presence in the area. The likelihood of any finds in this area is minimal. There are no known fossil bearing sediments on the project site. No known unique geological features in the vicinity of the project site exist. However, there is still the potential for uncovering previously unknown human remains or cemeteries. Therefore, the project will cease all operations in the event that any human remains, cemeteries, archaeological, paleontological, or historic resource is uncovered during the construction or operational phase of the project, until the County can determine whether or not the project can continue.

If project construction related activities (including but not limited to ground disturbing activities) result in the disturbing of subsurface cultural deposits, project related activities are to be halted and a professional archaeologist will be brought in to determine the culture of the deposits.

**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:

- a. Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- b. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- c. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- d. Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- e. Involves important research questions that historic research has shown can be answered only with archaeological methods.

(CEQA Guidelines §15064.5 for definitions)

- f. Paleontology is a branch of geology that studies the life forms of the past, especially prehistoric life forms, through the study of plant and animal fossils. Paleontological resources represent limited, non-renewable and impact sensitive and educational resources. Most of the paleontological finds have been on the valley floor.

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

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

**Responses:**

**(a - b) Less Than Significant Impact.** California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. CALGreen sets forth mandatory measures applicable to new residential and non-residential structures and additions and alterations on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency.

Additionally, California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33 percent of the electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045. The main sources of energy consumption would be construction activities and ongoing project operations. Project construction would involve fuel consumption and use of other nonrenewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels are typically used for vehicles transporting equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary. Equipment overtime would be more energy-efficient in order to assist with meeting State emissions reduction goals. Additionally, under California's Renewable Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur. The Project would be required to comply with the building energy efficiency standards of California Code of Regulations Title 24, Part 6, also known as the California Energy Code. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified at this time. Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary; the project would also not conflict or obstruct any state or local plans for renewable energy efficiency. project impacts related to energy consumption are considered less than significant.



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

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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?

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?

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?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Responses:**

**(a i - iv) Less than Significant Impact.** According to the California Earthquake Hazards Zone Application (EQ Zapp) located on the Department of Conservation, the project is not within an Earthquake Fault Zone (Department of Conservation , 2021).

The Earthquake Shaking Potential for California Map located on the Department of Conservations website displays the Level of hazards regarding ground shaking for each county. According to the map, Madera is located in a region distant from known active faults

and will experience lower levels of shaking less frequently. In most earthquakes, only weaker, masonry buildings would be damaged. However, very infrequent earthquakes could still cause strong shaking. The project area is topographically flat, with no potential for landslides (Department of Conservation , 2016).

**(b) Less Than Significant Impact.** The parcel is subject to potential erosion due to rain events; however, with the implementation of HYDRO MM-1, construction project proponents will be required to submit a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Board. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Such measures may include, but are not limited to, covering the graded area with straw or straw matting, and using water for dust control. Due to the flat nature of the project site, and given that the site has been previously graded, future development within the project site would result in a less than significant soil erosion impact.

**(c) Less Than Significant Impact.** The project site is not located in an earthquake fault zone and is in an area with a low probability of seismic activity. Lateral spreading, subsidence, and collapse are uncommon in Madera County. Since the project site is not located on a geologic unit or soil that is unstable or would become unstable due to project activities, there is little to no potential for result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts from these criteria are considered less than significant.

**(d) Less Than Significant Impact.** Soils associated with a high risk for expansion are generally characterized as dense materials with less air-filled voids and therefore have a greater potential to undergo volume change. The volume of change is influenced by the quantity of moisture, the kind and amount of clay in the soil, and the original porosity of the soil. According to the U.S. Department of Agriculture, Natural Resources Conservation Services Web Soil Survey, identified soil on the project site consists of Tollhouse rocky coarse sandy loam, 30 to 75 percent slopes (TgF). These soils have are “Somewhat excessively drained” when subjected to fluctuations in moisture and have a low potential for liquefaction or ground failure. Based on the known conditions of the soils documented on the project site, risks to life or property as a result of expansive soils are not substantial, and the impact of expansive soil on the future project site development will be less than significant.

**(e) Less Than Significant Impact.** The project proposes to construct an on-site treatment system, and the on-site wastewater system will be in a particular processing location to support the operations of the project. The effluent outflow will be the equivalent of residential usage with outflows suitable for subsurface drip disposal resulting in a less than significant impact.

