

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution No. 2020 - 16

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION CONDITIONALLY APPROVING TENTATIVE SUBDIVISION MAP PLN190035 AND RECOMMENDING THAT THE BOARD OF SUPERVISOR APPROVE A ZONE CHANGE TO ADD A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT ON THE EXISTING AGRICULTURAL PRODUCTIVE (AP) DISTRICT DESIGNATION AND APPROVE A TENTATIVE SUBDIVISION MAP PROPOSAL FOR SIX LOTS WITH ONE LOT INCLUDING A 24-ACRE OPEN SPACE EASEMENT. COUNTY FILE NO PLN190035.

WHEREAS, the subject parcel is located at 333 Mission Vineyard Road, with frontage on Mission Vineyard Road, 2,200 feet south of State Route 156, approximately 1,700 feet south of the City of San Juan Bautista in the unincorporated area of San Benito County, California (Assessor's Parcel 012-190-041 and 012-190-042) and is 30.656 acres in area; and

WHEREAS, the James P. Dassel and Kathleen C. Dassel, Trustees of the Dassel Family Revocable Living Trust intend to subdivide the property into five one-acre single-family residential lots, and one twenty-five-acre lot with a twenty-four-acre open space easement to preserve the hillside, in addition to constructing access drives and other infrastructure; and

WHEREAS, the subject property currently has a General Plan Land Use Element designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS, the subject property was earlier shaped into its current dimensions following review and approval of Lot Line Adjustment PLN170010 under the authority of the San Benito County Planning Director and recorded February 2, 2018 as instrument number 2018-0000956 of official records; and

WHEREAS, the tentative subdivision map would be permissible provided the County Board of Supervisors approve and enact a zoning map amendment designating the project site as a combining district of Agricultural Productive/Planned Unit Development (AP/PUD), and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change and tentative subdivision map at its regularly scheduled meeting held on November 18, 2020, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §23.25.004, a portion of the County Subdivision Ordinance regarding planned unit development, the Planning Commission finds the planned unit development conducive to a desirable living environment at no disadvantage to the general public to the extent shown on the tentative subdivision map; and

WHEREAS, the Planning Commission finds the form, layout, and intensity of the property's existing construction consistent with the land use designations currently in effect for the property under the General Plan Land Use Element and County Code Title 25 (Zoning) and also consistent with the Planned Unit Development (PUD) combining district as overlaid onto the Agricultural Productive (AP) base district, provided the project's satisfaction of planned unit development provisions in the County Subdivision Ordinance (County Code §23.25.004); 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 29 to July 28, 2020, including distribution to the State Clearing House, and responded to public comment in the final IS/MND; 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, 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, 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 PLN190035 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines.

***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 PLN190035.*

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

***Evidence:** Following circulation for public comment of a draft initial study/mitigated negative declaration (IS/MND), a final IS/MND was prepared and accompanies the draft to respond to comments from the public. The draft and final IS/MND documents, the staff report, and verbal testimony were presented to the Planning Commission in preparation for, and during, the November 18, 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 contracted consultant who prepared the IS/MND. Planning staff reviewed the draft IS/MND in detail, edited the document as needed, approved the resulting document for circulation to the public, and edited and approved the responses to comments in the final IS/MND. Planning staff also prepared the staff report. The IS/MND, together with responses to comments, 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 deciding to adopt the mitigated negative declaration and the Mitigation Monitoring and Reporting Program. The Planning Commission determined that the mitigation measures and the conditions of approval included in the staff report would reduce the impacts of the proposal to a level less than significant.

Finding 4: The Planning Commission has found that the substitution of mitigation measures in the proposed mitigated negative declaration per California Environmental Quality Act section 15074.1.

Evidence: The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to deciding to adopt the mitigated negative declaration and the Mitigation Monitoring and Reporting Program. The Planning Commission determined that the mitigation measures and the conditions of approval included in the initial study / mitigated negative declaration and that prior to approving the project those mitigation measures that were deleted within the Biological, Cultural, and Tribal sections and substitute for them which the lead agency has determined are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. No recirculation is required of the proposed mitigated negative declaration pursuant section 15072 is required where the new mitigation measures are made conditions of or are otherwise incorporated into project approval.

Zone Change Findings:

Finding 1: The approval of the petition will serve the public necessity, convenience and general welfare and is good zoning practice.

Evidence: The rezoning would maintain the current Agricultural Productive (AP) zoning terms of permitted and conditional uses and building intensity while modifying building standards in accordance with the purpose of the Planned Unit Development (PUD) combining district. The subdivision would provide a variation on the types of residential parcels available in the area, and the zone change would facilitate that, while still maintaining and preserving open space. The result of the zone change would be reflective of previous nearby residential developments containing similar housing types on similar lot types.

Finding 1: This zone change is consistent with the general plan and any applicable special plan.

Evidence: For the reasons set forth in the Staff Report, incorporated herein by this reference, the Planning Commission finds that this zone change is consistent with the general plan. No further special plan, such as a specific plan, is in effect in this location.

Planned Unit Development Findings:

Finding 1: The plan is consistent with the purposes of planned unit development.

Evidence: In accordance with the purposes of County Code §25.19.001, the development proposes to satisfy PUD design and layout of dwellings as envisioned in the PUD zone's purpose. The PUD zoning district prohibits planned unit development on Grade-1 soils this site does not contain Grade-1 soils.

Finding 2: The plan does not depart from zoning and subdivision regulations, insofar as it proposes lots of non-standard dimensions with reduced building setbacks. However, the reasons for the departures are deemed to be in the public interest.

Evidence: The plan does not depart from standard regulations for zoning and subdivision.

Finding 3: The location, amount, reliability, and adequacy of common open space in the plan are sufficient.

Evidence: The built project site is enough in land area to provide an open-space feature. The applicant is required under County Code §23.15.008 and §25.19.003(E) to contribute to the County's parkland dedication fund at a rate based on acres per capita of population.

Finding 4: The physical design of the plan makes adequate provisions for public services, vehicular traffic, recreation, and visual enjoyment.

