

# **ATTACHMENT 2**

**RESOLUTION 2007-202  
OF THE  
MADERA COUNTY BOARD OF SUPERVISORS**

BEFORE  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

In the Matter of ) Resolution No.: 2007 202  
)  
RESOURCE MANAGEMENT AGENCY - )  
PLANNING DEPARTMENT (Gateway )  
Village) )  
) A RESOLUTION MAKING FINDINGS  
) CONCERNING MITIGATION MEASURES,  
) ADOPTING A MITIGATION MONITORING  
) AND REPORTING PROGRAM, MAKING  
) FINDINGS REGARDING ALTERNATIVES,  
) AND ADOPTING A STATEMENT OF  
) OVERRIDING CONSIDERATIONS IN  
) ACCORDANCE WITH THE CALIFORNIA  
) ENVIRONMENTAL QUALITY ACT FOR  
) THE GATEWAY VILLAGE PROJECT FOR  
) WHICH AN ENVIRONMENTAL IMPACT  
) REPORT HAS BEEN PREPARED  
)  
\_\_\_\_\_)

**WHEREAS**, the Board of Supervisors intends to approve a Mitigation Monitoring Plan for the Gateway Village that identifies mitigation measures that the Director of the Resource Management Agency must implement as conditions of approval for development under the Gateway Village Specific Plan.

**WHEREAS**, prior to the adoption of this Resolution, the Planning Commission of the County of Madera has reviewed the final Environmental Impact Report ("EIR") for Gateway Village ("Project") and determined that it was completed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and state and local guidelines and has recommended to the Board of Supervisors that the EIR be certified by the Board; and

**WHEREAS**, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects, the decision-making agency make certain findings regarding those effects; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Madera, a political subdivision of the State of California, finds as follows:

It has independently reviewed and analyzed the EIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the EIR and the Project, prior to acting upon or approving the Project, and has found that the EIR represents the independent judgment of the County of Madera as Lead Agency for the Project, and designates the Director of Resource Management Agency, at his office at 2037 West Cleveland Avenue, Madera, California 93637, as the custodian of documents and record of proceedings on which the decision is based; and

Does hereby make the findings set forth in Attachment "A" with respect to the potential significant effects on the environment of such project and with respect to the appropriate and feasible mitigation for those impacts as identified in the hereinbefore mentioned EIR.

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

Attached to this resolution and incorporated and adopted as part of this resolution herein, is the Mitigation Monitoring and Reporting Program (MMRP) for the Gateway Village Project. The MMRP identifies impacts of the project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

#### **STATEMENT OF OVERRIDING CONSIDERATIONS**

The Board of Supervisors of the County of Madera adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the proposed project and the anticipated benefits of the proposed project.

## **I. SIGNIFICANT UNAVOIDABLE IMPACTS**

With respect to the findings set forth in the first section of Attachment A and in recognition of those facts which are included in the record, the County has determined that the proposed project would cause significant, unavoidable impacts to land use planning, agricultural conversion, transportation and circulation, air quality, noise, and ~~biological resources~~ and would contribute to significant cumulative impacts to traffic, and air quality, and biological resources as disclosed in the FEIR for the proposed project. These impacts cannot be mitigated to a less than significant level by feasible changes or alternations to the proposed project.

## **II. BENEFITS OF THE PROJECT**

The proposed project will provide housing and commercial development to meet regional demand. The project will provide funding for needed regional infrastructure including SR 41 and other traffic improvements to address current deficiencies as well as project impacts. The proposed project will have a positive effect on the water balance in an over drafted section of the County. The continued agricultural production on the property is unsustainable with current water supplies and ongoing ground water overdraft. The project is committed to resolve the water supply deficit both for the project itself and the remaining 7,000 acres of agriculture in Root Creek Water District. The proposed project will provide net revenue to the County and will contribute to the economic health of the County and the region.

## **III. OVERRIDING CONSIDERATIONS**

The County Board of Supervisors finds that each of the overriding considerations set forth above constitutes a separate and independent ground for finding that the benefits of the proposed project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the proposed project.

\* \* \* \* \*

The foregoing Resolution was adopted this 11<sup>th</sup> day of SEPTEMBER, 2007, by the following vote:

Supervisor Bigelow voted:	<u>yes</u>
Supervisor Moss voted:	<u>yes</u>
Supervisor Dominici voted:	<u>yes</u>
Supervisor Rodriguez voted:	<u>yes</u>
Supervisor Wheeler voted:	<u>yes</u>



*Erin DiNunno*

Chairman, Board of Supervisors

ATTEST:

*Janna Boyd*  
Clerk, Board of Supervisors

Approved as to Legal Form:  
COUNTY COUNSEL

By *Stephen W. Moran*

# **ATTACHMENT “A”**

**ATTACHMENT “A”**

**Attachment A**  
**Findings Supporting the Gateway Village Approvals**

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## **SIGNIFICANT AND UNAVOIDABLE IMPACTS AFTER MITIGATION**

### **4.2 – Agricultural Resources**

**Impact 4.2.1:** The proposed project would convert “prime” and “unique farmland” agricultural lands to non-agricultural uses.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.2.1:** Economically viable agricultural uses shall be retained until development to urban/suburban uses becomes viable and can be served by infrastructure. The transition shall be made incrementally in conjunction with the availability of services and infrastructure.

**Mitigation Measure 4.2.2:** Subsequent entitlement requests or site plan review within the Gateway Village project area shall be reviewed for compliance with protection of economically viable agricultural uses through buffering and land use separation from those lands still in production.

#### **Evidence Supporting Finding:**

**Summary:** No mitigation measures are available that would decrease the impact of the conversion of agricultural lands to less than significant; Mitigation Measures 4.2.1 and 4.2.2 ensure that there would be a gradual reduction of the number of acres of agricultural lands as phased development of the project occurs. This evidence was raised in a written comment dated May 21, 2007. Concern was also raised regarding the agricultural wells in both a letter submitted by the University of California, Agriculture & Natural Resources, and during a Public Hearing on December 7, 2006.

In addition, various comments express concern about the impact of the proposed project on existing agricultural wells. The Draft EIR discussion of Hydrology and Water Quality beginning at 4.8-1 and the discussion of the project water supply plan beginning at 4.16-9 and responses to the comments listed below explain that the proposed project will have a positive impact on agricultural wells. This is further discussed in the Infrastructure Master Plan attached as Appendix D of the Draft EIR.

The following sections in the Draft EIR, Final EIR, and Response to Additional Comments (August 2007) documents discuss the evidence supporting this finding in more detail:

- Draft EIR, p. 4.2-8, Impact 4.2.1 provides a discussion regarding conversion of agricultural lands
- Final EIR, Comment Letter 3D.4, bracket #2 raises concern about adequate and good water supply due to chloride contained in agricultural wells; Response 3D.4-1 and 3D.4-2 provides a discussion regarding chloride in agricultural wells
- Final EIR, Comment Letter 3F.2 asked about the agricultural wells being shut down and water consumption; Response 3F.2-1 provides discussion of abandoned wells and wells that will be constructed
- Final EIR, Comment Letter 3D.5, bracket #232 and response 3D.5-232 are regarding alternatives/alternate mitigation measures that should be considered
- Response to Additional Comments, Comment Letter 2A.1, bracket #12 raises concern about the conversion of agricultural lands and proposes a denser project redesign as an alternative in order to reduce impacts. Response 2A.1-12 provides a discussion regarding “smart-growth” design principles and the projects’ overall residential density.
- Response to Additional Comments, PC Hearing Comment 2B.1, bracket #5 raises concern about the conversion of agricultural lands, and policies in the County’s General Plan that suggest preservation

of agricultural lands. Response to Comment 2B.1-5/6 references Section 4.2 of the Draft EIR and Response 2A.1-9 of the Response to Additional Comments document.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures for the conversion of agricultural land within the project boundaries that the County could adopt at this time to reduce this impact to a less than significant level and the impact remains significant and unavoidable following the adoption of the mitigation measures set out above.

**Impact 4.2.2:** The proposed project is not designed to direct urban uses to new growth areas designated in the Madera County General Plan, existing communities and/or cities; or to maintain agriculturally zoned areas for agricultural use.

**Mitigation:** The Board of Supervisors finds that no feasible mitigation measures are available to address this impact.

**Evidence Supporting Finding:**

**Summary:** Approval of this project would not maintain agriculturally designated areas, nor would it direct urban uses to those areas designated in the General Plan.

The following sections in the Draft and Final EIRs discuss the evidence supporting this finding in more detail:

- As stated in the Project Description at pages 3-1 and 3-2 of the Draft EIR, the project under consideration includes an Area Plan and an amendment to the General Plan to designate the Gateway Village property for urban growth.
- Final EIR, Comment letter 3D.4, bracket #1 raises concern about the long term loss of farm land that is suited for citrus crops; Response 3D.4-1 indicates that the impact is significant and unavoidable.

**Finding:** The Board of Supervisors finds that the proposed project includes designating a new growth area in an existing agriculturally zoned area outside new growth areas currently designated in the Madera County General Plan existing communities or cities. Therefore, no mitigation measures are available and the impact is significant and unavoidable.

**Impact 4.2.3:** The proposed project would result in conflicts with adjacent agricultural land uses.

See Section 4.2.1 and 4.2.2 above.

**Mitigation Measure 4.2.3:** To reduce impacts associated with the land use conflicts that would occur between the proposed development and the surrounding agricultural lands, the following disclosure statement from the Madera County Right-to-Farm Ordinance shall be provided to new residents within the Gateway Village:

*"It is the declared policy of the County of Madera that no agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes in the unincorporated area of the County, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than one (1) year, if it was not a nuisance at the time it began. The term "agricultural activity, operation, or facility, or appurtenance thereof" includes, but is not limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity, including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in*

*conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities."*

**Evidence Supporting Findings:**

**Summary:** The impact remains significant and unavoidable even with adoption of the mitigation measures indicated above.

The following sections in the Draft EIR and Response to Additional Comments document (August 2007) discuss the evidence supporting this finding in more detail:

- Draft EIR, page 4.2-10 discusses this impact in further detail
- In the Response to Additional Comments document, Comment Letter 2A.1, bracket no. 1 raises concern about providing adequate buffering from incompatible agricultural uses. Response 2A.1-1 indicates that the proposed project would reduce any potential risk as compared to existing conditions, and would result in a positive impact. A discussion is provided as to what is located along the borders of the project site that would serve as a buffer between the residential space and the agricultural operations.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures that the County could adopt at this time to reduce conflicts with adjacent agricultural land uses to a less than significant level and the impact remains significant and unavoidable following the adoption of the mitigation measures set out above and contained in the project design.

**Impact 4.2.4:** In conjunction with other planned and foreseeable future residential and mixed use development within Madera County, the proposed project would contribute to the conversion of "prime" and "unique farmland" agricultural lands to non-agricultural uses in Madera County.

**Mitigation:** See Mitigation measures 4.2.1 and 4.2.2 above.

**Evidence Supporting Findings:**

- The same evidence supporting Impact 4.2.1 supports this impact and finding.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures to address the conversion of "prime" and "unique farmland" agricultural lands to non-agricultural uses in Madera County that the County could adopt at this time to reduce this impact to a less than significant level and the impact remains significant and unavoidable following the adoption of the mitigation measures set out above in response to impact 4.2.1.

**4.4 – Biological Resources**

**Impact 4.4.5:** The proposed project with the related projects would increase the degree of human use in an already fragmented landscape. The proposed project, therefore, would result in a cumulatively considerable environmental impact on regional biological resources.

