

***BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO***

**Resolution No. 2020-**

**A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION APPROVING COUNTY FILE PLN200025: A USE PERMIT FOR THE PROPOSED EXPANSION OF THE EXISTING FIRECLAY TILE FACTORY AT AN INDUSTRIAL SITE. THE PROPOSED EXPANSION INCLUDES CONSTRUCTION OF TWO NEW PRODUCTION AND STORAGE BUILDINGS, AND AN OFFICE BUILDING. THE PROPOSED STORAGE BUILDING (BUILDING X) WOULD BE APPROXIMATELY 29,100 SQUARE FEET (“SF”), THE PROPOSED PRODUCTION BUILDING (BUILDING Z) WOULD BE APPROXIMATELY 22,680 SF, AND THE PROPOSED OFFICE (BUILDING Y) WOULD BE APPROXIMATELY 11,900 SF. THE PROJECT WOULD ALSO INCLUDE ACCESS AND DRAINAGE IMPROVEMENTS ON TWO ADJACENT PARCELS. THE PROJECT IS LOCATED AT 521 QUARRY ROAD, AROMAS, CA; ASSESSOR’S PARCEL NUMBER (APN) 011-390-006 AND WOULD INCLUDE ACCESS AND DRAINAGE IMPROVEMENTS ON TWO ADJACENT PARCELS APNs 011-390-040 AND 011-309-050.**

**WHEREAS**, Erin Harwayne (Senior Planner/Project Manager for Denise Duffy and Associates, Inc.) filed an application on May 18, 2020 for the proposed expansion of the existing Fireclay Tile Factory as the authorized agent for the property owner, Burns Klein Revocable Trust, and tenant, Fireclay Tile, Inc., a California corporation. The proposed expansion includes construction of two new production and storage buildings, and an office building. The proposed storage building (Building X) would be approximately 29,100 square feet (“SF”), the proposed production building (Building Z) would be approximately 22,680 SF, and the proposed office (Building Y) would be approximately 11,900 SF. The project would also include access and drainage improvements on two adjacent parcels; and

**WHEREAS**, the proposed project is located at 521 Quarry Road, Aromas CA, 95004, within San Benito County, California. The project site is made up of a 4.89-acre parcel (Assessor’s Parcel Number [“APN”] 011-390-006) for the existing Fireclay Tile Factory parcel. The project site would include access and drainage improvements on two adjacent parcels are approximately 30.18 acres (APN 011-390-040) and 25.63 acres (APN 011-309-050). Local access to the project site is provided by State Route (“SR”) 129, which is located approximately 1.5 miles north of the project site by Quarry Road; regional access to the site is provided by Highway (“Hwy”) 101. The property is located in a rural location and is surrounded by land designated for heavy industrial and mineral resource general plan land uses; and

**WHEREAS**, County staff received the proposal as Use Permit PLN200025 and distributed this plan to responsible County and peer agencies for review and comment; and

**WHEREAS**, the subject parcel for the existing Fireclay Tile factory parcel has a land use designation of Industrial Heavy (“IH”) and is zoned Heavy Industrial (“M2”). The adjacent parcel to the west and north (APN 011-309-050) is designated as Industrial Heavy (“IH”) and zoned Heavy Industrial (“M2”). The adjacent parcel to the south (APN 011-390-040) is designated as Rural (“R”) and zoned Heavy Industrial (“M2”); and

**WHEREAS**, the proposed project is consistent with the area's Industrial Heavy (IH) land use designation in the General Plan in that it meets or fulfills, LU-6.1 Employment Centers, LU6.3 Industrial Uses, and LU-6.5 New Industrial Heavy Areas as the expansion of the Fireclay Tile facility will generate additional employment opportunities within the county, continue to encourage industrial land uses in an area that would not pose significant land use conflicts, and is properly located to transportation corridors, and

**WHEREAS**, the proposed project is consistent with the parcel's Heavy Industrial (M-2) designation under the County's zoning ordinance Section 25.17.063, allowing use permits to be reviewed and approved for:(D) Chemicals, compounding, and packaging from previously prepared materials;(N) Machinery, general and special industrial, including pumps and compressors, ball and roller bearings; food products, textiles, woodworking, paper-making and printing machinery, ventilating and heat treating equipment; patterns; and mechanical power transmissions and (EE) Uses similar to the above as determined by the Planning Commission, and