Evidence: The proposal complies with applicable standards for the provision of services and infrastructure. The existing site design includes driveways to the residences to be from Mission Vineyard Road and grouped so that there are three driveways total (one shared by Lots 1 and 2, one shared by lots 3 and 5, and one shared by lots 5 and 6). The development is not of a size deemed to necessitate the physical establishment of a park, and per the County Subdivision Ordinance the applicant will be required to contribute to the parkland dedication and improvement fund.

Finding 5: The relationship of the proposed planned unit development to the neighborhood in which it is proposed to be established.

Evidence: The planned unit development is reflective of previously approved residential developments of similar lot types along Mission Vineyard Road.

Subdivision Findings:

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

Evidence: The property is designated as Agricultural (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The AP zoning districts intended to provide for areas within the County to be used for agricultural production of any kind (27.07.020). The proposed project would change the zoning from the existing AP zoning to AP-PUD (Agricultural Productive – Planned Unit Development). The underlying AP zoning district and General Plan designation A required a minimum building site area of 5 acres. The existing 30.6-acre project property could support a density of six dwellings. By including 24 acres of open space easement on Lot 6, the project qualifies as a PUD, which allows the cluster development on small parcel sizes, while maintaining the density allowed by the General Plan. The approval of the tentative map will not be effective unless and until the Board of Supervisors approves the zone change. 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 proposed project would provide adequate access, connections to San Juan Bautista Water District, septic systems, and other infrastructure in a manner compliant with General Plan policies and the proposal is like the surrounding area. 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 provided compliance with conditions of approval. No specific plan affects the subject property.

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

Evidence: The physical conditions of the project site were reviewed in a preliminary soils report, preliminary septic suitability evaluation, and Environmental Health witnessed satisfactory soil profile excavations on October 15, 2019 completed near each of the proposed septic drain field areas on the vesting tentative map, and a soil percolation test was witnessed by Environmental Health staff on November 22, 2019. The percolation rates were found to be within the acceptable range for installation of standard gravity flow septic tank systems, consistent with the State Water Resources Control Board

policy for onsite wastewater treatment systems. 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. Engineering for the site's residences, drives, and drainage is based on this knowledge identified in above reports.

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

Evidence: The location's General Plan land use district allows one dwelling per five acres, with the County Zoning Ordinance setting the five-acre figure as the minimum lot size. The 30.656-acre project site would be subdivided to a state resembling neighboring properties along and near Mission Vineyard Road. As earlier mentioned, the site's physical characteristics were studied in a preliminary soils report that recommended practices for constructing the proposed development.

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 stated measures to mitigate effects to a level that would be less than significant. The mitigation included practices for low impact to aesthetics, biological resources, water quality, and other environmental factors. Project conditions of approval include all these mitigations to prevent substantial damage to the area's environment.

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. This includes emphasis on septic system use and on controlling effects from grading including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project 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: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) Contract.

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 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. Use of a community sewer system is not proposed, with septic systems proposed for sewage disposal at this time, and future connection to community sewer system when made available.

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 San Benito County Fire District, its staff with coordination of CAL FIRE personnel under contract with the district, 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 State responsibility area (SRA); the California Department of Forestry and Fire Protection, or CAL FIRE, generally gives response for wildfire suppression. Structural fire protection and other related emergency services are provided by the San Benito County District. The closest fire station is Hollister Fire District Station 4 at 24 Polk Street in San Juan Bautista, 1.3 miles away by road.*

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 minor subdivision including its proposed ingress/egress improvements and have determined the design to be enough for fire safety, provided adherence to the recommended conditions of project approval.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings, the Planning Commission hereby recommends adoption of the aforementioned initial study/mitigated negative declaration and Mitigation Monitoring and Reporting Program (Attachment A to this resolution) to limit any environmental impacts to a level less than significant; and

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and considerations and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt of the proposed ordinance attached hereto as Attachment “B,” to amend the zoning map for the subject property from Agricultural Productive (AP) to Agricultural Productive/Planned Unit Development (AP/PUD); and

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 recommends that the Board of Supervisors approve the zone change and the tentative subdivision map subject to the following conditions of approval:

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 tentative subdivision map (Exhibit A) and Conditions of Approval as approved by the Board of Supervisors. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further review and approval. [Planning]
4. **Recordation:** The applicant shall submit a subdivision map to the County for review and the subdivision map, when approved by the County Resource Management Agency, shall be recorded with the County Recorder. The tentative subdivision map shall expire two (2) years after the approval date, ~~unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance unless as automatically extended by state/county legislation and or as allowed by request for extension by the Subdivision Map Act and County Ordinance.~~ Failure to record a final subdivision map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
5. **Compliance Documentation:** Prior to recordation of the final subdivision 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]
6. **Assessment:** Prior to recordation of the final subdivision 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 final subdivision map is recorded. [Planning, Assessor]
7. **Easements:** The final subdivision map shall show all easements for access, utilities, and drainage. [Public Works, Planning]
8. **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 subdivision 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]
9. **Parkland Dedication:** Prior to final subdivision map approval, 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.

The in lieu fee shall be based on §25.15.008(D)(1) and (D)(2)(b)(1) of (6) single-family dwelling units as indicated on the tentative map using the formula .015 acre/DU [Planning, Public Works]

