



SAN BENITO COUNTY PLANNING COMMISSION

Mark Tognazzini
District No. 1
Vice-Chair

Jean Zlotkin
District No. 2

Pat Loe
District No. 3
Chair

Ray Pierce
District No. 4
Commissioner

Robert Rodriguez
District No. 5

County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING AGENDA September 20, 2017 6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BOARD ANNOUNCEMENTS

DEPARTMENT ANNOUNCEMENTS

PUBLIC COMMENT

The San Benito County Planning Commission welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does **NOT** appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide to the Clerk prior to the meeting. Except as otherwise provided by law; no action shall be taken on any item NOT appearing on the Agenda or items that have been continued to a future public hearing date. When addressing the Commission, **please state your name for the record**. Please address the Commission as a whole through the Chair. This open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items.
- If you wish to speak on an item contained in the Agenda, please complete a Speaker Card identifying the Item(s) and provide it to the Clerk prior to consideration of the item.
- **Each individual speaker will be limited to a three (3) minute presentation.**

CONSENT AGENDA

ACKNOWLEDGEMENT OF PUBLIC HEARING

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

- These items will be considered as a whole without discussion unless a particular item is requested

by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

- If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

1. **Modification to Minor Subdivision Map (MS) #1198-06.** OWNER: Gordon Wynn. LOCATION: Santa Ana Valley Road (APN) 025-090-052 (Original APN). Request to modify an agreement to construct land development improvements relating to Minor Subdivision #1198-06. This change would allow the owner to construct a building without the requirement to relocate an existing driveway. Existing access is sufficient. GENERAL PLAN DESIGNATION: Agricultural Productive (AP). ZONING DESIGNATION: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt per CEQA Guidelines Section 15301 Existing Facilities, and the original Mitigated Negative Declaration for the minor subdivision (June 2006). **Planner: Taven M. Kinison Brown (Tkinisonbrown@cosb.us)**
2. **Minor Subdivision 1242-16:** OWNER: Virender and Usha Kamboj Family Trust. APPLICANT: Naresh Kamboj. LOCATION: Shelly Ct., 4 miles NW of San Juan Bautista (Assessor's Parcel 011-13-0-051-0). REQUEST: To subdivide a 10.16-acre property two approximately five-acre lots for residential use. GENERAL PLAN DESIGNATION: Rural (R). ZONING: Rural/Open Space (R/OS). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. **PLANNER: Michael Kelly (mkelly@cosb.us)**
3. **Minor Subdivision Map (MS) # 1243-17:** OWNER and APPLICANT: Darin Del Curto. LOCATION: 2200 Santa Ana Road, Hollister, CA (APN) 025-090-061. This is a proposal to subdivide an approximate 59+/- acre site into three parcels of 35 acres, 10 acres and 13.98 acres. GENERAL PLAN DESIGNATION: Agricultural (AG). ZONING DESIGNATION: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt, per CEQA Guidelines Section 15061(b)(3). **Planner: Taven M. Kinison Brown (Tkinisonbrown@cosb.us)**

PUBLIC HEARING

4. **Tentative Subdivision Map (TSM) #15-93:** OWNER: Lompa Enterprises, LP. (Fay/Bennett). APPLICANT: Hollister Land Partners, LLC. (Todd Deutscher). LOCATION: 3061 Southside Road, Hollister CA (APN) 020-290-049. This is a proposal to subdivide the 26+/- acre site and construct 84 single family homes. Lot sizes would range from approximately 7,200 square feet to 14,000 square feet. GENERAL PLAN DESIGNATION: Residential Mixed (RM). ZONING DESIGNATION: Single-Family Residential (R1). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration for Bennett Ranch Project-3061 Southside Road. **Planner: Taven M. Kinison Brown (Tkinisonbrown@cosb.us)**

DISCUSSION

ADJOURN

NOTE: A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

NOTE: In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Tognazzini
District No. 1
Vice-Chair

Jean Zlotkin
District No. 2

Ray Pierce
District No. 3

Pat Loe
District No. 4
Chair

Robert Rodriguez
District No. 5

Item Number: 1.

MEETING DATE: 9/20/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: John Guertin

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER:

SUBJECT:

Modification to Minor Subdivision Map (MS) #1198-06. OWNER: Gordon Wynn.

LOCATION: Santa Ana Valley Road (APN) 025-090-052 (Original APN). Request to modify an agreement to construct land development improvements relating to Minor Subdivision #1198-06. This change would allow the owner to construct a building without the requirement to relocate an existing driveway. Existing access is sufficient. GENERAL PLAN DESIGNATION: Agricultural Productive (AP). ZONING DESIGNATION: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt per CEQA Guidelines Section 15301 Existing Facilities, and the original Mitigated Negative Declaration for the minor subdivision (June 2006). **Planner:** *Taven M. Kinison Brown (Tkinisonbrown@cosb.us)*

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

1275 Santa Ana Valley Road (Assessor's Parcel 025-57-0-001-0) is a property with a residential driveway connecting to Santa Ana Valley Road. This property is subject to an agreement for deferred road improvements that requires the owner to construct road improvements upon building an accessory structure or addition over 600 square feet. The owner currently seeks to construct an accessory building for personal use without having to complete the deferred road

improvements.

This lot is a portion of two previous subdivisions that both limited direct access from the property to Santa Ana Valley Road. The first subdivision, Minor Subdivision 1087-96, resulted in a 1997 parcel map showing a non-access strip along most of the site's road frontage, leaving a single access opening. The later subdivision, Minor Subdivision 1198-06, upon its recording in 2015 created the current lot, which remained entirely subject to the non-access strip, prohibiting direct access to Santa Ana Valley Road. However, this subdivision's parcel map featured an easement for access to 1275 Santa Ana Valley Road extending off Tortola Way, a new street extending southward from the previous subdivision's access opening.

The non-access strip was established for the functioning of Santa Ana Valley Road at its first curve east of Fairview Road. The 1997 parcel map dedicated road right-of-way providing for a gentler curve, and the current driveway intersects with the road on that curve. The later subdivision's review found that additional subdivision traffic could increase the likelihood of hazard from turning vehicles that are difficult to see, and so that traffic was intended to be relocated to the new Tortola Way and driveways branching from there.

The current access arrangement, using a driveway directly connecting to Santa Ana Valley Road, is temporarily allowed to remain on the understanding of a deferred-improvement agreement. This requires the relocation of access upon future application for "any building permit for a structure or addition in excess of 600 square feet." The driveway connecting to Santa Ana Valley Road would be expected to close, replaced by a new driveway extending via the easement off Tortola Way and across neighboring properties.

The property's owner now proposes construction there exceeding the 600-square-foot limit. The new building space would be for personal use and is unlikely to generate substantial new traffic. Additional review by staff finds that, with the earlier dedication of right-of-way for the curve, sufficient sight distance is available in advance of the driveway. Furthermore, the County General Plan regards Santa Ana Valley Road as a minor collector, which permits direct access by driveways. Provided the property remains in its current use for a residence with personal accessory activities, the relocation of the driveway will not be necessary.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

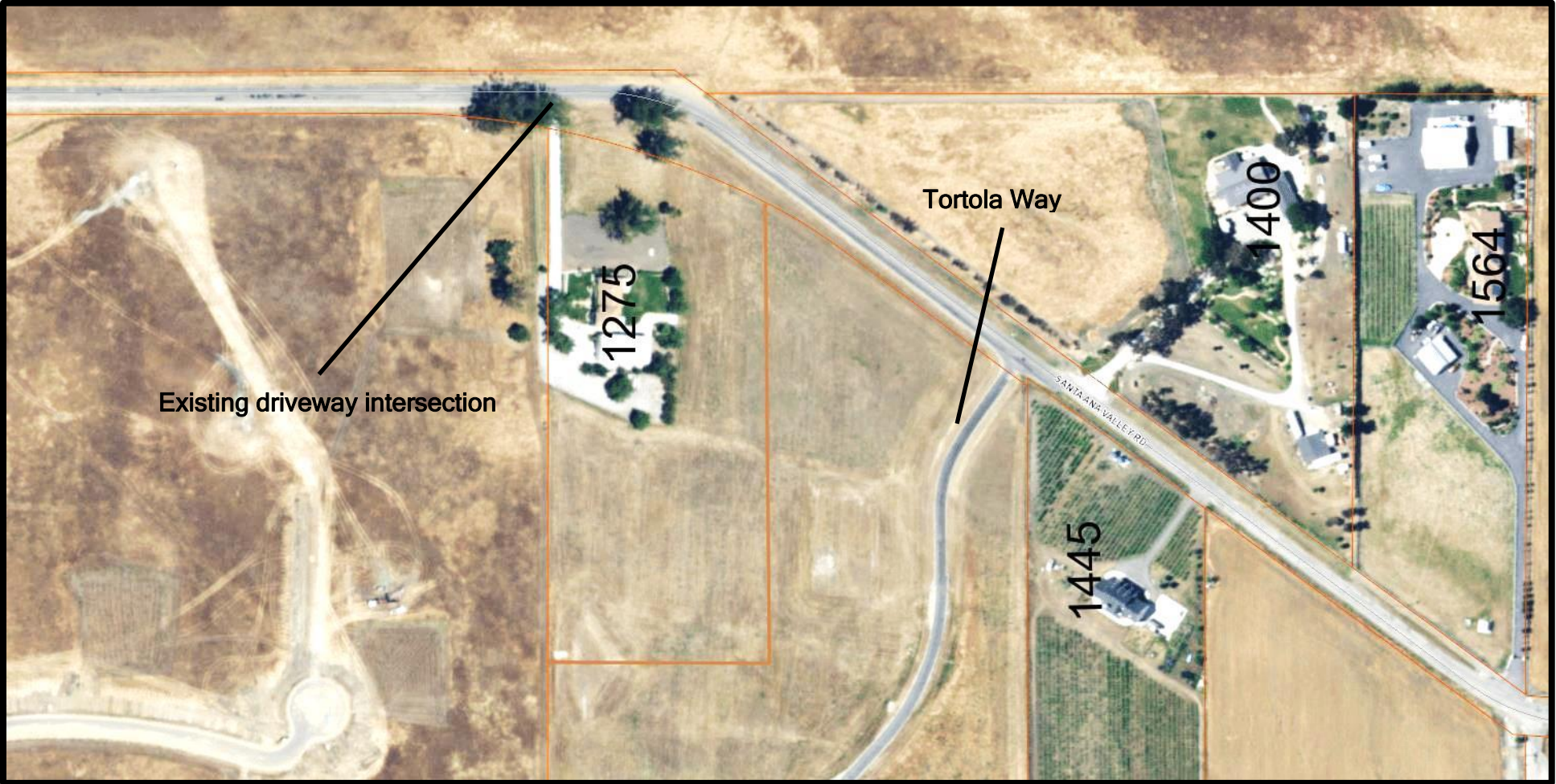
Staff recommends that the Planning Commission:

1. Allow Minor Subdivision 1198-06 condition 14c, which requires a non-access strip limited access only to Tortola Way, to be modified to allow this direct driveway connection to remain.
2. Allow the amendment of the 2015 parcel map, Book 11 of Parcel Maps Page 37, to remove the non-access strip at the location of the subject property's driveway.
3. Allow the discontinuation of the deferred improvement agreement that requires the property owner relocate driveway access to Tortola Way.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Site Illustrations	9/14/2017	Exhibit





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Item Number: 2.

