

NOTICE OF PUBLIC HEARING

MADERA COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the County of Madera, State of California, will hold a PUBLIC HEARING to consider the following:

The application of **James and Susan Doherty** for Parcel Map #4116 which would divide a 200.82 acre property into five parcels (36.11 acres, 36.59 acres, 37.25 acres, 47.17 acres, and 43.70 acres). The property is located on the east side of Road 211 at its intersection with Rolling Oaks Drive (21857 Road 211), Friant. The zone is ARE-40 (Agricultural, Rural, Exclusive-40 Acre) District. Size: 200.82 acres. APN's: 051-710-003 and 004. A draft Mitigated Negative Declaration (MND #2008-09) has been prepared for the project in compliance with provisions of the California Environmental Quality Act (CEQA) and is available together with the Initial Study for public review at the Madera County Planning Department. Written comments concerning this draft Mitigated Negative Declaration (MND #2008-09) may be submitted to the Madera County Planning Department until April 10, 2008, which will be the end of a 21 day review period. For more information regarding this project, please contact T. W. Murray at (559) 675-7821.

This PUBLIC HEARING will be held at the special meeting of the Planning Commission on **Tuesday, April 15, 2008, at 6:00 p.m.** at the **Madera County Resource Management Agency, 2037 W. Cleveland Avenue, Madera, California.** The staff report for this item will be viewable on-line seven days prior to the hearing date on the Madera County website:

http://www.madera-county.com/rma/planning_commission/planning_commission_agendas.html

JERALD C. JAMES, Planning Director
Madera County, California

Publication Date: March 19, 2008

This NOTICE OF PUBLIC HEARING concerns property in the area of which you are a neighboring property owner or owner. If you have any comments concerning this PUBLIC HEARING, please write to the Planning Department, 2037 W. Cleveland Avenue, Madera, California 93637-3593, or call (559) 675-7821, or attend the meeting at the time and date stated on the notice. Any court challenge of the proposed action may be limited to those issues raised in written or oral testimony presented at the public hearing described in this notice.

PLEASE TURN THIS PAGE OVER FOR AN AREA MAP WHICH IDENTIFIES THE LOCATION OF THE REQUEST.

MITIGATED NEGATIVE DECLARATION

ND 2008-09

Parcel Map 4116, Doherty

Project Name

Date: 19 Mar 2008

James and Susan Doherty

Name of Proponent

PROJECT LOCATION: East side of Road 211 at its intersection with Rolling Oaks Drive, Friant.

PROJECT DESCRIPTION: This is a proposed land division of 200.82 acres into five parcels consisting of the following acreages: Parcel #1: 36.11 ac., Parcel #2: 36.59 ac., Parcel #3: 37.25 ac., Parcel #4: 47.17 ac., Parcel #5: 43.70 ac.

ENVIRONMENTAL IMPACT:

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

BASIS FOR NEGATIVE DECLARATION:

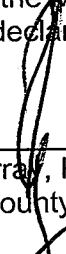
The following conditions and mitigation measures are specifically included as a part of the negative declaration:

1. Should the instance arise where any cultural resource is discovered during construction, all activities shall stop until the site can be inspected by an archaeologist and all impacts shall be mitigated to preserve the site's integrity. (EC)
2. All grading required for the project will be subject to the approval of a grading, drainage, and erosion control plan in conjunction with a grading permit as determined by the County Engineering Department. An encroachment permit must be issued for the approach to each parcel and construction of the approach will be required to the standards set by the Road Department. (EC)
3. Land division will result in addition of new impervious surfaces in the form of driveways and new residential construction. The changes to surface run-off which would be generated by the project would not be significant. However, future grading will be subject to the issuance of grading permits to ensure that potential impacts are minimized. (EC)
4. Water supply information acceptable to a certified hydrogeologist is required. If adequate existing water supply information is not available, well drilling and testing may be required on parcels specified by the Environmental Health Department. (EHD)
5. All created parcels shall have written certification on the final map that driveways can be constructed in compliance with Ordinance 542 (Fire-Safe Requirements), less

than 16% grade. (FD)