10. **Cultural Resources:** A note on the final map and/or a restriction on a deed to be recorded shall require that, prior to commencement of any ground disturbance requiring and encroachment, grading, or building permit, a Phase II study be conducted and a report prepared by a qualified archaeologist to formally evaluate CA-SBN-35/H (P-35-00036) and P-35-0000575 within the Project Area, which shall include measures and procedures to protect cultural resources from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all on-site activities for the Phase II study. At a minimum, the study shall include:
 - a. Guidelines for operation of construction equipment adjacent to or near CA-SBN-35/H (P-35-00036) and P-35-0000575;
 - b. Guidelines for storage of construction materials away from CA-SBN-35/H (P-35-00036) and P-35-0000575;
 - c. Requirements for monitoring and documenting compliance with the study and these conditions of approval and mitigation monitoring and reporting program; and
 - d. Education/training of construction workers about the significance of the cultural resources around which they would be working. [Planning]
11. **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 final subdivision map. [Planning]
12. **Staff Review Invoices:** Within 60 days of approval of the tentative subdivision map, the applicant shall pay all remaining invoices for reimbursement of County staff and consultant time related to the review of the tentative subdivision map. Payment of these invoices shall be a prerequisite to commencing the Condition of Approval/Mitigation Monitoring and Reporting Program for this project. [Planning]
13. **Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to the recordation of the final subdivision 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, using an hourly rate of \$134 per hour, will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. [Planning]
14. **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]
15. **Construction Hours:** 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]
16. **Particulate Emissions Control:**
 - a. The applicant shall observe the following Best Management Practices requirements during grading activities:
 - 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.
 - All grading activities during periods of high wind, over 15 mph, are prohibited.

- Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
 - Haul trucks shall maintain at least two feet of freeboard.
 - All trucks hauling dirt, sand, or loose materials shall be covered.
 - Inactive storage piles shall be covered.
 - Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - Streets shall be swept if visible soil material is carried out from the construction site.
 - A publicly visible sign shall be posted that includes the telephone number and person to contact regarding dust complaints. The phone number of the Monterey Bay Air Resources District shall be included on the sign to ensure compliance with Rule 402 (Nuisance). [Monterey Bay Air Resources District, Planning]
- b. A note shall be placed on the subdivision map that “No permanently installed wood-burning devices shall be allowed in new construction within this subdivision.” [Planning, per General Plan Policy HS-5.13]
17. **Open Space Parcel:** Along with recordation of final subdivision the applicant shall record a Grant of Easement of the 24-acre open space on Lot 6 to the County of San Benito. The easement shall limit future use of the land which will effectively preserve the land as open space. The landowners shall not construct or permit the construction of improvements except those that would not be incompatible with maintaining or preserving the open space character of the land. A note of the open space easement shall be placed on the final subdivision map. [Planning]
18. **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:

19. The proposed planned unit development subdivision shall be designed for separate driveway access to each dwelling unit that are parallel and setback a minimum distance of 5 feet from the common property line. A non-access strip shall be shown on the final map along all frontages on Mission Vineyard except for 30 feet at each driveway location.
20. The applicant has provided a preliminary soil in accordance with the San Benito County Municipal Code report, prepared by a registered civil engineer and the County Engineer has reviewed the preliminary soil report and found it complete.
21. The applicant shall apply to the County for a mailing address to Lots 1-6 and the installation of mail drop-off facilities for each lot.
22. **Improvement Plan:** Prior to recording of the final subdivision map, the applicant shall be required to submit an Improvement Plan prepared by a licensed Engineer for the deferred improvements, future drainage to each lot and water service to the County Resource Management Agency Public Works staff for review and approval along with the appropriate plan check and inspection fee that will be computed as required by County Code. Upon issuance of building permits for each parcel, an on-site inspection for building, conformance with the plans, and conformance with the SWPPP, and geotechnician’s plan review letter.

- a. Prior to the recordation of the final subdivision 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. As part of the submission of the Improvement Plan for this project, a soil investigation report prepared by a qualified engineer registered in the State of California shall be submitted for review by Engineering, and the same shall be the basis of the design of any proposed or required improvements for the project. Prior to recordation of the Final Map, a complete compilation of test reports along with a letter from soils engineer attesting compliance with requirements and recommendations shall be submitted to the Public Works Division upon completion of site improvements. A note shall be placed on the Final Map referencing the report for future reference by potential property owners. [Public Works]
23. **Road Dedication:** As part of the recordation of the final subdivision map, the applicant shall make the following irrevocable offers of dedication in accordance with County Code §23.15.002:
- a. The applicant shall make an irrevocable offer of dedication to San Benito County public use of a one half of a 60-foot right-of-way along the entire property frontage on Mission Vineyard Road. [Public Works]
24. **Road Improvements:** Prior to recordation of the final subdivision map, the applicant shall bond for or make the following roadway improvements in accordance with County Code Chapter 23.17:
- a. Shall improve Mission Vineyard Road to half of 24 feet asphalt concrete roadway surface on a one half 34 feet roadbed along the entire property’s frontage of Mission Vineyard Road. Said improvements may be bonded for or enter into a deferred improvement agreement upon the discretion of the County Engineer. [Public Works]
25. **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 or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
26. **Improvements Warranty Security:** Prior to commencing construction activities, the 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]
27. **Drainage:**
- a. The Improvement Plans for this project must provide full construction detail of the proposed on-site storm drainage system. Said storm drainage system must comply with County Drainage Standards. The drainage system must be capable of collecting and conveying runoff generated by the proposed project for a 100-year event. The drainage system shall provide for the protection of abutting and off-site properties that could be adversely affected by any increase in runoff attributed to the proposed subdivision. All drainage improvements shall be submitted to the County Engineer for review and approval prior to being installed.
 - b. The applicant shall provide a 10’ PUE and SDE along the right-of-way of Mission Vineyard Road frontage, SDE’s at the storm drainage areas of each lot and SDEs along the property lines leading to the back of lots 1-5. SDEs and PUEs shall be shown on the Final Map.
 - c. 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]

28. Utilities:

- a. Prior to recordation of final subdivision 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 final subdivision 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]

29. Community Facilities District: Prior to recordation of final subdivision map, this development shall be required to annex into the Community Facilities District 2018-1. The services to be funded, in whole or in part, by the community facilities district (the "District") include all direct and incidental costs related to providing for the maintenance of public infrastructure within the area of the District, the future annexation area, and areas adjacent to or in the vicinity of such areas. More specifically, the services shall include, but not be limited to: (i) police, fire and related paramedic services of the County of San Benito required to sustain the public safety service delivery capability for emergency and non-emergency services including related facilities, equipment, vehicles, fire apparatus, services, supplies and personnel; (ii) recreation program services and library services; (iii) maintenance and lighting of parks, parkways, streets, roads and open space; (iv) flood and storm protection services; as well as the provision of other public services authorized to be funded under Section 53313 of the California Government Code. The District may fund any of the following related to the services described in the preceding sentence: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/ or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. It is expected that the services will be provided by the County, either with its own employees or by contract with third parties, or any combination thereof. [Public Works, Community Services District]

30. Traffic Fees: The applicant shall be required to pay Traffic Impact Mitigation Fee (TIMF) for four (4) new lots when building permits are issued.