MEETING DATE: 9/20/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: John Guertin

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER:

SUBJECT:

Minor Subdivision 1242-16: OWNER: Virender and Usha Kamboj Family Trust. APPLICANT: Naresh Kamboj. LOCATION: Shelly Ct., 4 miles NW of San Juan Bautista (Assessor's Parcel 011-13-0-051-0). REQUEST: To subdivide a 10.16-acre property into two approximately five-acre lots for residential use. GENERAL PLAN DESIGNATION: Rural (R). ZONING: Rural/Open Space (R/OS). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. **PLANNER:** *Michael Kelly (mkelly@cosb.us)*

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The applicant proposes to subdivide a 10.16-acre property into two lots of approximately five acres each, both accommodating residential use. Grading is not directly proposed by the subdivision but would take place prior to construction of homesites on each lot. Stormwater drainage would use existing facilities, including an off-site retention pond. The project is proposed to be served by an existing off-site well, by septic systems on both lots, by AT&T for communication, and PG&E for electricity.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:**CURRENT FY COST:****STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission review the staff report, hold a public hearing, hear all proponents and any opponents of the proposed project, make the California Environmental Quality Act (CEQA) and subdivision findings found in the staff report, and approve Minor Subdivision 1242-16, subject to the conditions of approval recommended in the staff report.

ADDITIONAL PERSONNEL:**ATTACHMENTS:**

Description	Upload Date	Type
Staff Report	9/12/2017	Staff Report
Attachment E. Mitigation Monitoring and Reporting Program	9/13/2017	Other
Attachment F. Initial Study/Notice of Proposed Mitigated Negative Declaration	8/28/2017	Other

STAFF REPORT

PROJECT INFORMATION:

Application: Minor Subdivision (MS) 1242-16
Public Hearing: September 20, 2017
Applicant: Naresh Kamboj
Owner: Virender and Usha Kamboj Family Trust
Location: Shelly Court, 4 miles northwest of San Juan Bautista
APN: 011-13-0-059-0, a portion of former Assessor's parcel 011-13-0-051-0
General Plan: Rural (R)
Zoning: Rural/Open Space (R/OS)
Planner: Michael Kelly, Associate Planner

PROJECT DESCRIPTION: The applicant proposes to subdivide a 10.16-acre property into two lots of approximately five acres each, both accommodating residential use. Grading is not directly proposed by the subdivision but would take place prior to construction of homesites on each lot. Stormwater drainage would use existing facilities, including an off-site retention pond. The project is proposed to be served by an existing off-site well, by septic systems on both lots, by AT&T for communication, and PG&E for electricity.

SITE DESCRIPTION: The property consists of hilly grassland sloping downward to the southwest with only Shelly Court and water tanks as built features. The surrounding area contains grazing land and rural residences among similar terrain with woodlands on northern slopes and drainage courses and with grasses elsewhere. Nearby properties generally contain 5 to 10 acres each, with some larger exceptions and one nearby lot of approximately one acre. Shelly Court branches from School Road, which winds along the upper hills of the area and connects southeastward to the US 101 corridor near San Juan Bautista and northwestward to State Route 129 along the Pajaro River, with Forest Road leading to Anzar and Cole Roads as a westward exit from the area. The subject property and its western neighbor were each created by a prior subdivision approved in 2008.

Legal Lot of Record: Book 11 of Parcel Maps Page 43 (2016) Parcel 2, San Benito County Official Records.

Minimum Building Site Allowed: 5 acres.

Land Use: Unbuilt hillside grassland available for rural residential use.

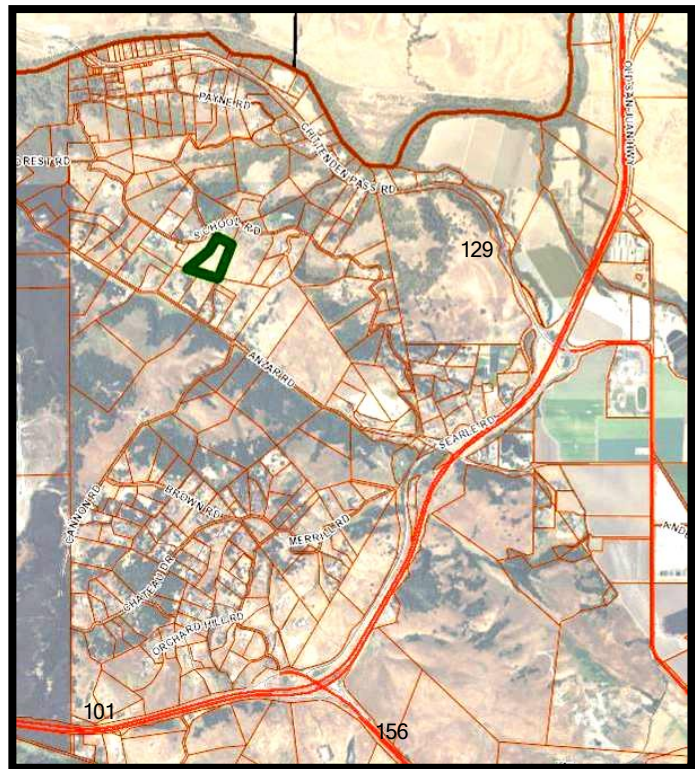
Sewage Disposal: Individual on-site septic systems.

Water: Existing well and private small water system.

State Farmland Map Designation: Grazing Land.

Land Conservation Act (Williamson Act): Not a preserve.

Soils: Los Gatos clay loam, 15 to 30 percent slopes (Grade 3); Soper sandy loam, 30 to 50 percent slopes, eroded (Grade 4).

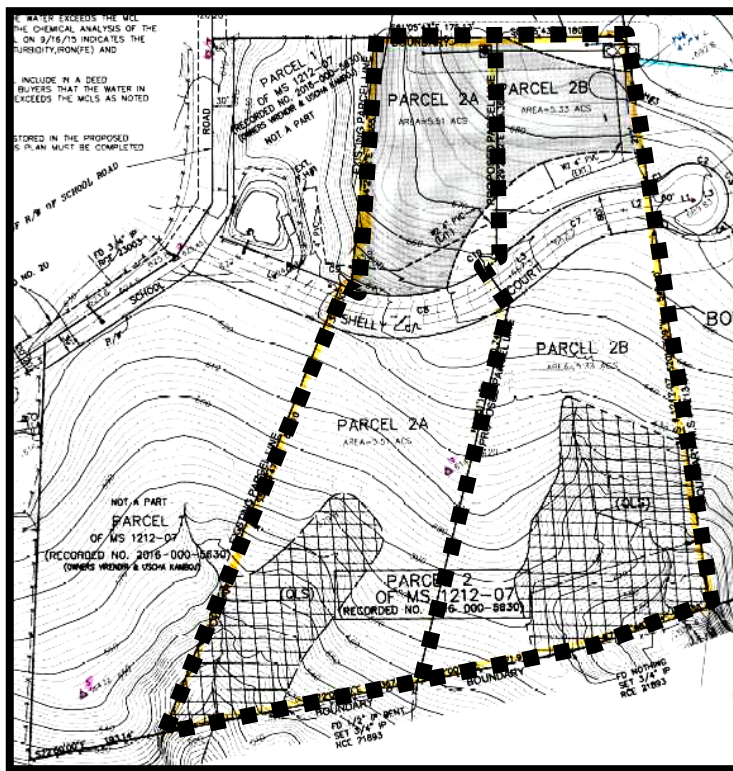


Seismic: Not within an Alquist-Priolo Earthquake Zone.

FEMA Flood Zone: Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0040D, effective April 16, 2009.

Fire Severity: High (State responsibility area).

Archaeological sensitivity: Not sensitive.



PLANNING AND ZONING: The property is presently subject to the General Plan Land Use Element designation of Rural (R), intended “to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations.” The property’s current zoning is Rural/Open Space (R/OS), allowing one dwelling per five acres. The R zone intends “to provide for areas within the county that are not primarily suited for agricultural uses, and lack services needed for higher density development,” and is “intended to provide areas for mixtures of housing and small scale agricultural uses.” The OS combining zone adds further requirements based on natural attributes of the site, primarily the site’s high fire hazard.

ENVIRONMENTAL EVALUATION: An initial study resulting in a proposed mitigated negative declaration was prepared for this project. The study identifies potentially significant environmental impacts that could occur as a result of the proposed development and proposes mitigation of those impacts to a level that is less than significant; these mitigation measures have been incorporated into the conditions of approval for this project. Planning staff circulated the initial study for public comment during a public review period from August 29 to September 18, 2017.

PUBLIC COMMENT: While staff determined no comments required revision of the environmental document, comments were received expressing concern on the layout of proposed development, on geologic instability in the area, on potentially diminishing groundwater availability, and on dust control. These issues are addressed by conditions of project approval, which include mitigation measures proposed by the initial study.

STAFF ANALYSIS: The proposed subdivision would take place on a lot resulting from a previous subdivision recorded in 2016 and completed simultaneously with a neighboring subdivision. Both of the previous subdivisions are served by Shelly Court, a cul-de-sac of approximately 750 feet, where the new lots would be located toward the middle of its length. The lots would span Shelly Court, where uphill from the drive each lot would have a more level, more usable portion of 1 to 1½ acres. Downhill from the drive each lot would have a steeper portion of 4 to 4½ acres, including landslide deposit areas and small portions exceeding 30-percent slope at the lower ends, away from the drive. These terrain features discourage or prohibit use of the lower portions, and, in accordance with the site’s soil investigation, the applicant proposes building envelopes only on the upper portions on the other side of Shelly Court.