**Mitigation:** The Board of Supervisors finds that no feasible mitigation measures are available for this impact.

**Evidence Supporting Finding:**

**Summary:** The existing pattern of agricultural land, roads and small urban developments in Southeastern Madera County has already fragmented the habitat and migratory patterns of wildlife that previously existed. While the current situation that is used for the baseline in the CEQA analysis is highly degraded, the intense urban use proposed in the project would have a significant cumulative effect beyond the effects of the existing agricultural uses on the property. Beyond the general cumulative impact on biological resources, no specific impacts to biological resources were identified that could not be fully mitigated.

The following sections in the Draft and Final EIRs discuss the evidence supporting this finding in more detail:

- Draft EIR Section 4.4 discusses Biological Resources on the project site and in the region.
- Draft EIR 4.4 contains information about ESA staff biologists conducting site surveys in August 2004, July and August 2006 that involved walking parallel transects through representative areas
- Draft EIR Section 4.4.4 describes that locations of vernal pools were recorded and limits of bed and bank of waterways were measured for wetland delineation.
- Draft EIR contains discussion for vegetation types and wildlife habitats within the project area
- Table 3.6 in the Draft EIR lists the development projects planned in the project region
- The net effect is fragmented valley habitat will be smaller and more isolated parcels
- Final EIR, Comment letter 3B.1, bracket #1 raised concern about need for surveys conducted by qualified biologist/botanist, and need for focused surveys. Response 3B.1-1 adequately addresses this concern
- Final EIR, Comment letter 3B.1, brackets #2-19 are additional comments regarding various species that may be affected by the project. Responses 3B.1-2 through 3B.1-19 address these comments
- Appendix F of the Final EIR illustrates the proposed improvements, which will not impact the jurisdictional areas in which the vernal pools and potential wetland are located.
- Final EIR, Comment 3D.2, bracket #2 mentions Impact 4.4.5 and suggests habitat restoration and protection along Root Creek. Response 3D.1-2 adequately addresses the commenter's concern.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures to address the cumulatively considerable environmental impact to biological resources that the County could adopt at this time to reduce this impact to a less than significant level.

**4.11 – Noise**

**Impact 4.11.2:** Development of the proposed project would result in an increase in transportation noise levels.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.11.4:** For existing uses, mitigation measures could include soundwalls/berms. However, in some instances, there may not be sufficient space between the road and the residence to construct a soundwall or a soundwall may not be effective due to the need to keep a driveway open to the road. To reduce interior noise, a residential building facade can be upgraded to include dual-glazed windows and installation of air conditioning systems to enable closure of windows and doors for long periods of time.

**Mitigation Measure 4.11.5:** For planned noise-sensitive uses, including those within the project, a wider range of feasible mitigation measures would be available than there would be for existing uses. Planned noise sensitive uses can be setback from noisy roadways such that outdoor use areas would experience no more than 60 Ldn in traffic noise. The extent of the buffer that would be needed can be reduced through judicious orientation of buildings and outdoor living areas and insulation of the facades facing the road or through construction of soundwalls or berms or some combination of the two types of measures. At the tentative map stage, the County shall ensure that the developer has incorporated the necessary features to ensure that future noise environment would be less than 60 Ldn.

**Evidence Supporting Findings:**

**Summary:** The proposed project will be a significant urban development when it is built out. Inherently, such a development will result in a significant increase in noise levels in the local area.

The following sections in the Draft and Final EIRs discuss the evidence supporting this finding in more detail:

- Table 4.11.6 in the Draft EIR includes a summary of potential roadway noise levels in the project area
- For existing uses, there may be instances where soundwalls or berms would not be feasible due to space constraints
- Final EIR, Comment Letter 3D.5, Comment Letter and Response Matrix, No. 11, lists all comments and corresponding responses to concerns with the Draft EIR's analysis of noise impacts, in particular noise impacts of construction on schools within the project site.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures that the County could adopt at this time to reduce the increase in transportation noise levels to a less than a significant impact. Therefore, the impact remains significant and unavoidable following the adoption of the mitigation measures set out above.

**Impact 4.11.4:** Development of the proposed project would result in cumulative noise impacts from traffic.

**Mitigation Measures:** The Board of Supervisors adopts Mitigation Measures 4.11.4 and 4.11.5 discussed above to address this impact.

**Evidence Supporting Findings:**

**Summary:** This impact is the cumulative effect of Impact 4.11.2. All of the evidence cited above applies to this impact.

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures that the County could adopt at this time to reduce the cumulative noise impacts from the traffic from the proposed project and the additional traffic on the roadway network from other developments in the area to a less than significant level. The impact remains significant and unavoidable following the adoption of the mitigation measures set out above.

**4.12 – Population, Employment, and Housing**

**Impact 4.12.5:** Implementation of the proposed project would result in a cumulatively considerable environmental impact to the County by directly and indirectly inducing population growth.

**Mitigation:** The Board of Supervisors finds that no feasible mitigation is available.

**Evidence Supporting Findings:**

The following sections in the Draft and Final EIRs discuss the evidence supporting this finding in more detail:

- Draft EIR discussed the impacts of population growth (including cumulative impacts) in Section 4.12, especially at pages 4.12-11 to 4.12-12

**Finding:** The Board of Supervisors finds that there are no feasible mitigation measures that the County could adopt at this time to reduce the impact of inducing population growth in the County to a less than significant level. The Board finds that the cumulative impact of the growth planned for this and other projects remain significant and unavoidable following the adoption of the mitigation measures set out above.

**4.13 – Public Services**

**Impact 4.13.5:** Implementation of the proposed project would result in a cumulatively considerable environmental impact to public services.

**Mitigation:** The Board of Supervisors finds that no feasible mitigation is available for the cumulative effects of the project and other projects proposed in the area on public services. However, the Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.13.1** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall work cooperatively with Madera County Fire Department (MCFD) to address provisions for fire protection services to the project site. These provisions shall ensure that existing fire protection service levels are not adversely affected by the proposed project and include the following:

- Establishment of an assessment process for determining an adequate urban level of fire protection services throughout the project build out that includes specific details on the personnel needed to serve the project site. Fire protection services shall be in place prior to the arrival of residents. The project applicant would be required to provide the necessary funding for fire protection service until there is sufficient development within the proposed project site to generate an adequate tax base to fully fund fire protection services. Coordination with surrounding volunteer fire stations also shall be included.
- Consideration of sharing fire protection facilities, staff, equipment, and costs with future development in the Rio Mesa Area Plan and Gunner Ranch West Area Plan.
- The proposed project applicant would pay the project's pro-rata share of the cost of additional fire protection equipment and new fire station required for the project, by contributing to County's Capital Facility Fee Program on a per unit or per dwelling basis, or by directly providing facilities to offset fees, or by such other funding mechanism acceptable to the applicant and the County. The appropriate facilities and the project's pro-rata share are to be determined by the County after additional study.

**Mitigation Measure 4.13.2** Prior to the approval of the water distribution system, the project applicant shall submit the project water distribution system plans to the MCFC, and/or CDF, and the Madera County Resource Management Agency (Engineering Dept.) for review. The water distribution system shall meet all fire flow and hydrant spacing requirements.

**Mitigation Measure 4.13.3** Prior to approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall submit tentative subdivision maps and/or improvement plans to the MCFD for review. Project site design shall include adequate fire access,

including two points of ingress and egress, through the project site, including access to any gated communities. Fire accesses shall be approved by MCFD.

**Mitigation Measure 4.13.4** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall work cooperatively with Madera County Sheriff Department (MCS D) to address provisions for law enforcement services to the project site. These provisions shall ensure that existing law enforcement service levels are not adversely affected by the project and include the following:

- Establishment of an assessment process for determining adequate police protection services throughout the phases of the proposed project build out, which includes specific details on the number of officers, equipment, and facilities needed to serve the project site.
- Consideration of sharing law enforcement facilities, staff, equipment, and costs with future development in the Rio Mesa Area Plan and Gunner Ranch West Area Plan.
- Identification of a financing mechanism to provide for the funding of capital facilities, staffing, and operation costs of providing police protection services to the project site.

**Mitigation Measure 4.13.5** Tentative subdivision maps and/or non-residential development plans shall be submitted to the MCS D for review prior to approval. To the extent practicable, project site design shall provide for an arterial road system that allows efficient, safe access throughout the proposed project site, evacuation paths with multiple routes, emergency responsive traffic signals and appropriate lighting. To the extent practicable, designs should avoid "no-view" areas. Developer shall submit for County approval of a street naming system that follows an identified pattern for easy progression through the proposed project area

**Mitigation Measure 4.13.6** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall work with the MCS D to include site design features to improve public safety. These features may include increased lighting and discernable address signs.

**Evidence Supporting Findings: Summary:** The proposed project will provide significant funding and will construct or dedicate significant infrastructure to expand the availability of urban public services within the project boundary and in the surrounding area. In addition, the proposed project will generate tax revenues that will provide a surplus to the County over and above the cost of providing services to the proposed project. Even with these offsetting benefits, however, the impacts on public services will, at least in the short term, be significant as the project is being built and as other projects in the area that will contribute both to the demand and the funding for public services are being built out.

The following sections of the Draft EIR, Final EIR, and Response to Additional Comments (August 2007) documents discuss the evidence supporting this finding in more detail.

- Draft EIR page 4.13-15 discusses cumulative environmental impacts to public services and explains that the project would result in similar impacts to public services as other large-scale development projects in the County such as the Gunner Ranch West and Rio Mesa developments
- Response to Additional Comments, Comment 2A.1, raises an overall concern regarding the cumulative impacts of the project in terms of public services, air quality, traffic, water, agricultural lands. Responses 2A.1-1 through 2A.1-13 addresses each specific issue raised in the comment letter.
- Response to Additional Comments, PC Hearing Comment 2B.1, bracket #1 through 6, same issues are raised by the same commenter as Comment 2A.1. Responses 2B.1-1/2 through

2B.1-5/6 refer to Section 4.13 of the Draft EIR, and Responses 2A.1 and 2A.9 of the Response to Additional Comments document.

- Response to Additional Comments, PC Hearing Comment 2B.11, bracket #2, commenter is concerned about regional planning issues. Response 2B.11-2 refers to Response 2A.1, which discusses the County's updated planning provisions, public services, and a policy in the County's General Plan that ensures new schools are adequate.
- The following comments are not specific to Impact 4.13.5, however they are comments regarding public services:
  - Final EIR, Comment letter 3A.3, bracket #2 and 3, commenter brings into question Mitigation Measure 4.13.1 and allocation of mitigation. Response 3A.3-2/3A.3-4 provides clarification of language regarding Mitigation Measure 4.13.1
  - Final EIR, Comment 3F.1, bracket #1, commenter questions who will pay for water that will be needed for future residents. Response 3F.1-1 discusses the funding mechanism.
  - Final EIR, Comment 3F.2, bracket #2, commenter questions who will pay for additional services. Response 3F.2-2 addresses the funding mechanism.
  - Final EIR, Comment Letter 3D.3, brackets # 12 to 14 and Response 3D.3-12/14 are regarding increased use of the San Joaquin River Parkway with new residents from Gateway Village
  - Final EIR, Comment Letter 3D.5GVUSD Comment Letter and Response Matrix, No. summarizes all comments and responses regarding Fire, Police, Emergency Services, Other Governmental Services

**Finding:** The proposed project would result in a significant and unavoidable cumulative impact to public services after the adopted mitigation. The Board of Supervisors finds that there are no feasible mitigation measures that the County could adopt at this time to reduce this impact to a less than significant level and the impact remains significant and unavoidable following the adoption of the mitigation measures set out above.