Fire:

31. 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 Ordinances 822 and 823 and all other related codes as they apply to a project of this type and size.

- a. Install residential sprinklers to home. Maintain one tank for every 3,000 square feet.
- b. Install one wharf fire hydrant within 50-100 feet of residence.
- c. To maintain 100 feet of defensible space (weeds mowed down).

- d. Roadside vegetation contributing to significant risk shall be removed for ten feet on each side of the traveled section, where required by the fire protection agency.
- e. To protect escape routes from radiant heat caused by wildfires, native vegetation should be thinned, and dead material removed on each side of roads or highways. This may reduce radiant heat from a wildfire to an acceptable level.
- f. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines.
- g. Surfaces should be established in conformance with local ordinances and be capable of supporting an HS-20 and alternate load.
- h. A minimum six-inch aggregate base shall be used as a minimum standard where paving is not required.
- i. All driveways shall provide a minimum 12-foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- j. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Install Knox-keys with a Knox-lock on gate or utilize Knox-key switch for automatic gate.
- k. Accessory Dwelling Units up to 1200 sq. feet may not require residential sprinklers.
- l. Update Address Markings to be visible and larger

Division of Environmental Health:

- 32. **Sewage Disposal:** Upon development of each property, the owner shall be required to connect to the City of San Juan Bautista municipal sanitary district for disposal of domestic wastewater. Until the City of San Juan Bautista can and will provide sewer line to the front of these properties, the disposal of domestic wastewater may be accomplished by use of individual on-site septic tank disposal systems. Submit sewage disposal permit application to Environmental Health for review and approval prior to the issuance of building permits. [Environmental Health]
- 33. **Water System:** The proposed project states service will be provided by the City of San Juan Bautista Water District. This department has no comments currently but reserves the right to make comments if there are any changes to the proposed project. [Environmental Health]
- 34. **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]

LAFCO:

35. Prior to recording the Final Map, the property owner(s) and/or the City of San Juan Bautista shall request and receive approval of an out-of-agency-boundary service extension from San Benito LAFCO for the five new potable water connections from the City.
36. Prior to connecting to wastewater system when available, the property owner(s) and/or the City of San Juan Bautista shall request and receive approval of an out-of-agency-boundary service extension from San Benito LAFCO for the six new wastewater connections from the City.
37. The owner(s) shall record a "consent to annex" to the City of San Juan Bautista, which would become binding on future property owners.

City of San Juan Bautista:

38. The owner(s) of each new lot agrees to connect to the waste-water system within six months of the City's completion of a sewer main in front of these properties.
39. Prior to the issuance of a building permit to develop these properties, the City requires the approval of a Resolution in the form provided as Attachment B, and the execution of a Utility Extension Agreement provided as Attachment C. The Utility Extension Agreement will include those provisions provided in these forms, subject to updates or modification to match the intent of this condition when it applies. As stated, the owner(s) is required to pay the connection fee, all related permit fees and the cost of the constructing the sewer lateral. These connections will be designed to meet the City Engineer's current standards.

THE MITIGATION MONITORING AND REPORTING PROGRAM

40. Drawing from the Initial Study and Proposed Mitigated Negative Declaration prepared for the Dassel Subdivision Proposal, (PLN190035) the Mitigation Monitoring and Reporting Program is hereby incorporated into these conditions of approval and made a part. See the attached pages that follow.

41. Agreement with All Conditions of Approval and Mitigation Measures: Prior to or upon approval by the Board of Supervisors, the Applicant shall sign the statement below certifying that Applicant agrees with all conditions of approval. [Planning]

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

Applicant Signature: 

Date: NOV. 20, 2020

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 18TH DAY OF NOVEMBER 2020 BY THE FOLLOWING VOTE:

AYES:


NOES:

ABSENT:

ABSTAIN:


Valerie Eglund, Chair
San Benito County Planning Commission

ATTEST:


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

Attachment 1: Mitigation Measures Summary Table

Dassel Property TSM Summary Mitigation Measures		
Environmental Factor	Impact	Mitigation
Aesthetics	a) Have a substantial adverse effect on a scenic vista?	<p>MM AES-1: The Parcel Map shall include an agricultural open space easement over 24 acres of Lot 6 that ensures only 1 acre of this parcel is developed for residential use. This easement shall specifically prohibit structures of type or use on areas of this lot with slopes in excess of 20%.</p>
Biological Resources	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish and Game or US Fish and Wildlife Service?	<p>MM BIO-1: Impacts to special-status species & habitat: Prior to ground disturbing activities the project applicant shall retain a qualified biologist, defined as a professional biologist with a bachelor’s degree or above in a biological science field and demonstrated field experience of three years or more. The project applicant shall conduct focused surveys and habitat assessment for California Tiger Salamander (CTS), Tri-Colored Blackbird (TRBL), California Red Legged Frog (CRLF), Burrowing Owl (BUOW), American Badger (AMBA), and Nesting Birds in order to determine presence or absence of these species at the project site. The following mitigation measures included are broken up by special-status species per California Department of Fish and Wildlife (CDFW) recommendations on focused surveys and habitat assessments needed, proper avoidance procedures to take, and when project site take cannot be avoided proper take authorization required.</p> <p>California Tiger Salamander (CTS) MM BIO-2: Focused CTS Protocol-level Surveys. CTS are known to occur adjacent to the Project site (CDFW 2020). Therefore, a protocol-level survey shall be conducted in accordance with the USFWS’ Interim Guidance document (USFWS 2003). The survey shall include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. The survey findings shall be submitted to CDFW for review. Acceptance of a negative finding</p>

