

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN BENITO)
COUNTY PLANNING COMMISSION)
APPROVING THE BLUFFS AT RIDGEMARK)
SUBDIVISION PROPOSAL #TSM 15-94.)**

Resolution No. 2018-3

WHEREAS, Frederick Bates & Scott Stringer (Bates Stringer Hollister LLC) filed an application to subdivide properties under the ownership of Roy and Rita Lompa on August 18, 2015, (File Number TSM 15-94), and

WHEREAS, the project site is located in unincorporated San Benito County, California, approximately 0.7 mile south of the City of Hollister (outside the City's sphere of influence) and approximately 0.4 mile south of State Route (SR) 25 ("project site"). The project site is generally bordered on the west by Southside Road, on the south by agriculture, and on the north and east by the Ridgemark Country Club development; Assessor's Parcel Numbers: 025-420-005, 025-420-006, 025-420-019), and

WHEREAS, the proposed project involves a vesting tentative subdivision map and other discretionary approvals that would allow for the development of 90 single-family residences, two parks, and on- and off-site improvements necessary to serve the residential uses. It is anticipated that the lots would range in size between approximately 8,464 square feet to 28,869 square feet, and

WHEREAS, approximately 12.1 acres on the western and southern edges of the blufftop site are comprised of steep slopes and would not be developed as part of the proposed project; and

WHEREAS, the subject parcels have a General Plan Designation of RM Residential Mixed and a Zoning Designation of R-1 Single Family Residential; and

WHEREAS, the County prepared an Environmental Impact Report (EIR) for the project consistent with the requirements of the California Environmental Quality Act (CEQA), and

WHEREAS, The Bluffs at Ridgemark application (TSM-15-94) was originally scheduled for public hearing before the San Benito County Planning Commission on March 21, 2018. However, rather than open the public hearing, the Planning Commission continued the matter to a date certain, and

WHEREAS, The Bluffs at Ridgemark application (TSM-15-94) came on for public hearing before the Planning Commission on April 2nd, 2018, and

WHEREAS, the Final EIR (consisting of the Draft EIR, Responses to Comments and appendices thereto) was presented to the Planning Commission which reviewed and considered the information contained in the EIR prior to making its recommendation on the project; and

WHEREAS, the Final EIR reflects the County of San Benito's independent judgment and analysis.

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:

Subdivision Findings:

None of the findings for disapproval of the Bates/Stringer Bluffs at Ridgemark subdivision as found in County Code 23.07.006 are made. The findings below have been written in the affirmative.

Finding 1: The proposed Map TSM 15-94 is consistent with the General Plan and any applicable specific plan.

Evidence: The Project site is located within the Residential Mixed (RM) General Plan land use designation and would be consistent with the Residential Mixed (RM) land use designation. The purpose of the RM General Plan designation is to allow areas of unincorporated urban uses where circulation and utility services exist. The designation allows mixed-use developments at a density of up to 20 dwelling units per acre. As the Project includes the construction of 90 single-family units on an approximately 49-acre site at approximately 1.8 dwelling units per acre it does not exceed the density and other relevant provisions in the RM designation. See also further discussion in the Project's EIR for the Project's consistency with other applicable General Plan goals and policies.

Evidence: While not subject to a specific plan, the proposed project is consistent with the uses allowed in the County's Single-Family Residential R1-District zoning designation. Permitted uses in the R1 zone include single-family dwellings with a minimum building site area of 5,000 square feet (where a public sewer and public water supply are available). The Project proposes to be served by nearby roadways and to connect to the Sunnyslope County Water District (SSCWD) for sewer service and for water service, (subject to any required approvals from other public agencies, e.g., LAFCO) and therefore the 5,000 sf minimum lot requirement applies to the Project. All home sites would be on lots greater than 5,000 sf, and would therefore be consistent with this requirement. See also further discussion in the Project's EIR for the Project's consistency with other zoning requirements.

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

Evidence: See also Evidence in Finding 1 above. On October 11, 2017 the Parks and Recreation Commission reviewed the applicant's proposal for providing park space into the design of the subdivision. The applicant has proposed 3.2 acres of private parks on-site, yet is also required by Code to pay a fee in lieu to meet the requirements of the Parks and Recreation Master Plan. As the on-site park space will be enjoyed in a gated community and not for the general public, such an amenity does not count towards providing public park space. Payment of an in-lieu fee was determined sufficient. Per the County Code, fair market value of the in lieu fee is to be determined by the County Assessor (Section 23.15.008(F) (1)).

Evidence: While no affordable housing has been proposed within the design and improvements of the subdivision and the County Code does not currently impose any obligations regarding the provision of affordable housing on individual developments, the applicant has voluntarily offered to pay a \$4,500 fee

to the County per unit at the time of building permit issuance to compensate the County for the project's share of affordable housing. Over time as building permits are issued for the 90 homes to be constructed, \$405,000 will be collected. This has been included as a Condition of Approval.

Evidence: Subject to obtaining basic sewer and water utility services from the Sunnyslope County Water District, the Project will be required to design and install improvements (such as a potential sewer lift station, pipes and connection points) appropriate to serve the Project and consistent with the requirements of the SSCWD. A condition of approval has been added to the Project requiring proof of these services and written contractual agreements for these services, prior to recordation of the first final map.

Evidence: The Project proposes appropriate road right-of-way, drainage improvements, water piping, and other infrastructure to serve the Project.

These have been reviewed by the appropriate County departments and the Planning Commission and have been determined to be consistent with the design standards set forth in the San Benito County Code. The General Plan consistency findings are hereby reaffirmed and incorporated herein by reference. In particular, the General Plan's Public Facilities Element, Policies 1.1 through 1.13 describes improvement design standards for infrastructure and public services; staff has determined the subdivision design and improvements described in TSM 15-94 and the subsequent full extension of Street C southward to Southside Road, establishing a full-use secondary access point for the subdivision, is consistent with the above mentioned policies. The General Plan's Circulation Element, Policies 1.2 through 2.6 describe improvement design standards for road improvements and requirements for new development within the County; the improvements set forth in the proposed map have been determined to be consistent with all of the above mentioned policies.

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

Evidence: Staff and the Planning Commission have evaluated the proposed Bluffs at Ridgemark Subdivision (TSM 15-94), including, without limitation, the potential full-extension of Street C southward to Southside Road, establishing a full-use secondary access point for the subdivision, and have determined the site physically suitable for the proposal.

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

Evidence: Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-94, and have determined that the site is physically suitable for the proposed density of development described in the map and is consistent with that described in the proposed EIR and the underlying RM General Plan land use designation. See also the Evidence for Finding #1 above.

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: The Environmental Impact Report identified potentially significant impacts to biological resources and proposed mitigation measures designed to reduce the potential impacts to a less than

significant level. The Project incorporates the mitigation measures from the EIR, including those pertaining to biological impacts. Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-94 and have determined that the design of the subdivision and proposed improvements are consistent with that described in the EIR. The findings and determinations regarding potential impacts to biological resources and mitigation of those impacts are incorporated herein by reference.

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

Evidence: The EIR evaluated potentially significant impacts pertaining to public health and proposed mitigation measures designed to reduce the potential impacts to a less than significant level. Additionally, the applicant has provided for the full extension of Street C southward to Southside Road, establishing a full-use secondary access point for the subdivision. Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-94, and have determined that the design of the subdivision and type of improvements (as explained more fully in the above findings) are consistent with that described in the EIR.

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: Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-94, and have determined that any easements for public access or use have been identified (Southside Road) on the tentative map and shall be maintained.

Evidence: Furthermore, easements and access through or use of the Project site within the subdivision, will be subject to private agreements and negotiation. Prior to Final Map approval, the applicant will need to demonstrate to the satisfaction of the County Engineer that the design of the subdivision includes appropriate access (and the rights and or privileges to that access).

Finding 8: Subject to Section 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 and that the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: As discussed more fully in the Project's EIR, the Project site is not subject to a Land Conservation Act (Williamson Act) contract. While the site currently contains undeveloped grazing fields, agricultural activities have not occurred on-site for many years, and the land is not currently irrigated. The General Plan and Zoning Designation anticipate residential development for the Project site, and efforts to sustain agricultural uses here and for the surrounding areas have been redirected to residential development. Mitigation Measures for the loss of agricultural lands were made components of the 2035 General Plan update and accordingly with implementation of MM AG-1, impacts would be less than significant.

Finding 9: As described more fully in the Project's EIR and subject to Section 66474.6 of the Government Code, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: The Project is proposed to be connected to the Sunnyslope County Water District. The Project would not use septic tanks or any alternative wastewater disposal system. Therefore, no impacts related to the use of septic tanks or alternative wastewater systems would occur.

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, Vesting Tentative Subdivision Map TSM 15-94 is approved with the following conditions of approval.

