

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-____**
COMMISSION CONDITIONALLY APPROVING TENTATIVE)
SUBDIVISION MAP (TSM) 16-97 AND RECOMMENDING TO)
THE BOARD OF SUPERVISORS ENACTMENT OF A ZONING)
MAP AMENDMENT FOR SINGLE-FAMILY RESIDENTIAL (R1))
ZONING.)

WHEREAS, the subject parcel is located at the western ends of Fulton Way and Mojave Way, one quarter-mile west of the Southside Rd.–Enterprise Rd. intersection, near Hollister in unincorporated San Benito County, California (Assessor's Parcel 020-280-054) and is four acres in area; and

WHEREAS, James Bray on behalf of the property owners Bray Family Trust and Culler Living Trust has filed an application for a tentative subdivision map to separate the property into 10 residential lots and one additional lot for utility purposes, together with a rezoning action to permit the changed land use; and

WHEREAS, the tentative subdivision map would be permissible provided the County Board of Supervisors approve and enact a zoning map amendment designating the project site as Single-family Residential (R1) zoning; and

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

WHEREAS, the subject property was recognized as a legal parcel under the State Subdivision Map Act with a 1958 transfer by deed found in County Official Records Book 239 Page 530 and then shaped into its current dimensions following review and approval of Lot Line Adjustment 12-550 under the authority of the San Benito County Planning Director; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change and tentative subdivision map at its regularly scheduled meeting held on August 21, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, the Planning Commission finds the layout and intensity of the tentative subdivision map consistent with the Residential Mixed (RM) land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, the Planning Commission finds a zoning map amendment to change the project site's zoning from Agricultural Productive (AP) to Single-family Residential (R1) consistent with the Residential Mixed (RM) land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, proposed use of the property would use physical infrastructure currently available and already established to the project site property edge, including public roads and water and sewer lines; and

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

WHEREAS, the County circulated the IS/ND for public comment from July 26 through August 16, 2019; and

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

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

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

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

California Environmental Quality Act (CEQA) Findings:

Finding 1: The initial study for TSM 16-97 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

***Evidence:** All provisions including both State and County environmental guidelines and policies for the preparation of an initial study have been followed. The environmental documents in the preparation of the initial study are filed in the project record located at the San Benito County Resource Management Agency in file number TSM 16-97.*

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

***Evidence:** An initial study/negative declaration IS/ND was prepared and circulated publicly to receive comments from members of the public and other public agencies. The IS/ND document, the staff report, and verbal testimony were presented to the Planning Commission in preparation for, and during, the August 21, 2019, Planning Commission meeting.*

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

***Evidence:** Planning staff researched and composed the IS/ND and circulated the resulting document to the public, in addition to preparing the staff report. The IS/ND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.*

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

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

Zone Change Findings:

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

***Evidence:** The rezoning would continue the current neighboring pattern of single-family-residential land use in terms of permitted and conditional uses and building intensity. The result of the zone change would be reflective of previous nearby residential developments containing similar housing types on similar lot types.*

Finding 2: This zone change is consistent with the general plan and any applicable special plan.

Evidence: *The zone change implements for this specific parcel the intent of the Residential Mixed (RM) designation under the County 2035 General Plan by establishing zoning that would allow the land use envisioned in the General Plan. The proposal for the zone change occurs as part of a project that includes features that policies of the General Plan expect of new development. No further special plan, such as a specific plan, is in effect in this location.*

Subdivision Findings:

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

Evidence: *Following the Board of Supervisors' approval of the zone change petition, the subdivision, with required conditions of approval, will comply with General Plan policies regarding land use under the Residential Mixed (RM) designation. The proposed residential development on the property would be consistent with the RM designation in its layout and intensity. The conditional approval of the tentative map will not be effective unless and until the Board of Supervisors approves the rezoning of the property to Single-family Residential (R1), a zoning district compatible with the General Plan RM designation. No specific plan is in effect on this property.*

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

Evidence: *The project is consistent with the General Plan in terms of use and density. The proposed project would provide adequate access, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan policies, and the proposal is similar to development on the site's east and south edges. Planning and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards provided compliance with conditions of approval. No specific plan affects the subject property.*