Newly subdivided lots in general are expected to be not excessively narrow and have widths of at least one third of their depths, although the Planning Commission may “waive this requirement where, in its opinion, good lot design can otherwise be better achieved.”¹ In this subdivision, each lot would have a width slightly

¹ County Code §23.25.003 (part of the County Subdivision Ordinance).

over one quarter of its depth. This would be under the standard but would allow the two lots to be equally usable in addition to being similar to the existing westward lot, at the start of Shelly Court.

These factors could cause development on the new lots to have a more concentrated appearance than usual for the area despite complying with the district's maximum permissible density. However, this would be offset by the land that is located outside the proposed building envelopes, some of which being unbuildable for its steepness and relative instability. In order to maintain the area's overall intensity of use, a recommended condition of approval is included to limit all building, other than structures for animals and smaller structures like pergolas and fences, to the building envelopes illustrated on the tentative map, leaving the lower slope open as hillside or available for the keeping of animals.

The County General Plan contains policies addressing environmental hazards and conflicts that development must avoid or address through design. The project's initial study describes how the project site contains minimal environmental issues, and mitigation measures are included to address concerns on air quality, water quality, and soil engineering.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report, hold a public hearing, make the following California Environmental Quality Act (CEQA) and subdivision findings, and approve Minor Subdivision 1242-16, subject to the following conditions of approval.

California Environmental Quality Act (CEQA) Findings:

Finding 1: The initial study for MS 1242-16 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 used 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 MS 1242-16.*

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

***Evidence:** The initial study and the staff report as well as verbal testimony was presented to the Planning Commission in preparation for, and during, the September 20, 2017, Planning Commission meeting.*

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

***Evidence:** County Resource Management Agency Planning staff prepared the initial study and the staff report, which were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.*

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

***Evidence:** The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to deciding to adopt the mitigated negative declaration and the Mitigated Monitoring Program. The Planning Commission determined that the mitigation measures and the conditions of approval included in the staff report would reduce the impacts of the proposal to a less-than-significant level.*

Subdivision Findings:

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

***Evidence:** The General Plan Land Use Element designates the subject property as Rural (R). This designation allows the intensity of development proposed by MS 1242-16 and permitted by the project site's zoning district*

of Rural/Open Space (R/OS). The Land Use Element describes the Rural district as being intended “to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations,” a description applying to the proposed project and its setting. No specific plan affects the subject property.

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

Evidence: The project is consistent with the General Plan in terms of use and density. The proposed project would provide road right-of-way and surface, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan policies, and the proposal is similar to the surrounding area. 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. While the two resulting parcels would exceed the width-to-depth ratio guideline found in County Code §23.25.003(B), the lot design would be superior in usability to a layout meeting the guideline and would resemble the existing Shelly Court lot to the west. No specific plan affects the subject property.

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

Evidence: The proposed subdivision, as conditioned, meets all requirements for the R/OS zoning district and complies with General Plan policies regarding the development of lots within the R/OS district. The intended residential use would resemble that of most surrounding properties. Conditions of project approval include mitigation for environmental effects of development on the property, and all effects can either be mitigated to a less-than-significant level or can be considered insignificant.

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

Evidence: The project as a whole proposes a density under the maximum defined for the site by the General Plan and Zoning Ordinance. The development proposed would resemble much existing or vested development in the neighborhood of the site. Adequate public services would be available, including utilities and access. Areas of substantial environmental sensitivity are located away from the subject property, with exceptions noted in the project’s soil investigation and addressed by conditions of approval. Any site constraints can be considered insignificant or can be treated as less than significant as a result of mitigation measures included as conditions of project approval.

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 site is not within a specially designated wildlife habitat area. The project’s initial study/mitigated negative declaration discusses the project’s effect on wildlife habitat and determines the project would have an impact that is less than significant.

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

Evidence: Appropriate County departments analyzed the project for potential serious public health problems, and the Resource Management Agency and Planning Commission find each condition necessary to ensure the public health, safety, and general welfare of the County. Said conditions include mitigation measures, established by the MS 1242-16 initial study/mitigated negative declaration, that address air and water quality.

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: Easements for public access or use have been identified and reviewed by staff and are generally required to be identified on tentative maps and to 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 not currently subject to a Land Conservation Act (Williamson Act) contract. The site does not meet the Government Code §66474.4 criteria requiring denial of a tentative parcel map.*

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

Evidence: *The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board, provided compliance with conditions of project approval. Use of a community sewer system is not proposed, with septic systems proposed for household sewage disposal and an existing retention pond to be used for stormwater runoff.*

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. [Planning]
2. **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: _____

3. **Conformity to Zoning:** The development and use of the site shall conform substantially to the proposed site plan 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]
4. **Compliance Documentation:** Prior to obtaining a building permit or approval of any administrative or conditional use permit, the individual applicants 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, Public Works]
5. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]

6. **Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Resource Management Agency and recorded with the County Recorder. The tentative parcel 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 parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Notice of Determination (Fish & Wildlife Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Resource Management Agency, with the County Clerk within five (5) days of approval of the tentative parcel map. The State Department of Fish and Wildlife fee (\$2,216.²⁵ as of January 1, 2017, per Fish & Game Code §711.4(d)) shall be submitted with the filing. A copy of the filed notice shall be submitted to the County Resource Management Agency. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code §21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code §21089(b)). [Planning, California Department of Fish and Wildlife]
9. **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 contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$1,200 (\$600 per parcel). [Planning]
10. **Conditions of Approval, Easements, and Restrictions:** Prior to recordation of the parcel map all unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]
11. **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]
12. **Parkland Dedication:** 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]
13. **Mitigation Monitoring:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel, and the County Resource Management Agency Director shall agree to and sign the Mitigation Monitoring Program form(s). [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. **Cultural Resources:** If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.

- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
16. **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.
17. **Water Supply:** Prior to recordation of the parcel map, the applicant shall obtain a letter from a San Benito County Water District engineer stating the small water system serving the proposed parcels is in compliance with the San Benito County Groundwater and Aquifer Protection Ordinance (County Ordinances 664 and 778, or County Code §15.05.001 *et seq.*), specifically with respect to “Permits Required” and “Radius of Influence.” [Planning, San Benito County Water District]
18. **Building Envelopes:** The parcel map shall include building envelopes reflecting those shown on the MS 1242-16 tentative map. A note shall be placed on the parcel map stating that, except for small structures such as pergolas and fences and structures intended for animals, no structures on the proposed parcels may be erected outside said building envelopes. [Planning]

Public Works:

19. **Driveway Access:** All future ingress/egress driveways for the proposed lots shall comply in design with County Subdivision Ordinance (County Code Title 23) and other applicable County standards with regard to attributes including but not limited to approximate alignment, width, length, surface material, drainage, and grade.
- a. Any such access to each lot that encroaches into a neighboring parcel shall acquire/create an easement across said neighboring parcel; e.g., access to proposed Parcel 2A encroaching into proposed Parcel 2B shall require an easement across Parcel 2B, or access encroaching into the parcels of Minor Subdivision 1213-07 shall require an easement granted by the owner(s) of said parcels. [Public Works]
20. **Common Facilities Maintenance:** Prior to recordation of the parcel map, the applicant shall amend the deed restriction recorded for those properties subject to Minor Subdivisions 1212-07 and 1213-07 (County of San Benito Official Records document 2016-0005632) to include the newly created Minor Subdivision 1242-16 lots in the maintenance agreement for the following: road, common driveway, drainage, and water distribution system. The applicant shall be responsible for all costs associated with this process. [Public Works]
21. **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]

County Fire:

22. **Fire:** Prior to final approval of occupancy, any and all development on the project property shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, related County Ordinances, Chapter 23.27 of the San Benito County Code, and any other related State and Federal codes as they apply to a project of this type and size. [Fire]

Environmental Health:

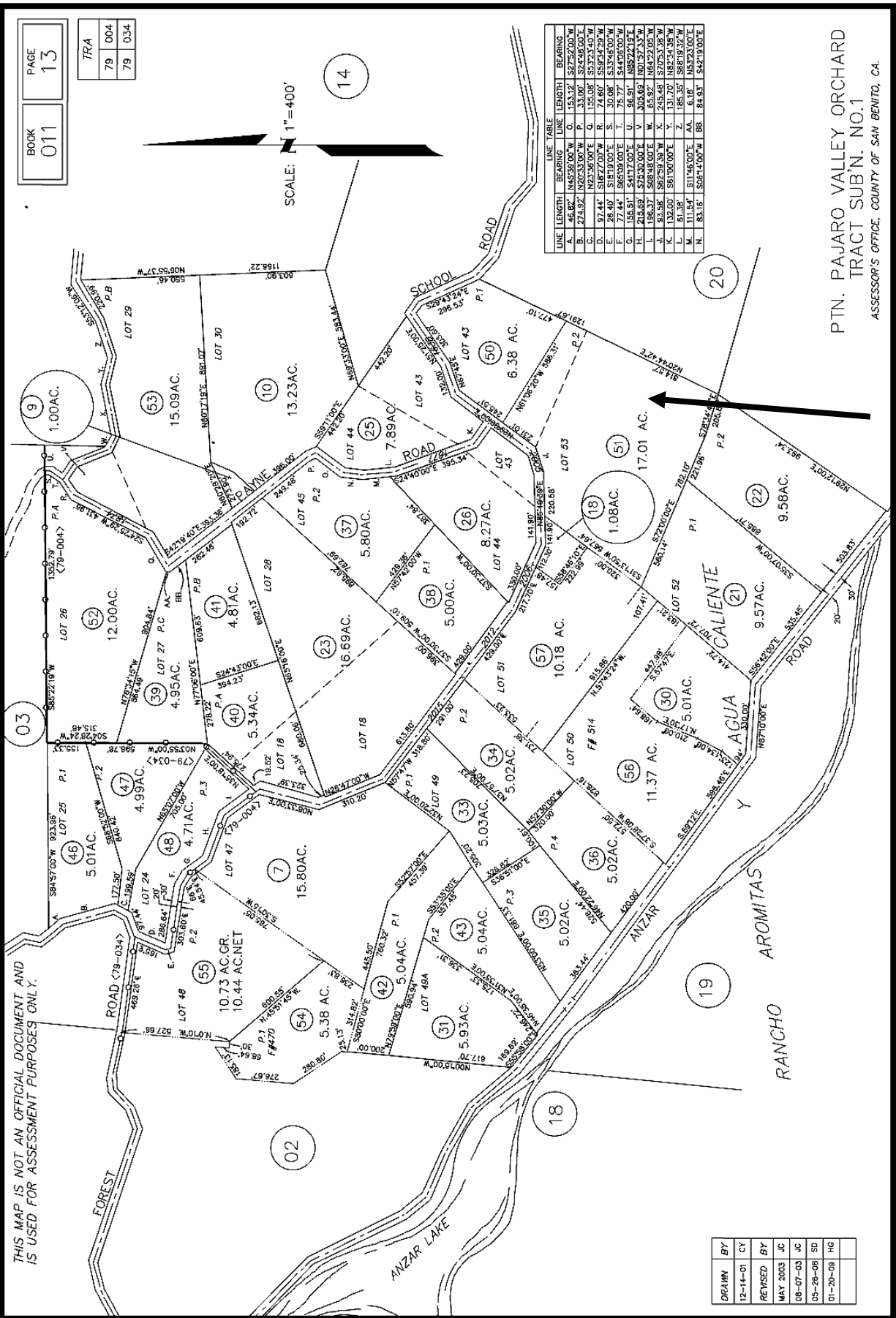
23. **Hazardous Materials:** If any hazardous materials are to be stored on the proposed parcel sites, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. [Environmental Health]