**WHEREAS**, the County prepared an initial study/mitigated negative declaration (IS/MND) for the project consistent with the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the County circulated the draft IS/MND for public comment from June 3 and ending June 24, 2020; and

**WHEREAS**, the IS/MND was presented to the Planning Commission, which reviewed and considered the information contained in the IS/MND and received public comment prior to making its recommendation on the project; and

**WHEREAS**, the IS/MND found all potential environmental impacts to be less than significant provided adherence to stated mitigation measures, which have been included as conditions of project approval; and

**WHEREAS**, the IS/MND reflects the County of San Benito's independent judgment and analysis; and

**WHEREAS**, on July 1, 2020, the Planning Commission in considering Use Permit PLN200025 heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to any matter related to the petition; and

**WHEREAS**, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal.

**NOW THEREFORE BE IT RESOLVED** that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

## California Environmental Quality Act (CEQA) Finding

**Finding 1:** The Initial Study for PLN200025 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

**Evidence:** All provisions including both State and County environmental guidelines and policies for the preparation of an initial study have been followed. The environmental documents in the preparation of the initial study are filed in the project record located at the San Benito County Resource Management Agency in file number PLN200025.

**Finding 2:** The Planning Commission has considered the mitigated negative declaration together with all comments received from the public review process.

**Evidence:** An initial study/mitigated negative declaration (IS/MND) was prepared and circulated publicly to receive comments from members of the public and other public agencies. The IS/MND document, the staff report, and written and verbal testimony were presented to the Planning Commission in preparation for, and during, the July 1, 2020, Planning Commission meeting.

**Finding 3:** The mitigated negative declaration reflects the independent judgment of the Planning Commission.

**Evidence:** County Resource Management Agency Planning staff worked with a consultant who prepared the IS/MND. Planning staff reviewed the draft IS/MND in detail, edited the document as needed, and approved the resulting document for circulation to the public. Planning staff also prepared the staff report and its discussion of the IS/MND. The IS/MND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.

**Finding 4:** The Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

**Evidence:** The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to adoption of the mitigated negative declaration. The Planning Commission determined that, based on this evidence, the project as proposed with the conditions of approval included in the staff report, including mitigation measures resulting from the IS/MND, would maintain impact at a level less than significant.

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that it hereby finds as follows:

### Use Permit Findings

**Finding 1:** That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

**Evidence:** This project conforms to the General Plan's Industrial Heavy (IH) land use designation for this area and contributes to its implementation. The primary purpose of this land use category is to "provide areas for heavy industrial activities that are not suitable for urban areas because of their size, noise, dust, traffic, or safety concerns," and "includes large scale manufacturing operations". The proposed project is already an existing operating manufacturing operation that is properly placed next

*to compatible land uses of mineral extraction and agricultural production. It is conveniently located near transportation routes to serve the facility.*

**Evidence:** *The project is properly located in relation to the General Plan, to the community as a whole, and to other land uses. The subject property of the existing Fireclay Tile facility is 4.89 acre parcel and the proposed expansion also includes portions of “Driscoll property,” APN 011-390-040 and “Granite Rock property,” APN 011-390-006 located in a rural industrial area of Aromas.*

**Evidence:** *The project is properly located in relation to transportation infrastructure and service facilities. Local access to the project is provided by SR 129 located north of the project site approximately 1.5 miles away and regional access is provided by HWY 101. The single driveway entrance crosses over Union Pacific Rail Road (URPP) tracks on the easterly side of the parcel.*

**Finding 2:** That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard or nuisance to persons or property.

**Evidence:** *County departments and responsible agencies have reviewed the application and recommended conditions of project approval to address possible effects on the vicinity and to prevent hazard or nuisance to persons and property. Environmental analysis of the project under the California Environmental Quality Act (CEQA) was available both to public agencies and to members of the public for consideration of environmental impacts and mitigation measures intended to minimize impacts; those mitigation measures are included as conditions of approval. Activity beyond the scope of the proposed use as approved by the County shall require further permit review.*

## **Conditions of Approval**

- 1. Indemnification:** The property owner and tenant (hereinafter collectively referred to as “APPLICANT”) shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of APPLICANT’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to

prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys' fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]

