

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution 2020-___**
COMMISSION TO APPROVE A MINOR SUBDIVISION UNDER)
COUNTY PLANNING FILE PLN190063, A PROPOSAL FOR A)
TENTATIVE PARCEL MAP TO SEPARATE A 6.24-ACRE)
PROPERTY INTO FOUR LOTS.)

WHEREAS, the subject parcel is located at 3030 Lemmon Court, two miles east of Downtown Hollister and one quarter mile north of the Santa Ana Road–Fairview Road intersection, in unincorporated San Benito County, California (Assessor’s Parcel 025-530-001) and is 6.24 acres in area; and

WHEREAS, the subject property was established in its current form as Parcel A of San Benito County Official Records Book 12 of Maps Page 28 (1997), commonly known as the Lemmon Acres subdivision, approved by the County in 1994 as Tentative Subdivision Map (TSM) 90-38; and

WHEREAS, the said property currently has a General Plan land use designation of Residential Rural (RR) and a zoning designation of Rural Residential (RR); and

WHEREAS, an application has been filed by Cary Zink, owner of the subject property, to subdivide this property into four residential parcels, three with one acre each and a fourth with 3.24 acres, together with a 1.45-acre conservation easement on the fourth lot and access drives and other infrastructure serving the four lots (as illustrated in **Exhibit B**); and

WHEREAS, new lots served by septic tank sewage disposal systems are currently limited in size to a 2½-acre minimum by the State Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS), while County of San Benito adoption of a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP) policy may later allow lots using such disposal systems to be created at a minimum of one acre; and

WHEREAS, the current project proposes a phased parcel map allowing the creation of lots at the OWTS 2½-acre minimum in a first phase and additional smaller lots in a second phase provided LAMP adoption; and

WHEREAS, the project site is encircled by smaller lots including those of the Lemmon Acres subdivision, a development of mostly one-acre lots now fully built to the full potential of its General Plan and zoning designations; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the minor subdivision and tentative parcel map at its regularly scheduled meeting held on July 15, 2020, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, the Planning Commission finds the layout and intensity of the tentative parcel map consistent with the property’s Residential Rural (RR) land use designation under the General Plan Land Use Element and with the property’s Rural Residential (RR) zoning; and

WHEREAS, the County received an initial study/mitigated negative declaration (IS/MND) draft from the planning and environmental consultant EMC, acting under contract to the project applicant, and reviewed and edited the draft in detail for consistency with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the County circulated the IS/MND, its content reflective of detailed review by County staff, for public comment from June 9, 2020, through July 8, 2020; and

WHEREAS, the IS/MND finds all potential environmental impacts to be less than significant provided compliance with the IS/MND's mitigation measures, each of which included herein as conditions of project approval; and

WHEREAS, the IS/MND acknowledges the biotic mitigation included in the Lemmon Acres (TSM 90-30) environmental impact report while recognizing the infeasibility under current conditions to implement said mitigation by retaining the current subject property as wildlife-preservation open space, its purpose instead satisfied by new biological mitigation measures found in the IS/MND to avoid disturbance to sensitive species and supersede prior mitigation on the project site; and

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

WHEREAS, following review by County staff and by the Planning Commission, the IS/MND reflects the County of San Benito's independent judgment and analysis; 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) Findings:

Finding 1: The initial study for PLN190063 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 County Planning file PLN190063.*

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

***Evidence:** An IS/MND was prepared by a consultant to the applicant, reviewed and edited in detail by County Resource Management Agency staff, and circulated publicly to receive comments from members of the public and other public agencies. The IS/MND document was available to the public during a comment period beginning June 9, 2020, and ending July 8, 2020, at 5 p.m. This document, the staff report, and verbal testimony were presented to the Planning Commission in preparation for, and during, the July 15, 2020, Planning Commission meeting.*