#### **4.15 –Traffic**

**Impacts 4.15.3:** These impacts, that are described more fully in the EIR, indicate that the development of the proposed project will add traffic to roadway segments and intersections of the local circulation system in the vicinity of the Project. Without mitigation this is a significant impact. The feasible mitigation will reduce the impacts to less than significant if all of the improvements described in the mitigation measures are implemented, and if the traffic signals on either end of the study road segments were fully coordinated and optimized. However, as certain of the improvements called for in the mitigation measures are outside of the County's and applicant's control, and therefore, cannot be guaranteed, impacts must be considered significant and unavoidable.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address the traffic impacts on the local circulation system: Mitigation Measures 4.15.1 through 4.15.10 (please see EIR for the full text of the mitigation measures). In general, these measures provide for appropriate improvements of each intersection and road segment surrounding the Project to accommodate the traffic generated by the Project. These measures also provide for certain flexibility in designing the improvements as the Project and other development in the area is built and actual traffic volumes are known. Finally, the measures provide for an allocation of financial responsibility for each improvement between the Project and other sources of traffic that will be served by each intersection or road segment.

#### **Evidence Supporting Findings:**

The following sections of the Draft EIR, Final EIR, and Response to Additional Comments documents discuss the evidence supporting this finding in more detail:

- Draft EIR, Page 4.15-19 to 4.15-27 provides a more detailed discussion regarding Impacts 4.15.3 and 4.15.4
- Final EIR, Comment Letter 3A.1, bracket #2, commenter raises concern about the increased vehicle traffic demand and its impact in Fresno County. Response 3A.1-2 in the Final EIR discusses the Road Impact Fee programs and the project applicant's intent to pay the fees that are in place at the time of tract map approval.
- Final EIR, Comment Letter 3B.2 was submitted by Caltrans and discusses several issues regarding improvements. Response 3B.2 provides a thorough discussion of improvement plans for the project.
- Final EIR, Comment Letter 3B.4, commenter raises concern about the rail corridor adjacent to the project site. Response 3B.4 indicates that upgrading the rail crossing to the appropriate standards at the time of construction.
- Final EIR, Comment Letter 3B.6, commenter raises concern about the additional vehicle trips generated by the project and associated impacts on the roads and intersections and lists recommended roadway improvements. Commenter also recommends increasing staffing to provide to ensure an adequate level of service. Response 3B.6-1 discusses payment of Road Impact Fees going to road improvements identified in the Traffic Study (November 2006). The response also includes a brief discussion about payment of the project's fair share for the expansion of California Highway Patrol personnel through the payment of state gas taxes on fuel purchased within the project site and vehicle registration within Gateway Village.
- Please refer to No. 5 of the Matrix for Comment Letter 3D.5, page 3D.5-7, which identifies all of the comments made that relate to traffic.
- Final EIR, Comment 3F.1 bracket #1 through 3, commenter inquires about applicant's payment for traffic, police, and fire services. Responses 3F.1 through 3F.3 discuss payment of fees to mitigate impacts on public services such as schools, police, and fire.
- Final EIR, Comment 3F.5 bracket #1, commenter inquires about traffic on Avenue 12. Response 3F.5-1 discusses payment of Road Impact Fees and the funds going toward road improvements on Avenue 12 as well as SR41.
- Response to Additional Comments, PC Hearing Comment 2B.11 bracket #1 raises concerns about traffic and Measure T and mentions the Chuckchansi Casino. Response 2B.11-1 addresses the concerns, indicating that the project includes extensive direct mitigation of traffic impacts. A reference is made to Section 4.15 of the Draft EIR.
- Response to Additional Comments, PC Hearing Comment 2B.14, bracket #4 raises concern regarding the peak operating hours and traffic generated. Response 2B.14-4 references Response 2A.1-2 of the Response to Additional Comments document, discusses the development of SR65, and notes that the vehicles per household and peak hour trip generation was analyzed using the Madera County Regional Traffic Model.

**Finding:** The Board of Supervisors finds that the mitigation measures that the County has adopted will reduce traffic impacts to a less than significant level. The Board of Supervisors finds, however, that there are a number of elements of the required mitigation that are not within the control of the applicant or the County. Therefore, the impact remains significant and unavoidable following the adoption of the mitigation measures set out above.

**Impact 4.15.4:** In 2025, development of the proposed project would contribute traffic to intersections in the study area.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Measure 4.15.3:** At the Children's Boulevard/Peck Boulevard intersection (#4), modify traffic signals along the Children's Boulevard corridor to fully coordinate and optimize. The project applicant shall pay their fair share of the cost of this measure.

**Measure 4.15.4:** At the Children's Boulevard/Lanes Bridge Drive intersection (#5), widen the westbound approach to add a third through lane and a second right-turn lane; and widen the southbound approach to add a third left-turn lane. The project applicant shall pay their fair share of the cost of this measure.

**Measure 4.15.5:** At the Children's Boulevard / SR41 southbound ramps intersection (#6), widen the eastbound approach from two through lanes and two right-turn lanes to one through lanes, one through-right lane and three right-turn lanes; and widen the westbound approach to add a fourth and fifth through lane. The project applicant shall pay their fair share of the cost of this measure.

**Measure 4.15.6:** At the Avenue 12 / Road 40 intersection (#12), projected traffic volumes would not meet the rural peak-hour volume signal warrant. The following three mitigation options could be considered:

- Install traffic signals (if and when conditions meet warrants);
- Prohibit left turn movements from Road 40 onto Avenue 12; or
- Prohibit all left turn movements at the intersection

It should be noted that implementation of any of these options would potentially affect traffic operating conditions (LOS and/or delays) at other intersections on the Avenue 12 corridor (e.g., by affecting signal coordination and timing, and/or by causing traffic to divert to the nearby intersections where movements are not restricted).

**Measure 4.15.7:** At the Avenue 12 / Root Creek Parkway West intersection (#13), modify traffic signals along Avenue 12 corridor to fully coordinate and optimize. The project applicant shall pay their fair share of the cost of this measure.

**Measure 4.15.8:** At the Avenue 12 / SR 41 West Frontage Road intersection (#17), widen the westbound approach to add a fourth through lane. The project applicant shall pay their fair share of the cost of this measure.

**Measure 4.15.9:** At the Avenue 12 / Golden State Boulevard intersection (#32), the Gateway Village project will contribute its fair share through the payment of the County's Regional Road Impact Fee.

**Measure 4.15.10:** At the Avenue 12 / SR99 northbound ramps intersection (#34), the Gateway Village project will contribute its fair share through the payment of the County's Regional Road Impact Fee.

**Evidence Supporting Findings:**

- See evidence for 4.15.3 above
- Page 4.15-22 to 4.15-27 of the DEIR
- Final EIR, Comment Letter 3A.1, bracket #2
- Final EIR, Comment Letter 3B.2
- Final EIR, Comment Letter 3B.4
- Final EIR, Comment Letter 3B.6
- Final EIR, Please refer to No. 5 of the Matrix for Comment Letter 3D.5
- Response to Additional Comments—Letter 2A.6

**Finding:** The Board of Supervisors finds that prior to mitigation the increase in traffic at intersections will be a significant impact of the proposed project; however, the adopted mitigation will reduce this to a less than significant impact for all intersections of local roadways. At the Avenue 12/SR41 intersection

the impact would be significant and unavoidable following implementation of mitigation required by Caltrans' agreement with the project sponsor. The impacts to that intersection will not be fully mitigated until the freeway interchange is constructed. Although the proposed project will contribute towards the construction of that intersection, other funding will be necessary to complete the project. Caltrans has jurisdiction over SR41 and SR99, and will be responsible for implementation of Mitigation Measures 4.15.5, 4.15.8, and 4.15.10 and, ultimately, construction of the Avenue 12. Implementation of the Southeast Madera County Transportation Authority will provide additional certainty and County control over timing of implementation of these improvements. As these improvements are outside of the County's and applicant's control and cannot be guaranteed, impacts would be significant and unavoidable.

## **LESS THAN SIGNIFICANT IMPACTS AFTER MITIGATION**

### **4.1 – Aesthetics**

**Impact 4.1.1:** Implementation of the proposed project would alter the existing landscape characteristics of the project site from agricultural land to developed urban/suburban uses. This change in visual character would not impact a scenic vista.

**Finding:** The Board of Supervisors finds that the proposed project would have a less than significant impact on a scenic vista and therefore, no further mitigation is required.

#### **Evidence Supporting Findings:**

**Summary:** Although the proposed project would change the topography and physical site features, visual changes would be local to the project area. The visual changes would not occur at a scale resulting in impacts to visible mountain ranges in the area, or other scenic vistas. Since implementation of the proposed project would not contribute to adverse impacts on scenic vistas, no significant impacts would occur.

The following Sections of the Draft EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.1-9
- This evidence was not contradicted at the hearing or in written comments.

**Impact 4.1.2:** Implementation of the proposed project would alter the existing landscape characteristics, but would not affect scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

**Finding:** The Board of Supervisors finds that the proposed project would have a less than significant impact on scenic resources and therefore, no further mitigation is required.

#### **Evidence Supporting Findings:**

**Summary:** The proposed project would alter the existing landscape characteristics; however, there is no officially designated or eligible state or County scenic routes or highways in Madera County. Since implementation of the proposed project would not contribute to adverse impacts on scenic resources, no significant impacts would occur.

- Discussion was provided in the Draft EIR, page 4.1-10
- This evidence was not contradicted in any written or oral comments received by the County.

**Impact 4.1.3:** Implementation of the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings.

**Finding:** The Board of Supervisors finds that the proposed project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

**Evidence Supporting Findings:**

**Summary:** The proposed project would alter the existing landscape characteristics (as indicated above). However, changes in physical site features would not result in significant impacts as the project would redevelop agricultural land that is not visually significant with land uses that are compatible with the existing Rolling Hills Estates and future approved urban development of the Rio Mesa Area Plan and Gunner Ranch West Area Plan.

The following Section of the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.1-10 to 4.1-11
- This evidence was not contradicted in any written or oral comments received by the County.

**Impact 4.1.4:** Implementation of the proposed project would result in the introduction of new light and glare sources associated with residential and commercial uses, which could have an adverse affect on adjacent areas.

**Mitigation:** The Board of Supervisors adopts the following mitigation measure discussed in the EIR to address this impact:

**Mitigation Measure 4.1.4:** The following project design features shall be implemented to minimize light and glare impacts:

- Outdoor light fixtures for non-residential areas (such as lighting used for landscaping and architectural features and parking lots) shall be low-intensity, shielded and directed away from residential areas and night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixture and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Site plans shall be reviewed and approved on a case-by-case basis, contingent upon certification by the Madera County Planning Department that adjacent residential areas would not be affected.
- Streetlights shall use low-pressure sodium lamps and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited.
- Native landscaping, such as shrubs and trees, shall be planted in such a manner to shield motor vehicle lights from adjacent areas. Dense native landscaping (such as shrubs) shall be placed along all project arterial roadways and Root Creek Parkway, as well as employment and commercially designated areas and the Village Center.
- Light fixtures for sports fields, park sites, and other lighted sports facilities shall be directed away from residential areas and shielded in a manner to minimize their illumination of the night sky, as specified in applicable County standards.