2. **Successors in Interest:** The conditions of approval are binding on all successors in interest of APPLICANT, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]
3. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan, and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be substantially changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code (See attachments below). [Planning]
4. **Compliance Documentation:** Prior to issuance of building permits, the APPLICANT shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
5. **Notice of Determination (California Department of Fish and Wildlife Fees):** The APPLICANT/owner shall file a Notice of Determination, provided by the County Resource Management Agency, with the County Clerk within five (5) days of approval of the use permit. The State Department of Fish and Wildlife fee (\$2,354.75 as of January 1, 2019, per Fish and Game Code §711.4(d) plus \$50 County Clerk processing fee) shall be submitted with the filing. A copy of the filed notice shall be submitted to the County Resource Management Agency. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code §21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code §21089(b)). [Planning, California Department of Fish and Wildlife]
6. **Construction Noise:** A note shall be placed on the project improvement plan to state that construction on the project site, in accordance with County Code §25.37.035 and County Code Chapter 19.39, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, with no construction activities allowed on Sundays and holidays. [Planning]
7. **Dust Control:** The APPLICANT shall incorporate the following requirements into any grading activities occurring as part of this project:
  - a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
  - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
  - c. Haul trucks shall maintain at least two feet of freeboard.

- d. All trucks hauling dirt, sand, or loose materials shall be covered.
  - e. Inactive storage piles shall be covered.
  - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]
8. **Access Agreements: Prior to issuance of building permits and construction,** the APPLICANT shall demonstrate and provide to the County that access agreements for all affected drives and facilities have been negotiated and agreed upon.

**Division of Environmental Health:**

9. **Hazardous Materials:** The APPLICANT has indicated there will be storage of hazardous materials and a Hazardous Materials Business Plan (HMBP) shall be completed and submitted to Environmental Health Department. [Environmental Health]
10. **Sewage Disposal:** The proposed project appears to be a commercial business. All proposed septic systems shall be designed by a licensed civil engineer (or equivalent) knowledgeable in designing onsite waste water treatment systems. Note, the septic system shall meet the current Tier 1 conditions as stipulated by the Regional Water Quality Control Board (system requirements are subject to change upon approval of San Benito County's LAMP by the RWQCB). The APPLICANT shall provide an accurate detailed plot plan drawn by a licensed civil engineer showing the existing septic system, existing structures, water systems, water courses and property lines. Note, a dual leach field system with a diversion valve is required for all commercial septic systems. [Environmental Health]

**State Water Resources Control Board Division of Drinking Water:**

11. **Water:** The expansion meets the definition of a non-transient non-community public water system with a projected employee population of 114 persons, and therefore falls under the jurisdiction of the State Water Resources Control Board Division of Drinking Water. Within 30 days upon Planning Commission approval of use permit the APPLICANT shall submit a water system permit application with required documentation to the State Water Resources Control Board, Division of Drinking Water Monterey Office. [SWRCBDDW]

**Public Works and Building:**

12. **Demolition Permit:** Prior to undertaking any demolition activities of existing structures on the property, the APPLICANT shall obtain a demolition permit from the County of San Benito for all buildings removed and shall also obtain approval from Monterey Bay Air Resources District (MBARD) for all demolition activities. [Public Works]
13. **Geotechnical Soils Report:** The APPLICANT shall prepare a geotechnical soils report analysis with test borings at the location of the proposed facility site to determine project specification needs for building for review and approval prior to issuance of any grading or building permits, consistent with the details and requirements of the mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP).[Public Works]
14. **Grading and Building Permits:** Prior to undertaking any grading or construction activities on the property the APPLICANT shall obtain grading and building permits from the County of San Benito for all excavation, ground disturbance and construction activities subject to the

mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP). The permits for grading and constructing a building, such as an office, warehouse, house, garage or barn, are additional permits. The approval of this use permit is not a permit to do grading or building. You must acquire those additional permits before grading or building. You must acquire an encroachment permit before work may be done in the public right of way. The plans and application for the use permit cannot be used for the new permits. You must submit new applications, new plans with the appropriate new requirements, and pay new fees for these permits. The new submittals must be reviewed again for code compliance. Ample time must be allowed for to properly review new submittals. [Public Works, Building, and Planning]

- 15. Drainage and Erosion Control:** The APPLICANT will prohibit any grading within 50 feet from the top of the bank of the Pajaro River or any wetland or body of water. The APPLICANT shall be responsible for developing an erosion control and drainage plan that will conform to the requirements of the National Pollution Discharge Eliminating System (NPDES) Program General Storm Water Permit including the preparation of a Stormwater Pollution Prevention Plan (SWPPP). [Public Works, San Benito County Water District]
- 16. Exterior Lighting:** The APPLICANT shall. All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748. [Public Works, Planning]

**Fire Department:**

- 17. Fire Code:** The project, including driveway details, shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. [Fire]

**The Mitigation Monitoring and Reporting Program:**

- 18.** The Mitigation Monitoring and Reporting Program for the Fireclay Tile Draft Initial Study/Mitigated Negative Declaration is hereby incorporated into these conditions of approval and made a part. See the attached pages that follow.