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

***Evidence:** The IS/MND was prepared by a consultant to the applicant and was then reviewed and edited in detail by County Resource Management Agency staff to reflect the agency's independent judgment. County staff then independently prepared further informational materials including the project's staff report. 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. Said evidence includes analysis in the IS/MND on biological resources, the infeasibility discussed therein of continued use of TSM 90-38 biotic mitigation for open space to preserve wildlife habitat on-site, and new biotic mitigation measures stated in the IS/MND to avoid disturbance to sensitive species and supersede prior mitigation. Included in said new biotic mitigation is dedication of a 1.45-acre conservation easement along the subject property's portion of Santa Ana Creek. The Planning Commission determined that, based on this evidence, the project as proposed with the conditions of approval included in the staff report would maintain impacts at a level less than significant.*

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

***Evidence:** The property is designated as Residential Rural (RR) by the General Plan and Rural Residential (RR) under zoning. These designations allow single-family dwellings with a minimum building site of one acre. Each lot in this minor subdivision would have a gross land area equal to or greater than this minimum requirement. With required conditions of approval, including mitigation measures, the map will comply with General Plan policies regarding land use under the Rural Residential (RR) designation. No specific plan is in effect on this property.*

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan or any applicable specific plan.

***Evidence:** The project is consistent with the General Plan in terms of use and density. The minor subdivision would provide adequate access, connections to well water of adequate quantity and quality, septic systems, and other infrastructure in a manner compliant with General Plan policies. The project is similar in nature to the surrounding area land use types and sizes. In accordance with General Plan Policy NCR-4.7, development in general is subject to best-management practices to reduce water runoff and preserve quality of drainage water, and air quality effects from construction are similarly addressed by emission-reduction standard practices in satisfaction of Policy HS-5.4. Planning and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards. The subdivision is required to comply with conditions, including mitigations, established as part of approval. No specific plan affects the subject property.*

Finding 3: The site is physically suitable for the type of development.

***Evidence:** The project site has level terrain and gives little challenge to physical access and construction. The Lemmon Acres subdivision neighborhood is mostly built out with lots similarly sized at about one acre each, and all other neighboring lots each contain less land area than the subject property. A geotechnical investigation prepared by Earth Systems (dated April 17, 2020) studied the site's physical suitability and gave recommendations for future construction. Engineering design for this proposal has been based on the geotechnical investigation, and future construction is required by a condition of approval to be informed by the study's recommendations. The applicant has presented evidence to the satisfaction of the County Environmental Health Division that the site's soils will suit the use of additional septic systems, provided compliance with mitigation regarding the County's adoption of a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP) policy*

allowing for one-acre lots. The site also has characteristics of wildlife habitat, addressed by both the current project's IS/MND and the environmental impact report (EIR) of Lemmon Acres, or Tentative Subdivision Map (TSM) 90-38, the subdivision that created this lot. The current IS/MND proposes mitigation to maintain impact to the habitat features from the new potential land use change and development at a level less than significant.

Finding 4: The site is physically suitable for the density of development.

Evidence: The project overall complies with the maximum density defined for the site by the General Plan and Zoning Ordinance and would have a density very similar to that of its neighboring lots, generally each containing one acre. As earlier mentioned, the site's physical characteristics were studied in a geotechnical investigation that recommended practices for constructing the proposed development. The IS/MND for the project identifies issues of potential environmental impact and states mitigation measures to reduce severity to a level less than significant.

Density may particularly affect issues of wastewater disposal, presently limited by the State Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS). This policy establishes the permitted lot density of a subdivision based on average annual rainfall for a given area, which is 15 inches or fewer in this project's locale. Based on the State's OWTS, the project is only permitted to subdivide at a ratio of one dwelling per 2½ acres. However, adoption of a local policy may allow one-acre lots on septic systems. This project's proposed one-acre lots are contingent on the County of San Benito adopting a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP) policy, which would permit the County the ability to approve parcels of this size for residential development. Until that time, the subject property may become a maximum of two lots, each with at least 2½ acres. An IS/MND mitigation measure, included as a condition of approval, limits the creation of new lots here to a maximum of two lots on the site, both over 2½ acres, until such time as the LAMP is adopted.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: Environmental effects were reviewed in an initial study/mitigated negative declaration (IS/MND) that included measures to mitigate effects to a level that would be less than significant. The mitigation measures address air quality, wildlife habitat, archaeological resources, geological stability, paleontological resources, noise, and wastewater disposal. Project conditions of approval include all of these mitigations to prevent substantial damage to the area's environment. A group of mitigation measures addresses habitat, the subject of a previous mitigation measure from the EIR of Lemmon Acres, or TSM 90-38, the subdivision that created this lot. Condition 5a of TSM 90-38 had required that subdivision's developer to implement an open-space easement and habitat protection measures that were not implemented by the developer and not required by the County during the 26 years since map approval. This together with changed circumstances rendered the subject property no longer suitable as habitat. The present project's IS/MND addresses the current state of the site's habitat qualities and mitigates any effect on habitat to a level less than significant.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: Project improvements have been reviewed by relevant agencies in consideration of public health, and conditions of approval have been included to ensure public health. The conditions of approval include measures to protect water quality with regard to well and septic system use and on controlling effects from grading, including water runoff and dust emissions. Evidence in the record does not suggest that the minor subdivision or improvements could cause serious problems for public health. Any future development on the project site will be subject to additional review as part of building permit issuance.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: Any easements for public access or use have been identified on the tentative map and shall be maintained.