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

Evidence: *The site is overall lacking in physical hazards and sensitivity that would be in conflict with the proposed intensity of residential use. Physical access is readily available via public streets directly abutting the subject property in two locations.*

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

Evidence: *As earlier mentioned, the site does not present physical hazards or sensitivity that the proposed density would exacerbate. Water use and wastewater disposal would not depend on the immediate site's physical qualities, such as soil characteristics and distance from septic systems, as the development proposes public water and sewer service. The project overall complies with the maximum density defined for the site by the General Plan and Zoning Ordinance.*

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 project's initial study/negative declaration (IS/ND) for the project identified no resulting environmental impact that would be so significant as to be unavoidable or to require mitigation. The site is not mapped or otherwise identified as exceptional habitat for fish or wildlife.*

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

Evidence: *The appropriate County departments analyzed the project for potential serious public health problems. Evidence from this review does not suggest that the proposed project or improvements could cause serious problems for public health, provided compliance with conditions of approval relevant to*

public health concerns. Any future development on the project site will be subject to additional review as part of building permit issuance. The site is not located close to natural hazards, does not sit near incompatible land uses, and would be served by public water and sewer services.

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

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

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

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

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

Evidence: The project proposes use of the City of Hollister sewer main along Southside Road and the connecting lines within the neighboring Sunnyside Estates development. The project's IS/ND notes that the March 2018 City of Hollister Sanitary Sewer System Master Plan Update found functioning of the Southside Road main to be adequate, and the Sunnyside Estates environmental impact report described that development's sewer infrastructure to be sufficient for both that project and the current proposal. The IS/ND states that the developer "will be expected as a condition of approval to demonstrate proper access to the sewer system and confirm adequate capacity in the system to serve this development"; this condition is included.

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

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

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

Evidence: The subject property is located within a local responsibility area designated "non-wildland/non-urban." Structural fire protection and other related emergency services are provided by the City of Hollister Fire Department, serving in the unincorporated areas as the County Fire Department. Its closest fire station is Hollister Fire Station 2, less than one mile to the northeast, with another station in Downtown Hollister and a CAL FIRE facility at Hollister's eastern edge. CAL FIRE, or the California Department of Forestry and Fire Protection, generally gives response for wildfire suppression, with additional County Fire Department aid when needed, although the project IS/ND finds wildfire hazard to be not a significant risk on this project site.

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

Evidence: *Qualified personnel from responsible agencies have reviewed the proposed subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and considerations and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt the proposed ordinance attached hereto as Exhibit “A,” to amend the zoning map for the subject property from Agricultural Productive (AP) to Single-family Residential (R1); and

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves the tentative subdivision map on the condition that the Board of Supervisors adopt the aforementioned zoning map amendment ordinance and also subject to the following conditions of approval:

Conditions of Approval:

Planning:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’S choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]

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

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

Applicant Signature: _____

Date: _____

4. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed tentative subdivision map and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
5. **Recordation:** The applicant shall submit a subdivision map to the County for review and the subdivision map, when approved by the County Resource Management Agency, shall be recorded with the County Recorder. The tentative subdivision map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a final subdivision map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
6. **Compliance Documentation:** Prior to recordation of the final subdivision map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
7. **Assessment:** Prior to recordation of the final subdivision map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final subdivision map is recorded. [Planning, Assessor]
8. **Easements:** The final subdivision map shall show all easements for access, utilities, and drainage. [Public Works, Planning]
9. **Notice of Determination (California Department of Fish and Wildlife Fees):** The applicant/developer/owner shall file a Notice of Determination, provided by the County Resource Management Agency, with the County Clerk within five (5) days of approval of the tentative subdivision map. The State Department of Fish and Wildlife fee (\$2,354.75 as of January 1, 2019, per Fish and Game Code §711.4(d) plus \$50 County Clerk processing fee) shall be submitted with the filing. A copy of the filed notice shall be submitted to the County Resource Management Agency. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code §21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code §21089(b)). [Planning, California Department of Fish and Wildlife]
10. **Parkland Dedication:** Prior to final subdivision map approval, and pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in

lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]

11. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall provide to the County Resource Management Agency, prior to recordation of the final subdivision map, a habitat conservation plan interim mitigation fee payment of \$150.00 for each lot under one acre in area, for a total of \$1,500 for the ten residential lots, each smaller than one acre. [Planning]
12. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site shall
 - a. cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains;
 - b. arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals;
 - c. notify the County Sheriff–Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 *et seq.*). [Planning]
13. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited, while off-site regeneration softening systems may be used subject to the approval of the San Benito County Water District. A note to this effect shall be placed on the final subdivision map. [Planning]
14. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
15. **Construction Hours:** As required by County Ordinance 667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
16. **City of Hollister Sewer Connection:** Prior to recordation of the final subdivision map, the applicant shall demonstrate proof of proper access to the City of Hollister sewer system and confirm adequate capacity in the City system to serve this development. Upon demonstrating proof of written contractual agreements for this service (that will also clarify financial obligations of concerned parties), the project shall be required to design and install improvements appropriate to the needs of those providers to provide service to this project. [Planning]
17. **Agricultural Preservation:**
 - a. Prior to issuance of the first permit for ground disturbing activity, the subdivider shall provide that for every one acre of Prime Farmland on the site that is permanently converted to non-agricultural use as a result of Project development, one acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said preservation shall be satisfied by the applicant through:

- 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 Trust, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of four acres of Prime Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or
 - Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, to be applied toward the future purchase of a minimum of four acres of Prime Farmland in San 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
 - Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of four acres of Prime Farmland in San Benito County. The amount of the payment shall be equal to 110% of the amount determined by the qualifying entity or a licensed appraiser; or
 - Any combination of the above.
- b. Prior to issuance of the first permit for ground disturbing activity for the Project, the subdivider shall provide evidence of the recorded easement(s) or deed restriction(s) or evidence of payment to the County Resource Management Agency or qualifying entity, such as the San Benito County Agricultural Trust, for approval to demonstrate compliance with this condition of approval.

18. Particulate Emissions Control:

- a. The applicant shall observe the following Best Management Practices requirements during grading activities:
- All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
 - All grading activities during periods of high wind, over 15 mph, are prohibited.
 - Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
 - Haul trucks shall maintain at least two feet of freeboard.
 - All trucks hauling dirt, sand, or loose materials shall be covered.
 - Inactive storage piles shall be covered.
 - Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - Streets shall be swept if visible soil material is carried out from the construction site.
 - A publicly visible sign shall be posted that includes the telephone number and person to contact regarding dust complaints. The phone number of the Monterey Bay Air Resources District shall be included on the sign to ensure compliance with Rule 402 (Nuisance). [Monterey Bay Air Resources District, Planning]

- b. A note shall be placed on the subdivision map that “No permanently installed wood-burning devices shall be allowed in new construction within this subdivision.” [Planning, per General Plan Policy HS-5.13]
- 19. **Preconstruction Meeting:** Prior to the commencement of any grading or construction activities, a preconstruction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the owner/applicant, Resource Management Agency Planning staff and any other appropriate County departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. [Planning]
- 20. **Staff Review Invoices:** Within 60 days of approval of the tentative subdivision map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative subdivision map. [Planning]
- 21. **Zone Change:** The tentative subdivision map shall not be operative or in effect unless and until the San Benito County Board of Supervisors approves the zone change petition associated with this project. Should the Board of Supervisors deny the zone change petition, conditional approval of the tentative map shall be automatically nullified and voided by the Board of Supervisor’s denial. In the event the Board of Supervisors makes changes to the proposed zone change petition, the tentative subdivision map shall return to the Planning Commission for further review and approval of any changes to conditions of approval, consistent with the Board of Supervisors’ revisions to the zone change petition. [Planning]

Public Works:

- 22. **Enterprise Drainage Basin Benefit Area:** The proposed project being within the Enterprise Drainage Basin, the applicant shall contribute, prior to the recordation of the final subdivision map, to the existing mapped Enterprise Drainage Basin Benefit Area in a per-lot amount representing a fair share per County Board of Supervisors Resolution 99-53, and per Hollister Partners contract approved on August 12, 2003, by the Board of Supervisors. [Public Works]
- 23. **Improvement Plan:** Prior to recording of the final subdivision map, the applicant shall be required to submit an Improvement Plan prepared by a licensed Engineer to County Resource Management Agency Public Works staff for review and approval.
 - a. Prior to the recordation of the final subdivision map or before release of alternate Bond, one set of “As Built” Improvement Plans on a suitable reproducible media shall be prepared by the applicant’s engineer and delivered to the Public Works Department, in accordance with County Code §23.31.002(K)(1). [Public Works]