**19. Agreement with All Conditions of Approval and Mitigation Measures:** Prior to or upon approval by the Planning Commission, APPLICANT shall sign the statement below certifying that APPLICANT is in agreement with all conditions of approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

APPLICANT Signature: Burns Klein Revocable Trust

Date: \_\_\_\_\_  
By: Paul J. Burns, Trustee

Date: \_\_\_\_\_  
By: Caseyann Klein, Trustee

Fireclay Tile, Inc., a California corporation

Date: \_\_\_\_\_  
By: Eric Edelson, Chief Executive Officer

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 1<sup>ST</sup> DAY OF JULY 2020 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Valerie Egland, Chair  
San Benito County Planning Commission

***ATTEST:***

\_\_\_\_\_  
**Taven M. Kinison Brown**, Principal Planner  
Resource Management Agency San Benito County





COUNTY OF SAN BENITO  
**RESOURCE MANAGEMENT AGENCY**  
PLANNING AND BUILDING INSPECTION SERVICES

2301 Technology Parkway  
Hollister, CA 95023-2513  
E-mail: [sbcplan@cosb.us](mailto:sbcplan@cosb.us)

Phone: (831) 637-5313  
Fax: (831) 636-4176

Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency or Party	Verification of Completion	
				Date	Initial
4.4. Biological Resources					
<b>MM BIO-4.4-1:</b> Activities that may directly affect (e.g. tree removal) or indirectly affect (e.g. noise/ground disturbance) raptors or other nesting birds shall be timed to avoid the breeding and nesting seasons. Specifically, grading with heavy machinery and tree removal shall be scheduled after September 16 and before January 31. <ul style="list-style-type: none"><li>Prior to issuance of permits for grading or prior to ground disturbing activities, the project APPLICANT shall retain a qualified biologist defined as professional biologists with a bachelor’s degree or above in a biological science field and demonstrated field experience of three years or more. Biologist duties shall include pre-construction surveys as follows which shall be provided in a scope of work submitted to the County RMA. The project APPLICANT shall be responsible for retaining the qualified biologist.</li><li>Pre-Construction Surveys: If activities must occur during the breeding and nesting season (February 1 through September 15), a qualified biologist shall conduct pre-construction surveys for nesting raptors and other protected nesting bird species within 300 feet of the proposed construction activities. Preconstruction surveys should be conducted no more than seven days prior to the start of the construction activities during the</li></ul>	Review by staff for potential action by the Director of Planning and California Department of Fish and Game or U.S. Fish and Wildlife Service	Prior to issuance of permits for grading or prior to ground disturbing activities,	County of San Benito Resource Management Agency (RMP)		

<p>early part of the breeding season (February through April) and no more than 14 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <ul style="list-style-type: none"> <li>If raptor or other bird nests are identified within or immediately adjacent to the project site during the pre-construction surveys, the qualified biologist shall notify the proponent and an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.</li> </ul>					
<b>4.5. Cultural Resources</b>					
<p><b>MM CUL-4.5-1:</b> If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)</p>	Review by staff for potential action by the Director of Planning	During construction	County of San Benito Resource Management Agency (RMP)		
<p><b>MM CUL-4.5-2:</b> If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will</p>	Review by staff for potential action by the Director of Planning	During construction	County of San Benito Resource Management Agency (RMP)		