6. Driveway access for each parcel is to be shown on the final map. (FD)
7. A vegetation management-fuel reduction plan prepared by a qualified forester or fire prevention professional shall be submitted to the Fire Department for review and approval. (FD)
8. Prior to any construction within County right-of-way, the applicant is required to apply for and obtain an approved Encroachment Permit from the Road Department. (RD)
9. The applicant shall submit to the County (with a copy each to the California Department of Health Services and the Regional Water Quality Control Board) an analysis of the water quality from the onsite well for State primary, secondary, and radionucleotide drinking water standards or, at a minimum, for total dissolved solids, nitrate, iron, manganese, and radionucleotides. (CRWQCB)

On the basis that no significant amounts of traffic, noise, dust, light, or glare will result from this development, that no biological or cultural resources will be degraded, and that no significant increase in the demand for public services or utilities will be generated by this proposal, the Madera County Environmental Committee has directed that this mitigated negative declaration be prepared.



T. W. Murray, Planner
Madera County Environmental Committee

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

Dated: 19 Mar 2008

Initial Study and Checklist

(To be completed by Lead Agency)

Title of Proposal: Parcel Map 4116, Doherty
Date Checklist Submitted: 19 Mar 2008
Agency Requiring Checklist: Environmental Committee, County of Madera
Agency Address: 2037 West Cleveland Avenue
City/State/Zip: Madera, CA 93637-8720
Agency Contact: T. W. Murray Phone: (559) 675-7821

DETERMINATION (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- a) I find that the proposed project could not have a significant effect on the environmental, and

A NEGATIVE DECLARATION will be prepared

- b) 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 the mitigation measures described on an attached sheet have been added to the project.

A NEGATIVE DECLARATION will be prepared . . .

- c) I find the proposed project may have a significant effect on the environment, and

An ENVIRONMENTAL IMPACT REPORT is

required

Signature

Madera County Environmental Committee

For

T. W. Murray

Print Name

19 Mar 2008

Date

ENVIRONMENTAL CHECKLIST FORM

PROJECT LOCATION:

Unincorporated area, County of Madera

PROJECT ADDRESS: APN 51-710-03 and 04

DESCRIPTION OF PROJECT:

Division of 200.82 acres into five parcels (36.11 acres, 36.59 acres, 37.25 acres, 47.17 acres, and 43.70 acres)

ENVIRONMENTAL IMPACTS:

CEQA requires that an explanation of all "yes" and "maybe" answers be provided along with this checklist, including a discussion of ways to mitigate the significant effects identified. You may attach separate sheets with the explanations on them.)

		Yes	Maybe	No
I.	EARTH. <i>Will the proposal result in:</i>			
a)	Unstable earth conditions or in changes in geologic substructures?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Disruptions, displacements, compaction or overcovering of the soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change in topography or ground surface relief features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	The destruction, covering or modification of any unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Any increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Changes in deposition or erosion of beachsands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II.	AIR. <i>Will the proposal result in:</i>			
a)	Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	The creation of objectionable odor?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III.	WATER. <i>Will the proposal result in:</i>			
a)	Changes in currents, or the course of direction of water movements, in either marine or freshwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- c) Alterations to the course or flow of flood waters?
- d) Changes in the amount of surface water in any water body?
- e) Discharge into surface waters, or in any alteration of surface water quality, including, but not limited to, temperature, dissolved oxygen or turbidity?
- f) Alteration of the direction or rate of flow of ground waters?
- g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- h) Substantial reduction in the amount of water otherwise available for public water supplies?
- i) Exposure of people or property to water related hazards such as flooding or tidal waves?

IV. PLANT LIFE. *Will the proposal result in:*

- a) Change in the diversity of species, or number or any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- b) Reduction of the numbers of any unique, rare, or endangered species of plants?
- c) Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- d) Reduction in acreage of any agricultural crop?

V. ANIMAL LIFE. *Will the proposal result in:*

- a) Change in the diversity of species, or numbers of any species of animals (birds; land animals, including reptiles; fish and shellfish, benthic organisms or insects)?
- b) Reduction of the numbers of any unique, rare, or endangered species or animals?
- c) Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- d) Deterioration to existing fish or wildlife habitat?

VI. NOISE. *Will the proposal result in:*

- a) Increases in existing noise levels?
- b) Exposure of people to severe noise levels?