**Evidence Supporting Findings:**

**Summary:** The mitigation measure will ensure that the urban area meets all current standards to minimize hazards as a result of day time glare and to maintain dark skies at night.

The following Section of the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.1-12 to 4.1-13.
- This evidence was not contradicted in any written or oral comments received by the County.

**Finding:** The Board of Supervisors finds that with the incorporation of Mitigation Measure 4.1.1, the proposed project would have a less than significant impact on light and glare that could adversely affect day or nighttime views of the area.

**Impact 4.1.5:** Buildout of the proposed project, together with development anticipated in Madera County, would alter the nature and appearance of the area and contribute to the loss of less densely developed areas.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no further mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The project site is not in a designated scenic area and its development will not block any scenic vistas. The Project will comply with all County standards and will be aesthetically consistent with other development in the area.

The following Section of the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.1-13
- This evidence was not contradicted in any written or oral comments received by the County.

### **4.3 – Air Quality**

**Impact 4.3.1:** Development of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan with implementation of mitigation measures.

**Impact 4.3.2:** Construction of the proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

**Impact 4.3.3:** Operation of the proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

**Impact 4.3.6:** Development of the project would not contribute significantly to cumulative air quality impacts.

**Mitigation:** The Board of Supervisors adopts the following mitigation measure discussed in the EIR to address these potential impacts:

**Mitigation Measure 4.3.1:** The applicant shall fulfill all provisions and requirements of the agreement with San Joaquin Valley Air Pollution Control District (SJVAPCD) to reduce net reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), and total particulate (PM<sub>10</sub>) impacts to zero. This agreement includes an emission reduction program, whereby the applicant funds projects in the Basin, such as

replacement and destruction of old engines with new more efficient engines (a copy of the Air Quality Mitigation Agreement is provided in Appendix C).

The agreement requires the Applicant to identify and propose opportunities for the reduction of emissions to fully mitigate project's air impact to less than significant, and includes opportunities for removal or retrofitting of stationary, transportation, indirect, and/or mobile pollution source equipment. Each proposal requires SJVAPCD approval and verification of emission reduction. The applicant's compliance with the provisions of the agreement would reduce net ROG, NO<sub>x</sub>, and PM<sub>10</sub> impacts to zero.

**Evidence Supporting Findings:**

**Summary:** Without implementation of the agreement with the SJVAPCD, the construction and operation of the Project would produce emission that would have significant direct and cumulative adverse impacts on air quality. The agreement with the SJVAPCD requires that all impacts be reduced to zero with a 5% additional reduction through the use of best available technology and methodology in construction and design in connection with the measures to achieve offsetting emission reductions by reducing existing pollution in the area. Because the agreement provides solely for new emission reductions, it will provide a prompt improvement in existing air quality.

The following sections in the Draft and Final EIRs discuss the evidence supporting this finding in more detail:

Impact 4.3.1

- Discussion was provided in the Draft EIR, page 4.3-17 to 4.1-18
- Final EIR, Comment Letter 3A.1, bracket #3 regarding air quality degradation and Response 3A.1-3
- Final EIR, Comment Letter 3A.5 and Response 3A.5 address issues related to air quality
- Final EIR, Comment Letter 3A.6 indicates that the SJVAPCD agrees with the proposed changes made to the EIR and confirms that the project will be fully mitigated with the Development Mitigation Contract
- Final EIR, Comment Letter 3A.7 is a follow-up letter from the SJVAPCD confirming that the methodology in the EIR is correct and that the project will be fully mitigated
- Final EIR, Comment Letter 3D.5 questions the technical accuracy and adequacy of air quality information (Please see item no. 9 in the GVUSD Comment Letter and Response Matrix)

Impact 4.3.2

- Discussion was provided in the Draft EIR, page 4.3-18 to 4.3-19
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County (other than comments listed under Impact 4.3.1)
- Construction projects that emit ozone precursor air pollutants in excess of 10 tpy of ROG or NO<sub>x</sub> would be considered to have a significant air quality impact. As a result, construction impacts to air quality would be significant without the implementation of Mitigation Measure 4.3.1 identified above, which would reduce net ROG and NO<sub>x</sub> emissions to zero and would assure emissions from construction of the proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact 4.3.3

- Discussion was provided in the Draft EIR, page 4.3-19 to 4.3-22
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County (other than comments listed under Impact 4.3.1)

**Impact 4.3.6**

- Discussion was provided in the Draft EIR, page 4.3-26 to 4.3-28
- Tables 4.3.11 and 4.3.12 provide information about cumulative impact emissions for construction and area and vehicular sources over the period of construction and the first year of operation.
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County (other than comments listed under Impact 4.3.1 and Impact 4.3.4)

**Finding:** The Board of Supervisors finds that implementation of Mitigation Measure 4.3.1 (the agreement between the project proponent and the SJVAPCD) will assure emissions from construction and operation of the proposed project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Furthermore, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan and would not contribute to cumulative air quality impacts. Therefore, the Board of Supervisors finds that after mitigation air quality impacts would be less than significant.

**Impact 4.3.4:** The proposed project would not expose sensitive receptors to pollutant concentrations resulting in an adverse health effect.

**Finding:** The Board of Supervisors finds that the project design ensures that this impact is below the level of significance and, therefore, no further mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The proposed project would not expose sensitive receptors to levels of TACs that exceed applicable standards. The compliance with applicable regulations would minimize impacts of valley fever. In addition, modeling results were compared to the CAAQS for carbon monoxide of 9 ppm on an 8-hour average and 20 ppm on a 1-hour average. Neither the 1-hour average nor the 8-hour average would be equaled or exceeded at any of the intersections studied.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.3-22 to 4.3-25
- Comment 3F.3-8 was made regarding adverse air quality impacts on health and the cumulative impact analysis and Response 3F.3-8 refers to the approved mitigation agreement between Castle & Cooke and SJVAPCD

**Impact 4.3.5:** Development of the proposed project would include a wastewater treatment facility that may result in odor impacts for future residents.

**Finding:** The Board of Supervisors finds that the project design ensures that this impact is below the level of significance and, therefore, no mitigation is required.

**Evidence Supporting Findings:**

**Summary:** None of the impacts from odorous compounds will exceed the adopted maximum thresholds for odors. In addition, the waste water treatment plant would use aeration ponds and would install controls to reduce odorous emissions. Therefore, any odor impacts will be less than significant.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.3-25 to 4.3-26

- Final EIR, Comment Letter 3A.5, bracket #20 discusses odor problems; Response 3A.5-20/21 indicates that the applicant will comply with applicable SJVAPCD rules
- Final EIR, Comment Letters 3A.6 and 3A.7 were follow-up letters from SJVAPCD indicating that the project will be fully mitigated
- Final EIR, Comment 3F.2, bracket #3 was made regarding odor from the sewage water treatment plant; Response 3F.3-3 addresses commenter's concern about odor and refers to Comment Letter/Response 3A.5 and 3A.6

#### **4.4 – Biological Resources**

**Impact 4.4.1:** The proposed project would not affect, either directly or through habitat modifications, species identified as Threatened or Endangered by the CDFG or USFWS.

**Finding:** The Board of Supervisors finds that the proposed project would have a less than significant impact on species identified as Threatened or Endangered by the CDFG or USFWS and, therefore, no further mitigation is required.

##### **Evidence Supporting Findings:**

**Summary:** Species that are identified as Threatened or Endangered by the CDFG or USFWS are deemed present only at the vernal pools near SR41, which are outside of the project boundaries, including transportation rights-of-way, well sites, and off-site areas for effluent storage. Therefore, the project will have less than significant impacts on Threatened and/or Endangered species.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.4-23
- Final EIR, Comment Letter 3B.1, bracket #2 through #19 and Response 3B.1 address issues related to both animal and plant species
- With the exception of Comment Letter 3B.1, evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.4.2:** Project construction could affect other species that are not listed but meet the criteria of CEQA Guidelines Section 15380(b) (i.e., *Scaphiopus hammondi hammondi*, Western spadefoot toad; and *Athene cunicularia*, burrowing owl).

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.4.1:** The following mitigation provisions apply to the burrowing owl and are derived from CDFG guidelines.

- A pre-construction survey shall be conducted by a qualified biologist within and adjacent to ruderal habitat (orchards would not be used by this species) within 30 days of the on-set of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located.
- If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows within 250 feet of construction zones, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over.

- During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the CDFG. This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

**Mitigation Measure 4.4.1a:** Tree and brush removal at the above-identified project sites shall be avoided during the nesting season (March 1 through August 15), or the sites shall be surveyed by a qualified biologist to verify the absence of breeding birds.

Initial site clearing in areas with the potential for nesting birds shall also occur outside of the nesting season (March 1 through August 15). If clearing within the project area is to occur during the nesting season, a general survey for raptors, passerines, and their nests shall be conducted by a qualified biologist prior to construction to verify bird absence. If the survey indicates the potential presence of nesting raptors or passerines, the results would be coordinated with the Region 4 office of the CDFG, and suitable avoidance measures would be developed. Construction activities shall observe CDFG avoidance guidelines, which are a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds.

**Evidence Supporting Finding:**

**Summary:** Construction of proposed uses at the project site could adversely affect other species. Without incorporation of mitigation measures, there would be a significant impact on Special Status species.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.4-24
- Final EIR, Comment Letter 3B.1 discusses plant and animal species that the Dept. of Fish and Game are concerned with (with Response 3B.1 addressing comments); however, no comments were made that were specific to the effect of project construction on other species not listed

**Finding:** The Board of Supervisors finds that implementation of the proposed project without incorporation of mitigation measures would have a significant impact on Special Status species; however, implementation of Mitigation Measures 4.4.1 and 4.4.1a will result in less than significant impacts.

**Impact 4.4.3:** The proposed project would potentially impact riparian habitat.

**Finding:** The Board of Supervisors finds that the project design will ensure that impacts on riparian habitat are below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Finding:**

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.4-24 to 4.4-25
- Comment Letter 3B.1 discusses plant and animal species that the Dept. of Fish and Game are concerned with (with Response 3B.1 addressing comments), with bracket # 11 specific to riparian habitat

- However, no comments were made that were specific to the effect of project construction on other species not listed
- As BMPs have been recognized as methods to effectively prevent or minimize the erosion, and the project applicant would adhere to erosion control measures outlined in the SWPPP, the potential for erosion impacts during construction would be less than significant.

**Impact 4.4.4:** The proposed project would have an impact on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.4.2:** An area equivalent to the wetland impact acreage and in similar condition shall be identified and improved through riparian planting or the removal of non-native species. The location shall be as close to the project site as possible.

**Evidence Supporting Findings:**

**Summary:** The only Federally protected wetlands indicated by the survey are not on the project site but are located in the area east of SR 41 that may have been utilized for the widening of SR41 to accommodate project traffic. The planlines that are currently in place for the SR41 improvements, however, indicate that all construction will occur to the west and the wetlands will not be disturbed by the road improvements. Therefore, the mitigation measures may not be required as the project design currently is to maintain the existing jurisdictional wetlands without modification.

The following sections of the Draft EIR, Final EIR, and Response to Additional Comments (August 2007) discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.4-25 to 4.4-26
- Final EIR, Comment Letter 3B.1, bracket #11 and #12 are specific to wetlands, and Response 3B.1-11/12 indicates that the wetlands will not be disturbed or encroached upon.
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- Comment Letter 3C.1, brackets 1 and 2 discuss standards for wetlands delineations and alternatives to avoid impacts to wetlands; Response 3C.1-1/4 addresses the comment, indicating that a verified wetlands delineation is not required because the project design does not include any construction between the current physical eastern boundary of SR-41 and the identified wetlands. In addition, the balance of the project will qualify for a Nationwide Permit and no further study or mitigation is required.
- 
- Appendix F of the Final EIR indicates that the planline for the expansion of SR 41 does not involve any construction between the already disturbed area and the vernal pools to the east.