Finding 8: Subject to §66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Evidence: The property is neither currently subject to nor eligible for a Land Conservation Act (Williamson Act) contract, and the Government Code §66474.4 criteria requiring denial of a tentative parcel map are not relevant to this proposal.

Finding 9: Subject to §66474.6 of the Government Code, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: The project proposes use of septic systems for sewage disposal and will not affect a community sewer system. The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board, provided compliance with conditions of project approval; this would include performing the subdivision's second phase only after the County's adoption of a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP) policy allowing for one-acre lots.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations accordingly.

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: The subject property is located within a local responsibility area designated "non-wildland/non-urban." Structural fire protection and other related emergency services are provided by the City of Hollister Fire Department, serving in the unincorporated areas as the County Fire Department. Its closest fire station is Hollister Fire Station 1, two miles to the west, with another station in southeastern Hollister. A CAL FIRE facility is 1½ miles southward at Hollister's eastern edge; CAL FIRE, or the California Department of Forestry and Fire Protection, generally gives response for wildfire suppression, with additional County Fire Department aid when needed, although the project IS/MND finds wildfire hazard to be not a significant risk on this project site.

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

Evidence: Qualified personnel from responsible agencies have reviewed the proposed subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for

fire safety, provided adherence to the recommended conditions of project approval on ingress and egress.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby adopts the initial study/mitigated negative declaration (IS/MND) for the minor subdivision and tentative parcel map under the requirements of CEQA.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves the minor subdivision and tentative parcel map subject to the conditions of approval found in **Exhibit A** to this resolution.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF JULY 2020 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency of San Benito County

Exhibit A to Resolution

Conditions of Approval

Planning:

1. **Indemnification:** 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, tentative parcel map (as illustrated in **Exhibit B**), 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 changed, modified or altered without written authorization from the Resource Management Agency. All work shall be in accordance with the approved plans and with San Benito County Code. [Planning]
4. **Compliance Documentation:** Prior to recordation of the parcel map, 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. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the parcel map is recorded. [Planning, Assessor]
6. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. [Public Works, Planning]

7. **Notice of Determination (California Department of Fish and Wildlife Fees):** The applicant/developer/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 tentative parcel map. The State Department of Fish and Wildlife fee (\$2,406.75 as of January 1, 2020, 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]
8. **Parkland Dedication:** Prior to parcel map recording, and pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]
9. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541 §4A, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall provide to the County Resource Management Agency the following:
 - a. \$300 prior to recordation of the Phase 1 parcel map for the creation of a parcel 1.1 to 5 acres in area.
 - b. \$150 per each Phase 2 parcel, or \$450 for the three Phase 2 parcels, prior to recordation of the Phase 2 parcel map for the creation of three parcels of one acre or less. [Planning]
10. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited, while off-site regeneration softening systems may be used subject to the approval of the San Benito County Water District. A note to this effect shall be placed on the parcel map. [Planning]
11. **Exterior Lighting:** 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 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
12. **Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel and the County Resource Management Agency Director shall agree to and sign the Condition of Approval/Mitigation Monitoring and Reporting Program form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. [Planning]
13. **Preconstruction Meeting:** Prior to the commencement of any grading or construction activities, a preconstruction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the owner/applicant, Resource Management Agency Planning staff and any other appropriate County departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. [Planning]

Public Works:

14. **Improvement Plan:** Prior to recording of the parcel map, the applicant shall be required to submit an Improvement Plan prepared by a licensed Engineer to County Resource Management Agency Public Works staff for review and approval.
 - a. Prior to the recordation of the parcel map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and delivered to the Public Works Department, in accordance with County Code §23.31.002(K)(1).