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

- 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 shall 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 actions~~ 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. County shall promptly notify the Applicant of any claim, action or proceeding, and cooperate fully in the defense. (Gov. Code § 66474.9 (b) (2)). In addition, Applicant cannot be required to pay or perform any settlement unless the settlement is approved by the Applicant. [Planning, County Counsel]
- 2. Conformity to Plan:** The development of the site shall conform substantially to the proposed Tentative Map, (**EXHIBIT A to the Planning Commission Staff Report of 03/21/2018. VTM Dated 03/06/2018**) and Conditions of Approval and environmental mitigation measures in the EIR's MMRP and as approved by the Planning Commission. (While known for the development review period as "The Bluffs at Ridgemark," a change shown on the March 6, 2018 VTM now indicates the project name as, "The Promontory at Ridgemark.") [Planning]
- 3. Conditions of Approval:** Prior to or upon approval by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

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

Applicant Signature: _____

Date: _____

4. **Notice of Determination (California Fish & Wildlife Fees):** The Applicant shall pay all fees associated with the filing of the Notice of Determination, which will be filed by the County RMA, with the County Clerk within five (5) days of approval of the vesting tentative subdivision map. California Department of Fish and Wildlife fee of \$3,259.75 (\$3,209.75 + \$50.00 County Clerk Processing Fee) – Fish & Wildlife Code section 711.4(d)) must be submitted with the filing. A copy of the filed Notice shall be provided to the Applicant.
5. **Mitigation Monitoring:** Upon approval of Vesting Tentative Map 15-94 by the Planning Commission, the Applicant, County Counsel, and the RMA Director shall agree to and sign the Mitigation Monitoring Program form(s). The Applicant shall comply with all the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP), incorporated herein by reference, to reduce or avoid, to the extent feasible, the potentially significant and significant impacts of the Bates/Stringer Hollister LLC subdivision known as the Bluffs at Ridgemark, or Promontory at Ridgemark. In adopting these mitigation measures, the Planning Commission intends to adopt each of the mitigation measures identified in the EIR and applicable to the Project. [RMA, County Counsel]
6. **Compliance Documentation:** The Applicant shall submit a summary response in writing to these Conditions of Approval and Mitigation Measures documenting compliance with each condition and mitigation measure, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
7. **Revenue Neutrality of Project; Cooperation in Forming Financing Districts.**
 - *Revenue Neutrality Generally.* The parties acknowledge and agree that Applicant is required to ensure Revenue Neutrality of the Project through the formation (or annexation to, as relevant) and implementation of a CFD approved by the County.
 - *Formation and Implementation of CFD.* Applicant shall cooperate in the establishment of the CFD and the imposition of the related levy over the Project site, including, without limitation, not exercising any right of protest; funding County's consultant(s) to prepare any and all studies and other documentation necessary to form the CFD; and paying all of County's costs and expenses associated with the CFD formation (or annexation, as relevant) and implementation process. After Applicant has initiated said formation (or annexation, as relevant) process, the County shall use diligent and good faith efforts to complete said formation (or annexation, as relevant) process within one hundred eighty (180) days after County issues the required Notice of Intention for Form the CFD.
 - *Prior to recordation with the County of the first Final Map,* the Applicant shall cooperate and diligently work with the County to form (or annex to) a CFD to enable the Project to remain revenue neutral in accordance with an approved fiscal impact study funded by the Project applicant (in part or in whole) and conducted by the County's consultant(s). Said fiscal impact study shall determine: whether the Project would be fiscally positive or

negative, and if the latter, then said study shall identify the amount of additional funding needed to ensure revenue neutrality and shall also provide any other information necessary (determined in the County's reasonable discretion) to facilitate the formation of the above-referenced CFD.

8. *Prior to recordation of the first Final Map*, the CFD to enable the Project to remain revenue neutral shall be adopted and formed (or the Project annexed into, as relevant). The Applicant shall cover any and all actual County costs associated with said formation/annexation proceedings. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the first Final Map. [RMA, County Counsel]
9. **GHAD – Prior to recordation of the first Final Map, the applicant shall establish or join a Geologic Hazards Assessment District.** Approximately 12.1 acres in the western and southern portions of the blufftop site are comprised of steep slopes. To provide for long-term monitoring and maintenance of the hillside from the top edge down to Southside Road, the applicant has proposed and agrees to the formation of (or annexation into) a Geologic Hazard Abatement District (GHAD).
 - a. Figure 10 in the EIR shows the proposed boundaries of the GHAD. This boundary shall be adjusted to appropriately include the southern bluffs and to accommodate the southern extension of Street C and its accompanying improvements down the bluff to its connection point to Southside Road.
 - b. As part of the formation of the GHAD, a “Plan of Control” must be prepared in accordance with applicable laws that describes the geologic hazards and includes a plan for the prevention, mitigation, abatement, or control of the identified hazards. This Plan of Control must be prepared by a Certified Engineering Geologist.
 - c. The Plan of Control would need to be adopted in accordance with applicable laws and would set forth the activities to be undertaken by the GHAD and the priorities related thereto.
 - d. The land that would fall within the GHAD’s boundaries need not be contiguous so long as all lands included within said district are specifically benefited by the proposed activities to be undertaken by the GHAD in the Plan of Control in accordance with applicable laws (i.e., Proposition 218 requirements).
 - e. A draft Plan of Control has been prepared for the project (ENGEO, July 2016). The boundaries of the proposed GHAD are coterminous with the boundaries of the blufftop site. The Plan of Control shall be updated and modified to include the entire Project site, including the southern bluffs and the southern extension of Street C and its accompanying improvements down to its connection point to Southside Road.
 - f. The GHAD’s source of funding would be through landowner assessments, after the GHAD is formed (or annexation is approved) pursuant to applicable law. These assessments, which attach as liens on property if not timely paid, are collected at the same time in the same manner as general taxes on real property.
 - g. Once established, the GHAD would assume specified responsibilities as set forth in the Plan of Control. These include, but are not limited to, the monitoring and maintenance of facilities that enhance site stability, such as drainage facilities and associated improvements. They can also include funding of monitoring and maintenance of biotic resources, as required and consistent with the Plan of Control and so long as otherwise permitted under applicable law, within GHAD-covered parcels.

h. Specifically, the GHAD would assume monitoring and maintenance responsibilities for the following site improvements and activities, among others as specified in the approved Plan of Control:

- Slopes
- Debris benches and berms
- Subdrains
- Concrete-lined drainage ditches
- Settlement instruments
- Retaining walls
- Emergency vehicle access/maintenance roads

10. Home Owner's Association and CSA: Prior to recordation of the first Final Map, the Applicant shall annex into the existing Ridgemark Homeowner's Association (or in the alternative, shall form another Homeowner's Association for the Project) for the purposes of street lighting, street sweeping, and maintenance of road, drainage, open space and landscape improvements. Also, prior to recordation of the Final Map, the Applicant shall annex to the existing County Service Area or submit evidence that the proposed subdivision is already part of the Home Owner's Association and had already been annexed to the existing County Service Area.

11. Habitat Conservation Plan Impact Fees: Prior to recordation of the first Final Map in accordance with County Ordinance 541 which sets fees for the habitat conservation plan financing and kit fox protection measures, the Applicant shall contribute a habitat conservation plan mitigation fee of \$150.00 for each lot under 1 acre. In this case, all 90 lots are less than one-acre in size and \$13,500 is payable to the Planning Division. [Planning]

12. Assessment: Prior to recordation of any and all Final Map(s), 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 Map at issue is recorded. [RMA, Assessor]

13. Affordable Housing Fee. The Applicant shall pay a \$4,500 fee for each unit to the County at the time of building permit issuance to compensate the County for the project's share of affordable housing. (Over time as building permits are issued for the 90 homes to be constructed, \$405,000 will be collected.)

13.A A Planning Commission addition April 2, 2018 consistent with its motion to approve the Project. The applicant shall provide on-site secondary units in the amount of 15% of the total units (i.e., 90 primary units x 15% = 13.5 secondary units). Thirteen secondary units are to be constructed as part of the Project. Discretion as to how to implement this condition shall remain with the RMA Planning Division in consultation with the Applicant.

14. Parks. Prior to recordation of the first Final Map, the Applicant shall pay an in lieu fee equivalent to 1.35 acres of land equivalent in value to those lands being develop by Bates/Stringer Hollister LLC, or successors and assigns. Per the County Code, fair market value of the in lieu fee is to be determined by the County Assessor (Section 23.15.008(F) (1)).

15. **Timing of the full street extension of Street C to Southside Road.** Prior to occupancy of the 46th unit, the fully improved secondary street access to Southside Road shall be installed and functional. This secondary access shall be considered as a fundamental component of the Project and shown on the Final Map, and any Final Map not showing this secondary access shall not be construed to be in substantial conformance with the VTM.
16. **Demonstration of Public Water and Sewer Service.** Prior to recordation of the first Final Map, the Applicant shall demonstrate proof of sewer and water utility services from the Sunnyslope County Water District. Upon demonstrating proof of written contractual agreements for these services (that will also clarify financial obligations of concerned parties), the Project shall be required to design and install improvements (such as a potential sewer lift station) appropriate to the needs of those providers to provide service to the Project.
17. **Domestic Water:** The Applicant shall provide the necessary domestic water system improvements that are sufficient to deliver water and provide water service to the Project, in substantial compliance with what is shown on the vesting TSM and in all applicable Water Improvement Plans, pursuant to San Benito County and Sunnyslope County Water District Standards.
18. **Sanitary Sewer Improvements:** The Applicant shall install sanitary sewer improvements that are sufficient to serve the Project, in substantial compliance with what is shown on the vesting TSM and in all applicable Wastewater Improvement Plans, pursuant to San Benito County and Sunnyslope County Water District Standards.
19. **Recordation:** The Applicant shall submit a Final Map or multiple final maps to the County and the Final Map(s) shall be considered by the San Benito County Board of Supervisors, following review and approval by the County RMA and recorded with the County Recorder. The Vesting Tentative Subdivision Map shall expire as specified by the Subdivision Map Act and the County's Subdivision Ordinance. Failure to record a Final Map in accordance with applicable laws within the period of approval or a period of extension shall terminate all subdivision proceedings. [RMA]
20. **Development Fees:** The Applicant shall pay all applicable Development Fees as required by the County of San Benito Code or otherwise, which shall be in the then-applicable amount as of the date when the Applicant applies for each building permit, as provided in Section 23.13.003 of the San Benito County Code.
21. **Easements:** The Final Map(s) shall show all necessary easements for access, utilities, and drainage. [RMA]
22. **Construction Hours:** A note shall be placed on an additional sheet to the Final Map(s) that states: "As required by County Ordinance, Construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.
23. **Water Softeners:** If water softeners are proposed to be installed on any residential units within the Project, then a note shall be placed on the subdivision improvement plans and on an additional sheet to the Final Map(s) that states: "Self-regenerating water softener appliances

(SRWS) shall not be installed in any structure on-site. A SRWS is defined as a water softening device that removes calcium and magnesium salts from water by using an ion-exchange resin utilizing sodium chloride during the ion-exchange process. The ion-exchange resin used in SRWS's is recharged by using a sodium chloride brine solution which is subsequently discharged into the sewer system. However, water softeners recharged by portable cartridges supplied by service providers where the brine solution resulting is not discharged into the sewer system may be allowed."