<p>designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found: If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the APPLICANT or builder shall:</p> <p>a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.</p> <p>b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.</p> <p>c. Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and</p>					
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consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]					
<b>4.7. Geology and Soils</b>					
<b>MM GEO-4.7-1:</b> Prior to the issuance of any grading or building permit, the APPLICANT shall submit a detailed design-level geotechnical analysis to the County for review and approval. The design-level geotechnical analysis shall incorporate the recommendations of Geotechnical Investigation Report prepared by Haro, Kasunich and Associates, Inc. The design-level geotechnical analysis shall identify recommendations for the design and construction of project improvements.	Review by staff for potential action by the Director or Planning	Prior to the issuance of any grading or building permit	County of San Benito Resource Management Agency (RMP)		
<b>4.10. Hydrology and Water Quality</b>					
<b>See Mitigation Measure GEO 4.7-1:</b>	Review by staff for potential action by the Director or Planning	Prior to the issuance of any grading or building permit	County of San Benito Resource Management Agency (RMP)		
<b>4.17. Transportation</b>					
<b>MM TRA-4.17-1:</b> Prior to the County's issuance of a certificate of occupancy, the APPLICANT shall trim or remove existing vegetation along the north side of the UPRR tracks between about 600 feet and 1,000 feet east of the project driveway to provide adequate sight distance for semi-trailer trucks.	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy	County of San Benito Resource Management Agency (RMP)		
<b>MM TRA-4.17-2:</b> The APPLICANT shall coordinate with the CPUC, UPRR, and County to design and construct crossing improvements within the railroad right-of-way, which may include, but are not limited to, regrading with asphalt concrete. Prior to the issuance of occupancy permits by the County, the APPLICANT shall submit to the	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy	County of San Benito Resource Management Agency (RMP)		

County RMA evidence that they are coordinating with the CPUC and UPRR to construct the crossing improvements and provide a schedule for completion. The crossing improvements shall be approved by the UPRR and CPUC, as necessary.					
<b>MM TRA-4.17-3:</b> The approach should be regraded to reduce the north approach gradient, which will improve the ability of vehicles, especially trucks, to accelerate from a stopped position. The Highway-Rail Crossing Handbook provides guidance on appropriate grades. The APPLICANT shall coordinate with the CPUC, UPRR, and County to design and construct crossing improvements within the railroad right of-way, which may include, but are not limited to, regrading. Prior to the issuance of occupancy permits by the County, the APPLICANT shall submit to the County RMA evidence that they are coordinating with the CPUC and UPRR to construct the crossing improvements and provide a schedule for completion. The crossing improvements shall be approved by the UPRR and CPUC, as necessary.	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy	County of San Benito Resource Management Agency (RMP)		
<b>MM TRA-4.17-4:</b> The existing crossing should be two lanes wide. The APPLICANT shall coordinate with the CPUC, UPRR, and County to design and construct crossing improvements within the railroad right-of-way, which may include, but are not limited to, widening. Prior to the issuance of occupancy permits by the County, the APPLICANT shall submit to the County RMA evidence that they are coordinating with the CPUC and UPRR to construct the crossing improvements and provide a schedule for completion. The crossing improvements shall be approved by the UPRR and CPUC, as necessary.	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy	County of San Benito Resource Management Agency (RMP)		
<b>MM TRA-4.17-5:</b> The APPLICANT shall coordinate with the CPUC, UPRR, and County to design and construct traffic control improvements at the railroad crossing, which may include, but are not limited to: a. Minimum traffic control - At a minimum, the signing be	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy,	County of San Benito Resource Management Agency (RMP)		

<p>upgraded to comply with public crossing stop sign control with standard crossbucks per MUTCD Figure 8B-2. This should include a stop sign (R1-1), crossbucks (Sign R15-1) and Number of Tracks Plaque (R15-2P).</p> <p>b. Enhanced traffic control - The CPUC may require flashing-light signals with or without automatic gate assemblies. This will be determined by a more detailed engineering study approved by the CPUC.</p> <p>Prior to the issuance of occupancy permits by the County, the APPLICANT shall submit to the County RMA evidence that they are coordinating with the CPUC and UPRR to construct the crossing improvements and provide a schedule for completion. The crossing improvements shall be approved by the UPRR and CPUC, as necessary.</p>					
<p><b>MM TRA-4.17-6:</b> Prior to the County's issuance of a certificate of occupancy, the APPLICANT shall install street illumination lighting luminaires, preferably on the existing utility poles immediately across Quarry Road from the driveway and on the existing utility pole on the east side of the project entrance, about 35 feet north of the UPRR tracks. The APPLICANT shall coordinate with CPUC and obtain any required approvals, if necessary.</p>	Review by staff for potential action by the Director or Planning, CPUC, and UPRR	Prior to the County's issuance of a certificate of occupancy,	County of San Benito Resource Management Agency (RMP)		
<b>4.18. Tribal Cultural Resources</b>					
<b>See Mitigation Measure CUL 4.5-1:</b>	Review by staff for potential action by the Director or Planning	during construction,	County of San Benito Resource Management Agency (RMP)		
<b>4.19. Utilities and Services Systems</b>					
<b>See Mitigation Measures BIO 4.4-1, CUL 4.5-1, CUL 4.5-2, GEO 4.7-1, and TRA 4.17-1 through TRA 4.17-6.:</b>	Review by staff for potential action by the Director or Planning, CPUC, and UPRR		County of San Benito Resource Management Agency (RMP)		