**(f) Less Than Significant Impact with Mitigation.** Refer to the discussion regarding Cultural Resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

**(a-b) Less than Significant Impact.** Greenhouse gases generated will be from vehicular traffic by customers accessing the storage facility. Project construction will also play a temporary role in gas emissions. On a 24-hour average, the applicant has estimated a 40-trip based total maximum which will have a less than significant impact on the environment.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

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

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to “smart growth” land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use

patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a – b) Less than Significant Impact.** Project construction would require the use of nominal amounts of fuels and lubricants to operate construction equipment and vehicles. All such use would comply with local, state, and federal management, transport, and disposal requirements. The project operations would not require the routine of transporting hazardous materials. Therefore, the project would have a less than significant impact with mitigations.

**(c) No Impact** The closest school is approximately one mile away from the project site and, therefore would have no impact

**(d) No Impact** After review of the Regional Water Quality Control Board geotracker the project site is not located on site with hazardous materials, waste, and substances. Therefore, the project will have no impact to the public and environment.

**(e) No Impact.** There are no airports within the project site's two-mile radius, nor is it within an airport/airspace overlay zone. Therefore, the project would not expose people to a safety risk or excessive noise and would have no impact.

**(f) No Impact.** The project would not interfere with and adopted emergency response plan or emergency evacuation plan.

**(g) Less Than Significant Impact with Mitigation.** Oakhurst is located in an area designated as a State Area of Responsibility (SRA); however, the area is deemed very high fire severity (Office of the State Fire Marshal , n.d.). Some of the issues facing Oakhurst are that large areas have heavy concentrations of grass and brush that are mingled amongst structures, roads are narrow and winding, and there is an inadequate water supply to support firefighting operations in many community areas. As a result, the project will have a less than significant impact with mitigations.

**HAZ MM-1** The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (CFC, Sections 503; and CVC Section 22500.1)

**X. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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) Less Than Significant Impact With Mitigation.** The project site has been heavily graded in the past, with a slope to the south of the project site. Site preparation of the project would require the disturbance of the approximate 7.97-acre parcel, which could result in erosion and siltation with the potential to violate water quality standards. Additionally, accidental spills or disposal of potentially harmful materials used during



construction or operation of the project could possibly wash into and pollute surface water runoff. A Storm Water Pollution Prevention Plan for construction-related activities would include, but not be limited to, the following types of Best Management Practices (BMPs) to minimize the potential for pollution related to material spills:

- Vehicles and equipment will be cleaned;
- Vehicle and equipment fueling and maintenance requirements will be established;
- And A spill containment and clean-up plan will be in place prior to and during construction activities.

In order to reduce potential impacts to water quality during construction activities, Mitigation Measure MM HYD-1 requires the project proponent to file a SWPPP. The project SWPPP would include BMPs targeted at minimizing and controlling construction and post-construction runoff and erosion to the “maximum extent practicable.”

**HYDRO MM-1** Prior to construction, the Applicant shall submit a copy of: The approved Storm Water Pollution Prevention Plan (SWPPP) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. The Applicant or person responsible shall meet County of Madera construction site requirements regarding the control of surface water, and runoff. Runoff created at the project site shall meet the following minimum requirements:

- Sediments generated on the project site shall be retained using adequate treatment control or structural Best Management Practices (BMPs)
- Construction-related materials, wastes, spill, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters or adjacent properties by wind or run-off.

**(b) Less Than Significant Impact.** The estimated water usage from the project is estimated to be no more than 60 gallons of water per work week, with approximately 150 gallons of water being used on the weekends. To estimate the amount of acre feet of water used per year it was assumed 60 gallons of water was used 365 days a year which resulted in 21,900 gallons of water a year or 0.67 acre-feet of water per year.

According to the Madera Regional Groundwater Management Plan, the domestic water demand and County-wide Cropping and Agricultural Water Demands are as follows:

Table 13: Domestic Water Demands and Cropping and Agricultural Demands

Area	Domestic Annual Demand (A.F./year)	Cropping and Agricultural Water Demands (2013) Annual Demand (A.F./year)
City of Chowchilla	3,500	4,000
City of Madera	12,700	2,500
County Maintenance Districts/Service Areas	3,700	N/A
Unincorporated County lands	1,400	418,000
Madera Irrigation District	2,200	286,000
Chowchilla Water District	600	215,000

Gravelly Ford Water District	20	20,400
Total	24,100	945,900

According to the Domestic Water Demands and Cropping and Agricultural Demands table the total water demand in acre-feet is 970,000. The water demand from the project would approximately be 0.000061% when compared to the Domestic and Agricultural demands and therefore would have a less than significant impact.