If water softeners are proposed to be installed on any residential units within the Project, then only acceptable water softeners (as defined above) shall be shown on plans submitted to the San Benito County RMA, Building and Planning Division for review and approval. The prohibition of SRWSs shall be included in Covenants, Conditions and Restrictions (CC&Rs), with oversight by the County RMA, Building and Planning Division, as appropriate. The County RMA, Building and Planning Division shall review site plans for compliance prior to issuance of building permits. County inspectors may inspect site for installation of permitted water softeners prior to occupancy of the structures.

ENVIRONMENTAL HEALTH DEPARTMENT:

- 24. Sewage Disposal.** The proposed Project states that service will be provided by the Sunnyslope Community Water District; the Applicant shall be required to appropriately document service provision as required by these Conditions.
- 25. Water.** The proposed Project states that water will be provided by the Sunnyslope County Water District; the Applicant shall be required to appropriately document service provision as required by these Conditions.
- 26. Hazardous Materials.** If any hazardous materials are to be stored in any proposed facility, a hazardous Materials Business Plan must be completed and submitted to the Environmental Health Department.

SAN BENITO COUNTY FIRE:

- 27. Fire:** Any and all development on this Project site shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Code 4290 and 4291, Sections 21.01.020 through 21.01.024 of the San Benito County Code and other related codes as they apply to a project of this type and size. A note shall be placed on an additional sheet to the Final Map(s) that states: "Prior to the issuance of any permits for new development, the applicant shall comply with all requirements of the latest editions of the California Fire Code."
- 28.** The Project is required to comply with the following as standard conditions of approval:
 - a.** All public and private roads shall be all-weather surfaces with a minimum width of 18 feet, unobstructed by parking. Cul-de-sacs and turnouts would be designed to local Fire Department/District standards. For private roads, there shall be ongoing and legally binding provisions to maintain the roads to local Fire Department/District approval.

- b. Structure numbers and street signs shall be lighted to applicable County standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency.
- c. All fire hydrants shall be installed in accordance with County Zoning requirements and applicable local Fire Department/District standards.
- d. Prior to approval of the first building permit, the applicant shall submit revised plans subject to the review and approval by the County and local Fire Department/District that illustrate the roadways and site access, and the placement of fire hydrants throughout the site. Primary access shall be constructed as part of initial grading, and fire hydrants would be installed prior to occupancy.
- e. The Project's water system shall be designed to maintain a minimum fire flow of 2,500 gallons per minute (GPM) for two hours (or greater) at 20 pounds per square inch (PSI).
- f. The Applicant shall prepare a fire/vegetation management plan for the approval of the County and Fire Department/District.

SAN BENITO COUNTY WATER MANAGEMENT DISTRICT: Prior to site disturbance, the Applicant shall demonstrate to the San Benito County RMA that they have met the needs and conditions of the San Benito County Water Management District as follows:

- 29. **Potable Water Supply** The Applicant shall submit an 'intent to serve' letter from Sunnyslope County Water District, that includes acknowledgement of the proposed Project scope and any documentation of related LAFCO approval(s) required for service provision.
- 30. **Wastewater Disposal.** The Applicant shall submit an 'intent to serve' letter from Sunnyslope County Water District, that includes acknowledgement of the proposed Project scope and documentation of any related LAFCO approval(s) required for service provision.
- 31. **Fire Protection Water Supply:** If the County requires additional fire protection measures, the fire suppression water supply source, flow rate and storage capacity of appurtenant facilities shall be described and the location of said facilities shall be illustrated on the site plan. Adequacy of any proposed fire suppression water supply shall be reviewed for conformance with the storage capacity requirements of the County Fire Department.
- 32. **Stormwater Runoff Management**
 - a. Storm drainage from this Project will contain nutrients, sediments, debris, and oxygen demanding substances. The development shall conform to all NPDES requirements in effect, as well as the Central Coast Regional Water Quality Control Board Basin Plan with regard to storm water discharge quality. This Project may also be required to develop and implement a Storm Water Management Plan. The Project, as currently proposed, does not appear to meet the "maximum extent practicable" (abbr. MEP) standard set by Central Coast Regional Water Quality Control Board for NPDES stormwater compliance. Measures including bio-retention and hydro modification, to mimic a pre-development hydro graph, may be required to insure the MEP standard and reduce potential impacts to a 'less than significant' level.
 - b. In order to prevent harmful impacts to downstream and/or downslope properties due to increased volume and concentrated flows of storm water runoff:

- i. the Applicant shall submit engineer-signed and stamped calculations for drainage control structures (e.g. pond facilities), drainage piping, discharge orifices, etc. which shall comply with County Drainage Standards;
- ii. The Applicant shall submit engineer signed and stamped calculations showing the velocity of concentrated flow versus critical velocity of the soil for the Project site; and
- iii. If the velocity of flow is greater than the critical velocity for the concentrated runoff, then the Applicant shall mitigate for accordingly (e.g. rip-rap or vegetated energy dissipation, erosion control).
- c. The development should conform to NPDES requirements in effect when grading permits are issued on the new parcels. The Project will require a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to be incorporated into the Project. Said construction BMPs shall include, but are not limited to: installing straw wattles and silt-fencing on the downstream side of construction, installing gravel bags around all inlets to drainage features potentially impacted by construction. Sufficient dust control shall also be required during construction to minimize dispersion of small particulate matter.

SUNNYSLOPE COUNTY WATER DISTRICT (March 14, 2016)

33. As reflected in correspondence received from the district, Sunnyslope County Water District intends to provide water and wastewater service for the proposed Bluffs at Ridgemark Development of 90 single family detached homes contingent upon the following requirements. The following requirements shall be treated as Conditions of Approval:
- a. The property for the proposed development is currently outside the Sunnyslope County Water District boundary. It must be annexed into the District prior to any water or wastewater service. District anticipates that it will support and assist with the annexation.
 - b. This development is included in the Hollister Urban Area Master Plan boundary, within which Sunnyslope County Water District currently has sufficient potable water supplies and infrastructure for domestic and fire protection service. The District also currently has sufficient wastewater treatment capacity to accommodate this development's anticipated wastewater flows.
 - c. Parcel D shall be deeded to SSCWD as fee title on the Final Map for a well site.
 - d. Exclusive easements must be given to SSCWD between Lot 4 and Lot 5 to the Marks Drive connection to guarantee SSCWD the right to unimpeded access to maintain, repair or replace the infrastructure therein.
 - e. The sewer collection system capacity must be analyzed and sewer sizing must be such that it must accommodate the additional flows generated by this development.
 - f. The existing 12" water line at the northern border of the Project site must remain in operation until the entire development water system has been transferred to Sunnyslope CWD. After this transfer, the existing 12" water line is to be properly sealed and abandoned. Access to or operation and maintenance of the well in Parcel D is not to be hindered at any time during the construction of the development.
 - g. Prior to the start of construction, an agreement detailing the terms and conditions of water service must be signed by the Applicant and approved by the Sunnyslope District Board of Directors. The Applicant must pay all applicable fees and charges in accordance with District

ordinances and otherwise satisfy the requirements of said agreement before Sunnyslope water and wastewater service.

- h. District water and wastewater service for new developments is on a first-come, first-served basis. The District may rescind or withdraw its intent to serve this Project if the previous conditions are not sufficiently met, or other unforeseen circumstances limit either the capacity or ability for the District to provide such services. If service is withdrawn, then Applicant shall provide the County with evidence of an alternative service provider.