VII. LIGHT and GLARE. *Will the proposal result in:*

- a) Produce new light or glare?
- VIII. LAND USE. *Will the proposal result in:*
- a) Substantial alteration of the present or planned land use of an area?
- IX. NATURAL RESOURCES. *Will the proposal result in:*
- a) Increase in the rate of use of any natural resources?
- X. RISK OF UPSET. *Will the proposal involve:*
- a) A risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?
- b) Possible interference with an emergency response plan or an emergency evacuation plan?
- XI. POPULATION. *Will the proposal:*
- a) Alter the location, distribution, density or growth rate of the human population of an area?
- XII. HOUSING. *Will the proposal:*
- a) Affect existing housing, or create a demand for additional housing?
- XIII. TRANSPORTATION/CIRCULATION. *Will the proposal result in:*
- a) Generation of substantial additional vehicular movement?
- b) Effects on existing parking facilities, or demand for new parking?
- c) Substantial impact upon existing transportation systems?
- d) Alterations to present patterns of circulation or movement of people and/or goods?
- e) Alterations to waterborne, rail or air traffic?
- f) Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?
- XIV. PUBLIC SERVICES. *Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:*
- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Parks or other recreational facilities?

- e) Maintenance of public facilities, including roads?
- f) Other governmental services?

XV. ENERGY. *Will the proposal result in:*

- a) Use of substantial amounts of fuel or energy?
- b) Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

XVI. UTILITIES and SERVICE SYSTEMS. *Will the proposal result in a need for new systems, or substantial alterations to the following utilities:*

- a) Power or natural gas?
- b) Communications systems?
- c) Water?
- d) Sewer or septic tanks?
- e) Storm water drainage?
- f) Other governmental services?

XVII. HUMAN HEALTH. *Will the proposal result in:*

- a) Creation of any health or potential health hazard (excluding mental health)?
- b) Exposure of people to potential health hazards?

XVIII. AESTHETICS. *Will the proposal result in:*

- a) The obstruction of any scenic vista or view open to the public?
- b) The creation of an aesthetically offensive site open to public view?

XIX. RECREATION. *Will the proposal result in:*

- a) Impact upon the quality or quantity of existing recreational opportunities?

XX. CULTURAL RESOURCES. *Will the proposal:*

- a) Result in the alteration of or the destruction of a prehistoric or historic archaeological site?
- b) Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- c) Have the potential to cause a physical change which would affect unique ethnic cultural values?
- d) Restrict existing religious or sacred uses within the potential impact area?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- | | | | | |
|----|--|---|---|---|
| b) | Short-term: Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively, brief, definitive period of time. Long-term impacts will endure well into the future.) | □ | □ | ■ |
| c) | Cumulative: Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect on the total of those impacts on the environment is significant.) | □ | □ | ■ |
| d) | Substantial adverse: Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly? | □ | □ | ■ |

XXII. DISCUSSION OF ENVIRONMENTAL EVALUATION.

(This section may be filled out by using narrative, or by using a form, such as the example given in the CEQA Guidelines.)

Refer to "Mitigation Measures", below.

XXIII. DISCUSSION OF LAND USE IMPACTS.

(An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls.)

Compliance with the provisions of the applicable zoning regulations has been a prerequisite for the acceptance of this proposal for processing.

Mitigation measures, Parcel Map 4116

1b,c. Land division will require grading, excavation, cut/fill, and/or compaction as the result of the future construction of driveways and individual building pads.

Mitigation Measure(s): All grading required for the project will be subject to the approval of a grading, drainage, and erosion control plan in conjunction with a grading permit as determined by the County Engineering Department. An encroachment permit must be issued for the approach to each parcel and construction of the approach will be required to the standards set by the Road Department.

3b. Land division will result in addition of new impervious surfaces in the form of driveways and new residential construction. The changes to surface run-off which would be generated by the project would not be significant. However, future grading will be subject to the issuance of grading permits to ensure that potential impacts are minimized.

4a, b; 5a, b, d. While there may be flora and fauna species of special concern in the project area, no evidence of any such species has been found. Should the instance arise where evidence of any such species is encountered on the site, all activities shall be suspended until a reconnaissance-level biological survey can be conducted by qualified individuals. Consultation with the Department of Fish and Game may be required.

13a. The project will create additional parcels and development of the project will result in an increase in use to local roadways. The project will require the applicant to obtain the necessary encroachment and grading permits prior to starting any work within the County right-of-way.

20a. Should the instance arise where any cultural resource is discovered during construction, all activities shall stop until the site can be inspected by an archaeologist and all impacts shall be mitigated to preserve the site's integrity.