Mitigation Measures:

24. **Dust Control:** The applicant shall incorporate the following requirements into grading activities resulting from this project:
- 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.
 - 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.
 - Streets shall be swept if visible soil material is carried out from the construction site. **[Mitigation Measure 1 (Air Quality)]**
25. **Geotechnical Engineering:** All preparation, grading, foundations, site drainage, and finish improvements shall be designed to comply with the recommendations of the geotechnical investigation with the file number LSW-0280-01, prepared by Landset Engineers, Inc. A note shall be placed on the final parcel map to this effect. **[Mitigation Measure 2 (Geology and Soil), Public Works]**
26. **Percolation:** The geotechnical investigation prepared for this project identified limited percolation rates in soils found on the project site. This factor could affect design and layout of any proposed construction of dwelling(s), structure(s), and septic system(s). A note shall be placed on the final parcel map to notify all prospective buyers of the individual parcels of this fact. **[Mitigation Measure 3 (Geology and Soil), Environmental Health]**
27. **Well Water Quality:** A note shall be placed on the parcel map resulting from this subdivision to state that the water from the well serving the project site contains odor, iron, and manganese exceeding the maximum contaminant level permissible under San Benito County Code and that the property owner shall take measures to reduce these items to acceptable limits meeting Public Health Drinking Water Limits. **[Mitigation Measure 4 (Hydrology and Water Quality), Environmental Health]**
28. **Storm Water Pollution Prevention:** If the area disturbed by grading exceeds one (1) acre, the applicant shall be responsible for obtaining a Construction Activities Storm Water General Permit (General Permit), for filing a complete Notice of Intent (NOI) package, and for developing a Storm Water Pollution Prevention Plan (SWPPP) per State Water Resources Control Board requirement. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the County Public Works Division prior to the start of any construction activities as part of this project. **[Mitigation Measure 5 (Hydrology and Water Quality), Public Works]**
- The applicant is to prepare and implement the SWPPP in accordance with State Water Resources Control Board (State Water Resources Control Board) Construction General Permit Order No. 2009-0009-DWQ as amended. In lieu of providing copies of the aforementioned documents, the applicant may notify the County Public Works Division when the required documents have been uploaded to the SWRCB SMARTS program. **[Public Works]**

ATTACHMENTS

- Vicinity Map
- Assessor's Parcel Map
- Tentative Parcel Map (draft)
- Proposed Building Sites
- Mitigation Monitoring and Reporting Program
- Notice of Proposed Mitigated Negative Declaration (Initial Study), August 28, 2017



COUNTY OF SAN BENITO
2301 TECHNOLOGY PKWY
HOLLISTER, CA, 95023
OWNER: WIRENDER J KAMBOL
2838 QUIMBY AVE
WEST HILLS, CA 91304



SEE SHEET 1 OF 2

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	32.16	50.00	10.67	30°52'12"
C2	69.13	50.00	41.36	79°12'53"
C3	40.12	50.00	21.20	45°58'50"
C4	112.16	50.00	103.76	129°32'31"

Minor Subdivision 1242-16 Mitigation Monitoring and Reporting Program

Impacts	Measures	Description	Implementation Responsibility	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Air Quality						
Dust Control	Mitigation Measure 1	<p>The applicant shall incorporate the following requirements into grading activities resulting from this project:</p> <ul style="list-style-type: none"> a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure. b. All grading activities during periods of high wind, over 15 mph, are prohibited. c. Haul trucks shall maintain at least two feet of freeboard. d. All trucks hauling dirt, sand, or loose materials shall be covered. e. Inactive storage piles shall be covered. f. Streets shall be swept if visible soil material is carried out from the construction site. 	Applicant and project engineer	Grading improvement plans	County Resource Management Agency	Documentation of site observation
Geology and Soil						
Geotechnical Engineering	Mitigation Measure 2	All preparation, grading, foundations, site drainage, and finish improvements shall be designed to comply with the recommendations of the geotechnical investigation with the file number LSW-0280-01, prepared by Landset Engineers, Inc. A note shall be placed on the final parcel map to this effect.	Applicant and project engineer	Parcel map, residential improvement plans (building permit)	County Resource Management Agency	Parcel map, improvement plans, soils engineer compliance letter
Percolation	Mitigation Measure 3	The geotechnical investigation prepared for this project identified limited percolation rates in soils found on the project site. This factor could affect design and layout of any proposed construction of dwelling(s), structure(s), and septic system(s). A note shall be placed on the final parcel map to notify all prospective buyers of the individual parcels of this fact.	Applicant and project engineer	Parcel map	County Resource Management Agency	Parcel map

Impacts	Measures	Description	Implementation Responsibility	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Hydrology and Water Quality						
Well Water Quality	Mitigation Measure 4	A note shall be placed on the parcel map resulting from this subdivision to state that the water from the well serving the project site contains odor, iron, and manganese exceeding the maximum contaminant level permissible under San Benito County Code and that the property owner shall take measures to reduce these items to acceptable limits meeting Public Health Drinking Water Limits.	Applicant and project engineer	Parcel map	County Resource Management Agency	Parcel map
Storm Water Pollution Prevention	Mitigation Measure 5	If the area disturbed by grading exceeds one (1) acre, the applicant shall be responsible for obtaining a Construction Activities Storm Water General Permit (General Permit), for filing a complete Notice of Intent (NOI) package, and for developing a Storm Water Pollution Prevention Plan (SWPPP) per State Water Resources Control Board requirement. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the County Public Works Division prior to the start of any construction activities as part of this project.	Applicant and project engineer	Improvement plans, Construction Activities Storm Water General Permit (General Permit), NOI, SWPPP	County Resource Management Agency	Improvement plans, Construction Activities Storm Water General Permit (General Permit), NOI, SWPPP

Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing

TO: ☒ Interested Individuals
☐ San Benito County Clerk

FROM: San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513

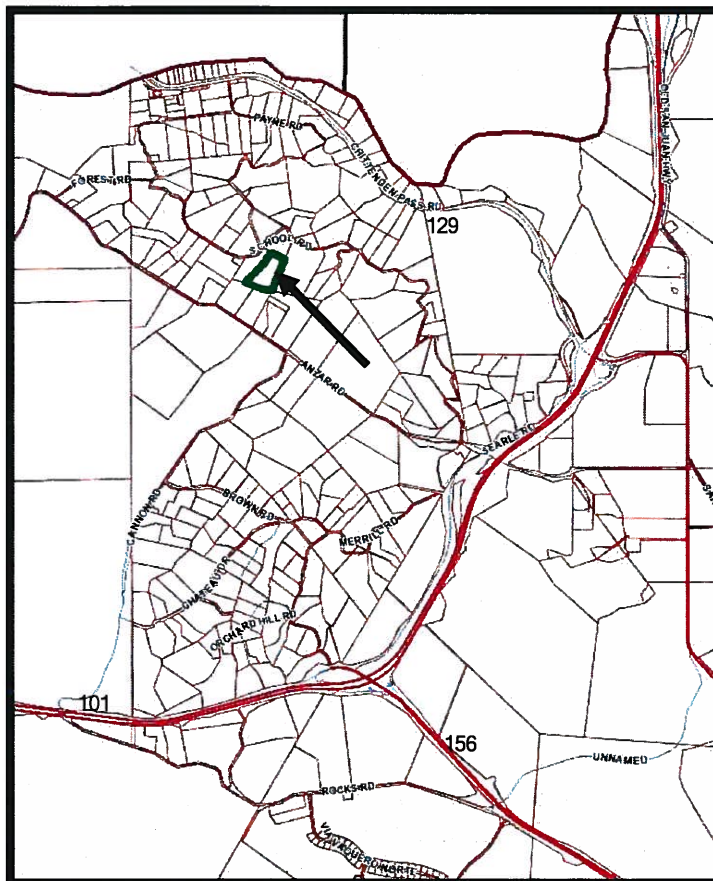
Contact Person: Michael Kelly, Associate Planner, 831 637-5313
Project File No.: Minor Subdivision (MS) 1242-16
Project Applicant: Naresh Kamboj
Project Location: Shelly Court, four miles northwest of San Juan Bautista (Assessor's Parcel 011-13-0-051-0)

The applicant proposes to subdivide a 10.16-acre property into two lots of approximately five acres each, both accommodating residential use. Grading is not directly proposed by the subdivision but would take place prior to construction of homesites on each lot. Stormwater drainage would use existing facilities, including an off-site retention pond. The project is proposed to be served by an existing off-site well, by septic systems on both lots, by AT&T for communication, and PG&E for electricity.

The property consists of hilly grassland sloping downward to the southwest with only Shelly Court and water tanks as built features. The surrounding area contains grazing land and rural residences among similar terrain with woodlands on northern slopes and drainage courses and with grasses elsewhere. Nearby properties each generally contain 5 to 10 acres, with some larger exceptions and one nearby lot of approximately one acre. Shelly Court branches from School Road, which winds along the upper hills of the area and connects southeastward to the US 101 corridor near San Juan Bautista and northwestward to State Route 129 along the Pajaro River, with Forest Road leading to Anzar and Cole Roads as a westward exit from the area. The subject property and its western neighbor were each created by a prior subdivision approved in 2008.