PUBLIC WORKS DIVISION:

34. **Access to Ridgemark:** Since the proposed subdivision is proposing to connect and access Ridgemark, the Applicant shall obtain proof or confirmation of legal access to connect to Ridgemark Drive or provide agreement with Ridgemark HOA allowing the proposed Project to utilize the existing Ridgemark roads. This documentation shall be submitted to the County RMA prior to recordation of the first Final Map.
35. **A Potential Traffic Circle at the northern entrance** shall be reviewed separately and with documented permission from the Ridgemark Homes Association and appropriate property owners affected. The circle and access improvements may be demonstrated on formalized Improvement Plans for the development of the subdivision.
36. **Slope Setback:** All lots along the edge of the hillside must show a building set back line per recommendations by the geotechnical engineer due to history of landslides and unstable hillside conditions.
37. **Review by other Agencies:** The proposed development is within Sunnyslope County Water District's (SSCWD) sphere of influence for water and sewer services, therefore, the proposed development must also be reviewed by the SSCWD. Additional fees may be required by SSCWD. SSCWD fees are in addition to County fees.
38. **Road Dedication:** Prior to recordation of each Final Map, the Applicant shall make the following irrevocable offers of dedication to San Benito County and the public for public use (§ 23.15.002 Dedication of Streets, Alleys and Other Public R/W or Easement):
 - a. Full 56-foot right-of-way for all streets within the subdivision with standard 46 feet radius right-of-way for the turnaround facility at each ends and standard knuckle per City of Hollister Standards (which is also adopted by the County). Dedication of road should consider and provide required curve radius at the corners of intersections.
 - b. Provide confirmation that the right-of-way dedications at the corners of intersections had been considered to accommodate ADA Ramp per City of Hollister Standards (which is also being adopted by the County).
 - c. Half of 84 foot right-of-way along the whole property frontage on Southside Road plus slope easement.
 - d. Full 40-foot right-of-way for the required access on to Southside Rd.

- 39. Utility Easements:** It is the Applicant's responsibility to provide any required utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. Said easement(s) shall be shown on the Final Maps.
- 40. Storm Drain and other Public Utility Easements (SDE & PUE):** SDEs and PUEs which cross private properties shall be avoided if possible to avoid future maintenance problems. Utility and drainage easements shall be left open as common areas and must be accessible by maintenance equipment. SDEs and PUEs shall be shown on the Final Map(s).
- 41. Improvements:** Prior to recordation of the first Final Map, the Applicant shall bond for or make the following roadway improvements [§ 23.17 Improvements]:
- a. Full 40-foot curb to curb paved surface on 42 foot roadbed for all streets within the subdivision with standard 40 feet radius paved surface on 41 foot radius roadbed turnaround facilities at each end, standard curb, gutter and a detached sidewalk. [§ 23.29 Road Standards; § 23.27.004(E)]
 - b. Full 26-foot curb to curb paved surface for the new common access on to Southside Rd.
- 42. Geotechnical Report Compliance:** As part of the submission of Improvement Plan Plans for this Project, the recommendations of the geotechnical investigation report prepared by Stevens Ferrone & Bailey (SFB Project No. : 558-4), shall be incorporated into the design of the Improvement Plans. Prior to recordation of the first 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 Public Works Department upon completion of site improvements. A note shall also be placed on the Final Map referencing the aforementioned report for future reference by potential property owners.[§ 23.31.023]
- 43. Storm Drainage:** As part of the submission of engineered improvement plans for this Project, the Applicant shall comply with County Drainage Standards and provide drainage and erosion control details for the Project. Included in this shall be drainage calculations and construction details for the proposed retention/detention pond for impermeable surfaces created as part of this Project. Details and direction of flows of drainage swales and grades shall also be included. All drainage improvements must be installed or bonded for prior to recordation of the first Final Map. [§ 23.17.003.(B)]
- 44. Construction General Permit & SWPPP:** 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 Division prior to start of any construction activities as part of this Project. A note to this effect must be added on the Improvement Plans.
- 45. Utility Plans:** 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 sanitary sewer, water, gas, electric, telephone, and cablevision, and shall furnish copies said approved plans to Public Works

Department for concurrence. Said plans shall be part of the final or approved Improvement Plans.

46. **Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations [§23.17.003(F)]. All necessary utilities must be installed or bonded for prior to recordation of the first Final Map.
47. **Encroachment Permit:** Applicant must obtain an Encroachment Permit from Public Works Division for any work being performed within the County R/W or for any road offered for dedication to the County prior to commencement of any improvements associated with this Project.
48. **Street Names:** Prior to recordation of the Final Map, the applicant must submit a list of proposed street names (for Street A, Street B, Street C, Street D, Street F, & for the new required access on to South Side Rd.) to the county's Communications Department for road name approval. [§23.07.003]
49. **Warranty Security:** Upon completion of required improvements for each project Phase, prior to the recordation of each Final Map or before release of alternate Bond, 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 (§ 23.17.009.4).
50. **As Built Plans:** Prior to the recordation of the Final Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media (PDF file and hardcopy file) shall be prepared by the applicant's engineer and delivered to the Public Works Department. [§ 23.31.002.(K)(1)]

THE MITIGATION MONITORING AND REPORTING PROGRAM

51. Drawing from the Environmental Impact Report (SCH#2016101022), the Mitigation Monitoring and Reporting Program prepared for "The Bluffs at Ridgemark", or alternatively branded, "The Promontory at Ridgemark" San Benito County, is hereby incorporated into these conditions of approval and made a part. See the attached pages that follow.



Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Aesthetics							
<p>MM AES-1(a) Design Standards. Prior to issuance of the first building permit for the project, the project proponent shall submit architectural plans for review and approval by the Planning Commission. The architectural plans shall include all proposed building elevations, materials, colors, textures, light fixtures, and perimeter fencing, and shall satisfy the following:</p> <ul style="list-style-type: none"> ▪ Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences and walls ▪ High contrast color combinations, such as very dark brown adjacent to white, shall be avoided on individual home roofs, walls, and fascia ▪ Roof vents shall be the same earth tone shade as the surrounding roof surface ▪ All structures facing any public street or neighboring property shall use minimally reflective glass and all other materials and colors used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare ▪ Building windows shall be tinted with an antireflective material <p>The final map(s) for the project shall include a note indicating that this mitigation measure would be met prior to issuance of the first (1st) building permits. The above referenced standards, components and materials shall be denoted on building plans. A copy of said standards, components, and materials shall be submitted with grading and building plans prior to issuance of building permit(s) for individual lot development.</p>	<p>Confirm that architectural plans and building plans satisfy the design standards, components and materials listed in the mitigation measure.</p> <p>Confirm structures are constructed consistent with plans.</p>	<p>Prior to issuance of building permit.</p>	<p>As necessary during construction.</p>	<p>County of San Benito Resource Management Agency</p>			
<p>MM AES-1(b) Landscaping. Prior to the recordation of the first final map, the project proponent shall submit tract-wide landscaping plans to the County for review and approval. Figure 7 and Figure 8 in Section 2.0, Project Description, show the currently proposed</p>	<p>Confirm that final tract-wide landscaping plans are consistent with the requirements of the mitigation.</p>	<p>Prior to recordation of the first final map.</p>	<p>Once, prior to recordation of the first final map.</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>conceptual landscape plan. Tract-wide landscaping plans shall comply with the following requirements:</p> <ul style="list-style-type: none"> ▪ Landscaping installed as part of tract improvements shall include fencing along the north and east side of the project. ▪ Landscaping shall consist of drought-tolerant native species, as feasible, along with other acceptable species identified by the County as appropriate. Hydroseeding areas shall be clearly indicated on the plan. ▪ Only natural fiber, biodegradable materials shall be used. 	<p>Confirm landscaping is implemented consistent with the landscaping plans.</p>	<p>After landscape installation.</p>	<p>Once, after landscape installation.</p>	<p>County of San Benito Resource Management Agency</p>			
Agricultural Resources							
<p>MM AG-1 Agricultural Conservation. Prior to issuance of any grading permits, the project proponent shall provide that for every one (1) acre of FMMP Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) on the project site that is permanently converted to non-agricultural use as a result of project development, one (1) acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said mitigation shall be satisfied by the applicant through:</p> <ol style="list-style-type: none"> a. Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the County or qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of 36.4 acres of FMMP Important Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or b. Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, to be applied toward the future purchase of a minimum of 36.4 acres of FMMP Important Farmland in San 	<p>Confirm that project proponent has preserved land in perpetuity as specified in the measure.</p>	<p>Prior to issuance of any grading permits.</p>	<p>Once, prior to issuance of the first grading permit.</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification			
					Initial	Date	Comments	
<p>Benito County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or</p> <p>c. Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of 36.4 acres of FMMP Important Farmland in San Benito County. The amount of the payment shall be equal to 110 percent of the amount determined by the qualifying entity or a licensed appraiser; or</p> <p>d. Any combination of the above</p>								
Biological Resources								
<p>MM BIO-1(a) California Tiger Salamander (CTS) Pre-construction Survey and Impact Avoidance. The following measures are required to reduce impacts to individual CTS and their habitat (additional measures may be required by the CDFW and/or USFWS):</p> <ul style="list-style-type: none"> Not less than six months prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct pre-construction surveys within suitable habitat on-site. The surveys shall include mapping of all areas containing small mammal burrows. Not less than one month prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct another round of pre-construction surveys within suitable habitat on-site. The surveys shall confirm previously mapped areas containing small mammal burrows. Not less than 15 days prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall also oversee installation of exclusion fencing where suitable aquatic habitat is adjacent to the site (i.e., along the northern 	<p>Ensure qualified biologist is retained and conducts necessary preconstruction surveys to specifications in mitigation measure</p>	<p>At least six months prior to start of construction activities, and again, at least one month prior to start of construction.</p>	<p>Once at specified points during construction phase</p>	<p>County of San Benito - Qualified biologist</p>				
	<p>Ensure qualified biologist oversees the installation of exclusion fencing in applicable areas according to specification in mitigation measure</p>	<p>At least 15 days prior to the start of construction.</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>				
	<p>If CTS is found, confirm work is halted and remains halted until CDFW and/or USFWS provides authorization for work to resume</p>	<p>Immediately after CTS is identified within work area</p>	<p>As need arises</p>	<p>Project proponent - Qualified biologist</p>				
	<p>Ensure preconstruction survey reports have been prepared and submitted to County</p>	<p>Within 15 days of each survey</p>	<p>Once at specified points during construction phase</p>	<p>County of San Benito - Qualified biologist</p>				