- b. Improvement Plans shall include the type and width of surface treatment for the proposed common driveway, and a typical cross section of the proposed common driveway. Per Chapter 23.27 of County Code, all driveway, road, street and private lane roadway structures shall be constructed to carry at least the HS-20 load and alternate load and provide 15 feet minimum vertical clearance.
 - c. Improvement Plans shall include the name of the geologist or soils engineer whose services were required in the preparation of the design of the tentative map, [Public Works]
15. **Road Dedication:** Prior to the recordation of the Parcel Map, the applicant shall establish the 30-foot right-of-way for ingress/egress for Parcel 4, as shown on the tentative map, as a non-exclusive easement. [Public Works]
16. **Improvements:** Prior to the recordation of the Parcel Map, the applicant shall bond for or make the following roadway improvements:
- a. Improve the proposed ingress/egress access driveway for Parcel 4 to County Standard.
17. **Encroachment Permit:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way, and for any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
18. **Improvements Warranty Security:** Applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)] [Public Works]
19. **Drainage:**
- a. In accordance with County Code §23.17.003(B), as part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide drainage and erosion control details for the project. Included in this will be drainage calculations and construction details for the proposed retention/detention pond. Moreover, details and direction of flows of drainage swales and grades shall also be included. All drainage improvements shall be installed or bonded for prior to recordation of the parcel map.
 - b. The applicant shall provide easements for all drainage facilities; moreover, detention/retention basin shall be located outside of the right-of-way. All easements shall be shown on the parcel map.
 - c. If the disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to Public Works prior to start of any construction activities as part of this project. A note to this effect shall be added the Improvement Plans. [Public Works]
 - d. All storm drainage easements shall be shown as "S.D.E." in the parcel map, and the following shall be added to the owner's statement: "We hereby reserve Storm Drainage Easements (S.D.E.) for the benefit of lots 1 thru 3 as shown hereon; said Storm Drain Easements shall constitute deed restrictions that require the Storm Drain Easements to be kept clear of buildings and structures of any kind and shall be maintained by the Owner(s) of lots 1 thru 3 and their successor(s) in interest."

20. Utilities:

- a. Prior to recordation of parcel map and as part of submission of Improvement Plan for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to water, gas, electric, telephone, and cablevision, and shall furnish copies of said approved plans to Public Works Department for concurrence. [Public Works]
- b. All proposed (new) utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations in accordance with County Code §23.17.003(F). All necessary utilities shall be installed or bonded prior to recordation of the parcel map. Installation of utilities shall be inspected and accepted by each corresponding utility companies and letter of acceptance shall be furnished to Public Works Department. [Public Works]

21. County Service Area: Prior to recordation of the Parcel Map, the project shall annex into the existing CSA #42, Lemmon Acres.

22. Maintenance and Community Facilities District: Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.

Fire:

23. Fire Code: The project 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]

Division of Environmental Health:

24. Septic System: Prior to issuance of building permits for each lot resulting from this subdivision, the owner shall complete an application for installation of a septic system for each proposed dwelling/structure for review and approval of the San Benito County Division of Environmental Health and pay all required fees. A soil profile and/or percolation test will be required to determine feasibility of installation of any proposed leach fields, as outlined in the Central Coast Basin Plan. [Environmental Health]

25. Hazardous Materials: If any hazardous materials are to be stored on the site of the proposed project, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. [Environmental Health]

Sunnyslope County Water District:

26. Water Service: The project Improvement Plan submitted prior to parcel map recordation shall reflect the following:

- a. Sunnyslope intends to provide both domestic and fire protection water for the proposed development
- b. According to Sunnyslope County Water District Code Section 3.15.030, separate water services new water services shall be installed for each subdivided lot.
- c. Existing service shall serve only the new lot in which the service directly enters.