The property is presently subject to the General Plan Land Use Element designation of Rural (R), intended "to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations." The property's current zoning is Rural/Open Space (R/OS), allowing one dwelling per five acres. The R zone intends "to provide for areas within the county that are not primarily suited for agricultural uses, and lack services needed for higher density development," and is "intended to provide areas for mixtures of housing and small scale agricultural uses." The OS combining zone adds further requirements based on natural attributes of the site, primarily the site's high fire hazard.

This is to advise that the San Benito County Resource Management Agency has prepared an Initial Study and intends to adopt a Mitigated Negative Declaration for this project, which finds that the project will not have a significant effect on the environment. The public review period in which comments will be accepted for the proposed Mitigated Negative Declaration begins **August 29, 2017**, and ends at 5 p.m. on **September 18, 2017**. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and Mitigated Negative Declaration are available for review at the County Resource Management Agency at the above address. Comments may be addressed to the contact person noted above, and written comments are preferred. Please reference the project file number, MS 1242-16, in all communications. **NOTICE IS HEREBY GIVEN** that a **public hearing** for this project before the County Planning Commission is tentatively scheduled for **6 p.m., September 20, 2017** (or as soon thereafter as the matter may be heard), in the Board of Supervisors Chamber, County Administration Building, 481 4th Street, Hollister, California.



Michael Kelly
Signature

Associate Planner
Title

August 28, 2017
Date

VICINITY MAP



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

2301 Technology Parkway
Hollister, CA 95023-2513
E-mail: sbcplan@cosb.us

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

SAN BENITO COUNTY
NOTICE OF PROPOSED MITIGATED NEGATIVE DECLARATION

TO: Responsible agencies, Trustee agencies, other County Departments, and interested parties
FROM: San Benito County Resource Management Agency

This notice is to inform you that the San Benito County Resource Management Agency has prepared an Initial Study and intends to recommend filing a Mitigated Negative Declaration for the project identified below. The public review period for the Initial Study is from **August 29 to September 18, 2017**. The document is available for review at the address listed below. Comments may be addressed to the contact person, **Michael Kelly**. Written comments are preferred. Please use the project file number in all communication.

1. **Project title and/or file number:** Minor Subdivision 1242-16
2. **Lead agency name and address:** San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513
3. **Contact person and phone number:** Michael Kelly, Associate Planner, (831) 637-5313
4. **Project location:** Shelly Ct., 4 miles NW of San Juan Bautista (Assessor's Pcl. 011-13-0-051-0)
5. **Project sponsor's name and address:**

owner: Virender and Usha Kamboj Family Trust 4728 Longcove Drive Stockton, CA 95219-1749	applicant: Naresh Kamboj 7838 Quimby Avenue West Hills, CA 91304-4441
---	--
6. **General Plan designation:** Rural (R)
7. **Zoning:** Rural/Open Space (R/OS)
8. **Description of project:** The applicant proposes to subdivide a 10.16-acre property into two lots of approximately five acres each, both accommodating residential use. Grading is not directly proposed by the subdivision but would take place prior to construction of homesites on each lot. Stormwater drainage would use existing facilities, including an off-site retention pond. The project is proposed to be served by an existing off-site well, by septic systems on both lots, by AT&T for communication, and PG&E for electricity.
9. **Surrounding land uses and setting:** The property consists of hilly grassland sloping downward to the southwest with only Shelly Court and water tanks as built features. The surrounding area contains grazing land and rural residences among similar terrain with woodlands on northern slopes and drainage courses and with grasses elsewhere. Nearby properties each generally contain 5 to 10 acres, with some larger exceptions and one nearby lot of approximately one acre. Shelly Court branches from School Road, which winds along the upper hills of the area and connects southeastward to the US 101 corridor near San Juan Bautista and northwestward to State Route 129 along the Pajaro River, with Forest Road leading to Anzar and Cole Roads as a westward exit from the area. The subject property and its western neighbor were each created by a prior subdivision approved in 2008.

<u>Seismic zone:</u>	Not within an Alquist-Priolo Earthquake Zone [11e].
<u>Fire hazard:</u>	High (State responsibility area) [11f].
<u>Floodplain:</u>	Zone X [11g].
<u>Archaeological sensitivity:</u>	Not sensitive [11h].
<u>Habitat conservation area:</u>	Not within the San Benito County Habitat Conservation fee area.
<u>Landslide:</u>	Generally to most susceptible [21].
<u>Soils:</u>	Los Gatos clay loam, 15 to 30 percent slopes (Grade 3); Soper sandy loam, 30 to 50 percent slopes, eroded (Grade 4) [3].

10. **Planning and zoning:** The property is presently subject to the General Plan Land Use Element designation of Rural (R), intended "to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations" [1a]. The property's current zoning is Rural/Open Space (R/OS), allowing one dwelling per five acres. The R zone intends "to provide for areas within the county that are not primarily suited for agricultural uses, and lack services needed for higher density development," and is "intended to provide areas for mixtures of housing and small scale agricultural uses" [2a]. The OS combining zone adds further requirements based on natural attributes of the site, primarily the site's high fire hazard.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

County Resource Management Agency Public Works staff

Environmental factors potentially affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant With Mitigation," as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination.

On the basis of this initial evaluation:

- ☐ I find that the proposed project qualifies for an exemption to CEQA pursuant to Section 15061(b)(3).
- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature


Date

Michael Kelly, Associate Planner
Printed Name

County Resource Mgmt. Agency
Agency

Evaluation of environmental impacts:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **No Impact** — The County General Plan has not designated scenic vistas in or around the project site. Development on the subject property would neither impair view of scenic resources in the area nor lie prominently within an otherwise scenic vista.

- b) **Less Than Significant Impact** — San Benito County has no designated State scenic highways [14]; while area highways such as State Route 156 are eligible for the designation, the project site is not located within view of any such highway. The County has locally designated certain highways as scenic [1f], but the project site is away from those, too. The site has no other specially designated scenic resources.
- c) **Less Than Significant Impact** — The project is mostly surrounded by development of an intensity similar to that of the proposed development. The result of development on this site would closely resemble all surrounding properties. Current area residents would see a scene at the subject property similar to that now typical of the immediate area.
- d) **Less Than Significant Impact** — The site is within Zone II as defined by County Development Lighting Regulations (Ordinance 748), intended to limit nighttime glare affecting the Fremont Peak observatory and Pinnacles National Monument. New lighting for residences will be required to comply with the ordinance to prevent excessive glare.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response:

- a) **Less Than Significant Impact** — The site is identified as Grazing Land as mapped in 2014 by the Farmland Mapping and Monitoring Program [11k] and does not contain Grade-1 soils [3].
- b) **No Impact** — The property is not subject to a Williamson Act contract. The proposed development is allowed on the property under County Code §§25.09.002 and 25.09.004, respectively regarding residential and agricultural uses and minimum building site area in the Rural (R) zone [2a].
- c,d) **No Impact** — The project site contains no tree cover [5,6].
- e) **Less Than Significant Impact** — Neighboring properties have recently been approved for similar subdivision, and this project would have a similarly minor effect on this issue. See also the discussion of item a.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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III. AIR QUALITY –

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a,b) **Less Than Significant Impact** — The County recognizes air as a natural resource, strives to maintain air quality through proper land use planning, and, under General Plan Health and Safety Element Goal HS-5, seeks to “improve local and regional air quality to protect residents from the adverse effects of poor air quality.” The goal is supported by several policies including the reduction of PM₁₀ emissions from construction. Under State standards, San Benito County has nonattainment status for ozone (O₃) and 10-micron particulate matter (PM₁₀) [8].

The subject property sits within the North Central Coast Air Basin (NCCAB), overseen by the Monterey Bay Air Resources District (MBARD),¹ which serves San Benito, Santa Cruz, and Monterey Counties. MBARD’s Air Quality Management Plan (AQMP), adopted in 2017 and prepared using forecasting of regional population, housing and employment, took into account land uses illustrated in area jurisdictions’ general plans; that included this project site’s designated land use. Hence, the AQMP accounts for the potential rural residences at the site that would likely result from this project. See also items c and d for discussion of potential emission of particulate matter resulting from temporary project construction.

c,d) **Less Than Significant With Mitigation** — MBARD has established thresholds of significance, which define certain rates of pollutant emission that would constitute a significant impact. To determine whether pollution in excess of those thresholds would occur, this project can be compared with larger projects’ effects. Tentative Subdivision Map (TSM) 16-99, a proposal for seven one-acre lots near Hollister, is an example that was shown in its environmental review under CEQA not to exceed the thresholds of significance. Minor Subdivision 1242-16 is substantially smaller than TSM 16-99, with distinctly less construction required and a net increase of one or two dwellings to the site, and is likewise also unlikely to exceed the thresholds of significance.

However, fugitive dust could still remain a concern, given that the region has non-attainment status for particulate matter of 10 microns (PM₁₀) [8]. While the project application states that the project would require no grading (the project using an existing street and existing detention basin), later construction of homesites and private driveways for each has the potential to increase PM₁₀ levels temporarily. Particulate dust generated from earthmoving during times of heavy wind has potential to affect neighboring properties adversely, and these future emissions shall be controlled to reduce impacts to a level less than significant (Mitigation Measure 1).

In addition, the site is located 1¾ miles from Anzar High School, the nearest high concentration of potentially sensitive receptors [6], where young people could be especially affected by pollutants emitted by activities in the area, including any construction on the subject property. However, modeled emission levels below significance thresholds combined with dust control mitigation measures will result in an insignificant health impact.

e) **No Impact** — No land use is proposed that is likely to generate substantially bothersome odors [7].

Mitigation Measure 1: The applicant shall incorporate the following requirements into grading activities resulting from this project:

- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
- c. Haul trucks shall maintain at least two feet of freeboard.
- d. All trucks hauling dirt, sand, or loose materials shall be covered.
- e. Inactive storage piles shall be covered.
- f. Streets shall be swept if visible soil material is carried out from the construction site.

¹ Formerly known as the Monterey Bay Area Unified Air Pollution Control District (MBUAPCD).