(County File TSM 15-94 (The Bluffs Subdivision))

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>boundary) to prevent CTS from entering active work areas.</p> <ul style="list-style-type: none"> ▪ If any life stage of the CTS is identified within the work area, construction and grading in these areas shall be halted and the County, CDFW, and USFWS shall be contacted immediately. Additional avoidance strategies shall be approved by the County in consultation with CDFW and USFWS to achieve compliance with the State and federal Endangered Species Acts. If avoidance is not possible, incidental "take" authorization would be required under the State and federal Endangered Species Acts. A CESA incidental take permit may be acquired through preparation and submittal of a section 2081 application to the CDFW. A FESA incidental take permit may be acquired through FESA section 7 consultation if there is a federal nexus related to the project and if the lead federal agency is willing to initiate FESA consultation with the USFWS. If a federal nexus does not exist for the project, an incidental take permit must be obtained through section 10(a)(2)(B) of the FESA by developing a habitat conservation plan (HCP) that would define the measures designed to minimize and mitigate the effects of the project's actions and to ensure the species would be conserved. At a minimum, mitigation measures shall include purchase of credits at an approved conservation bank or purchase and management of offsite suitable upland habitat for CTS to offset loss of suitable upland habitat for this species (i.e., area[s] containing small mammal burrows) at a ratio of 2:1 (two acres preserved for every one acre of impact), or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations. ▪ A pre-construction survey report shall be submitted to the County Resource Management Agency within 15 days of completion of the survey. The report shall include the dates, times, weather conditions, aquatic and terrestrial habitat conditions (including a map of small mammal 							

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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burrow or burrow complex locations), agency consultation(s) if individuals are discovered, and personnel involved in the surveys.							
<p>MM BIO-1(b) California red-legged frog (CRLF) Pre-construction Surveys and Impact Avoidance. The following measures are required to reduce impacts to individual CRLF and their habitat (additional measures may be required by the USFWS):</p> <ul style="list-style-type: none"> ▪ Not less than one month prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct pre-construction surveys within suitable habitat on-site. ▪ Prior to ground disturbance within 200 feet of identified CRLF breeding and aquatic non-breeding habitats, temporary barriers shall be constructed between the identified habitat and the projects ground disturbance area to prevent CRLF from entering the project site during construction. A solid temporary exclusion fence (such as silt fence) shall be buried into the ground to a depth of at least 6 inches below the soil surface and extend at least 3 feet above the ground to exclude CRLF from the work area. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of ground disturbance. During any construction conducted between July 2 and April 30, the fence shall be inspected daily to ensure that it's functioning properly to exclude CRLF from the work area. The fence shall remain in place throughout construction. ▪ To minimize the potential for direct impacts to dispersing individuals, initial ground disturbing activities shall be completed during the period May 1 through July 1, to the extent feasible. The initiation of any subsequent ground disturbing activity or construction during July 2 through April 30, the period when California red-legged frogs are potentially dispersing or utilizing upland areas, shall be preceded by two night surveys of the 	<p>Confirm pre-construction surveys are conducted according to the measure, to include pre-construction surveys within suitable habitat on-site prior to any activity, and two night surveys of the work area for any construction conducted between July 2 and April 30.</p>	<p>At least one month prior to start of construction, and night surveys within 48 hours of construction if occurring between July 2 and April 30.</p>	<p>Prior to construction</p>	<p>County of San Benito Resource Management Agency</p>			
	<p>Confirm temporary fences are constructed and inspected according to the mitigation measure</p>	<p>Prior to ground disturbance within 200 ft of CRLF habitat</p>	<p>Once</p>	<p>County of San Benito Resource Management Agency</p>			
	<p>Ensure that proper take coverage through consultation with USFWS is obtained, if applicable.</p> <p>Ensure records are provided for relocation of CRLF permitted under take coverage, if applicable.</p>	<p>Prior to ground disturbance, during initial ground disturbance and until initial ground disturbance completed</p>	<p>Throughout initial ground disturbance phase</p>	<p>County of San Benito Resource Management Agency</p>			
	<p>Ensure daily surveys of any pits or trenches that are left open over night during the period from October 15 through March 15.</p>	<p>October 15 through March 15.</p>	<p>Throughout date range specified in measure</p>	<p>County of San Benito Resource Management Agency</p>			
	<p>Confirm training of all construction personnel before any construction activities begin</p> <p>Ensure a spill and response plan is</p>	<p>Before construction phase begins</p>	<p>Once</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>work area. The purpose of these surveys is to determine whether any CRLF have bypassed the exclusion fencing into the work area. Surveys shall be conducted on two separate nights within 48 hours prior to the start of work activities.</p> <ul style="list-style-type: none"> ▪ If any life stage of the CRLF is identified within the work area, construction and grading in these areas shall be halted and the County and USFWS shall be contacted immediately. Additional avoidance strategies shall be approved by the County in consultation with USFWS to achieve compliance with the FESA. If avoidance is not possible, incidental "take" authorization would be required under the FESA. A FESA incidental take permit may be acquired through FESA section 7 consultation if there is a federal nexus related to the project and if the lead federal agency is willing to initiate FESA consultation with the USFWS. If a federal nexus does not exist for the project, an incidental take permit must be obtained through section 10(a)(2)(B) of the FESA by developing a HCP that would define the measures designed to minimize and mitigate the effects of the project's actions and to ensure the species would be conserved. At a minimum, mitigation measures shall also include those listed below, or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations. ▪ If CRLF are present they shall be moved out of the work area by an approved biologist following the methods described below, but only if "take" authorization is procured from the USFWS. The approved biologist would maintain detailed records of all translocated individuals (e.g., size, coloration, any distinguishing features, and photographs) to assist in determining whether translocated individuals return to the work site. ▪ Before any construction activities begin on the project, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the 	<p>designated and workers are briefed on it</p> <p>Ensure all construction practices, ongoing construction phase monitoring tasks, biological monitor responsibilities, daily surveys and inspections, and associated reporting are completed according to the measure.</p>	<p>Throughout construction phase</p>	<p>Ongoing, throughout construction phase</p>	<p>County of San Mateo</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>importance of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished.</p> <ul style="list-style-type: none"> ▪ During all initial ground disturbing activities, an approved biologist shall be on-site to recover any CRLF that may be found at that time, but only if "take" authorization is procured from the USFWS. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the USFWS shall be consulted immediately. Any dead CRLF must be reported immediately to the USFWS and deposited in an approved museum. ▪ An approved biologist shall be present at the work site until such time as all removal of CRLF, instruction of workers, and initial ground disturbance have been completed. After this time, the County shall designate a person to monitor compliance of all mitigation measures. The approved biologist shall ensure that this individual receives training outlined above and is qualified to identify CRLF. The monitor and the approved biologist shall have the authority to halt any action that would otherwise involve a violation of applicable laws and regulations. If work is stopped for this reason, the County shall be notified immediately to determine the appropriate course of action in accordance with applicable laws and regulations. ▪ An approved biologist or trained monitor shall conduct daily surveys of any pits or trenches that are left open over night during the period from October 15 through March 15. ▪ During construction, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas. ▪ The number of access routes, number and size of 							