**(c i - iv) Less Than Significant Impact With Mitigation.** Extensive grading or other soil disturbing activities often leave the soils of construction zones barren of vegetation and, therefore, vulnerable to erosion. Eroded soil can be carried as sediment and deposited in local creek beds and adjacent wetlands. All disturbed areas will be vulnerable to erosion during the winter rainy season. The possible deposition of silt in off-site drainages would constitute a potentially significant adverse effect of the project site. With the implementation of Hydro MM-1 the project will have a less than significant impact.

**(d) Less Than Significant Impact.** The project is not located in a flood hazard, tsunami, or seiche zone, and would not have the potential to release pollutants from flooding.

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 project would not increase groundwater use beyond the sustainable yield and would not have the potential to obstruct implementation of a water quality control plan.

**XI. LAND USE AND PLANNING**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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) No Impact.** The project would not divide an established community.

**(b) No Impact.** The project would not conflict with the County General Plan or other land use plan policies or regulations adopted to avoid or mitigate an environmental effect.

**XII. MINERAL RESOURCES**

Would the project:

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

**Responses:**

**(a - b) No Impact.** The project site is not within an area identified as having a known mineral resource of value to the state or region. The site is not in an area delineated in the Madera County General Plan or other land use plan as a locally important mineral resource recovery site.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**(a-b) Less Than Significant Impact.** The nature of the proposed storage facility does not generate excessive noise levels. The proposed mini storage facility is in an ideal location due to the commercial setting surrounding the site.

**(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.

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.

<b>Reaction of People and Damage to Buildings from Continuous Vibration Levels</b>		
<b>Velocity Level, PPV (in/sec)</b>	<b>Human Reaction</b>	<b>Effect on Buildings</b>
0.006 to 0.019	Threshold of perception; possibility of intrusion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

This impact will be maintained as less than significant.

**XIV. POPULATION AND HOUSING**

Would the project:

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

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

**(a) No Impact.** The Project would provide a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces, and this type of project would not induce unplanned population growth either directly or indirectly.

**(b) No Impact.** The project is located on a vacant site and would not displace housing or people.

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Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses:**

**(a – i-ii) Less Than Significant Impact.** As previously stated, the project will consist of a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces. The project could increase the risk of emergency services being provided to the project site; however, the increase would be minimal and would not require new or physically altered governmental facilities. Therefore, the project would have a less than significant impact.

**(a – iii through v) No Impact.** The project would not result in new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for any public services. And therefore, the project will have no impact.

\_\_\_\_\_



**XVI. RECREATION**

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

**Responses:**

**(a – b) No Impact.** The project would not result in the need for new or physically altered governmental or recreational facilities. The project is for commercial use and would not result in an increase in population or the need for parks or recreational facilities and, as a result, would have no impact.

\_\_\_\_\_

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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-b) Less Than Significant Impact.** The project is located west of S.R. 41 and north of Empty Creek Road. The state of California Department of Transportation (Caltrans) has jurisdiction over all state highways, including S.R. 41. Caltrans policy documents and analysis guidance provide direction for transportation impact analysis. The guidelines provided by Caltrans include Vehicle Miles Traveled (VMT), S.R. 41 Transportation Concept Report, Traffic Operations Policy Directive 13.02, Highway Design Manual, 7<sup>th</sup> Edition (HDM), and the Encroachment Permit Manual. The project is also subject to the 1995 Madera County General Plan and Oakhurst Area Plans. Section two of the 1995 Madera County General Plan provides policies relevant to Transportation and Circulation, while the Oakhurst Area plan offers a more detailed focus on the Oakhurst community. S.R. 41 is also subject to the Madera County Transportation Commission, which is required by both federal and state law to prepare a long-range transportation planning document known as the Regional Transportation Plan (RTP).

CEQA impacts are identified based on the project’s effect on VMT. For land use projects, intersection operation impacts (as measure by Level of Service and similar congestion-based metrics) are specifically excluded from CEQA consideration per CEQ §15064.3 and Senate Bill 743 (Steinberg, 2013). Using the 11th Edition of the Institute of Transportation Engineer’s (ITE) Trip Generation Manual, land use code 151 for mini warehouse, the site is anticipated to generate 73 average daily trips. **Based on the provided analysis as well as guidance from OPR it can be determined that the site generates less than 110 trips per day and therefore has a less than significant transportation impact.** No further transportation analysis is required (Georgevitch, 2022).