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,d) **Less Than Significant Impact** — *The General Plan Natural and Cultural Resources Element includes policies to protect wildlife communities and habitat areas [1f]. The site is located within the Chittenden quadrangle as mapped by the United States Geological Survey. The quadrangle, covering approximately 50 square miles, is known to contain habitat for the California tiger salamander, California red-legged frog, bank swallow, tricolored blackbird, burrowing owl, least Bell's vireo, south-central California coast steelhead, San Francisco dusky-footed woodrat, American badger, pallid bat, western pond turtle, coast horned lizard, Hoover's button-celery, and Loma Prieta hoita [4].*
However, the site is not mapped within a habitat footprint of species requiring special attention [11m]. Land parceling of a similar intensity can be found throughout the area of the project site [5,6], including the on-site and neighboring development proposed and approved by the County under Minor Subdivisions 1212-07 and 1213-07. The site contains no water features and very little tree cover that would encourage habitat for sensitive wildlife [5,6]. This project's development would bring further change to the area but would create a less-than-significant impact to wildlife and habitat compared with the area's current feasibility as a site for natural wildlife habitat.
- b,c) **Less Than Significant Impact** — *The site itself does not contain wetlands [15] or riparian habitat [6]. Within a quarter-mile to the north and downhill is a riverine seasonally flooded streambed leading toward the Pajaro River [15]; as noted in Section IX (Hydrology and Water Quality), drainage from new impervious surfaces will run to an existing retention pond, which will prevent drainage and erosion impacts to the off-site wetland feature. See also Section VI (Geology and Soil) for discussion on erosion. Development proposed by this project, like previous neighboring projects, would disturb the site but create an impact to wetlands and riparian habitat that is less than significant.*
- e,f) **Less Than Significant Impact** — *The site is not located within the scope of a Habitat Conservation Plan or Natural Community Conservation Plan. While County Code includes the Woodland Conservation Ordinance, the area to be developed contains minimal tree cover.*

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a-d) **Less Than Significant Impact** — The site does not contain historic resources [18] or known or probable archaeological resources [11h]. However, discovery of any archaeological resources or sites will require procedures in compliance with County Ordinance 610, which regards archeological finds.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOIL – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to the Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the uniform building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Response:

- a)
- i,ii) **Less Than Significant With Mitigation** — The project site is not located within an Alquist–Priolo Earthquake Fault Zone, although the San Andreas Fault zone passes a quarter-mile to the southwest, downhill from the site [11e]. In general across the local area, strong shaking is likely [6], and a geotechnical investigation prepared for prior subdivision at this site notes seismic hazards and strong shaking as inevitable in this location [21]. Compliance with Mitigation Measure 2, for improvements to comply with the recommendations of the geotechnical investigation [21], will allow such seismic issues to generate an impact that is less than significant.
 - iii) **Less Than Significant Impact** — The geotechnical investigation notes that conditions on the site, including “shallow depth to the Pliocene age sediments,” are such that the site is at low risk of liquefaction [21].
 - iv) **Less Than Significant With Mitigation** — The property is in a location that is known to contain an existing landslide feature [21]. The geotechnical investigation notes “that the site slopes in the areas of proposed development are currently in equilibrium, but are at the limits of their overall stability,” and it remarks that “periodic shallow slope failures and soil slumps can be expected to routinely occur” [21]. However, the proposal complies with the recommendations of this investigation, which states that “building envelopes and engineered septic systems should be set back from identified landslide areas.” Exposure to landsliding would be an impact that is less than significant provided compliance with Mitigation Measure 3.
- b) **Less Than Significant Impact** — The site’s soils of Los Gatos clay loam, 15 to 30 percent slopes, and Soper sandy loam, 30 to 50 percent slopes, eroded, have a moderate to very severe risk of erosion [3]. The project’s geotechnical investigation finds “site soils and earth materials are highly erodible” [21]. Erosion has potential to be a problem for

construction on the site, and compliance with Mitigation Measure 2 will result in less-than-significant effects from erosion.

- c) **Less Than Significant With Mitigation** — As discussed here in other discussion of geology, compliance with the recommendations of the project's geotechnical investigation [21] under Mitigation Measure 2 will allow the project to create an impact that is less than significant with regard to geological hazard and soil failure. This includes impacts resulting from the project itself, which would be minimized by adherence to the report's recommendations.
- d) **Less Than Significant With Mitigation** — The geotechnical investigation notes potential moisture-induced soil volume change and finds that "the near surface soil (upper 5-feet) has a moderate to high expansion potential" [21]. Compliance with Mitigation Measure 2, to follow the recommendations of the geotechnical investigation, will maintain these issues at a level that is less than significant.
- e) **Less Than Significant With Mitigation** — The site's soil presents "severe" limits on the use of septic systems with "moderately slow" permeability [3]. The proposed activity will require the use of septic systems, which are governed by existing requirements administered by the County Division of Environmental Health in order to allow septic system use including that by the proposed project. The soils' adequacy for septic system use was studied by geotechnical investigation, which states that the soils' percolation is sufficient but that "conventional leach field systems are in appropriate and unsuitable for the site" [21]. The report recommends an engineered system "that does not depend on effluent disposal by means of conventional percolation methods," which, the report notes, could impair the slope's stability. In addition, the County Division of Environmental Health recommends notification of future potential property owners, by deed restriction or similar means, of the percolation limitations that could affect the design of future development. Compliance with these recommendations, found in Mitigation Measures 2 and 3, would result in a less-than-significant impact.

Mitigation Measure 2: All preparation, grading, foundations, site drainage, and finish improvements shall be designed to comply with the recommendations of the geotechnical investigation with the file number LSW-0280-01, prepared by Landset Engineers, Inc. A note shall be placed on the final parcel map to this effect.

Mitigation Measure 3: The geotechnical investigation prepared for this project identified limited percolation rates in soils found on the project site. This factor could affect design and layout of any proposed construction of dwelling(s), structure(s), and septic system(s). A note shall be placed on the final parcel map to notify all prospective buyers of the individual parcels of this fact.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS – Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☒ ☐
- b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☒ ☐

Response:

- a,b) **Less Than Significant Impact** — Emissions of certain gases into the atmosphere are believed to have resulted in a warming trend across the globe, and human activity is believed to be an influence on this trend. Releases of greenhouse gases (GHG)—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and water vapor, which occur naturally and prevent the escape of heat energy from the Earth's atmosphere—are thought to have been unnaturally increased by activities such as fossil-fuel consumption. The warming trend became especially pronounced in the 1990s, thought to be the warmest years in human history. Believed future impacts of climate change may include significant weather-pattern changes, decreased water availability, increased occurrence of wildfires, and resulting health effects.

In 2006, State Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, set a goal of reducing GHG emissions to 1990 levels by 2020. Subsequently, 2007's State Senate Bill (SB) 97 added greenhouse-gas emissions to the set of environmental issues requiring analysis under CEQA. In addition, the County General Plan Health and Safety Element contains Goal HS-5, to "improve local and regional air quality to protect residents from the adverse effects of poor air quality," and also contains policies supporting programs for greenhouse-gas reduction, although policy specifically addressing the proposed development is not included.

The proposed project has potential to generate greenhouse gases above that which would occur without the project. However, no standard established for San Benito County and its air basin, managed by the Monterey Bay Air Resources District (MBARD), is available to indicate whether emissions could be considered significant.

However, the San Luis Obispo County Air Pollution Control District (SLOCAPCD) uses detailed standards that can be used to analyze this project's emissions. Under SLOCAPCD standards, a project's GHG emissions can be considered a less-than-significant impact if the project is modeled to emit fewer than 1,150 metric tons per year of carbon dioxide equivalent annually. This is a threshold reached by far larger projects, such as suburban developments of dozens or hundreds of residences [22,23], rather than projects of a much smaller scale like this proposal's. As such, while the

project would emit greenhouse gas in addition to that which currently exists in the environment, the project's emissions can be considered less than significant under SLOCAPCD standards.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a-c) **No Impact** — The project proposes no use or transportation of hazardous materials [7]. Any future use of hazardous materials in this residential development is unlikely but will require permitting by the County Division of Environmental Health.
- d) **No Impact** — The site is not on a list of hazardous-materials sites [11].
- e,f) **No Impact** — The property is located approximately 8 miles southwest of Frazier Lake Airpark, 10 miles west of Hollister Municipal Airport, and 11 miles east-southeast of Watsonville Municipal Airport, these three being the nearest aviation facilities. The project would not create a safety hazard related to aviation.
- g) **Less Than Significant Impact** — The proposal would expand the neighborhood's existing residential use, which in itself would not present an added barrier to emergency response. Access to the property would be maintained, although a slight population increase could result in a minor increase in traffic on the area roads. In addition, Chapter 11.01 of the San Benito County Code states that the County of San Benito Disaster Council is responsible for the development of the County of San Benito emergency plan, which provides for mobilization of the County's resources during times of major emergency within the County. The proposed project would not interfere with implementation of an adopted emergency response plan or emergency evacuation plan.
- h) **Less Than Significant Impact** — The site is located in an area of high fire hazard [11f]. Construction of all new structures will be required to perform measures in conformance with fire code, including sufficient on-site water storage, proper ingress and egress, and defensible space along building edges and property boundaries, reducing hazard of exposure to fire to a less-than-significant level.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY – Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response:

- a) **Less Than Significant With Mitigation** — The project proposes use of an existing well for water service to the two proposed lots. According to County Division of Environmental Health, the well's water exceeds the maximum contaminant level for odor, iron, and manganese [7]. Mitigation Measure 4 addresses this issue.
- Development of this type and scale is subject to existing public health requirements (including County Code Chapter 15.07, regarding sewage disposal) enforced by the County Division of Environmental Health in order to ensure that the proposed project does not contaminate groundwater and expose on- and off-site population and land uses to health hazards and pollution. See Section VI (Geology and Soil) for discussion of septic systems and a potential environmental impact addressed by Mitigation Measure 3.
- b) **Less Than Significant Impact** — The project would incrementally increase use of the watershed. Groundwater extraction in the jurisdiction is presently governed by County Code §15.05.001 et seq., which states guidelines for underground water resources and prohibits extraction beyond the watershed's replenishment potential, and all proposals for new wells are subject to these regulations. As described in items c–e, the proposed development would establish impervious surfaces but would direct runoff to on-site features allowing drainage to approximate natural flow, which could help to facilitate groundwater replenishment.
- c–e) **Less Than Significant Impact** — The project would result in new impervious surfaces, such as rooftops and pavement, that would divert drainage within the impervious area's footprint. Drainage from these surfaces is proposed to run to an existing retention pond, which has been confirmed by County Public Works staff review of applicant-submitted design information to be sufficient for collecting this drainage. The design would prevent a significant increase in the rate and amount of drainage flow that could generate erosion or flooding.
- f) **Less Than Significant With Mitigation** — While the applicant proposes no grading as an immediate part of this project, future construction activities would have potential to affect drainage and also introduce impurities into runoff. Mitigation Measure 5 addresses this, and compliance with the mitigation would maintain construction runoff impacts at a level that is less than significant.