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside drainage areas.</p> <ul style="list-style-type: none"> All refueling, maintenance, and staging of equipment and vehicles would occur at least 100 feet from riparian habitats (north of the project site) or drainage areas (along the western slopes), and not in a location where a spill would drain directly toward an aquatic habitat. The approved biologist or designated monitor shall check the staging area periodically to ensure that contamination of aquatic habitats does not occur. Prior to the onset of work, a spill response plan must be designated, and all workers must be briefed on the provisions of this plan. Temporarily impacted areas shall be re-contoured to their original configurations and revegetated with native plant species suitable for the area. Locally collected plant material shall be used to the extent practicable. Invasive exotic plant species shall not be used in site landscaping. Best Management Practices would be implemented during and after project implementation to control sedimentation. Water shall not be impounded in a manner that may attract CRLF. California Natural Diversity Database forms shall be completed and sent to the CDFW for all CRLF observed during the project. 	<p>Confirm pre-construction surveys are conducted according to the measure. Ensure exclusion fencing is installed according to measure. Ensure CNDDDB Field Study Forms are provided to the CDFW. Submit all pre-</p>	<p>At least 14 days prior to start of any construction activities and, within 30 days of completion of survey effort, consistent with the required schedules in the measure</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>fencing where suitable habitat is present to prevent these species from entering active work areas. If any of these species are identified within the work area they shall be captured and relocated to County-approved suitable habitat within the same or nearest suitable habitat. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed. The relocation site shall include suitable micro habitat and ecological features for each species as follows:</p> <ul style="list-style-type: none"> ▪ Western spadefoot toad habitat shall include open sandy or gravelly areas within the San Benito River. ▪ San Joaquin Whipsnake (coachwhip) habitat shall include suitable small mammal burrows to provide immediate escape and cover. <p>If either of these species are observed by construction personnel within or adjacent to the project site, all work within the vicinity of the observation shall be halted and the qualified biologist shall be notified immediately to evaluate the occurrence and relocate the animal as necessary. Only a qualified biologist shall capture and relocate wildlife. Construction personnel are not permitted to handle said animals. A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include for each captured special status animal, the Universal Transverse Mercator (UTM) coordinates and habitat descriptions of the capture and release sites (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s).</p>	<p>construction survey reports to County Resource Management Agency, Planning and Land Use Division to the specifications of the mitigation measure</p> <p>Halt construction activity and notify biologist if species described in mitigation measure identified on project site</p>	<p>Immediately after observance of species by construction personnel</p>	<p>Ongoing, throughout construction phase</p>	<p>County of San Benito - Qualified biologist</p>			
<p>BIO-1 (d) Burrowing Owl Pre-Construction Surveys, Avoidance, and/or Exclusion. A qualified biologist shall conduct a pre-construction clearance survey prior to ground disturbance activities within all suitable habitats to confirm the presence/absence of</p>	<p>Conduct Burrowing Owl clearance surveys not more than 14 days prior to start of construction activity</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity.</p>	<p>Once, prior to construction</p>	<p>County of San Benito – Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>burrowing owls. The surveys shall be consistent with the recommended survey methodology provided by CDFW (2012). Clearance surveys shall be conducted within 14 days prior to any construction and ground disturbance activities. If no burrowing owls are observed, no further actions are required.</p> <p>If burrowing owls or active burrows are detected during the pre-construction clearance surveys, avoidance buffers shall be implemented in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993) minimization mitigation measures. If burrowing owls are detected, prior to ground disturbance, coordination with the CDFW by a qualified biologist shall occur to establish the appropriate avoidance buffer distances specific for the project's activities and level of expected disturbance.</p> <p>If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993). The Plan shall be provided to the applicable local CDFW office prior to implementation. A qualified biologist shall coordinate with the CDFW to determine the appropriate exclusion methods (passive or active relocation) for the project to relocate burrowing owls to a suitable offsite location. Relocation of owls can only occur during the non-breeding season.</p> <p>A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include, if applicable, each observed burrowing owl and/or its burrow, the UTM coordinates and habitat descriptions. If relocation is required, separate reporting as required within the Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall also be submitted to the County Resource Management Agency, Planning and Land</p>	<p>If Burrowing Owls are detected excavate inactive dens by hand during the first clearance surveys; implement an on-site passive relocation program for active dens, as specified in the measure, and prohibit construction from occurring within 30 feet of active dens.</p> <p>Submit a preconstruction survey report within 30 days after surveys have been completed</p>	<p>Ongoing during construction</p> <p>Submit preconstruction notifications prior to issuance of the first permit for ground disturbing activity, and complete preconstruction survey report within 30 days of the completion of surveys.</p>	<p>As necessary during construction</p> <p>Once after completion of surveys</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification			
					Initial	Date	Comments	
Use Division, as well as to the CDFW.								
<p>MM BIO- 1 (e) American Badger Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct pre-construction clearance surveys for American badger within the project site. Clearance surveys should be conducted for American badger within 14 days of the start of any ground-disturbing activity. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of that portion of the site being disturbed. If no potential American badger individuals or dens are present, no further mitigation is necessary.</p> <p>If this species are detected or potential American badger dens are present, the following measures shall be implemented:</p> <ul style="list-style-type: none"> ▪ If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction. ▪ If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one way doors at burrow entrances, remote camera monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. ▪ Construction activities shall not occur within 30 feet of active badger dens. <p>A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the survey effort to document</p>	<p>Conduct American badger clearance surveys not more than 14 days prior to the start of construction activity</p> <p>If American badger are detected excavate inactive dens by hand during the first clearance surveys; implement an on-site passive relocation program for active den, as specified in mitigation measure; and prohibit construction from occurring within 30 feet of active dens</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity</p> <p>Ongoing during construction</p>	<p>Once, prior to construction</p> <p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito - Qualified biologist</p>				
		<p>Submit a preconstruction survey report within 30 days after surveys have been completed</p>	<p>Submit preconstruction notifications prior to issuance of the first permit for ground disturbing activity; and complete preconstruction survey report within 30 days of the completion of surveys.</p>	<p>Once after completion of surveys</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include, if applicable, each observed badger and/or its den, the UTM coordinates and habitat descriptions, a description of any passive relocation if applicable.</p> <p>MM BIO-1 (f) San Joaquin Kit Fox Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct a pre-construction clearance survey for San Joaquin kit fox within the project site no more than 30 days and no less than 14 days before the start of any ground-disturbing activity. All known and potential San Joaquin kit fox dens (i.e., suitably sized dens in suitable habitat) shall be mapped and an exclusion zone shall be established around each den in accordance with the <i>USFWS San Joaquin Kit Fox Survey Protocol for the Northern Range</i> (USFWS 1999). Occupied dens shall be protected by the buffer distance described below to prevent entrance from all construction equipment and personnel who are not approved biologists. In the exclusion zones, only essential vehicle and foot traffic may be permitted. No activity may occur when the exclusion zone that may harm a San Joaquin kit fox. All exclusion zone fencing and flagging shall be kept in good working order for the duration of nearby construction activities or until the den is determined by the approved biologist to be unoccupied. The USFWS and CDFW shall be notified if a reduction of exclusion zone buffer distance or additional activities within the exclusion zone are requested. The following radii are standard San Joaquin kit fox buffer distances for occupied dens:</p> <ul style="list-style-type: none"> ▪ Occupied natal/pupping den – 500 feet ▪ Known occupied den – 100 feet ▪ Occupied atypical den – 50 feet <p>The project shall also adherence of the recommendations and best management practices described in the <i>USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground</i></p>	<p>Conduct San Joaquin Kit Fox clearance surveys between 14 and 30 days before the start of construction</p> <p>If San Joaquin Kit Fox are detected install a buffer between construction activities and occupied dens as specified in measure</p> <p>All project-related traffic shall be restricted to established roads and observe speed limits identified in the mitigation measure</p> <p>Cover all holes to the specifications of the mitigation measure</p> <p>Implement an employee education program prior to beginning of construction activities as specified in mitigation measure</p> <p>Revegetate all disturbed areas to specifications described in mitigation measure</p> <p>Identify a representative to acts as main contact for any person who may inadvertently injure or kill a kit fox</p>	<p>Between 14 days and 30 days of the start of ground-disturbance</p> <p>Ongoing during construction</p>	<p>Once</p> <p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p><i>Disturbance (USFWS 2011).</i> To minimize temporary construction related disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas would be included in preconstruction surveys and, to the extent possible, would be established in locations disturbed by previous activities to prevent further impacts. The project shall specifically adhere to the following kit fox protective measures described in the USFWS Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance:</p> <ol style="list-style-type: none"> 1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, USFWS and CDFW shall be contacted as noted under bullet 13 referenced below. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a 	<p>Report all new sightings of the Kit Fox to the CNDDDB as specified in the mitigation measure</p> <p>Notify the Sacramento Fish and Wildlife Office and CDFW as specified in the mitigation measure if kit fox is injured or killed</p>	<p>Within three working days of the accidental death or injury to a San Joaquin kit fox during</p>	<p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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	<p>construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <ol style="list-style-type: none"> 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. 5. No firearms shall be allowed on the project site. 6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. 7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit 						

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	fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.						
9.	An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.						
10.	Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be						

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	<p>determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.</p> <p>11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.</p> <p>12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or appropriate wildlife biologist with their department. The USFWS should be contacted at the numbers below.</p> <p>13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is located at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p> <p>14. New sightings of kit fox shall be reported to the CNDDb. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS at the address below. Any project-</p>						