**Finding:** The Board of Supervisors finds that the implementation of the adopted mitigation measure or the avoidance of the identified jurisdictional wetlands will reduce any impacts on Federally protected wetlands to less than significant.

**4.5 – Cultural Resources**

**Impact 4.5.1:** Removal of buildings and structures of potential historic significance would not occur.

**Finding:** The Board of Supervisors finds that the project design will not have any impacts on potentially significant historic buildings. Therefore, this potential impact is below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion is provided in the Draft EIR, page 4.5-7
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.5.2:** Project construction could adversely affect currently unknown historical resources, including archaeological resources.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.5.1:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the County shall consult with a qualified archaeologist to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. The County shall make the final determination. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

**Evidence Supporting Findings:**

**Summary:** Given the presence of isolates in the area, there is a possibility that previously unknown archaeological sites may occur at the project site.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion is provided in the Draft EIR, page 4.5-7 to 4.5-8
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County
- Final EIR, Comment Letter 3C.1, bracket #3 states that cultural resource sites that are found will need to be evaluated to the standards of NEPA; Response 3C.1 addresses the comment, indicating that no cultural resources have currently been identified within the project area but appropriate procedures will be followed.

**Finding:** The Board of Supervisors finds that implementation of the proposed project with incorporation of the adopted mitigation measures would have a less than significant impact on previously unknown historic resources, including archeological resources.

**Impact 4.5.3:** The proposed project could adversely affect unidentified paleontological resources.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.5.2:** In the event that paleontological resources are discovered, the project proponent shall notify a qualified paleontologist, who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in *CEQA Guidelines* Section 15064.5. If a breas<sup>1</sup> or other fossil is discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology, 1995)). The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before construction is allowed to resume at the location of the find. If the County determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project on the qualities that make the resource important. The plan shall be submitted to the County for review and approval prior to implementation.

**Evidence Supporting Findings:**

**Summary:** Fossils are not expected to be discovered during the construction of the proposed project.

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion is provided in the Draft EIR, page 4.5-8 to 4.5-9
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors finds that implementation of the proposed project with incorporation of the adopted mitigation measures would have a less than significant impact on previously unknown paleontological resources.

**Impact 4.5.4:** Project construction could result in disturbance to previously unidentified human remains.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.5.3:** If human skeletal remains are uncovered during project construction, the project proponent shall immediately halt work in the area of the discovery, contact the Madera County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the county coroner determines that the remains are Native American, the County shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and all excavation and site preparation activities would cease until appropriate arrangements are made.

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<sup>1</sup> A seep of natural petroleum that trapped extinct animals, thus preserving and fossilizing their remains.

**Evidence Supporting Findings:**

**Summary:** It is unlikely that any human remains would be encountered during construction of the proposed project, but if they are, appropriate protocols will be followed.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.5-9
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors finds that with incorporation of mitigation measures, construction activities associated with the proposed project would have a less than significant impact on previously unidentified human remains.

**Impact 4.5.5:** Project construction of the Gateway Village could contribute to cumulative impacts on cultural resources.

**Finding:** The Board of Supervisors finds that with the project design the potential impact on cultural resources is below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

**Summary:** The project will not have an impact on known cultural resources. It is unlikely that any unknown cultural resources would be encountered during construction of the proposed project, but if they are, appropriate protocols will be followed.

- Discussion was provided in the Draft EIR, page 4.5-9 to 4.5-10
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**4.6 – Soils and Geotechnical**

**Impact 4.6.1:** In the event of a major earthquake in the region, seismic ground shaking could potentially injure people and cause collapse or structural damage to proposed structures or utilities.

**Finding:** The Board of Supervisors finds that the design criteria for buildings to be constructed in the proposed project reduce the risk of impacts from seismic events below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

**Summary:** As with any project in California, the structures would be required to conform to the California Building Code, which incorporates seismic design criteria that would minimize the potential for damage and injury due to seismic ground shaking. Therefore, the potential impact from ground shaking is considered to be less than significant.

The following sections in the Draft EIR and Final EIR discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.6-8
- Risk of seismic hazards at the site is estimated to be low

- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.6.2:** The development could expose soils to erosion or result in loss of topsoil.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

**Summary:** As Best Management Practices “BMPs” have been recognized as methods to effectively prevent or minimize the erosion, and the project applicant would adhere to erosion control measures outlined in the Storm Water Pollution Prevention Plan, the potential for erosion impacts during construction would be less than significant.

- Discussion was provided in the Draft EIR, page 4.6-8
- Project applicant would be required to develop and implement a SWPPP in order to minimize potential erosion and subsequent sedimentation of storm water runoff (this discussion is contained in the Draft EIR).
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.6.3:** Areas of the development could be located on soils that are susceptible to expansion or collapse and result in damage to structures.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

**Summary:** The proposed project would be appropriately engineered by a geotechnical or civil engineer to withstand expected structural loads, thereby minimizing the potential for damage as a result of any expansive soils.

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.6-9
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.6.4:** The proposed project, together with other developments in the immediate vicinity, would contribute to potential cumulative geologic and seismic hazards including increased soil erosion, slope failure, ground shaking, soil settlement, and liquefaction.

**Finding:** The Board of Supervisors finds that with the project design the proposed project with other area projects would not contribute to cumulative impacts on geology and soils in the project area and, therefore, this impact is below the level of significance. No further mitigation is required.

**Evidence Supporting Findings:**

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.6-9
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

#### **4.7 – Hazards and Hazardous Materials**

**Impact 4.7.1:** The proposed project could encounter contaminated soils during excavation activities, causing an increase in the risk of exposure (human and the environment).

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.7.1:** In order to determine if contaminants may be present in the soil, a sampling program shall be conducted in areas proposed for sensitive land uses such as residences and schools. Sampling protocol shall include, but not be limited to, sampling in random grid locations, sampling at various soil depths, and sampling in areas where known mixing of pesticides has occurred.

Soil samples shall be analyzed for elevated levels of agricultural chemicals. Soil sampling also shall be conducted in the areas of the urea fertilizer tanks and the irrigation well turbine pumps. Remediation activities shall be required if testing reveals levels of contaminants that exceed regulatory requirements and/or pose a threat to the public health and the environment. Remediation may be required for both soils and groundwater, if regulatory requirements are exceeded. The remediation plan shall require approvals from the appropriate agencies. Remediation activities could include excavation and disposal, excavation and on-site treatment, or capping the soil with an impenetrable surface such as asphalt or concrete.

**Evidence Supporting Findings:**

**Summary:** Unless it can be verified that there are no measurable quantities or hazardous substances contained in the soil, there is a chance that chemicals may be present and could expose workers or occupants of residences to hazardous substances.

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.7-8 to 4.7-9
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors finds that the project would not result in a hazard due to exposure to contaminated soils during excavation activities. The impact would be insignificant with implementation of mitigation.

**Impact 4.7.2:** Accidental upset of hazardous materials used during construction may increase the risk of exposure to the environment, workers and the public.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.7.2:** Consistent with Storm Water Pollution Prevention Plan “SWPPP” requirements identified in the Hydrology and Water Quality section of this document, the project builder shall require all contractors to implement BMPs for handling hazardous materials on-site. The use of construction BMPs would minimize negative effects on groundwater and soils, and would include, without limitation, the following:

- Follow manufacturers' recommendations and regulatory requirements for use, storage, and disposal of chemical products and hazardous materials used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

**Mitigation Measure 4.7.3:** The applicant shall follow the provisions of CCR, Title 8, Sections 5163 through 5167 for General Industry Safety Orders to protect the project area from being contaminated by the accidental release of any hazardous materials and/or wastes. Disposal of all hazardous materials will be in compliance with applicable California hazardous waste disposal laws. The applicant shall contact the local fire agency and the County Department of Public Health, Environmental Health Division, for any site-specific requirements regarding hazardous materials or hazardous waste containment or handling.

**Mitigation Measure 4.7.4:** In the event of an accidental release of hazardous materials during construction, containment and clean up shall occur in accordance with applicable regulatory requirements.

**Mitigation Measure 4.7.5:** Oil and other solvents used during maintenance of construction equipment shall be recycled or disposed of in accordance with applicable regulatory requirements. All hazardous materials shall be transported handled, and disposed of in accordance with applicable regulatory requirements.

**Mitigation Measure 4.7.6:** The applicant shall require the construction contractor to prepare a Site Safety Plan in accordance with any requirement of the RWQCB. If hazardous materials are encountered during construction activities, the contractor shall be required to halt construction immediately and notify the applicant. Disposal of all hazardous materials shall be in compliance with all applicable California hazardous waste disposal laws.

**Mitigation Measure 4.7.7:** The applicant shall prepare and implement a safety program to ensure the health and safety of construction workers and the public during project construction. The safety program shall include an injury and illness prevention program, a site-specific safety plan, and information on the appropriate personal protective equipment to be used during construction.

**Evidence Supporting Findings:**

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.7-9 to 4.7-10
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors finds that the potential of hazards resulting from an accidental upset of hazardous materials used during construction would be insignificant with implementation of mitigation.

**Impact 4.7.3:** Implementation of the proposed project would increase the use and storage of hazardous materials by commercial businesses and residences at the project site.

**Finding:** The Board of Supervisors finds that compliance with applicable regulations in accordance with project design would reduce the potential impacts of hazardous materials storage to less than significant and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

The following section in the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.7-10 to 4.7-11
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.7.4:** Implementation of the proposed project would increase the quantities of hazardous waste that would require ultimate disposal.

**Finding:** The Board of Supervisors finds that compliance with local, state, and federal regulations would assure the proposed project would not result in a significant impact due to hazardous waste disposal and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.7-11
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.7.5:** Construction activities in grassland areas would have the potential to expose people or equipment to risk of loss, injury, or death involving wildland fires. The impact would be insignificant with implementation of mitigation.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Mitigation Measure 4.7.8:** The applicant shall work closely with local fire agencies to develop a fire safety plan, which describes various potential scenarios and action plans in the event of a fire.

**Mitigation Measure 4.7.9:** During construction, all staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. During the construction of the proposed project, the applicant shall require all vehicles and crews working at the project site to have access to functional fire extinguishers at all times. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.7-12 to 4.7-13
- Evidence in the Draft EIR regarding construction activities in grassland areas and related risks was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors finds that Mitigation Measures 4.7.8 and 4.7.9 will assure that construction activities in grassland areas will not have the potential to expose people or equipment to risk of loss, injury or death involving wildland fires, thus, after mitigation, this is a less than significant impact of the project.

**Impact 4.7.6:** The proposed project would not contribute to significant cumulative hazards impacts in the project site vicinity.