- d. All other lots shall be required to construct new water service connections from the water main in Lemmon Court to that property. [Sunnyslope County Water District]

Additional:

27. Agreement with All Conditions of Approval: 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: _____

Date: _____

Mitigation Measures with Mitigation Monitoring and Reporting Program:

The 3030 Lemmon Court Minor Subdivision (PLN190063) Mitigated Negative Declaration was prepared for this project to identify potential environmental impacts, and the document proposed 15 measures to mitigate the impacts to a level that is less than significant. The mitigation monitoring and reporting program (MMRP) table that follows is structured for quick reference to the 15 mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures in the program table is the same as the numbering of measures found in the Mitigated Negative Declaration.

The San Benito County Resource Management Agency is the Lead Agency responsible for the adoption of the MMRP. The project sponsor, Cary Zink, is responsible for implementation of the MMRP. According to State CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that the implementation of the measure occurs in accordance with the program.

(Strikeout text indicates deletion of prior mitigation affecting the subject property, with accompanying underlined text indicated replacement mitigation.)

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Air Quality</i>				
AQ-1	<p>The project developer will include the following language in all future grading and construction plans for the project prior to earth moving activities, subject to review and approval by the County planning department, prior to issuance of a grading permit:</p> <p>Dust control measures will be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures will be used:</p> <ol style="list-style-type: none"> Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind; Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days; Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover; Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible; Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials; Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces; Stop demolition, grading, and earth moving if winds exceed 15 miles per hour; Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule; and Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person will respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance). 	Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures	Prior to issuance of construction permits and throughout construction	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
AQ-2	<p>The applicant will prepare a Construction Staging Management Plan, subject to review and approval by the County planning department, prior to issuance of a grading permit. The plan will include the following restrictions:</p> <ul style="list-style-type: none"> a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation, and will be staged as far away from the adjacent residences as possible; and b. Construction equipment and heavy-duty diesel trucks idling will be avoided, where feasible, and if idling is necessary, it will not exceed five minutes. 	Preparation of management plan and presentation of said plan to County Planning staff	Prior to issuance of construction permits	Project sponsor
AQ-3	<p>The applicant will include the following language in all grading and construction plans, subject to review and approval by the County planning department, prior to issuance of a grading permit: "All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will include the use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel."</p>	Inclusion of stated measure in construction and grading plans	Prior to issuance of construction permits	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Biological Resources</i>				
BIO-1 (Lemmon Acres EIR MM-9B)	<p>Conduct pre construction kit fox surveys 60 days prior to beginning construction activities or any project activities that may impact the kit fox. These surveys should determine if the kit fox is present on site and particularly if any are denning on site at the time of construction. Results of pre construction surveys should be submitted to the USFWS within two weeks after their completion. If kit fox dens are discovered prior to construction, a Kit Fox Avoidance Plan should be developed. This plan should outline the measures that will be employed to ensure that breeding kit foxes are not disturbed by construction activities.</p> <p><u>Prior to issuance of a grading permit and subject to review and approval by the County planning department, the <i>USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 1999) will be implemented by the applicant prior to initiation of any construction activity on the project site to avoid take of individual San Joaquin kit foxes.</u></p> <p><u>As part of the implementation of these guidelines, transect surveys to detect potential kit fox dens will be performed by a qualified biologist approved by the USFWS and retained by the applicant within 15 days prior to any habitat modification. Walking transects will be conducted such that 100 percent visual coverage of the area of the project site planned to be under disturbance is achieved.</u></p> <p><u>If potential kit fox dens are identified that will be impacted by construction, the occupancy status of the den will be determined by the biologist. If the den is determined to be unoccupied, it will be destroyed immediately to preclude subsequent occupation by kit foxes. If individual kit foxes or denning activity is observed, project activities could potentially injure, harass or kill a San Joaquin kit fox. This would constitute a 'take' under the ESA and CESA, and incidental take permits from the USFWS would be required to proceed with work.