**Proposed Site Plan**

**DD&A**

**5/12/2020**

**1"=30'**

**2020.10**

**DD&A**

**Monterey | San Jose**

**Denise Duffy and Associates, Inc.**

**Environmental Consultants Resource Planners**

**947 Cass Street, Suite 5**

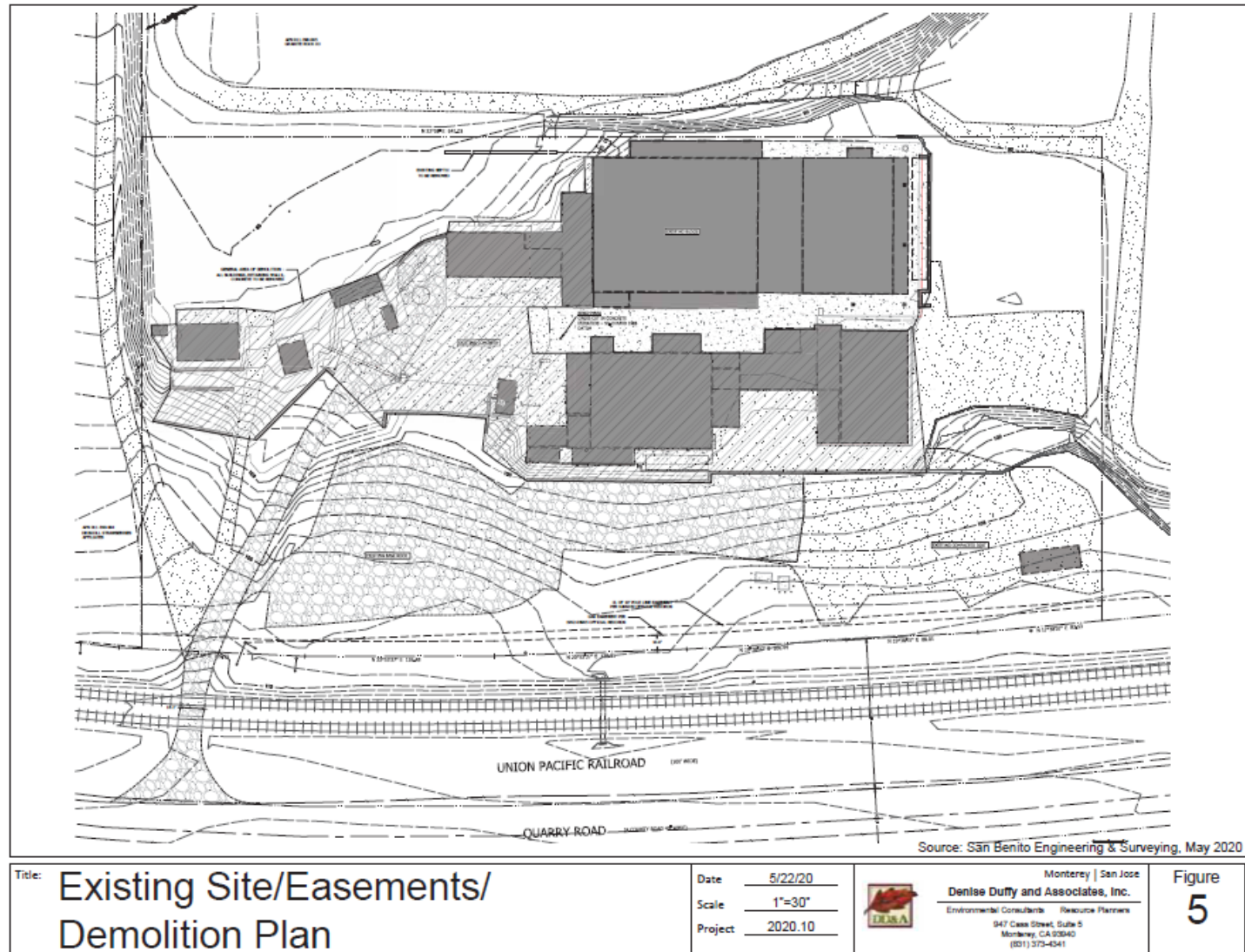