- g-j) **Less Than Significant Impact** — The property is not within a 100-year flood hazard area, and the project proposes no housing or other structures within a flood zone [11c]. The site is neither located downstream of a levee or dam [11j] nor located near a body of water that could experience a tsunami or seiche. The project site is located near the highest elevation of the vicinity and would not be susceptible to mudflow, while geotechnical recommendations discussed in Section VI (Geology and Soil) mitigate potential for erosion and earth movement both on- and off-site.

Mitigation Measure 4: A note shall be placed on the parcel map resulting from this subdivision to state that the water from the well serving the project site contains odor, iron, and manganese exceeding the maximum contaminant level permissible under San Benito County Code and that the property owner shall take measures to reduce these items to acceptable limits meeting Public Health Drinking Water Limits.

Mitigation Measure 5: If the area disturbed by grading exceeds one (1) acre, the applicant shall be responsible for obtaining a Construction Activities Storm Water General Permit (General Permit), for filing a complete Notice of Intent (NOI) package, and for developing a Storm Water Pollution Prevention Plan (SWPPP) per State Water Resources Control Board requirement. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the County Public Works Division prior to the start of any construction activities as part of this project.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **No Impact** — The project as proposed would extend the existing surrounding land uses onto the subject property. The project itself would further establish community and not construct a divide.
- b) **Less Than Significant Impact** — The site has been considered by the County General Plan primarily for use as agriculture and rural residences, its General Plan designation of Rural (R) having envisioned one dwelling per five acres, with accessory dwellings contemplated. In addition, the County General Plan was adopted with policies added or changed to mitigate environmental impacts resulting from the plan itself. This project, together with proposed environmental impact mitigation and existing regulation, does not deviate from those policies.
The project as proposed is reviewed in this document according to County General Plan policies and County Code provisions, the latter written to be consistent with the former and both designed to comply with regional, State, and federal regulations. Mitigations to maintain environmental impacts at insignificant levels are derived from these laws, and other impacts are found to be insignificant as a result of the laws' existing jurisdiction.
- c) **Less Than Significant Impact** — No habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans include the project site. County Ordinance 541 establishes a Habitat Conservation Plan preliminary study area in which subdivisions are required to pay an interim mitigation fee, but the project site is located outside that area. See Section IV (Biological Resources) for further discussion of habitat.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — While known mineral resources exist in the area, the availability of mineral resources on this site and neighboring lands is not known. The California Department of Conservation, Division of Mines and

Geology, designates the property as MRZ-4, or "areas where available information is inadequate for assignment to any other category" [1i]. The subdivision would add one lot to an area that is developed at a similar density and would create little new impairment to access to mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XII. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

- a-d) **Less Than Significant Impact** — The General Plan Health and Safety Element addresses noise from aircraft, ground transportation, industry, and construction. Grading and construction activities will temporarily expose neighboring properties to increased noise, while noise levels will increase incrementally as a result of increased activity within the immediate vicinity. Noise levels from both temporary and long-term sources are governed by County Ordinance 667 §1(XV) (County Code §25.37.035) and Ordinance 872 (County Code Chapter 19.39), which limit impacts to a level less than significant; this includes noise resulting from construction, which will be limited by the ordinances to the hours of 7 a.m. to 7 p.m. except Sundays and federal holidays.
- e,f) **No Impact** — The property is located at least 8 miles from the nearest aviation facility. People residing or working at the site would be no more exposed to aviation-related noise than at most other populated locations in the region.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension or roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — As estimated for the start of 2017, population of San Benito County is 56,854, while the unincorporated population is 18,321 [19]. The proposed subdivision, including both primary and accessory residences, could accommodate 6 additional people (at San Benito County's owner-occupied household size of 3.17 persons per dwelling) beyond the potential 6 of the current lot [20].
- The preparation of the County General Plan contemplated the location and density of future population and housing across the unincorporated area. The proposed residential lots do not vary from this plan and would not represent population growth beyond that already considered. The project would occur in an area with sites already developed at a similar density. In addition, the lot split would take place on an existing road with existing infrastructure and not make potentially developable land beyond the subdivision site more accessible or more feasible.

- b,c) **No Impact** — The project, which would establish lots permitting new housing, would not require displacement of any existing housing and residents.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES –

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — Demand for these services, funded by the County as a whole, would rise incrementally as a result of possible population growth. Impact fees, e.g., for parks and schools, would help fund increased use of these services and will be a requirement of building permit issuance for the proposed development under County Code Chapter 5.01. County Code §23.15.008 requires that development contribute to parkland through dedication of land or an equivalent in-lieu fee.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

XV. RECREATION –

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — The project does not include construction of recreational facilities, and use of parks in the area could slightly increase. Population increases in general will require eventual construction and expansion of recreational facilities; Section XIV (Public Services) notes the parkland dedication requirements of County Code §23.15.008 and further discusses increased demands on public facilities.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC – Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves, or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant With Mitigation** — The County General Plan's Circulation Element Policy C-1.12 states that the "County shall endeavor to maintain a General Plan target goal of LOS D at all locations." The Circulation Element's policies and actions, as well as the County Subdivision Ordinance, require the developer to provide road dedication and construction in conjunction with the project.² In addition, the Subdivision Ordinance requires as a condition of project approval a legal mechanism for continued maintenance of the road serving the property.
- The project would add one lot beyond those now existing in the area. On this lot a single-family dwelling and an accessory dwelling could be permitted, which together can be estimated to generate 20 new trip ends [13]. In addition, construction related to the subdivision will temporarily increase vehicular trips to and from the site. The project would add a minor amount of traffic to School Road and area roads and create an impact that is less than significant.
- Any issue of resulting traffic is further addressed by the County's Transportation Impact Mitigation Fee (TIMF), which considers typical and planned development patterns and address changes in area traffic conditions occurring through 2035 from development such as this. All residential construction is subject to this fee, collected upon building permit issuance and funding transportation improvements, in part to maintain the minimum level of service.
- c) **No Impact** — As noted in Section VIII (Hazards and Hazardous Materials), the project site is located no closer to the nearest aviation facility than 8 miles and would present no interference with air traffic patterns.
- d,e) **Less Than Significant Impact** — The project will use the existing roadway, Shelly Court, established as part of Minor Subdivisions 1212-07 and 1213-07 and reviewed under CEQA in their mitigated negative declarations. The roadway was designed at that time in accordance with safety and emergency-access standards still in effect today under the County Subdivision Ordinance. The currently proposed project would make no change to this roadway other than future connection of new driveways and a minor increase in traffic.
- f) **Less Than Significant Impact** — Alternative transportation for this area is limited to bicycling and walking, which currently are possible but not facilitated by roads in the area of the project site. Modification to facilities with such alternative transportation in mind is not currently proposed for the project area.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

² Road standards are defined in County Code §23.29.001, dedication requirements are defined by County Code §23.15.002, and improvement requirements defined in County Code Chapter 23.17.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b,e) **Less Than Significant Impact** — As also discussed in Section IX (Hydrology and Water Quality) and Section VI (Geology and Soil), the development as proposed would include septic systems on each proposed parcel to collect wastewater from each residence. Establishment and use of the system would be subject to existing public health requirements that are enforced by the County Division of Environmental Health to prevent groundwater contamination and health hazards affecting population and land use on and off the subject property.
- c) **Less Than Significant Impact** — As more thoroughly described in Section IX (Hydrology and Water Quality), the subdivision would use an existing retention pond to collect excess stormwater runoff from impervious surfaces such as rooftops and pavement. Review by the County Department of Public Works has found [7] that the existing pond is sufficient to accommodate this subdivision. An impact that is less than significant would occur from minor changes to direct new drainage to the existing pond.
- d) **Less Than Significant Impact** — Review by the County Division of Environmental Health of well testing documentation provided by the applicant notes the well serving the project site can provide adequate water supply for up to four connections [7]. According to the Environmental Health review, the subdivision would result in reaching that maximum but would have adequate supply.
- f,g) **Less Than Significant Impact** — The site will be served by the John Smith Landfill, the primary site for solid waste disposal for San Benito County. Solid waste disposal is governed by County Code Chapter 15.01, under which the proposed use would be required to have its solid waste collected for disposal in the John Smith Landfill, which currently has sufficient capacity to accommodate the project.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Response:

- a) **Less Than Significant With Mitigation** — Section II (Agriculture and Forestry Resources) notes no significant change to woodlands. Section III (Air Quality) describes potential effects on air and mitigation to reduce impacts to a level less than significant. Section IV (Biological Resources) finds impacts less than significant to native habitat conditions on and around the property. Section V (Cultural Resources) notes neither historic nor prehistoric resources on or near the property, though County Ordinance 610 sets requirements in case of an archaeological find. Section VII (Greenhouse Gas Emissions) finds the project to be of a small scale that would not significantly increase greenhouse gases in the atmosphere. Section IX (Hydrology and Water Quality) identifies potential for construction to degrade water quality but provides mitigation to reduce impacts to a level less than significant.
- b) **Less Than Significant With Mitigation** — Section XVI (Transportation/Traffic) notes that transportation to and from the project has potential for impacts that would be addressed by County Subdivision Ordinance and Transportation Impact Mitigation Fee (TIMF) requirements, and these programs have been established to address cumulative effects of local development in general. Air quality, greenhouse gas, and water quality effects could be counted as contributing to a cumulative effect with other projects, but pollution control measures combined with project design would keep the

contribution less than significant. Population could rise from the project, but cumulative population-related effects are addressed by other topics' mitigations, such as those of air quality and transportation, in addition to existing programs and practices responding to population growth, such as impact fees. In addition, the County 2035 General Plan has been adopted, and its environmental impact report has been certified, in part to consider and give cohesive policy addressing cumulative effects of the various activities taking place in San Benito County on an ongoing basis.