		<p>for CTS requires protocol-level surveys to be conducted for two consecutive annual wet seasons, prior to any site disturbance.</p> <p>MM BIO-3: CTS Avoidance. A minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows within and/or adjacent to the Project construction footprint and occupied breeding pools within and/or adjacent to the Project site footprint. Any impacts that could alter the hydrology or result in sedimentation of breeding pools shall be avoided. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.</p> <p>MM BIO-4: CTS Take Authorization. If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site and take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.</p> <p>Tri-Colored Blackbird (TRBL)</p> <p>MM BIO-5: TRBL Habitat Assessment. A qualified biologist shall conduct a habitat assessment adjacent to the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for TRBL.</p> <p>MM BIO-6: TRBL Surveys. Project activities shall be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, a qualified wildlife biologist shall conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.</p>
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		<p>MM BIO-7: TRBL Avoidance. If an active TRBL nesting colony is found during pre-activity surveys, implementation of a minimum 300-foot no-disturbance buffer shall be implemented in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015b). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.</p> <p>MM BIO-8: TRBL Take Authorization. In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.</p> <p>California Red-Legged Frog (CRLF)</p> <p>MM BIO-9: CRLF Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for CRLF.</p> <p>MM BIO-10: CRLF Surveys. If suitable habitat is present, a qualified wildlife biologist shall conduct surveys for CRLF within 48 hours prior to commencing work (i.e., two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS’s “Revised Guidance on Site Assessment and Field surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within or adjacent to individual Project sites.</p> <p>MM BIO-11: CRLF Avoidance. If any CRLF are found during preconstruction surveys or at any time during construction, construction shall cease and CDFW shall be contacted to discuss a relocation plan for CRLF by a qualified biologist. Initial ground-disturbing activities shall be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). If</p>
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ground-disturbing activities take place between November 1 and March 31, a qualified biologist shall monitor construction activities daily for CRLF.

Burrowing Owl (BUOW)

MM BIO-12: BUOW Surveys. A qualified biologist shall conduct surveys following the California Burrowing Owl Consortium’s (CBOC) “Burrowing Owl Survey Protocol and Mitigation Guidelines” (CBOC 1993) and CDFW’s “Staff Report on Burrowing Owl Mitigation” (CDFG 2012). Specifically, CBOC and CDFW’s Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

MM BIO-13: BUOW Avoidance. No-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

MM BIO-14: BUOW Passive Relocation and Mitigation. If BUOW are found within the recommended buffers and avoidance is not possible, according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, burrow exclusion shall be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, ongoing surveillance shall be conducted, at a rate that is sufficient to detect BUOW if they return.

		<p>American Badger (AMBA) MM BIO-15: AMBA Surveys. If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badger and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.</p> <p>MM BIO-16: AMBA Avoidance. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around occupied dens and a 250-foot no-disturbance buffer around natal dens until it is determined through non-invasive means that individuals occupying the den have dispersed.</p> <p>Nesting Birds MM BIO-17: Nesting Bird Surveys. To evaluate Project-related impacts on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of Project activities, a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the Project.</p> <p>MM BIO-18: Nesting Bird Avoidance. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site</p>
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		<p>by topography. A qualified wildlife biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. If behavioral changes to nests occur, work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures.</p>
<p>Cultural Resources</p>	<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? c) Disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>MM CUL-1: A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing construction activities on the project site. 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 feet meters (150 feet) of the find until it can be evaluated by a qualified professional archeologist. 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) 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 Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, the applicant or builder shall:</p> <ul style="list-style-type: none"> 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. 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

		<p>not include flags or other devices which may attract vandals.</p> <ul style="list-style-type: none"> c) Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified. d) 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 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. <p>The statement above shall be included in the grading permit and construction plans for the proposed project.</p> <p>MM CUL-2: Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:</p> <ul style="list-style-type: none"> vii. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. viii. Field strategy used to record, recover, or avoid the finds and address research goals. ix. Analytical methods. x. Report structure and outline of document contents. xi. Disposition of the artifacts. xii. Appendices: all site records, correspondence, and consultation with Native Americans, etc.
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		<p>MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.</p> <p>MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.</p> <p>MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.</p> <p>MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.</p>
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		<p>MM CUL-7: If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) and the Amah Mutsun Tribal Band within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.</p>
<p>Geology and Soil</p>	<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? <p>c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral</p>	<p>MM GEO-1:</p> <p>Prior to the recordation of the final map, the Applicant shall submit a design-level geotechnical engineering report to the Public Works Department for review and approval. The recommendations of the design-level report shall be incorporated into the design of the Subdivision Improvement. Upon completion of subdivision improvements, the Applicant shall submit a letter prepared by a Soils Engineer, along with a complete compilation of test reports, demonstrating compliance with the recommendations of the design-level geotechnical evaluation, subject to the review and approval of the County. No building permits for residential dwellings shall be issued until such time that the County has verified that all subdivision improvements have been designed and constructed in accordance with the requirements of the design-level geotechnical analysis. A note shall be placed on the final map referencing the aforementioned reports for future reference by potential property owners.</p>

	<p>spreading, subsidence, liquefaction or collapse?</p> <p>d) Be located on expansive soil, as defined in Table 18-1-B of the uniform building Code (1994), creating substantial risks to life or property?</p>	
Hydrology and Water Quality	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<p>MM HYD-1:</p> <p>The improvement plans shall include a construction phase storm water management plan and a post-construction storm water management plan in conjunction with a storm water management report for review and approval of the County Engineer. Said plans and report shall document compliance with all CCRWQCB and County requirements pertaining to drainage, storm water management and erosion control.</p>
Noise	a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<p>MM Noise-1:</p> <p>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.</p>
Tribal Cultural Resources	b) Cause substantial damage to a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public	<p>MM CUL-1: A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing construction activities on the project site. 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 feet meters (150 feet) of the find until it can be evaluated by a qualified professional archeologist. 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) 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.</p>