</u></p>	Adherence to USFWS methods and mitigation as stated and reporting to County Planning staff upon stated actions, with subsequent permitting by USFWS as needed; submittal of identification and qualifications of qualified biologist for County Planning staff approval	Prior to issuance of construction permits	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-2 (Lemmon Acres EIR MM-9C) — Introd. to Opts. 1 and 2	<p>Conduct field survey by a qualified wildlife biologist during the rainy season to ascertain whether or not potentially suitable aquatic habitat exists on the site for the tiger salamander and spadefoot toad. In the event that one or both of these species are found on the site, develop and implement appropriate mitigation measures in coordination with CDFG and USFWS.</p> <p><u>To protect CRLF and CTS potentially present within the project area, one of the following two options shall be followed:</u></p>	<p>Adherence to USFWS and CDFW methods and mitigation as stated and reporting to County Planning staff upon stated actions, with subsequent permitting by USFWS and CDFW as needed; submittal of identification and qualifications of qualified biologist for County Planning staff approval</p>	Prior to issuance of construction permits and reporting to County staff during construction activities	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-2 (Lemmon Acres EIR MM-9C) — Option 1	<p><u>Option 1: Assume Presence of CRLF and CTS</u></p> <p><u>Prior to issuance of a grading permit and subject to review and approval by the County planning department, the applicant shall obtain Incidental Take Permits from the USFWS and CDFW for potential project impacts to CRLF and CTS, and implement all avoidance, minimization, and compensatory mitigation measures required by these permits. Avoidance and minimization measures may include, but not be limited to the measures below:</u></p> <p>a. <u>Qualified project biologists approved by the USFWS and CDFW shall supervise and/or implement all species protection measures. Construction supervisors shall attend a training session regarding the protection measures. Construction contracts shall expressly include language requiring compliance with the protection measures.</u></p> <p>b. <u>At least 15 days prior to ground disturbance, the project proponent shall submit the name and credentials of the project biologists who would conduct activities specified in this measure. No project activities shall begin until the project proponent has received written approval from the USFWS and CDFW that the project biologists are qualified to conduct the work.</u></p> <p>c. <u>The project biologists shall have the authority to halt construction work at any time to prevent harm to CRLF and CTS or when any of the permit-specified protection measures have been violated. Work shall re-commence only when authorized by the project biologists. If work is stopped due to potential harm to protected species, the project biologists shall contact the USFWS and/or CDFW by telephone or email on the same day to communicate the event and coordinate appropriate action.</u></p> <p>d. <u>A project biologist shall be present during all initial ground disturbance activities; the biologist shall conduct biological construction monitoring in all work areas with potential to impact CRLF or CTS. Before the start of work each day, a project biologist shall check for wildlife under any equipment such as vehicles and stored pipes within active construction zones that are fenced. A project biologist shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If CRLF or CTS is observed within an active construction zone, a project biologist shall be notified immediately and all work within 100 feet of the individual animal shall be halted and all equipment turned off until the biologist has captured and removed the individual from the work area. CRLF and CTS shall be relocated to a USFWS/CDFW-approved off-site location according to permit specifications.</u></p>	Adherence to USFWS and CDFW methods and mitigation as stated and reporting to County Planning staff upon stated actions, with subsequent permitting by USFWS and CDFW as needed; submittal of identification and qualifications of qualified biologist for County Planning staff approval	Prior to issuance of construction permits and reporting to County staff during construction activities	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-2 (Lemmon Acres EIR MM-9C) — Option 2	<p><u>Option 2: Conduct Protocol-Level Focused Surveys for CRLF and CTS</u></p> <p>Prior to issuance of a grading permit and subject to review and approval by the County planning department, the applicant shall <u>retain a qualified biologist to conduct protocol-level surveys for CTS following the guidelines presented in the <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i> (USFWS 2003). Protocol-level surveys for CRLF shall be conducted by the qualified biologist following the guidelines presented in the <i>Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog</i> (USFWS 2005b). Based on the results of the focused surveys, one of the following outcomes will apply:</u></p> <p>a. <u>Species are not present. Confirmation of the negative finding shall be obtained from the CDFW and USFWS, and no further avoidance/minimization measures are required.</u></p> <p>b. <u>Species are present. The project proponent shall obtain Incidental Take Permits from the USFWS and CDFW for potential impacts to the species observed, and implement any measure(s) required by these permits, such as those listed in Option 1, above.