**Finding:** The Board of Supervisors finds the proposed project would not contribute to significant cumulative hazards impacts in the project site vicinity and, therefore, this potential impact is below the level of significance and no further mitigation is required.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.7-13
- Evidence in the Draft EIR regarding cumulative hazards impacts was not contradicted in oral or written comments received by the County

#### **4.8 – Hydrology and Water Quality**

**Impact 4.8.1:** Construction activities would involve grading and earthwork activities that could increase soil erosion and may transport sediment or other contaminants to downstream receiving waters

**Finding:** The Board of Supervisors finds that compliance with applicable regulations will assure that construction activities do not involve grading and earthwork activities that could increase soil erosion or transport sediment or other contaminants to downstream receiving waters, thus this potential impact would be less than significant and no mitigation is required.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.8-11
- Evidence in the Draft EIR regarding construction activities' impact on soil and water was not contradicted in oral or written comments received by the County

**Impact 4.8.2:** The proposed project may potentially transport contaminants from urban runoff to downstream receiving waters.

**Finding:** The Board of Supervisors finds that with the project design contaminants from urban runoff will not be transported to downstream receiving waters from the proposed project and, therefore, will not degrade groundwater and surface water quality. Therefore, this potential impact would be less than significant and, no further mitigation is required

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.8-12
- Currently, impacts to water quality in the project vicinity are predominantly from agricultural contaminants; conversion to urban activities would result in greater potential for other contaminants such as fuels, solvents, and/or other chemicals (as per discussion in Draft EIR)
- Project includes stormwater detention basins and stormwater quality protection basins (as per discussion in Draft EIR)
- Evidence in the Draft EIR regarding contaminants from urban runoff and quality of downstream waters was not contradicted in oral or written comments received by the County

**Impact 4.8.3:** Discharges from the proposed wastewater treatment plant could potentially degrade groundwater and surface water quality.

**Finding:** The Board of Supervisors finds that with the project design, including a Waste Water Treatment Plant and the related effluent disposal system, will mitigate risk of degradation of groundwater to a less than significant level and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.8-12 to 4.8-13
- Comment 3F.3, bracket # 4, commenter is concerned that ground water supply would be degraded from the treatment plant.
- Response 3F.3-4 addresses response, indicating that the potential for groundwater degradation resulting from the WWTP is minimal.

**Impact 4.8.4:** The proposed project would install new groundwater pumping wells for the purpose of using groundwater for the water supply. Additional pumping could cause groundwater levels to drop and further deplete groundwater supplies.

**Mitigation:** The Board of Supervisors finds that the water supply plan incorporated into the project design, in conjunction with Root Creek Water District, has the capability to, at a minimum, provide an additional 3,400 acre foot per year (based on a five year average) of beneficial recharge within the project area while using slightly less water than the long-established agricultural uses. Thus, the proposed project will result in a beneficial impact to recharge and groundwater supplies. Therefore, the potential impact on groundwater supply is below the level of significance and, no mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The project design includes a plan and contracts to import surface water to ensure that the project does not cause groundwater levels to drop or deplete groundwater supplies. In addition, the project has made a contractual commitment to provide sufficient imported water to eliminate the current groundwater overdraft experienced throughout the Root Creek Water District that will be the water purveyor for the project. The Infrastructure Master Plan and the Water Supply Assessment that is attached as Exhibit D to the Draft EIR indicate that the RCWD contracts that have been entered into at the project's expense to provide water supply for the project will be sufficient to eliminate the existing overdraft and further, offset the entire water usage of the project. Therefore, after project implementation there will be a small, but significant, decrease in the existing regional annual overdraft.

The following sections in the Draft EIR, Final EIR, and Response to Additional Comments documents discuss the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, pages 4.8-1 to 4.8-7, 4.8-13 and 4.8-14, 4.16-3 to 4.16-17 and in the Water Supply Assessment attached as Appendix D.
- Final EIR, Comment 3A.1, bracket # 4 expressed concern regarding water resources, hydrology, and supply; Response 3A.1-4 explains how the project will positively impact groundwater quantity.
- Final EIR, Comment 3B.3 discusses recharge programs, SB610 requirements for a Water Supply Assessment, the potential significant impact of the project on groundwater, and possible mitigation measures; Response 3B.3 addresses each concern and refers to the Water Supply Assessment in the Draft EIR and IMP and the executed 50 year agreement between RCWD and Westside Mutual Water Company (in Appendix D of the Final EIR).
- Comment 3D.5, bracket #143 through #150 is about technical accuracy and adequacy of information provided in the Draft EIR that addresses water availability, water supply, quality of water, and terms of the water agreement; Response 3D.5-143 through 3D.5-150 address each concern.

- Comment Letter 3D.1 emphasizes that any water acquired pursuant to agreements between RCWD and MID will be in strict accordance with those agreements. Response 3D.1 indicates that a copy of the final WSA is included as Appendix D in the Final EIR.
- Comment Letter 3F.1, bracket # 3, Comment Letter 3F.2, bracket # 1 and 2, and Comment Letter 3F.3, bracket # 2 are regarding ground water availability and agreement between RCWD and MID; Responses 3F.1-3, 3F.2-1 and 3F.2-2, 3F.3-2 addresses each commenter's question/statement about groundwater availability and the agreement.
- In the Response to Additional Comments volume of the Final EIR, comment letter 2A.1, brackets #5 and #6 (and the two attached scientific papers) question the water supply reliability, particularly in light of the potential for global warming to diminish the annual average Sierra snowpack through the balance of the century.
- Responses 2A.1-5 and 2A.1-6 respond to each of the concerns. In particular, 2A.1-6 compares the projection of the precipitation effects of global warming for the next 90 years to the project water supply plan and concludes that, due to the particular design of the plan, that the effect of global warming will be to increase both the quantity and reliability of surface water available to the project.

**Impact 4.8.5:** The proposed project would increase the amount of impervious surfaces at the project site, which could increase volume of surface water runoff and decrease the rate of groundwater recharge. Increased discharge of runoff could cause flooding downstream.

**Impact 4.8.6:** The proposed project, together with other developments in the immediate vicinity, would contribute to potential cumulative impacts to hydrology and water quality.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address the potential impacts of downstream flooding and cumulative impacts to hydrology and water quality:

**Mitigation Measure 4.8.1:** The project applicant shall submit final design plans and a hydrology report based on findings from the IMP, demonstrating adequate detention and percolation of storm water to the satisfaction of the County and Root Creek Water District (RCWD). The hydrology report shall also re-examine the flood hazard in the area, updating the FEMA analysis to identify a floodway and base flood elevations, as appropriate, considering recent and reasonably foreseen upstream and downstream development in the area.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.8-14 to 4.8-15, of planned flood control facilities including in-line basins and recharge basins to control and contain runoff from the project site.
- Evidence in the Draft EIR regarding surface water runoff and the rate of groundwater recharge was not contradicted in oral or written comments received by the County

**Finding:** The Board of Supervisors find that increased discharge of runoff from the proposed project could cause flooding downstream if not properly controlled, however, implementation of Mitigation Measure 4.8.1 will control flows and result in less than significant direct or cumulative impacts on flooding, hydrology or water quality.

#### **4.9 – Land Use and Planning**

**Impact 4.9.1:** Development of the proposed project would not divide an already established community.

**Finding** The Board of Supervisors finds that with the project design the proposed project would not divide an already established community, thus the impact would be less than significant and no mitigation is required

**Evidence Supporting Findings:**

**Summary:** The proposed project would be located in a primarily rural area that is currently designated for agricultural land uses on the Madera County General Plan land use map. The nearest community development is the established community of Rolling Hills Estates, which is adjacent to the east of the project site and will be buffered by compatible land uses. The proposed project would be consistent with similar land development projects that have been proposed in the area in recent years and the proposed Specific Plan would include policies to promote the integration of development, with a goal towards creating accessibility and a vibrant synthesis of uses, public space and transit.

The following section of Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.9-6
- Evidence in the Draft EIR regarding the proposed project's effect on the community was not contradicted in oral or written comments received by the County

**Impact 4.9.2:** With approval of the discretionary actions, the proposed project would not conflict with the General Plan land use designations and policies and the zoning ordinance.

**Finding:** The Board of Supervisors finds that the proposed project, upon approval, would not conflict with the General Plan land use designations and policies and the zoning ordinance, and this impact would be less than significant and requires no mitigation.

**Evidence Supporting Findings:**

**Summary:** The project under consideration includes an Area Plan and an amendment to the General Plan to designate the Gateway Village property as a new growth area. The project also includes a Specific Plan which must demonstrate consistency in regulations, guidelines and programs with the goals and policies set forth in the Area Plan. In addition, the Specific Plan would implement a zone change which would ensure that it is consistent with the zoning ordinance. While the proposed project would conflict with the current General Plan land use designation and associated development policies for the project site, the proposed project would be consistent with the intent of the General Plan and the policies outlined for New Growth areas.

The following sections of the Draft EIR, Final EIR, and Response to Additional Comments document discuss the evidence supporting this finding in more detail:

- As stated in the Project Description at pages 3-1 and 3-2 of the Draft EIR, the project under consideration includes an Area Plan and an amendment to the General Plan to designate the Gateway Village property for urban growth.
- Discussion was provided in the Draft EIR, page 4.9-7
- Comment Letter 3D.3, bracket #4 and 5 questions the project's consistency with certain goals and policies of the Madera County General Plan related to public parks and the San Joaquin River Parkway. Response 3D.4/5 address both of these comments

- Comment Letter 3D.5 had numerous comments regarding consistency with the General Plan. No. 2 in the GVUSD Comment Letter and Response Matrix provides the corresponding comments and responses related to general plan consistency.
- Response to Additional Comments, Comment Letter 2A.1, bracket #10 expressed concern with the consistency of the project with several agricultural preservation policies of the General Plan. Response 2A.1-10 addresses this concern.
- Response to Additional Comments, Comment Letter 2A.2, bracket #4 questions the project's compliance with the County of Madera General Plan and the appropriateness and suitability of evaluating the project with regards to the current Madera County General Plan. Response 2A.2-4 addresses this question.

**Impact 4.9.3:** The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

- Draft EIR, page 4.9-10 indicates that no habitat conservation plans exist in the project site vicinity.
- Evidence in the Draft EIR regarding conflict with conservation plans was not contradicted in oral or written comments received by the County

**Impact 4.9.4:** The proposed project with the related projects would increase the intensity of the land uses in the area. However, the proposed project would not contribute to a cumulatively considerable environmental impact to the County in terms of land use and planning.

**Finding** The Board of Supervisors finds that with the project design the proposed project would not result in a cumulatively considerable environmental impact to the County in terms of land use and planning and, therefore, this potential impact is below the level of significance. No mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The proposed project would be located within the boundaries of the revised Area Plan and the proposed Specific Plan, which contain the goals and policies for future growth and development in this area. The proposed project would be consistent with the planned uses and would not exceed the development intensity anticipated by the revised Area Plan.

The following sections of the Draft EIR and Response to Additional Comments document discuss the evidence supporting this finding in more detail:

- As stated in the Project Description at pages 3-1 and 3-2 of the Draft EIR, the project under consideration includes an Area Plan and an amendment to the General Plan to designate the Gateway Village property for urban growth.
- Further discussion was provided in the Draft EIR, page 4.9-10

- Response to Additional Comments, Comment Letter 2A.1, bracket #2 articulates a concern with the cumulative analysis regarding land use and planning. Response 2A.1-2 addresses this concern.

#### **4.10 – Mineral Resources**

**Impact 4.10.1:** The proposed project would have no effect on known mineral resources.

**Impact 4.10.2:** The proposed project would not contribute to any cumulative effect on known mineral resources.

**Finding:** The Board of Supervisors finds that the proposed project would not result in any direct or cumulative impact to known mineral resources. Therefore, this impact is below the level of significance and no mitigation is required

**Evidence Supporting Findings:**

**Summary:** Existing extraction operations occur outside the project site and there are no known economically viable sources of rock materials or unique geologic features in the immediate project site vicinity. In addition Madera County has been identified as having sufficient resources to meet its 50 year projected aggregate demand.