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<p>related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the USFWS at: Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>							
<p>MM BIO-1(g) Western Red Bat Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct a western red bat roost-habitat assessment and conduct presence/absence surveys for special status western red bats where suitable maternity roosting habitat is present (e.g., orchards, mature trees) during the breeding season (approximately August 1 to October 1). Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where western red bats may roost. Surveys shall be conducted not more than 30 days prior to initiation of construction activities during the western red bat breeding season.</p> <p>Areas where bats' maternity roosts are located shall be avoided where feasible. If a maternity colony has become established, all construction activities shall be postponed within a 300-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed under the supervision of the qualified biologist after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.</p> <p>A report of survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the surveys to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys, and if maternity roosts are observed and avoided.</p>	<p>Conduct presence/absence surveys not more than 30 days prior to the start of construction activity during Western Red Bat breeding season.</p>	<p>Conduct preconstruction surveys not more than 30 days prior to construction activity</p>	<p>Once, prior to construction</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>MM BIO-1(h) Monitoring. The County shall review and approve, as determined appropriate by the County, the proposed primary biologist, project plans (including impact areas and mitigation measures), and conduct site inspections during construction to ensure compliance.</p>	<p>Review and approve proposed biologist and project plans</p> <p>Conduct site inspections as specified in the mitigation measure</p>	During construction	As determined appropriate by the County	County of San Benito Resource Management Agency			
<p>MM BIO-1 (i) Construction Best Management Practices. To avoid impacts to aquatic and terrestrial habitats, the following construction Best Management Practices shall be incorporated into all grading and construction plans:</p> <ul style="list-style-type: none"> ▪ Designation of a 15 mile per hour speed limit in all construction areas. ▪ All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. ▪ The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project. ▪ Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from riparian habitat or drainages as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site. ▪ Daily construction work schedules shall be limited to daylight hours only, consistent with applicable County code provisions noted in Section 4.11, Noise. ▪ Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition. ▪ Drip pans shall be placed under all stationary vehicles and mechanical equipment. ▪ All trash shall be placed in sealed containers and shall be removed from the project site a minimum 	Implement BMPs as specified in the measure	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>of once per week.</p> <ul style="list-style-type: none"> No pets are permitted on project site during construction. 							
<p>MM BIO-2 Pre-Construction Surveys for Nesting Birds and Raptors. For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds and raptors covered by the CFGC and the MBTA (including, but not limited to special status species including the California horned lark, burrowing owl, and prairie falcon) shall be conducted by a qualified biologist no more than 14 days prior to initiation of any construction activities, including, without limitation, construction staging and vegetation removal. The surveys shall include the entire disturbance areas plus a 200-foot buffer around any disturbance area(s), as is feasible. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest (said buffer to be determined by the qualified biologist). The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have discretion for establishing a suitable buffer consistent with his/her judgement as an expert and industry standards. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.</p>	<p>Conduct nesting birds clearance surveys not more than 14 days prior to the start of construction activities.</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity</p>	<p>Once, prior to construction</p>	<p>County of San Benito - Qualified biologist</p>			
	<p>If nesting birds are detected construction work shall be conducted outside a buffer zone from the nest as specified in measure</p>	<p>Ongoing during construction</p>	<p>As necessary during construction</p>	<p>County of San Benito Resource Management Agency</p>			
<p>MM BIO-3(a) Jurisdictional Delineation. Prior to the start of construction, a qualified biologist would conduct formal aquatic resources delineation throughout the project site. The aquatic resources delineation shall confirm whether any identified features are under the jurisdiction of the USACE, RWQCB, and/or CDFW. The result shall be a preliminary jurisdictional delineation report that shall</p>	<p>Conduct formal aquatic resources delineation to the specifications of the mitigation measure</p>	<p>Prior to the start of construction activities</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>be submitted to San Benito County, USACE, RWQCB and CDFW, as appropriate, for review and approval. Permits shall be obtained from each agency where applicable.</p> <p>MM BIO-3(b) Wetland and Riparian Habitat Restoration. In the event the formal aquatic resources delineation confirms there are on-site jurisdictional wetlands and/or riparian habitat, project impacts to jurisdictional wetland and riparian habitat shall be mitigated at a minimum ratio of 2:1 for each segment, and shall occur as close to the impacted habitat as feasible but at least within the same watershed, or as otherwise required by the relevant resource agency(ies). The permanent protection and management of the mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase. This mitigation can occur either on or off the project site.</p> <p>A project-specific Aquatic Resource Mitigation and Monitoring Plan shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:</p> <ol style="list-style-type: none"> 1. Wetlands and waters impacts summary and habitat mitigation actions; 2. Goals of the restoration to achieve no net loss; 3. A map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; 4. A detailed description of the mitigation design, including: <ol style="list-style-type: none"> a. Location of the new wetlands; b. Proposed site construction schedule; c. Description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site; d. A detailed description of the steps required 	<p>Confirm that impacts of project on jurisdictional wetlands and riparian habitat are mitigated at 2:1 ratio through conservation easement as specified in mitigation measure.</p> <p>Prepare Aquatic Resource Mitigation and Monitoring Plan or purchase credits at an approved mitigation bank as specified in mitigation measure</p>	<p>Prior to start of construction</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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	<p>for site preparation and a conceptual grading plan—a formal package for plan sets, specifications, and estimates for the grading, and mitigation construction work shall be prepared based on the concepts set forth in the Aquatic Resource Mitigation and Monitoring Plan no fewer than fifteen days prior to starting work at the mitigation site;</p> <p>e. A description of recommended soil amendments and other site preparation;</p> <p>f. Development of a planting plan, including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application;</p> <p>g. Maintenance plan for the created wetlands and riparian plantings;</p> <p>h. A description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within 10 years of restoration, and others;</p> <p>i. Monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met;</p> <p>j. A list of reporting requirements and reporting schedule; and</p> <p>k. A contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and 10 years for riparian enhancement. This plan shall include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur.</p>						

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<p>Alternatively, prior to initiating construction that affects aquatic resources, the project applicant shall purchase credits at an approved mitigation bank sufficient to offset temporary impacts to wetlands at a 1:1 ratio and permanent impacts to wetlands at a 2:1 ratio.</p> <p>MM BIO-3 (c) Invasive Weed Prevention and Management Program. Prior to start of construction, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by San Benito County to prevent, to the extent feasible, invasion in areas of by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication.</p> <p>All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.</p>	<p>Review and approve the Invasive Weed Prevention and Management Program as specified in mitigation measure</p> <p>Confirm weed removal and hydroseeding is conducted as specified in mitigation measure</p>	<p>Prior to start of construction</p> <p>During construction.</p>	<p>Once</p> <p>Ongoing during construction</p>	<p>County of San Benito - Qualified biologist</p>			
Cultural Resources							
<p>MM CUL-1 Unanticipated Cultural Deposits. If unanticipated cultural deposits are encountered during any phase of project construction or land disturbance activities, work shall stop in the area of the find and San Benito County shall be notified. A qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, shall be retained to assess the nature, extent, and potential significance of any cultural remains. If the resources are determined to be Native American in origin, the archaeologist would consult with the project proponent and the County to begin Native American consultation procedures, as appropriate (see Chapter 4.14: Tribal Cultural Resources). If the discovery is determined to be not significant, work would be</p>	<p>Stop work and notify San Benito County upon discovery of cultural resources</p> <p>Implement a Phase II subsurface testing program.</p> <p>If the resource is determined significant, cap area or follow recommendations of the Phase II study.</p> <p>Submit monitoring report</p>	<p>During construction, upon discovery of unidentified cultural resources.</p> <p>During construction, upon the discovery of unidentified cultural resources</p> <p>During construction, after completion of the Phase II subsurface testing program.</p> <p>Upon completion of construction, prior to</p>	<p>Ongoing during construction</p> <p>Once for each discovery</p> <p>Once for every discovery</p> <p>Once</p>	<p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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permitted to continue in the area. Potentially significant resources may require a Phase II subsurface testing program to determine the resource boundaries within the project site, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts. If, in consultation with the County, a discovery is determined to be significant, a mitigation plan shall be prepared and carried out in accordance with State guidelines. If the resource cannot be feasibly avoided, a data recovery plan shall be developed to ensure collection of sufficient information to address archaeological and historical research questions, with results presented in a technical report describing field methods, materials collected, and conclusions. Any cultural material collected as part of an assessment or data recovery effort shall be curated, as determined appropriate, at a qualified facility.		issuance of building permits.		Management Agency			
MM CUL-2 Discovery of Human Remains. If human remains are discovered, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur in the area of the find until the County has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be of Native American descent, the coroner would notify the NAHC. The NAHC would determine and notify a MLD. The MLD would complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Adhere to State Health and Safety Code Section 7050.5.	During construction, upon the discovery of previously unidentified human remains.	Ongoing during construction.	County of San Benito Resource Management Agency			
MM CUL – 3(a) Professional Paleontologist. Prior to initial ground disturbance, the applicant shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources.	Confirm applicant has retained a project paleontologist as specified in mitigation measure	Prior to initial ground disturbance	Once	County of San Benito Resource Management Agency			
MM CUL-3(b) Paleontological Monitoring. Excavations exceeding two feet in depth anywhere on	Monitor and recover any paleontological remains	During initial ground disturbing activity in	Ongoing during construction	County of San Benito Resource			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>the project site shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. Ground disturbing activity that does not exceed two feet in depth shall not require paleontological monitoring. The duration and timing of the monitoring shall be reasonably determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely, which recommendation shall then be adhered to by the project applicant.</p> <p>If fossils are discovered, the paleontological monitor or project paleontologist shall recover them using standard field methods. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.</p>	<p>unearthed during excavation and ground disturbing activities as specified in mitigation measure</p> <p>Reduce monitoring to spot- checking if the conditions specified in the measure are met, under the discretion of the qualified paleontologist</p>	<p>areas specified in measure</p> <p>Spot-check to verify presence of archeological monitor during ground disturbance activities.</p>	<p>Ongoing during construction</p>	<p>Management Agency</p> <p>County of San Benito Resource Management Agency</p>			
Geology and Soils							
<p>MM GEO-4 Adherence to Geotechnical Report. Prior to the issuance of the first building permit, the developer(s) of individual lots on the project site shall submit building and improvement plans for review and approval by San Benito County that confirm compliance with the recommendations included in the <i>Geotechnical Investigation</i> prepared by Stevens, Ferrone & Baily in 2015 (see Appendix C of this EIR). These recommendations include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Dry, loose, weak, and compressible soils shall be removed and recompacted. Where soils will not 	<p>Confirm submittal of acceptable building and improvement plan as specified in mitigation measure.</p> <p>Implement approved plans.</p>	<p>Prior to issuance of first building permit</p> <p>During Construction.</p>	<p>Once</p> <p>Ongoing during construction</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>be removed as part of grading operations, over-excavate 12 inches, scarify and re-compact the bottom 12 inches in place, and place well blended engineered fill within the excavations.</p> <ul style="list-style-type: none"> Grading shall be performed so that each building foundation and surrounding flatwork can be supported on fills with similar expansion potential. Provide a layer at least 3 feet thick of well-mixed, moisture conditioned, and well blended engineered fill below all building foundations and surrounding flatwork. Structure setbacks shall be established by projecting a 3:1 (horizontal to vertical) line from the toe of the existing slopes upward toward the development. Where the projected line intersects the finished ground surface, structures shall be setback from the intersection. <p>Consideration should be given to controlling erosion on the slopes to reduce the potential for continued migration of the slope crest toward the development. Erosion control measures can include the use of geotextiles, rip-rap, retaining systems, and rebuilding slopes with geogrid reinforced earth in combination with installing deeply rooting vegetation. These measures can be installed near the top of the slope without having to install over the full length of the slopes.</p>							
Greenhouse Gas Emissions							
<p>MM GHG- 1 GHG Reduction Plan. Prior to initial grading permit issuance, the project applicant shall develop and implement a GHG Reduction Plan, approved by the County, which documents a reduction in annual GHG emissions from the project by a minimum of 617 MT CO₂e per year over the operational life of the project.</p> <p>A. On-site GHG reduction measures may include, but are not limited to, the following components:</p> <ul style="list-style-type: none"> a. Energy Use <ul style="list-style-type: none"> i. On-site energy conservation policies in addition to those described in the Specific 	<p>Applicable elements of the GHG Reduction Plan shall be reflected on project site plans prior to permit approval. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved prior to permit approval.</p>	<p>Prior to permit approval</p>	<p>Once</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
	Plan Development Standards						
	<ul style="list-style-type: none"> ii. Exceed adopted 2013 Title 24 energy requirements by a minimum of 10 percent through implementation of energy reduction measures, including: <ul style="list-style-type: none"> 1. Use locally made building materials for construction of the Project and associated infrastructure when such materials are locally available; 2. Use of materials which are resource efficient, recyclable, with long life cycles; 3. Install energy-reducing shading mechanisms for windows, porches, patios, walkways, etc.; 4. Install energy reducing day lighting systems (e.g. skylights, light shelves, transom windows); 5. Use of water efficient landscapes; 6. Use tankless water heaters or solar water heaters; 7. Use of low-energy interior lighting; 8. Use low-energy street lights and parking lot lights (i.e. sodium); and 9. Use of light-colored, water-based paint and roofing materials. iii. On-site renewable energy production, including wind-generated energy or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project's total energy demand 						
	<ul style="list-style-type: none"> B. The project applicant shall be responsible for ensuring that the GHG Reduction Plan quantifies the emissions reduction achieved by all GHG reduction measures included in the GHG Reduction Plan. The GHG Reduction Plan shall include all necessary evidence to facilitate review of the emissions reductions measures and the total GHG emissions reduction achieved by the 						