	<p>Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	<p>If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, the applicant or builder shall:</p> <ul style="list-style-type: none"> 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. 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. c) Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified. d) 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 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. <p>The statement above shall be included in the grading permit and construction plans for the proposed project.</p> <p>MM CUL-2: Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an</p>
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		<p>Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:</p> <ul style="list-style-type: none"> vii. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. viii. Field strategy used to record, recover, or avoid the finds and address research goals. ix. Analytical methods. x. Report structure and outline of document contents. xi. Disposition of the artifacts. xii. Appendices: all site records, correspondence, and consultation with Native Americans, etc. <p>MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.</p> <p>MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.</p> <p>MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.</p> <p>MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted</p>
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		<p>to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.</p> <p>MM CUL-7: If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) and the Amah Mutsun Tribal Band within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.</p>
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Attachment 2: to the Planning Commission Resolution

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

AN ORDINANCE OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS TO APPROVE THE ZONE CHANGE PETITION OF COUNTY FILE PLN190035 “DASSEL” AND REZONE THE PARCEL DESCRIBED HEREIN TO THE AGRICULTURAL PRODUCTIVE / PLANNED UNIT DEVELOPMENT COMBINING (AP/PUD) ZONING DISTRICTS

The Board of Supervisors of the County of San Benito, State of California, does ordain as follows:

SECTION 1: The property shown in Exhibit B (attached as “Legal description for subject property, Assessor’s Parcel Number 012-190-041 and 012+190-042”), also identified as San Benito County Assessor’s Parcel Number 012-190-041 and 012-190-042 (333 Mission Vineyard Road), is hereby designated to be subject to the zoning district of Agricultural Productive/Planned Unit Development (AP/PUD) as set forth in San Benito County Code Title 25.07 and Chapter 25.19, as amended by this ordinance.

SECTION 2. The PUD District for this property is limited to allowing the following changes to the AP District development standards. All other provisions and regulations of the AP District shall remain in effect and be operative.

SECTION 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and, before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the *Hollister Free Lance*, a newspaper of general circulation published in the County of San Benito, State of California.

The foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of San Benito, State of California, at the regular meeting of said Board held on the ____ day of _____ by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

ABSTAIN: SUPERVISORS:

By: _____
Jaime De La Cruz
Chair, Board of Supervisors

ATTEST:
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

By: _____

By: _____

Date: _____

Date: _____

Attachment 3 to the Ordinance. Legal description for subject property, Assessor's Parcel Number 012-190-041 and 012-190-042.

All that real property situated in Section 3, Township 13 South, Range 4 East, Mount Diablo Base and Meridian, San Benito County, California, being a portion of that 30.80 acre parcel as shown on that Map thereof recorded in Book 16 of Maps, at Page 9, San Benito County Records, being more particularly described as follows:

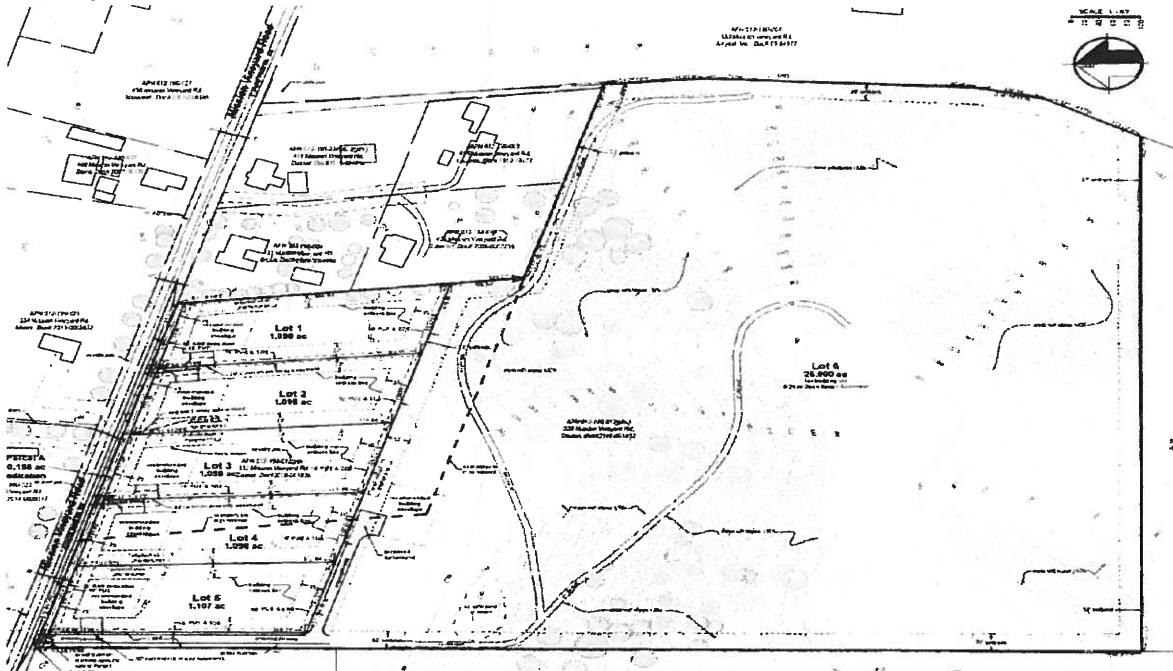
Beginning at a point on the southerly line of Mission Vineyard Road at the most northern corner of said 30.80 acre parcel; Thence along the westerly line of said 30.80 acre parcel also being the west line of Section 3 South 0°00'20" West, 1591.50 feet to the southwestern corner of said 30.80 acre parcel on the northerly line of the land conveyed to Joseph Brutinel by deed from Thomas McMahon et ux, dated May 15, 1907, and recorded in Vol. 38 of Deeds, at Page 244, San Benito County Records; Thence along said northerly line of said land conveyed to Joseph Brutinel North 89°42'06" East, 982.83 feet to the southeastern corner of said 30.80 acre parcel; Thence leaving said northerly line and along the westerly line of Lot 37 of said Township and Range commonly know as "Old Mission Vineyard Tract" also being the easterly line of said 30.80 acre parcel the following courses and distances: North 27°13'37" East, 153.20 feet; Thence North 12°16'51" East, 100.00 feet; Thence North 2°20'27" East, 392.84 feet; Thence North 4°29'06" West, 144.91 feet to the easterly prolongation of the southerly line of Parcel 3 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records; Thence leaving said westerly line and along said easterly prolongation of the southern line of Parcels 3 and 4 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records, North 72°48'09" West, 6.82 feet to the southeast corner of said Parcel 3; Thence along said southerly line North 72°48'09" West, 380.84 feet to the southwest corner of said Parcel 4; Thence along the westerly prolongation of said line North 72°48'09" West, 473.41 feet; Thence North 5°55'10" West, 500.23 feet to a point on the southerly line of Mission Vineyard Road; Thence along said southerly line of Mission Vineyard Road North 72°48'09" West, 214.16 feet to the point of beginning.