The following section of the Draft EIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.10-3
- Evidence in the Draft EIR regarding the proposed project’s direct or cumulative effect on known mineral resources was not contradicted in oral or written comments received by the County

#### **4.11 – Noise**

**Impact 4.11.1:** Development of the proposed project would result in a temporary increase in ambient noise levels due to construction.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Measure 4.11.2:** Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturers’ specifications) and by shrouding or shielding impact tools.

**Measure 4.11.3:** Construction staging areas shall be located as far as possible from noise-sensitive uses.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.11-13 to 4.11-14
- Final EIR, Comment Letter 3D.5, Comment Letter and Response Matrix, No. 11, lists all comments and corresponding responses to concerns with the Draft EIR’s analysis of noise impacts, in particular noise impacts of construction on schools within the project site.

**Finding:** The Board of Supervisors finds that with the adopted mitigation measures, the proposed project would result in a less than significant impact on ambient noise levels due to construction.

**Impact 4.11.3:** Development of the project would result in an increase in stationary source noise levels.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Measure 4.11.6:** Where the development of a given parcel could result in the exposure of noise-sensitive land uses to existing or projected non-transportation or stationary noise levels in excess of the applicable County standards, an acoustical analysis that conforms to the requirements of General Plan Policy 7.A.7 shall be performed.

**Measure 4.11.7:** Siting of individual parcels shall adhere to the applicable noise standard to establish minimum setbacks or other measures required for noise attenuation from non-transportation noise.

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.11-17 to 4.11-18
- Final EIR, Comment Letter 3D.5, Comment Letter and Response Matrix, No. 11, lists all comments and corresponding responses to concerns with the Draft EIR's analysis of noise impacts, in particular appropriate identification of stationary sources of noise.

**Finding:** The Board of Supervisors finds that commercial uses that would be facilitated by the project could generate noise levels at proposed residential uses in excess of County standards for non-transportation noise sources,. Therefore, stationary source noise is considered a significant impact without mitigation; however, with mitigation, the impact level would be less than significant.

#### **4.12 – Population, Employment, and Housing**

**Impact 4.12.1:** The proposed project would not directly induce substantial population growth in a manner not anticipated by the General Plan by the development of proposed new homes and businesses.

**Finding:** The Board of Supervisors finds that the proposed project would not induce substantial population growth in a manner not anticipated by the General Plan, either directly by proposed new homes and businesses or indirectly through infrastructure improvements, thus the potential impact would be less than significant. No mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The Madera County General Plan does not restrict population growth or establish a population cap for the County and population and housing growth alone would not be considered a significant environmental impact.

The following sections of the Draft EIR discuss the evidence supporting this finding in more detail:

- As stated in the Project Description at pages 3-1 and 3-2 of the Draft EIR, the project under consideration includes an Area Plan and an amendment to the General Plan to designate the Gateway Village property for urban growth.
- Discussion was provided in the Draft EIR, page 4.12-9

- Evidence in the Draft EIR regarding population growth and anticipation of growth by the General Plan was not contradicted in oral or written comments received by the County

**Impact 4.12.2:** Implementation of the proposed project would not displace existing housing or residents.

**Finding** The Board of Supervisors finds there are no residents and no housing units on the proposed project site. Therefore, no existing housing or residents will be displaced. No mitigation is required

**Evidence Supporting Findings:**

- Discussion was provided in the Draft EIR, page 4.12-10
- Evidence was not contradicted in oral or written comments

**Impact 4.12.3:** The proposed project would increase the number of jobs within the project site by 6,408, but would eliminate approximately 78 existing agricultural jobs.

**Finding:** The Board of Supervisors finds that the proposed project would not eliminate a substantial number of jobs necessitating replacement facilities elsewhere, and this potential impact is below the level of significance. Therefore, no mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The loss of 78 agricultural jobs would not be substantial in light of the 5,916 existing agricultural jobs available in Madera County and the 6,408 additional (nonagricultural) jobs that the proposed project would create in the County.

The following section of the Draft EIR and the FEIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.12-10 and 4.12-11 and corrected in the Final EIR, Chapter 2, page 2-9.
- Final EIR, Comment Letter 3A.1, bracket #5, regarding provision of adequate employment (and affordable housing opportunity). Response 3A.1-5 discusses the jobs/housing balance ratio of 1.03 mentioned as discussed in the Draft EIR.

**Impact 4.12.4:** Implementation of the proposed project would improve the current jobs/housing balance within Madera County.

**Finding:** The Board of Supervisors finds that the proposed project would result in a less than significant impact to the current jobs/housing imbalance within the County.

**Evidence Supporting Findings:**

**Summary:** Based on the 6,408 new jobs at the project site and the 6,578 residential units, the jobs/housing ratio would be approximately 1.0.

The following section of the Draft EIR and the FEIR discusses the evidence supporting this finding in more detail:

- Discussion was provided in the Draft EIR, page 4.12-11 regarding the jobs/housing balance ratio and corrected in the Final EIR, Chapter 2, page 2-10.
- Final EIR, Comment Letter 3A.1, bracket #5, regarding provision of adequate employment (and affordable housing opportunity). Response 3A.1-5 discusses the jobs/housing balance ratio of 1.0 as discussed in the Draft EIR.

#### **4.13 – Public Services**

**Impact 4.13.1:** Implementation of the proposed project would result in an increased demand for fire protection services, necessitating the construction of new and/or physically altered facilities.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Measure 4.13.1:** Prior to the approval of tentative subdivision maps and/or non-residential development, the project applicant shall work cooperatively with Madera County Fire Department (MCFD) to address provisions for fire protection services to the project site. These provisions shall ensure that existing fire protection service levels are not adversely affected by the proposed project and include the following:

- Establishment of an assessment process for determining an adequate urban level of fire protection services throughout project build out that includes specific details on the personnel needed to serve the project site. Fire protection services shall be in place prior to the arrival of residents. The project applicant would be required to provide the necessary funding for fire protection service until there is sufficient development within the proposed project site (and the neighboring area served by the fire facilities and personnel if the service area is determined to be larger than the project site) to generate an adequate tax base to fully fund fire protection services. Coordination with surrounding volunteer fire stations also shall be included
- Consideration of sharing fire protection facilities, staff, equipment, and costs with future development in the Rio Mesa Area Plan and Gunner Ranch West Area Plan.
- The proposed project applicant would pay the project's pro-rata share of the cost of additional fire protection equipment and new fire station required for the project, by contributing to County's Capital Facility Fee Program on a per-unit or per dwelling basis or by directly providing facilities to offset fees, or by such other funding mechanism acceptable to the applicant and the County. The appropriate facilities and the project's pro-rata share are to be determined by the County after additional study.

**Measure 4.13.2:** Prior to approval of the water distribution system, the project applicant shall submit the project water distribution system plans to the MCFD, and/or California Department of Forestry and Fire (CDF), and the Madera County Resource Management Agency (Engineering Dept.) for review. The water distribution system shall meet all fire flow and hydrant spacing requirements.

**Measure 4.13.3:** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall submit tentative subdivision maps and/or improvement plans to the MCFD for review. Project site design shall include adequate fire access, including two points of ingress and egress, throughout the project site, including access to any gated communities. Fire accesses shall be approved by MCFD.

**Evidence Supporting Findings:** The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Draft EIR, Section 4.13.6 and corrected in the Final EIR, Chapter 2, page 2-10.
- Final EIR, Comment Letter 3A.3 and Response 3A.3 discusses above mitigation measures in further detail.
- Final EIR, Public Comment 3F.1, bracket #2, raises concern about public services, including fire. Response 3F.1-2 addresses these concerns.
- Final EIR, Public Comment 3F.3, bracket #7 raises a concern about financing public services. Response 3F.3-7 addresses this concern.
- Final EIR, Comment Letter 3D.5, GVUSD Comment Letter and Response Matrix , No. 14, identifies all comments and corresponding responses related to fire services.

**Finding:** The Board of Supervisors finds that the proposed project would require additional fire protection staffing and equipment, thereby necessitating the construction of new and/or physically altered facilities. Thus, the proposed project would result in a significant impact to fire protection services, prior to mitigation. However, implementing Mitigation Measures 4.13.1, 4.13.2, and 4.13.3 will result in a less than significant impact.

**Impact 4.13.2:** Implementation of the proposed project would result in an increased demand for police protection services.

**Mitigation:** The Board of Supervisors adopts the following mitigation measures discussed in the EIR to address this impact:

**Measure 4.13.4:** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall work cooperatively with Madera County Sheriff Department (MCSD) to address provisions for law enforcement services to the project site. These provisions shall ensure that existing law enforcement service levels are not adversely affected by the project and include the following:

- Establishment of an assessment process for determining adequate police protection services throughout the phases of the proposed project build out, which includes specific details on the number of officers, equipment, and facilities needed to serve the project site.
- Consideration of sharing law enforcement facilities, staff, equipment, and costs with future development in the Rio Mesa Area Plan and Gunner Ranch West Area Plan.
- Identification of a financing mechanism to provide for the funding of capital facilities, staffing, and operation costs of providing police protection services to the project site.

**Measure 4.13.5:** Tentative subdivision maps and/or non-residential development plans shall be submitted to the MCSD for review prior to approval. To the extent practicable, project site design shall provide for an arterial road system that allows efficient, safe access throughout the proposed project site, evacuation paths with multiple routes, emergency responsive traffic signals and appropriate lighting. To the extent practicable, designs should avoid “no-view” areas. Developer shall submit for County approval of a street naming system that follows an identified pattern for easy progression through the proposed project area

**Measure 4.13.6:** Prior to the approval of subsequent tentative subdivision maps and/or non-residential development, the project applicant shall work with the MCSD to include site design features to improve public safety. These features may include increased lighting and discernible address signs.

**Evidence Supporting Findings:** The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Draft EIR, discussion on page 4.13-12 to 4.13-13
- Final EIR, Comment Letter 3F.1, bracket #2, raises concern about public services, including police. Response 3F.1-2 addresses these concerns.
- Final EIR, Public Comment 3F.3, bracket #7 raises a concern about financing public services. Response 3F.3-7 addresses this concern.
- Final EIR, Comment Letter 3D.5, GVUSD Comment Letter and Response Matrix , No. 14, identifies all comments and corresponding responses related to police services.

**Finding:** The Board of Supervisors finds that the proposed project would result in a significant impact to police protection services prior to mitigation. However, implementation of Mitigation Measures 4.13.4, 4.13.5, and 4.13.6 will result in a less than significant impact.

**Impact 4.13.3:** Implementation of the proposed project would increase student enrollment at local public schools beyond current and future capacity.

**Finding:** The Board of Supervisors finds that the payment of school impact fees pursuant to Government Codes Sections 53080 and 65995, by statute will result in a less than significant impact to public schools from the proposed project.