</u></p>	Adherence to USFWS and CDFW methods and mitigation as stated and reporting to County Planning staff upon stated actions, with subsequent permitting by USFWS and CDFW as needed; submittal of identification and qualifications of qualified biologist for County Planning staff approval	Prior to issuance of construction permits and reporting to County staff during construction activities	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-3 (Lemmon Acres EIR MM-9D)	<p>Conduct a burrowing owl survey prior to the start of construction on proposed Lots #8-11 and #15-18, by a qualified wildlife biologist to determine their absence or presence. If construction were to begin during the non-breeding season (approximately September-February), active burrows should be occluded to displace owls from the project site. This could be accomplished by filling the burrow entrance or the installation of one-way doors, to prevent entry into the burrow. If burrowing owls are found in the breeding season, occlusion of active burrows should be delayed until after the young have fledged, as determined by field surveys by a qualified biologist. Construction activities should proceed immediately upon displacement of owls from the project site. This measure should be performed in coordination with CDFG.</p> <p><u>Prior to any ground disturbance at the project site, the applicant shall retain a qualified biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days prior to the start of construction. Surveys shall be conducted according to methods described in the CDFW 2012 <i>Staff Report on Burrowing Owl Mitigation</i>. If these pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) for the species locate occupied burrows in or near the construction area, then consultation with the CDFW would be required to interpret survey results and develop a project-specific avoidance and minimization approach.</u></p> <p><u>The applicant shall provide evidence of completion of this mitigation measure to the County planning department, prior to issuance of a grading permit.</u></p>	Adherence to CDFW methods and mitigation as stated and reporting to County Planning staff upon stated actions, with subsequent permitting by CDFW as needed; submittal of identification and qualifications of qualified biologist for County Planning staff approval	Prior to issuance of construction permits	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-4 (Lemmon Acres EIR-9E)	<p>Schedule Phase I construction activities outside the nesting season for the Northern Harrier (March through July) and schedule construction activities on Lots #13-20 outside the nesting season for black shouldered kite and loggerhead shrike to determine whether these species nest on the site. If nesting by these species is observed, require scheduling of construction activities immediately after nesting has been completed for the season, as determined by field surveys.</p> <p>To avoid impacts to nesting birds during the nesting season (January 15 through September 15), to the extent feasible, construction activities that include any vegetation removal or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction activities commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.</p> <p>If construction activities are scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 10 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities.</p> <p>If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged, and the nest is no longer active. This measure shall be implemented by the applicant prior to issuance of a grading permit, subject to review and approval by the County planning department.</p>	Adherence to mitigation as stated and reporting to County Planning staff upon stated actions; submittal of identification and qualifications of qualified biologist for County Planning staff approval	Prior to issuance of construction permits and reporting to County staff during construction activities	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-5	As a part of recording the second and third lot in the subdivision, the applicant shall dedicate a 1.45-acre conservation easement, in perpetuity, on the northeastern portion of the property to protect resources adjacent to Santa Ana Creek. The conservation easement shall be subject to review of the RMA Director prior to recording the Final Map for the last two lots.	Indication of said easement on maps submitted for establishment of Lot 2 and Lot 3	Prior to recordation of said maps	Project sponsor
<i>Cultural Resources</i>				
CR-1	<p>The applicant shall be responsible for adding the following language shall be included in grading and construction plans and any permits issued for the project site, subject to review and approval by the County planning department.</p> <p>“If archaeological resources are discovered during construction activities, then work should be halted by the construction crew chief within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be unique, then appropriate mitigation measures will be formulated by the qualified professional archaeologist and implemented by the applicant.”</p>	Inclusion of stated text in construction and grading plans and subsequent adherence to said measures; submittal of identification and qualifications of qualified archaeologist for County Planning staff approval	Plan notes reviewed prior to issuance of construction permits	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