**Monterey, CA 93940**

**(831) 373-4341**

**Figure 4**

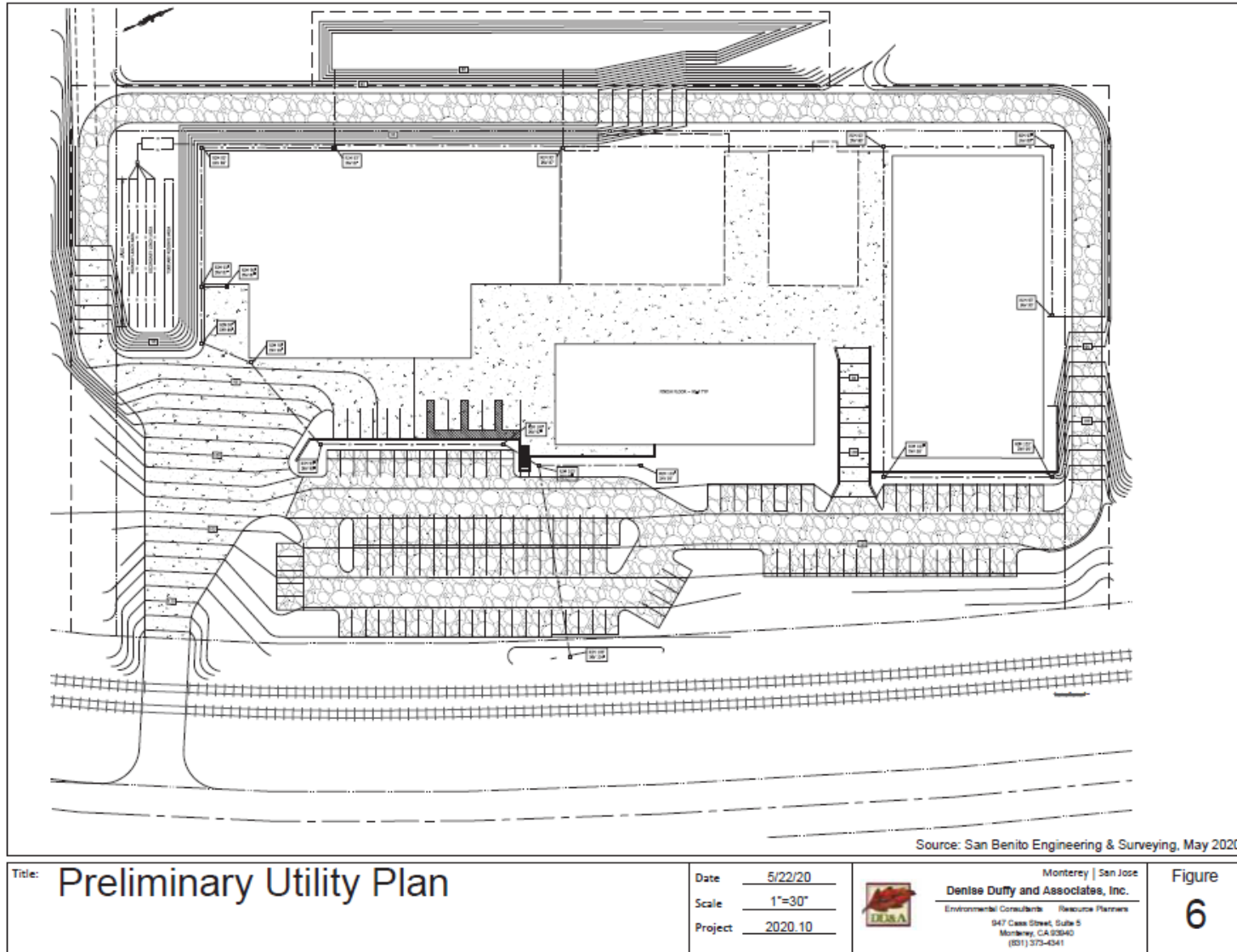


**Attachment 3. Fireclay Existing Site/Easements/Demolition Plan  
County File PLN200025**

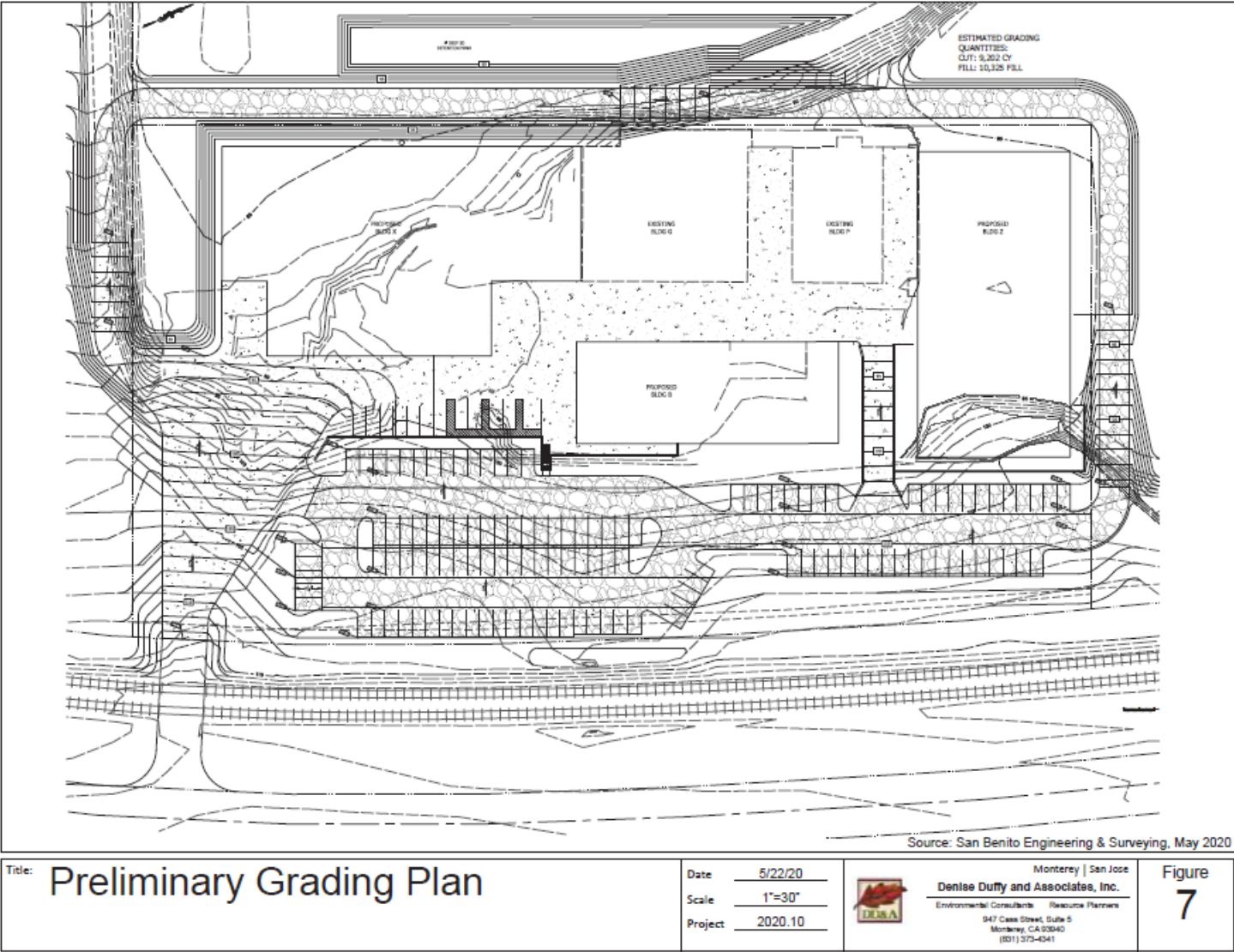




**Attachment 4. Fireclay Preliminary Utility Plan  
County File PLN200025**



# **Attachment 5. Fireclay Preliminary Grading Plan** **County File PLN200025**



**Attachment 6. Fireclay Preliminary Improvement Plan  
County File PLN200025**