Containing 25.858 acres more or less.

All that real property being a portion of Section 3, Township 13 South, Range 4 East, Mount Diablo Base and Meridian, San Benito County, California, also being a portion of that 30.80 acre parcel as shown and so designated on that Map recorded in Book 16 of Maps, at Page 9, San Benito County Records being more particularly described as follows:

Beginning at an iron pipe in the southerly line of Mission Vineyard Road at the most northwesterly corner of Parcel 1 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records; Thence from said point of beginning along the westerly line of Parcel 1 and Parcel 4 as shown on said Map South 5°55'10" East, 500.23 feet to the southwest corner of said Parcel 4, Thence along the westerly prolongation of the southerly line of Parcel 4, North 72°48'09" West, 473.41 feet; Thence North 5°55'10" West 500.23 feet to a point on the southerly line of Mission Vineyard Road; Thence along said southerly line of Mission Vineyard Road South 72°48'09" East, 473.41 feet to the point of beginning.

Containing 5.00 acres more or less





City of San Juan Bautista

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Attachment 1

Utility Extension Agreement

Proposed Terms to be executed and recorded on title prior to issuing Building Permits

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE CONNECTION OF 105 SAN JUAN HOLLISTER ROAD TO THE CITY'S SEWER SYSTEM

WHEREAS, insert property description.

WHEREAS, insert general plan compliance references

WHEREAS, Municipal Code 5-9-600 "Outside the City- Approval Required" clearly states that, "Except when authorized by resolution of the City Council, which resolution shall contain such terms and conditions and fix such fees as the City Council shall deem appropriate, no sewer connection permit shall be issued, nor shall any sewer connection be made to serve, any premises or property located outside the corporate limits of the City;" and

WHEREAS, insert any unique characteristics; and

WHEREAS, the Owner has requested to be connected to the city's sewer line, Insert Fees and

WHEREAS, the City Council can determine that these special circumstances make this request for connection of (Insert Property description) to the City's sewer an exceptional and unusual case, that is worthy of consideration.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

1. The City Council finds in considerations of the unique history of the property, (insert property) justifies an exception to the San Juan Bautista Municipal Code Section 5-9-



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2. The City Council adopts this Resolution in agreement with four conditions placed upon the owner;
- a. That the current and future use of the property remain consistent with the General Plan's land use designation, unless otherwise approved for a variance; and
 - b. That the owner will adhere to the City's Uniform Waste Water regulations, as stated in Municipal Code 5-9 (et al) and any subsequent amendments to them, at all times before, during and after this sewer connection is completed.
 - c. Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, permits, fees, inspections costs, engineering and construction of the extension, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designee. Costs of plan review and construction inspection shall also be paid by the owner.
 - d. That before the issuance of building and/or encroachment permits, the owner will execute and record on title with the City a Utility Extension Agreement, with terms similar to those provided in Exhibit "A."

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 30th day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary V. Edge, Mayor

Laura Cent, City Clerk

Exhibit A- example of conditions for a Utility Extension Agreement

Attachment 5: City of San Juan Bautista Utility Extension Agreement



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EXHIBIT A-

PROPOSED TERMS OF A UTILITY EXTENSION AGREEMENT

(A) Agreement to Run with the Property. The agreement shall be recorded against the property in the San Benito County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

(B) Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

(C) Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city.

(D) Agreement Not to Protest Annexation. The owner shall provide the city with an irrevocable power of attorney to allow a city representative to sign a petition for annexation on behalf of the property owner or the property owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.

(E) Waiver of Right to Protest the formation of an assessment district that directly benefits the property. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an assessment district for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such special district.

(F) Development of Property to Conform to City Code – Exceptions. The owner shall agree to comply with all requirements of the city's land use plan, zoning, fire codes and those portions of the city building code which are referenced by the fire code, and the city public works standards when developing or redeveloping the property subject to the agreement. The city council may grant exceptions to the requirements contained in this subsection only under the following conditions:

(1) The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code or public works standards, based upon compliance with all of the following criteria:



City of San Juan Bautista

The "City of History"
Office of the City Manager

(a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;

(b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;

(c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;

(d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

(G) Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.

SANITARY SEWER CONNECTION AGREEMENT

AGREEMENT BETWEEN THE CITY OF SAN JUAN BAUTISTA AND OTTOBONI FOR CONNECTION TO SANITARY SEWER SYSTEM FOR SEWER SERVICES TO THE PROPERTY SITUATED AT (APN _____).

THIS AGREEMENT, hereinafter referred to as "Agreement" is hereby entered into this _____ day of _____, 2020 by and between the City of San Juan Bautista a municipal corporation of the State of California hereinafter referred to as "City" and _____ hereinafter referred to as "Customer" and collectively referred to as the "Parties to this agreement.