CR-2	<p>Due to the possibility that human remains may be discovered during future construction activities, the following language shall be included in all construction documents and on any permits issued for the project site, including, but not limited to, grading and building permits associated with future development of the project site, subject to review and approval by the County planning department:</p> <p>“If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required.</p> <p>If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave contents as provided in Public Resources Code Section 5097.98.</p> <p>The landowner or authorized representative will rebury the Native American human remains and associated grave contents with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>	<p>Inclusion of stated text in construction, grading, and building permit plans and subsequent adherence to said measures, including project sponsor coordination with the County Coroner and County cooperation with the Native American Heritage Commission; submittal of identification and qualifications of qualified archaeologist for County Planning staff approval</p>	<p>Plan notes reviewed prior to issuance of construction, grading, and building permits; subsequent reporting during construction and coordination between project sponsor and public agencies</p>	<p>Project sponsor</p>
<i>Geology and Soils</i>				
GEO-1	<p>The project shall include the preparation and implementation of an erosion control plan to ensure that erosion is controlled during grading and construction activities and does not result in deposition of the soil off site. The applicant shall submit erosion control plan as part of grading/improvement plans prior to any construction activity and is subject to review and approval by the County building division.</p>	<p>Inclusion of erosion control plan in grading and construction plans</p>	<p>Prior to issuance of construction permits</p>	<p>Project sponsor</p>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
GEO-2	Prior to the approval of development applications for the individual lots, applicants shall be responsible for demonstrating to the satisfaction and approval of the County Public Works Department that proposed design plans are in conformance with all current California Building Code standards and that all design measures and site preparation recommendations as suggested in the geotechnical report have been incorporated into the project's final design.	Presentation of building plans to County demonstrating compliance with California Building Code and geotechnical report recommendations; inclusion of equivalent note on parcel map	Adherence to code and geotechnical recommendations in building permit plans; parcel map note included in map presented for recordation	Project sponsor
GEO-3	Due to the possibility that unique buried paleontological resources might be found during construction, the applicant shall include the following language on all construction documents and on any permits issued for the project site, including, but not limited to, grading and building permits associated with future development of the project site: "If paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the County Planning Department notified, until it can be evaluated by a qualified professional paleontologist. If the find is determined to be unique, an appropriate resource recovery shall be formulated, with the concurrence of the County of San Benito."	Inclusion of noted language on construction documents	Prior to issuance of construction permits	Project sponsor
Noise				
N-1	To reduce construction-related noise, the developer shall include the following measures as notes on improvement plans to be submitted prior to any construction activity and shall observe said measures during all construction activity: a. Operation of construction equipment shall be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays; b. All internal combustion engine-driven equipment shall be equipped with mufflers; c. All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located as far away as possible from adjacent land uses; d. Staging areas and construction material areas shall be located as far away as possible from adjacent land uses; e. Unnecessary idling of internal combusting engines shall be prohibited; and f. The days and hours of construction, as well as, the name and phone number of a designated representative to be contacted for noise-related concerns, should be posted at the perimeter of the project site.	Inclusion of said measures as notes on construction and improvement plans and subsequent adherence to stated measures	Notes included on improvement plans prior to approval of improvement plans; subsequent observation during construction activities	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Utilities and Service Systems</i>				
UTL-1	<p>To ensure compliance with State Onsite Wastewater Treatment systems (OWTS) Policy, the County shall only allow one (1) of the three lots be recorded (phase 1) until such time that the County of San Benito adopts a Local Agency Management Program (LAMP). Once the local LAMP policy is adopted, and assuming the subdivision conforms with the local policy, the applicant may then record the other two (2) one-acre lots (phase 2). The applicant shall provide a note on the phase 1 final map to document this requirement and shall be verified by County Environmental Health prior to approval of final map for the first phase.</p> <p>If the County's adopted LAMP and its associated density allowances for new subdivisions do not permit the configuration or number of lots proposed, then the subdivision shall remain at the two lot configuration permitted in phase 1.</p>	Recording of Phase 2 map at no time in which County-adopted LAMP is not in effect	Recording of Phase 2 map at no time in which County-adopted LAMP is not in effect	County Resource Mgmt. Agency