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<p>San Benito County Planning and Building Departments.</p> <p>C. GHG/Carbon Offset Mechanism. The GHG emissions reduction achieved through implementation of on-site GHG reduction measures would depend on the specific mix of measures available for each development application within the project. Because it is not yet possible to know with certainty which on-site GHG reduction measures would be feasibly incorporated into the project, or to quantify the reduction in GHG emissions that these measures would achieve, on-site GHG reduction measures may not be sufficient to reduce project GHG emissions by the required 617 MT CO₂e/year. If GHG emissions cannot be reduced below threshold levels through compliance with the Project GHG Reduction Plan described in Part A, the project applicant shall purchase a fair share of carbon offsets that meet approved offset protocols through the California Cap-and-Trade Program to reduce GHG emissions below threshold levels. Carbon offsets reduce GHG emissions globally through funding off-site projects that eliminate new GHG emissions and/or sequester existing GHGs in the atmosphere.</p> <p>Plan Requirements and Timing</p> <p>Applicable elements of the GHG Reduction Plan shall be reflected on project site plans prior to permit approval. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved prior to permit approval.</p> <p>Monitoring</p> <p>Condition compliance shall monitor and verify implementation of measures included in the GHG Reduction Plan to ensure implementation. Emissions reductions from individual GHG reduction measures are quantifiable for the purpose of demonstrating compliance with Mitigation Measure GHG-1 using CAPCOA's <i>Quantifying Greenhouse Gas</i></p>							

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<p><i>Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures (August 2010), available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf. Depending on the specific combination of GHG reduction components available to a particular phase of the project, sufficient on-site GHG emissions reductions may not be available to reduce GHG emissions by the required 617 MT CO₂e/year over the operational life of the project. Therefore, to further reduce project GHG emissions, project applicants would be required to purchase carbon offsets that meet approved offset protocols through the California Cap-and-Trade Program.</i></p>							
Noise							
<p>MM N-1 (a) Construction Activity Timing Disclosure. Signs stating the restrictions regarding the hours of construction as regulated by the 2035 General Plan shall be provided by the developer and posted on-site. Signs shall be placed prior to beginning of and throughout grading and construction activities. Prior to issuance of any grading permits, the project proponent shall submit a plan, which shall be reviewed and approved by the County, describing the location and dates on which the signs will be posted to the Planning and Building Inspection Services Department. The project proponent shall allow County Building Inspectors to access the project site to monitor compliance by spot checking these signs and the hours during which construction occurs, and to respond to noise complaints.</p> <p>MM N-1(b) Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. Whenever feasible, electrical power shall</p>	Post onsite signs stating the restrictions regarding the hours of construction	Ongoing during construction	Spot-check for compliance prior to beginning of and throughout grading and construction	County of San Benito Resource Management Agency			
	Submit a plan describing the location and dates on which the signs will be posted	Prior to the issuance of the first permit for ground disturbing activity	Once	County of San Benito Resource Management Agency			
	Maintain construction equipment as specified in the measure.	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>be used to run air compressors and similar power tools rather than diesel equipment. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions to the extent feasible.</p>							
<p>MM N-1 (c) Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</p>	<p>Confirm construction equipment is not left idling as described in mitigation measure</p>	<p>Ongoing during construction</p>	<p>Ongoing during construction</p>	<p>County of San Benito Resource Management Agency</p>			
<p>MM N-1(d) Stationary Equipment. Stationary construction equipment that generates noise that exceeds 55 dBA Leq at the boundaries of the nearby residential uses shall be shielded. Temporary noise barriers used during construction activity shall be made of noise-resistant material sufficient to achieve a Sound Transmission Class (STC) rating of STC 40 or greater, based on sound transmission loss data taken according to ASTM Test Method E90. Such a barrier may provide as much as a 10 dB insertion loss, provided it is positioned as close as possible to the noise source or to the receptors. To be effective, the barrier must be long and tall enough (a minimum height of eight feet) to completely block the line-of-sight between the noise source and the receptors. The gaps between adjacent panels must be filled-in to avoid having noise penetrate directly through the barrier. The recommended minimum noise barrier or sound blanket requirements would reduce construction noise levels by at least 10 dBA. The equipment area with appropriate acoustical shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities. Prior to issuance of grading permits, the project proponent shall submit building and grading plans that show the appropriate construction equipment noise reduction measures to the Planning and Building Inspection Services Department. Compliance shall be monitored by, as feasible, County Building</p>	<p>Submit building and grading plans that show the appropriate construction noise reduction measures</p>	<p>Prior to issuance of the first permit for ground disturbing activity</p>	<p>Once</p>	<p>County of San Benito Resource Management Agency</p>			
	<p>Locate noise-generating stationary equipment as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.</p>	<p>Ongoing during construction</p>	<p>Ongoing during construction</p>	<p>County of San Benito Resource Management Agency</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Inspectors.							
MM N-1(e) Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.	Ensure radio noise minimized at sensitive receptors	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency			
MM N-1(f) Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the County for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.	Confirm submittal of detailed construction plan as specified in mitigation measure	Prior to issuance of grading and or building permit	Once	County of San Benito Resource Management Agency			
MM N-1(g) Disturbance Coordination. A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding promptly to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.	Confirm designation of noise disturbance coordinator and compliance with mitigation measures	At beginning of construction phase	Once	County of San Benito Resource Management Agency			
Transportation							
MM T-1 Regional Transportation Impact Mitigation Fee. The developer shall be required to pay the applicable TIMF fee as a fair-share contribution toward Union Road widening, in compliance with General Plan Policy C-1.5. The TIMF is calculated as part of the Transportation Impact Fee Nexus Study completed by the Council of San Benito County Governments (2016).	Confirm payment of applicable TIMF fees	Prior to issuance of the first permit	Once	County of San Benito Resource Management Agency			
Tribal and Cultural Resources							
MM TCR-1. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall be retained who shall consult with the project proponent and the San Benito County to begin Native American consultation procedures. As part of this process, it	Ensure qualified archeologist is retained and will consult with project proponent and County of San Benito as described in measure	Prior to beginning of construction	Once	County of San Benito Resource Management Agency			

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 2nd DAY OF APRIL 2018 BY THE FOLLOWING VOTE:

AYES: Valerie Egland, Robert Rodriguez, Chair Mark Tognazini

NOES: Ray Pierce, Pat Loe

ABSENT:

ABSTAIN:



Mark Tognazini, Chair
San Benito County Planning Commission

ATTEST:



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