WITNESSETH

WHEREAS, the "City" owns and operates a Sanitary Sewer Treatment Facility, sanitary sewer collection system, sanitary sewer lift station and other appurtenance necessary for the purpose of receiving, transmitting and treating sanitary sewer effluent from properties within the sewer service area of the system, and

WHEREAS, the "Customer" owns property outside of the City limits and within the service area of the sewer system and desires to connect to the sanitary sewer collection system to fulfill the obligations of the conditions of approval contained in Resolution No. 95-41, "Plan of Service", as described in Exhibit "A" of said Resolution, and

WHEREAS, the City Council authorized the connection to the City's sanitary sewer system of 105 San Juan Hollister Road by Resolution 2020 - 34 on June 30, 2020 and authorized signature to this Agreement.

NOW THEREFORE IT IS AGREED, that the "Parties", in consideration for the City providing sanitary sewer collection, lift station and treatment services to and for the benefit to the property situated at _____ (APN _____), agree as follows;

SECTION 1. "City" agrees to operate and maintain sanitary sewer collection system, lift station and treatment facility for the mutual benefit of properties within the City.

SECTION 2. The "Customer" agree to pay to the "City" sanitary sewer connection fee, permit and inspection fees in the amount of \$_____ for sewer connection for a single family house

SECTION 3. The "Customer" agrees to report to the "City" any changes to the property which would affect the volume and strength of sanitary sewer effluent discharge into

the sanitary sewer collection system for the purposes of determining the monthly sanitary sewer use fees based upon the strength and volumes of discharge.

SECTION 4. The "Customer" agrees to pay to the "City" the monthly sewer user charges for a single family house.

SECTION 5. In exchange for City agreeing to provide sanitary sewer collection, lift station and treatment services, Customer hereby expressly and specifically forever releases and discharges City from, of and for, and hereby waives and surrenders, any and all past, present and future claims, counterclaims, demands, suits, actions, causes of actions, liabilities, obligations, damages, injuries, of any nature or kind whatsoever, including claims for personal injury or property damage, plus any and all costs, fees and expenses, including reasonable attorney's fees, whether arising at law or in equity, under the common law, federal, state, local or other law, in any manner relating to or arising from the sewer services on the Property (collectively, "Claims").

SECTION 6. This agreement shall remain in force or in effect unless amended. Either party may request in writing an amendment to this agreement due to a change in the number of tenants in each building or the volume and or strength of the sewer discharge. The amendment shall be approved by both parties to this agreement.

SECTION 7. This agreement shall be recorded against the property in the San Benito County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

SECTION 8. Customer represents and warrants that he or she is the owner of the property and is authorized to enter into this Agreement.

SECTION 9. Customer hereby agrees to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the City, upon the completion of construction, approval and acceptance by the city.

SECTION 10. Customer shall provide the City with an irrevocable power of attorney to allow a City representative to sign a petition for annexation on behalf of the Customer or the Customer agrees to sign a petition(s) for annexation of his/her property when requested to do so by the City.

SECTION 11. If, the City constructs certain improvements that would specially benefit the owner's property, the Customer agrees to sign a petition for the formation of an assessment district for the specified improvements at the time one if circulated, and to waive his/her right to protest formation of any such special district.

SECTION 12. The Customer agrees to comply with all requirements of the City's land use plan, zoning, fire codes and those portions of the City building code which are referenced by the fire code, and the City public works standards when developing or redeveloping the property subject to the agreement. The City Council may grant exceptions to the requirements contained in this subsection only under the following conditions:

(1) The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code or public works standards, based upon compliance with all of the following criteria:

(a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;

(b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;

(c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;

(d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

SECTION 13. In addition to all other remedies available to the City for the Customer's noncompliance with the terms of the Agreement, the City shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be executed by the respective bodies or owners of said property to which this agreement is subject to, on the _____ day of _____, 2020.

CITY OF SAN JUAN BAUTISTA:

CUSTOMER:

Mayor Mary Edge

Attachment 6: City of San Juan Bautista General Engineering Conditions



City of San Juan Bautista

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Attachment 2

Planning Application No. PLN190035, Dassel TSM & ZC, 333 Mission Vineyard SJB, APN# 012-190-012.

General Engineering Conditions:

1. Project shall provide all information required per City's subdivision ordinance.
2. Provide current title report with supporting documents.
3. Provide topographic and boundary survey prepared, stamped and signed by a licensed land surveyor.
4. Provide preliminary geotechnical investigation to confirm site suitability for project including septic system. Each site shall be conditioned to perform design level percolation testing in the actual location of any proposed septic system to ensure that the design system is based on the site-specific percolation rate for the actual installation area and appropriate system loading based on the size and components of any proposed residence.
5. Provide geotechnical engineer information.
6. Provide separate plot plan showing existing and proposed easements, lots, dedications, full dimensions, acreages before and after subdivision.
7. Provide Joint trench Intent Plans.
8. Provide joint trench designer information.
9. Project frontage shall be designed per City Standards including drainage.
10. Provide complete flood zone information including boundaries and flood zone.
11. Provide detailed cost estimate for all construction within public right-of-way.
12. Add note that Applicant shall obtain City Encroachment Permit for all construction in the public right-of-way.
13. Engineering plans shall be prepared, stamped and signed by a registered Civil Engineer.
14. Project shall incorporate recommendations in the Geotechnical Report and Geotechnical Engineer shall stamp and sign title sheet stating plans conform to recommendations of Geotechnical Report.
15. Provide sections at property lines.
16. Provide sections through lot in transverse and longitudinal directions.
17. Clarify limits of grading.
18. Provide grades at along conform locations.
19. Provide grades and slopes for roadway for large lot.
20. Show and label all existing and proposed easements clearly.
21. Provide existing spot elevations at project boundaries.



City of San Juan Bautista

The "City of History"
Office of the City Manager

22. Provide pre-and post-construction stormwater treatment measures.
23. Post development run-off shall be the same as pre-development run-off. Provide complete drainage plan and sizing calculations
24. There is an existing power pole with an anchor at the proposed entrance to 2 lots, show how this will be dealt with on plans.
25. Show water service for all properties.
26. Show dimensions for roadway for large lot. Roadway slope and dimensions shall meet Fire Department Standards including turnaround.
27. Show runoff collection for large lot driveway.