**(c-d) No Impact.** The project will be accessed via a private easement from Empty Creek Road and will not create any hazardous intersections or sharp turns. The project site will not interfere with emergency access; therefore, it will have no impact.

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

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

**Responses:**

**(a – i, ii) No Impact.** In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area of Madera County. Tribal representatives were advised of the Project and invited to request formal consultation with the County regarding the Project within 30 days of receiving the notification letters. Eight notification letters were sent to representatives of the following tribes on June 6, 2023:

- Table Mountain Rancheria
- Picayune Rancheria of the Chukchansi Indians
- Dumna Wo Wah Tribal Government
- Chowchilla Yokuts Tribe

As of the preparation of this Initial Study, more than 30 days following the County’s transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the site.

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Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**(a–b) Less Than Significant Impact.** As previously stated, the project will use approximately .67 acre-feet of water a year in support of the project. This type of water usage is nominal and would not require or result in a change to facilities or operations of existing utility style facilities. And as previously stated, the water used from the project is less than half a percent of the overall water demand used for the County of Madera and, therefore would have a less than significant impact.

**(c) Less Than Significant Impact.** Typically, Maintenance District (MD) 22-A is responsible for providing wastewater services located around the project area. The project intends to employ a maximum of one personal which would result as a minimal impact on MD 22-A. As previously stated, the project proposes the installation of an on-site treatments system to support the facilities on the project site. The wastewater system will meet the requirements outlined in Title 13 of the Madera County Code. As a result, the project would have a less than significant impact.

**(d-e) No Impact.** Project construction would generate nominal solid waste associated with construction activities that would be disposed in existing permitted disposal sites. Solid waste generated by the project would not be expected to exceed the existing capacity of

local infrastructure and would not conflict with any federal, state, or local management and reduction statutes or regulations.

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**XX. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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) Less Than Significant Impact.** As previously stated, the project site is located in a SRA with a high designation and with the implementation of HAZ MM-1 and HAZ MM-2 and the impacts would be less than significant. The types of activities occurring on the project site typically do not contribute to or exacerbate wildfire risks. The project does not propose any habitable structures and would therefore have no occupants. Further analysis of the project's potential impacts on wildfire is not warranted.

Madera County developed an Operational Area Emergency Operations Plan which, was updated in January of 2010 and a Multi-Hazard Functional Plan which, is responsible for establishing emergency management organization required to mitigate any emergency or disaster affecting Madera County. Both documents Identify policies, responsibilities and procedures required to protect the health and safety of Madera County communities, public and private property and the environmental effects of natural and technological emergencies and disasters. And establish the operational concepts and procedures associated with Initial Response Operations (field response) to emergencies, the Extended Response Operations County Emergency Operations Center (EOC) activities and the recovery process. Madera County also developed a Local Hazard Mitigation Plan (LHMP) which is responsible for

evacuation procedures. The LHMP states the Sheriff's Department uses a system known as "MCALERT". There is nothing in both documents That indicate the project would impact a response plan or emergency evacuation plan. The project does not propose any actions or structures that expose people or structures to significant risks. Furthermore, the project would not generate runoff, post-fire slope instability, or negatively impact drainage.

\_\_\_\_\_

<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Responses:**

**(a) Less Than Significant Impact.** The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the project, with the incorporation of mitigation measures, would have a less than significant impact on the environment. As a result, the project would not have the potential to substantially degrade the quality of the environment and, therefore will have a less than significant impact.

**(b) Less Than Significant Impact.** Implementation of the project would not result in significant cumulative impacts and all potential impacts would be reduced to less than significant.

**(c) Less Than Significant Impact.** For the reasons discussed in Sections I through XX, above, the Project would not have the potential to result in environmental effects that would cause substantial adverse direct or indirect effects on human beings.

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CUP#2023-007  
VA #2023-001

1

July 26, 2023

## MITIGATED NEGATIVE DECLARATION

MND#2023-21

RE: CUP #2023-007 & VA #2023-001 – Horton, Keith

### LOCATION AND DESCRIPTION OF PROJECT:

The property is located on the north side of Highway 41, approximately 600 ft northeast from the intersection with Empty Creek Road, (No Situs), Oakhurst. The project request is for a Conditional Use Permit (CUP #2022-016) and Variance (VA #2023-001) to construct a Mini Storage Facility.