**Evidence Supporting Findings:**

- Draft EIR, discussion on page 4.13-13 to 4.13-14 of the Draft EIR and corrected in the Final EIR, Chapter 2, page 2-11.
- Final EIR, Comment Letter 3D.5 provided numerous comments relative to student enrollment and local public schools current and future capacity. GVUSD Comment Letter and Response Matrix, No. 4, identifies comments and corresponding responses related to school impact analysis and mitigation.
- Final EIR, Public Comment 3F.3, bracket #5 questions the payment of fees to cover school impacts. Response 3F.3-5 address this question.
- Final EIR, Public Comment 3F.4, reiterates comments submitted in Comment Letter 3D.5 regarding impacts on schools. Responses to 3F.4 refer, where appropriate, to responses to Comment Letter 3D.5 and provide additional responses to address certain concerns.
- The EIR concludes, on page 4.13-14 that the payment of school impact fees pursuant to Government Codes Sections 53080 and 65995, by law constitutes full mitigation of school impacts. Therefore, upon payment of the statutory impact fees, the project will result in a less than significant impact to public schools. The project applicant has, in addition, voluntarily offered to enter into a school district funding agreement with the Golden Valley Unified School District. If executed, such an agreement will provide significantly more funding to the GVUSD than would occur if only the statutory school fees were paid, but, such an agreement is not a required element of mitigation.

**Impact 4.13.4:** Implementation of the proposed project would result in increased demand on other public services.

**Finding:** The Board of Supervisors finds that with the funding mechanisms set out in the project design and the mitigation measures for the individual public services discussed separately, the impact on public services is below the level of significance and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

- Draft EIR, discussion on page 4.13-15
- Final EIR, Comment Letter 3D.5 provided numerous comments regarding the adequacy of governmental services including County of Madera office of Education, County of Madera Public Library, County of Madera Department of Corrections, County of Madera Department of Animal Control, County of Madera Maintenance Department, County of Madera Social Services, County of Madera Superior Court and County of Madera Resource Management Agency. GVUSD Comment Letter and Response Matrix, No. 14, identifies comments and corresponding responses related to these other governmental services.

**4.14 – Recreation**

**Impact 4.14.1:** The proposed project would increase the demand for use of existing neighborhood and regional parks; however, this increase would be offset by the creation of 217 acres of new parkland and would not result in the deterioration existing facilities.

**Finding:** The Board of Supervisors finds that the park facilities planned in the proposed project will have a positive effect on the area. Therefore, the proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facility would occur or be accelerated. Thus, the project will have a less than significant impact on park facilities.

**Evidence Supporting Findings:**

- Draft EIR, discussion on page 4.14-3 to 4.14-4
- Final EIR, Comment Letter 3D.2, recommends additional recreational features and questions consistency with the San Joaquin River Parkway Master Plan. Response 3D.2 address these recommendations and questions.
- Final EIR, Comment Letter 3D.3, questions the project's impact on the San Joaquin River and consistency with the San Joaquin River Parkway Master Plan. In addition, the commenter expresses concern with the project's description of proposed recreational facilities. Response 3D.3 addresses these questions and concerns.

**Impact 4.14.2:** The proposed project includes recreational facilities; however, these facilities would not have an adverse physical effect on the environment.

**Finding :** The Board of Supervisors finds that with the project design for recreational facilities, this impact is below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

- Draft EIR, discussion on page 4.14-4

- Evidence provided in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.14.3:** The proposed project would increase the cumulative acreage of improved parklands within Madera County.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no mitigation is required

**Evidence Supporting Findings:**

- Draft EIR, discussion on page 4.14-5
- Evidence provided in the Draft EIR was not contradicted in oral or written comments received by the County

**4.15 – Traffic**

**Impact 4.15.1:** In 2013, development of the proposed project would add traffic to roadway segments in the project study area.

**Findings:** The Board of Supervisors finds that the Level Of Service conditions under 2013 proposed project conditions, with improvements described in the discussion section of the Draft EIR for Impact 4.15.1, will be acceptable if traffic signals on either end of the study segment are fully coordinated and optimized.

**Evidence Supporting Findings:**

- Page 4.15-9 to 4.15-10 of the Draft EIR
- Evidence provided in the Draft EIR was not contradicted in oral or written comments received by the County

**Impact 4.15.2:** In 2013, development of the proposed project would contribute traffic to intersections in the project area.

**Finding:** The Board of Supervisors finds that the project design includes intersection improvements that would maintain the Level of Service at acceptable levels in accordance with County standards at all intersections. The exception is that the intersection of Avenue 12 and SR41 is already below standards and the project improvements will not improve the Level of Service at that intersection enough to meet LOS standards. Although the intersection will not meet County standards, the LOS level will be better with the project than without the project. Therefore, the impact of the proposed project is below the level of significance and, therefore, no further mitigation is required

**Evidence Supporting Findings:** The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Draft EIR, Page 4.15-11 to 4.15-19
- Evidence provided in the Draft EIR was not contradicted in oral or written comments received by the County
- The LOS conditions under 2013 proposed project conditions, with improvements described in the Draft EIR, are shown in Table 4.15.3 of the Draft EIR. All intersections in the study area would operate at or better than the adopted Madera County LOS standard with the above-described intersection improvements, except the Avenue 12/SR41 intersection. In cooperation with Caltrans, the proposed project would construct roadway and intersection

improvements along SR41 (not included in the analysis of Avenue 12/SR41 conditions), tied to issuance of residential building permits for the proposed project. Even with those proposed improvements, the Avenue 12/SR41 intersection would operate unacceptably until an interchange is constructed which will require funding from other projects or other sources.

**Impact 4.15.5:** In 2025, development of the proposed project would contribute traffic to SR41 in the study area.

**Finding:** The Board of Supervisors finds that after completion of the roadway improvements (described in the Draft EIR) to increase roadway capacity pursuant to the agreement between the project applicant and Caltrans, traffic operating conditions on SR41 would be acceptable. Therefore, the proposed project would have a less than significant impact on traffic conditions on SR41 and no mitigation is required.

**Evidence Supporting Findings:**

**Summary:** The project applicant and Caltrans have entered into an agreement for the project to construct improvements to SR41. The specified improvements are phased based upon the issuance of building permits in the project. With those improvements, project impacts on SR41 will be mitigated. In addition, the project will be subject to the County's SR41 impact fee program. The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Page 4.15-27 to 4.15-28 of the Draft EIR
- Comment Letter 3A.1, bracket #2
- Comment Letter 3B.2
- Comment Letter 3B.4
- Comment Letter 3B.6
- Please refer to No. 5 of the Matrix for Comment Letter 3D.5

**Impact 4.15.6:** Development of the proposed project could affect traffic safety, emergency access, parking, and alternative transportation in the study area.

**Finding:** The Board of Supervisors finds that the proposed project would have a less than significant effect on traffic safety, emergency access, parking, and provision of alternative transportation in the study area.

**Evidence Supporting Findings:** The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Page 4.15-28 to 4.15-29 in the Draft EIR
- Comment Letter 3A.1, bracket #2
- Comment Letter 3B.2
- Comment Letter 3B.4
- Comment Letter 3B.6
- Please refer to No. 5 of the Matrix for Comment Letter 3D.5

#### **4.16 – Utilities and Service Systems**

**Impact 4.16.1:** Development of the proposed project would require a water supply of approximately 6,374 acre-feet per year to meet the demand of future uses.

**Impact 4.16.2:** Water demand associated with implementation of the proposed project would contribute to groundwater overdraft for the RCWD. However, the proposed project would incorporate a direct groundwater recharge program, in-lieu groundwater recharge, and reclaimed water use to eliminate the overdraft.

**Impact 4.16.3:** The proposed project would construct new water facilities and infrastructure to serve the new water demand of approximately 6,374 acre feet per year.

**Finding:** The Board of Supervisors finds that the Root Creek Water District plan to provide a water supply to the project will ensure that Impacts 4.16.1, 4.16.2 and 4.16.3 are below the level of significance. No mitigation is required.

**Evidence Supporting Findings:** The following sections of the Draft EIR and the FEIR discuss the evidence supporting this finding in more detail:

- Page 4.16-1 to 4.16-2
- Page 4.16-10 to 4.16-13
- Page 4.16-13 to 4.16-15
- Page 4.16-15 to 4.16-16
- Please refer to Section 4.8 of this document, pertaining to Hydrology and Water Quality where the Root Creek Water District water supply plan for Gateway Village, the contracts to implement that plan and the evidence in the record concerning the water supply are discussed in detail.

**Impact 4.16.4:** Implementation of the proposed project would deliver water for domestic use. Although the quality of the water is not known at this time, it is anticipated to be acceptable and meet state and federal water quality standards. The water quality and supply system would be regulated by the state. If the water does not meet applicable standards, RCWD would be required by the state to provide treatment facilities so that the delivered water meets drinking water standards.

**Finding:** The Board of Supervisors finds that there is adequate Federal, State and County regulatory oversight of drinking water purveyors to ensure that this impact is below the level of significance. No mitigation is required

**Evidence Supporting Findings:**

- Draft EIR pages 4.16.16 and 4.16.17.
- See also, the discussion pertaining to Hydrology in Section 4.8 above.

**Impact 4.16.5:** Implementation of the proposed project would require the construction of wastewater conveyance and treatment facilities that currently do not exist.

**Finding:** The Board of Supervisors finds that with the project design this impact is below the level of significance and, therefore, no further mitigation is required

**Evidence Supporting Findings:**

- Draft EIR pages 4.16-17 to 4.16-19.
- See also, the discussion pertaining to Hydrology in Section 4.8 above.

- The proposed project has a beneficial impact to recharge and groundwater supplies. In contrast, the No Project Alternative has the negative impact of continuing the existing unsustainable overdraft condition.

**Evidence Supporting the Finding:**

- Draft EIR pages 6-1 to 6-7.
- Evidence in the Draft EIR was not contradicted in oral or written comments received by the County

**Agricultural Preservation/Reduced Development Alternative**

**Description of Alternative:** The Agricultural Preservation/Reduced Development Alternative would result in the preservation of the portions of the project site that have prime agricultural soils. As a result, approximately 47% (932 acres) of prime agricultural land within the project site would remain and would continue to accommodate agricultural activities. The light industrial land uses, occurring on the southwest corner of the site described as the existing Brickyard Industrial Park, would continue operating under current conditions.

**Comparison to Project:** The Agricultural Preservation/Reduced Development Alternative would have fewer residential units compared to the proposed project, and employment under this alternative would be less than that described for the proposed project.

**Findings:** The Board of Supervisors rejects the Agricultural Preservation/Reduced Development Alternative for the following reasons:

- With the reduced acreage based on the agricultural quality of the soils, this Alternative would result in fragmented and incompatible land uses making it difficult to achieve the project's objective to create a compact mixed use community with a neo-traditional design encouraging walking, bicycling and providing significant permanent open space, a safe environment and cost effective community services.
- Non-contiguous fragmented agricultural operations located on the prime agricultural land throughout the site would result in the possibility of inefficient agricultural operations and additional conflicts with urban land uses.
- In summary, this alternative fails to attain the benefit of ensuring cohesion and balance of land uses as compared to the proposed project and would not meet the project objectives.

**Evidence supporting the findings:** Summary: The evidence indicates that the Reduced Development Alternative would not be effective to protect agriculture because it would fragment the agricultural parcels making them less efficient and increasing the ag/urban conflicts.

The following sections in the Draft EIR and Response to Additional Comments document (August 2007) discuss the evidence supporting this finding in more detail:

- Draft EIR pages 6-7 to 6-13.
- FEIR letter 3D.5 Bracket 232 and the response to same touch briefly on agricultural land preservation but do not specifically address this alternative.
- Response to Additional Comments Letter 2A.1 and response to same. This comment suggests a that a more dense urban alternative that concentrates development is a preferable way to reduce farm land conversion throughout the County.

- **Evidence in the Draft EIR was not directly contradicted in oral or written comments received by the County**