24. Drainage:

- a. In compliance with County Code § 23.17.003(B), as part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and therefore shall provide storm drainage system capable of collecting and conveying runoff generated by the proposed project for a 100-year flood. The storm drain system shall provide for the protection of abutting and off-site properties that could be adversely affected by any increase in runoff attributed to the proposed subdivision. Included in this will be drainage calculations and construction details for the proposed retention/detention pond or any other alternate drainage system. All drainage improvements shall be installed or bonded for prior to recordation of the Final Map.
- b. Prior to start of grading and/or construction activities, a Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified QSD/QSP (Qualified SWPPP Developer/Qualified SWPPP Practitioner) shall be submitted to County Public Works Department. A QSD/QSP shall be retained for the duration of the construction and shall be responsible to coordinate and comply

with requirements by the Regional Water Quality Control Board, to file Notice of Intent (per Construction General Permit Order No. 2009-0009-DWQ as amended by 2010-0014 DWQ), and to monitor the project as to compliance with requirements until its completion. [Public Works]

25. **Community Facilities District:** Prior to recordation of final subdivision map, this development shall be required to annex into the Community Facilities District No. 2018-1 (Residential Services) and Future Annexation Area, created per Resolution 2018-55. [Public Works]
26. **Road Dedication:** Prior to recordation of the final subdivision map, the applicant shall make the following irrevocable offers of dedication in accordance with County Code §23.15.002, Chapter 23.29, and §23.31.023:
 - a. Full 60-foot right-of-way along the southern frontage of lots 4, 5, and 6 and western frontage of lots 3 and 4.
 - b. 40-foot right-of-way dedication of the northern frontage of lots 1, 2, and 3.
 - c. Dedication of road shall consider and provide required curve radius at the corners of intersections (provide the required curve radius at corner of lot 7) and shall accommodate the ADA ramp per City of Hollister standards, also used by the County. [Public Works]
27. **Roadway Improvements:** Prior to recordation of the final subdivision map, the applicant shall bond for or make the following roadway improvements per County Code Chapter 23.17:
 - a. Full 40-foot curb-to-curb paved surface on 42-foot roadbed with standard curb, gutter and detached sidewalk along the southern frontage of proposed lots 4, 5, and 6 and the western frontage of lots 3 and 4.
 - b. 30-foot partial paved surface with standard curb, gutter and detached sidewalk on one side (property side) along the northern frontage of lots 1, 2, and 3. [Public Works]
28. **Soil Report:** In accordance with County Code §23.31.023, as part of the submission of Improvement Plan for this project, a design-level geotechnical engineering investigations report shall be submitted for review by Public Works Department, and the same (once reviewed and accepted) shall be the basis of the design of improvements. Prior to recordation of the final subdivision 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 be placed on the final subdivision map referencing the aforementioned report for future reference by potential property owners. [Public Works]
29. **Utilities:**
 - a. 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 Plan.
 - b. All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, per County Code §23.17.003(F). All necessary utilities shall be installed or bonded for prior to recordation of the Final Map. [Public Works]
30. **Encroachment Permit:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
31. **Improvements Warranty Security:** In accordance with County Code §23.17.009(C)(4), the applicant shall provide warranty security in an amount not less than 10% of the estimated cost of

construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [Public Works]

Fire:

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

Division of Environmental Health:

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

Sunnyslope County Water District:

34. **Water Service Agreement:** Prior to issuance of the first building permit within this subdivision, the applicant shall enter into a water service agreement with the Sunnyslope County Water District to specify terms and conditions for water service. [Sunnyslope County Water District]
35. **Well Site:** Prior to issuance of the first building permit within this subdivision, Lot 11, currently used as a Sunnyslope County Water District (SSCWD) exclusive easement for a test well, shall be transferred by grant deed to the SSCWD as a future water well site. [Sunnyslope County Water District]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 21ST DAY OF AUGUST 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

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