### ENVIRONMENTAL IMPACT:

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

### BASIS FOR MITIGATED NEGATIVE DECLARATION:

1. Please see attached Mitigation Monitoring Report.

  
\_\_\_\_\_  
Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 200 West Fourth Street, Ste. #3100, Madera, California.

DATED: July 26, 2023

FILED:

PROJECT APPROVED:

## MITIGATION MONITORING REPORT

MND # 2023-21

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Aesthetics</b>								
1	Any proposed lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.	Operations	Planning					
<b>Agriculture/Forestry Resources</b>								
<b>Air Quality</b>								
1	Comply with San Joaquin Valley Air Pollution Control District conditions.		SJVAPCD					
2	The project is subject to District Rule 9510 and therefore, is required to submit an Air Impact Assessment (AIA) Application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval.	Prior to Building Permit	SJVAPCD					
3	The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earth moving activities as described in district Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.	PreConstruction/ Construction	SJVAPCD					
<b>Biological Resources</b>								
1	If construction occurs between February 15th and September 1st, a qualified biologist will conduct pre-construction surveys for active bird nests within ten days prior to the start of construction. The survey area will encompass the site and accessible surrounding lands within 250 feet for songbirds and 500 feet for raptors. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.	PreConstruction/ Construction	California Department of Fish and Wildlife					

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
2	Stormwater Best Management Practices (BMP'S) shall be implemented per the developed project Storm Water Pollution Prevention Plan and shall ensure impacts to tributaries do not occur.	PreConstruction/Construction	California Department of Fish and Wildlife					
<b>Cultural Resources</b>								
<b>Energy</b>								
<b>Geology and Soils</b>								
<b>Greenhouse Gas Emissions</b>								
<b>Hazards and Hazardous Materials</b>								
1	The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (CFC, Sections 503; and CVC Section 22500.1)	Operations	Cal Fire					
<b>Hydrology and Water Quality</b>								
1	<p>Prior to construction, the Applicant shall submit a copy of: The approved Storm Water Pollution Prevention Plan (SWPPP) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. The Applicant or person responsible shall meet County of Madera construction site requirements regarding the control of surface water, and runoff. Runoff created at the project site shall meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>•Sediments generated on the project site shall be retained using adequate treatment control or structural Best Management Practices (BMPs)</li> <li>•Construction-related materials, wastes, spill or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters or adjacent properties by wind or run-off.</li> </ul>	PreConstruction/Construction	Public Works					
<b>Land Use and Planning</b>								
<b>Mineral Resources</b>								
<b>Noise</b>								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Population and Housing</b>								
<b>Public Services</b>								
<b>Recreation</b>								
<b>Transportation</b>								
<b>Tribal Cultural Resources</b>								
<b>Utilities and Service Systems</b>								
<b>Wildfire</b>								
<b>Mandatory Findings of Significance</b>								

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

In the Matter of	)	Resolution No.: <u>2023-_____</u>
	)	
KEITH HORTON	)	RESOLUTION APPROVING THE
CONDITIONAL USE PERMIT #2023-007	)	APPLICATION OF KEITH HORTON FOR A
& VARIANCE #2023-001	)	CONDITIONAL USE PERMIT, VARIANCE,
	)	AND RELATED MITIGATED NEGATIVE
	)	DECLARATION UNDER THE CALIFORNIA
_____	)	ENVIRONMENTAL QUALITY ACT

**WHEREAS**, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, October 3, 2023, held a duly noticed public hearing to consider the application of Keith Horton for a Conditional Use Permit and Variance; and

**WHEREAS**, County staff has presented substantial factual information regarding the Conditional Use Permit and Variance; and

**WHEREAS**, the hearing was to consider the application of Keith Horton for a Conditional Use Permit (CUP #2023-007) to allow a mini storage facility with approximately 250 inside units and 50 open air boat/RV storage spaces, and a Variance (VA #2023-001) for the exemption from landscaping and screening requirements in Madera County Codes of Ordinances section 18.94.075 - Mini storage facilities; and

**WHEREAS**, the property (APN: 047-120-010) is a 35.24 acre parcel located on the north side of Highway 41, approximately 600 feet northeast from the intersection with Empty Creek Road (No Situs), Oakhurst; and

**WHEREAS**, the property is zoned CRM (Commercial, Rural, Median) District; and

**WHEREAS**, a draft Mitigated Negative Declaration and Mitigation Monitoring Program (MND #2023-21) 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 as follows:

1. The Commission finds that the proposed use is consistent with the General Plan and Zoning Ordinance, and any applicable Area Plan or Specific Plan. The subject property is designated CC (Community Commercial) by the General Plan and the Oakhurst Area Plan. The property is zoned CRM (Commercial, Rural, Median) District. The zone district is consistent with the General Plan and Area Plan designation of CC which allows for retail, wholesale, service uses, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses.

2. The Commission found that any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated and mitigated. 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 Mitigated Negative Declaration (MND #2023-21). The foregoing reflects the independent judgment and determination of the Planning Commission

3. The proposed project does not violate the spirit or intent of the Zoning Ordinance. The parcel is zoned CRM (Commercial, Rural, Median) District. The zoning

designation allows for a mini storage facility with an approved Conditional Use Permit. The Conditional Use Permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and welfare issues to make a recommendation. The approved Conditional Use Permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions and mitigation measures included in the approval.

4. The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. The mini storage facility is in a predominately commercial area in Oakhurst which allows for the proposed use. The proposed mini storage facility will provide the residents of Oakhurst with the ability to store their personal goods, and conditions will prohibit the storage of fuel or other hazardous materials within the storage facility.

5. The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors in that the project had been required to comply with Best Management Practices to address any noise, dust, smoke, odor, glare, or similar factors generated from onsite activity and must operate according to the operational statement and plans. The proposal will not involve hazardous materials being stored onsite. The project is currently in operation as a mini storage facility and the addition of outdoor boat/RV storage is not projected to significantly increase noise levels in the area.

6. The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the neighborhood. Further, the project as designed will not have an adverse effect upon the property values and general

desirability of the surrounding properties, as the surrounding properties are developed for commercial uses.

7. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same zoning district. The subject property is higher in elevation than California State Route (S.R.) 41, therefore the project site will be out of sight and the project site will be accessed via private easement. Therefore, the screening of the public right-of-way would require excessive grading along S.R. 41, and due to the natural topography of the site and surrounding properties, it will not be feasible. Further, adding additional internal fencing to the site would create operational issues and potentially restrict internal traffic flow. However, there will be partial screening at the entrance of the site that faces Empty Creek Road.

8. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The granting of this variance will preserve the existing rights of the property owner and will allow a new mini storage facility to serve the Oakhurst area and surrounding communities.

9. The granting of such variance will not, under the circumstances of this particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not, in the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in that neighborhood. The exemption of landscaping and screening will not affect the surrounding parcel neighbors as they are developed for commercial use. The project site will mostly be hidden from public view of those traveling along S.R. 41



due to the topographical obstacles and natural environment setting of the north Oakhurst area which blocks the view to the site. The screening will partially be exempt as the southern property line will be screened.

10. The granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. Further, the variance will not constitute a grant of any special privileges as the applicant's variance request is necessary due to the topographical challenges that the site provides. Surrounding properties currently have similar landscaping as the project site, and due to the natural environment the project site will be primarily hidden.

11. Because of special circumstances, applicable to subject property, including size, shape, topography, location, or surroundings the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The special circumstance that promotes approval for the proposal is the project location. The subject property is in a mountain area. The use of existing trees provides a much more aesthetically appealing alternative that is consistent with the mountain scenery and provides better screening. Additionally, strict adherence to Madera County Codes of Ordinances subsection 18.94.075 – D, requiring an eight-foot wall or fence surrounding the facilities, will provide challenges due to the topography of the particular side of the property, which would require extensive grading. With a partial screening the applicant is able to provide the screening where necessary for both aesthetic and security purposes.

**BE IT FURTHER RESOLVED**, that as a result of Findings 1 – 11, the Conditional Use Permit No. 2023-007 and Variance No. 2023-001 are approved, subject to the attached conditions and mitigation monitoring program.

**BE IT FURTHER RESOLVED**, that this Commission approves Mitigated Negative Declaration No. 2023-21.

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 ESTRADA VOTED: \_\_\_\_\_
- COMMISSIONER BURDETTE VOTED: \_\_\_\_\_
- COMMISSIONER PALMER VOTED: \_\_\_\_\_
- COMMISSIONER DAL CERRO VOTED: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary of the Planning Commission

Approved as to Legal Form:  
COUNTY COUNSEL

**Amanda Savage**  
Digitally signed by: Amanda Savage  
DN: CN = Amanda Savage email =  
asavage@lozanosmith.com C = US O = Lozano Smith  
Date: 2023.09.20 16:48:44 -0700