- c) **Less Than Significant With Mitigation** — As discussed in Section III (Air Quality), emissions resulting from the project would not exceed MBUAPCD thresholds of significance, but construction activity could otherwise create health impacts that would become less than significant through mitigation. Section VI (Geology and Soil) discusses potential geological issues that can be mitigated by geotechnical engineering performed for this project. Section IX (Hydrology and Water Quality) discusses effects on water quality that mitigation would lessen. Section XVI (Transportation/Traffic) describes any effect on transportation as being less than significant. Other effects on humans would either be insignificant or be unlikely to occur.

XIX. LIST OF REFERENCES

The numbers indicated in the checklist in parentheses refer to this numbered list:

1. San Benito 2035 County General Plan
 - a. Land Use Element
 - b. Economic Development Element
 - c. Housing Element
 - d. Circulation Element
 - e. Public Facilities and Services Element
 - f. Natural and Cultural Resources Element
 - g. Health and Safety Element
 - h. Administration Element
 - i. Background Report, November 2010, <cosb.us/county-departments/resource-management-agency/building-planning/planning-land-use-division/general-plan/2035gpbback-mat-and-doc/> August 21, 2017
2. San Benito County Ordinances
 - a. Zoning Ordinance
 - b. Grading Ordinance
3. *Soil Survey for San Benito County*, 021-000-009, 1969, US Dept. of Agriculture, SCS.
4. California Natural Diversity Data Base, <www.wildlife.ca.gov/Data/CNDDDB/> June 26, 2017.
5. Field Inspection.
6. Staff Knowledge of Area.
7. Project File
8. *Air Quality Management Plan*, Monterey Bay Air Resources District.
9. *Water Quality Control Plan for the Central Coastal Basin*, California Regional Water Quality Control Board, Central Coast Region, September 1994.
10. *AMBAG Population Projections*, Association of Monterey Bay Area Governments
11. Maps
 - a. General Plan Land Use Map
 - b. Zoning Map, San Benito County
 - c. Landslide Hazard Identification Maps: Relative Susceptibility Map
 - d. Landslide Hazard Identification Maps: Landslide and Related Features Map
 - e. Alquist-Priolo Fault Hazard Maps, 1986
 - f. Fire Hazard Severity Zones in State Responsibility Areas
 - g. FEMA Flood Insurance Rate Map panel 06069C0040D, dated April 16, 2009
 - h. San Benito County Sensitivity Maps, Prehistoric Cultural Resources
 - i. Habitat Conservation Plan Impact Fee Map (County Ordinance 541)
 - j. U.S.G.S. 7½-minute quadrangle: Chittenden
- k. San Benito County Important Farmland 2014 Map, California Department of Conservation, Office of Land Conservation, Farmland Mapping and Monitoring Program, <www.conservacion.ca.gov/dlrp/fmmp/Pages/SanBenito.aspx> August 21, 2017.
1. Envirostor, California Department of Toxic Substances Control <www.envirostor.dtsc.ca.gov/public>, August 21, 2017.
- m. U.S. Fish & Wildlife Service ECOS Environmental Conservation Online System, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html> June 26, 2017.
12. *CEQA Air Quality Guidelines*, Monterey Bay Air Resources District
13. *Trip Generation* (3rd edition), Institute of Transportation Engineers
14. California Scenic Highway Mapping System, California Department of Transportation <www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/>
15. Wetlands Geodatabase, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation <www.fws.gov/wetlands/Data/Mapper.html>
16. Web Soil Survey, National Cooperative Soil Survey, Natural Resources Conservation Service <websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
17. Hollister Municipal Airport Land Use Compatibility Plan, San Benito County Airport Land Use Commission, 2012.
18. San Benito County 1992 General Plan Environmental Resource and Constraints Inventory (adopted 1994).
19. *E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change—January 1, 2016 and 2017*, California Department of Finance, May 2017, <dof.ca.gov/Forecasting/Demographics/Estimates/E-1/documents/E-1_2017_InternetVersion.xls>.
20. 2010-2014 American Community Survey 5-Year Estimates Table B25010, United States Census Bureau.
21. *Geologic & Soil Engineering Report and Percolation Testing for Lands of Kamboj (APN 11-13-51 & 11-20-38) School Road San Benito County, California*, project number LSW-0280-01, LandSet Engineers, Inc., July 2004.
22. Tentative Map Application No. 2013-5 Villages at Santa Ana Creek Initial Study and Mitigated Negative Declaration, City of Hollister, April 2014.
23. Del Webb at San Juan Oaks Specific Plan Draft Subsequent Environmental Impact Report, SCH# 2013101006, County of San Benito, June 2015.

XX. FIGURES

1. Vicinity Map
2. Tentative Map
3. Proposed Building Sites

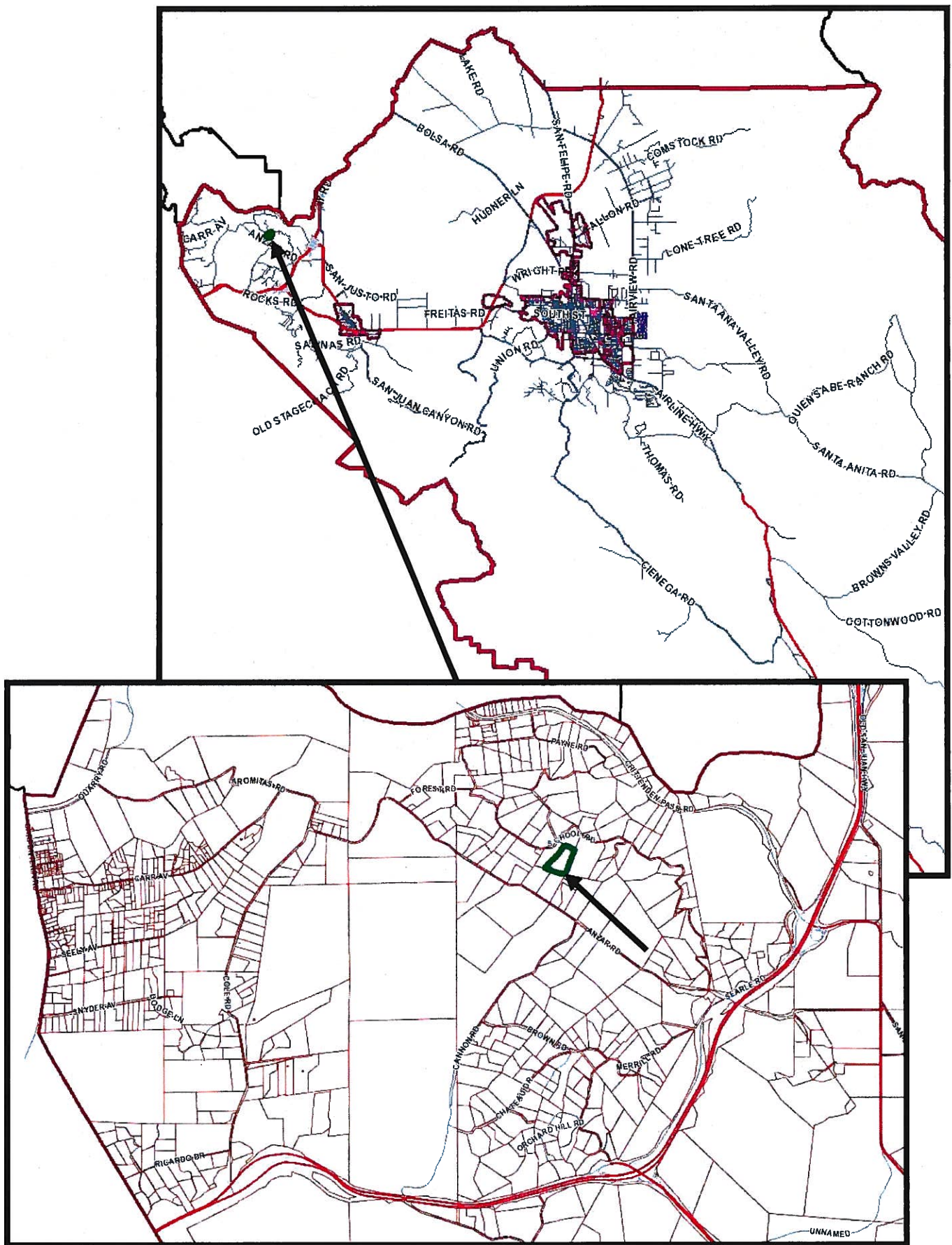
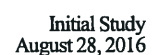


Figure 1. Vicinity Map





SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Tognazzini
District No. 1
Vice-Chair

Jean Zlotkin
District No. 2

Ray Pierce
District No. 3

Pat Loe
District No. 4
Chair

Robert Rodriguez
District No. 5

Item Number: 3.

MEETING DATE: 9/20/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: John Guertin

AGENDA ITEM PREPARER: Taven

SBC DEPT FILE NUMBER:

SUBJECT:

Minor Subdivision Map (MS) # 1243-17: OWNER and APPLICANT: Darin Del Curto.
LOCATION: 2200 Santa Ana Road, Hollister, CA (APN) 025-090-061. This is a proposal to
subdivide an approximate 59+/- acre site into three parcels of 35 acres, 10 acres and 13.98 acres.
GENERAL PLAN DESIGNATION: Agricultural (AG). ZONING DESIGNATION: Agricultural
Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt, per CEQA
Guidelines Section 15061(b)(3). **Planner: Taven M. Kinison Brown**
(Tkinisonbrown@cosb.us)

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The applicant proposes to subdivide an existing 58.98 acre agricultural property already developed with a single family residence and paved driveway, into three (3) residential parcels of 35 acres, 10 acres and 13.98 acres respectively. Parcel 2 would be configured around the applicant's existing residence. The current zoning designation would allow one (1) single-family dwelling on each of the newly created lots and an additional dwelling on each subject to additional criteria, such as minimum building site requirements.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report, hold a public hearing, make the California Environmental Quality Act (CEQA) and subdivision findings, and approve Tentative Subdivision Map MS 1243-17, subject to conditions of approval.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Staff Report with Exhibits A & B (2)	9/13/2017	Staff Report
Exhibit C	9/12/2017	Exhibit

STAFF REPORT

PROJECT INFORMATION:

Application:	Del Curto Minor Subdivision 1243-17
Date of Hearing:	September 20, 2017
Applicant/Owner:	Darin Del Curto
Location:	2200 Santa Ana Valley Road
APN:	025-090-061
General Plan:	AG Agricultural
Zoning:	AG Agricultural Productive
Project Planner:	Taven M. Kinison Brown.

PROJECT DESCRIPTION: The applicant proposes to subdivide an existing 58.98 acre agricultural property already developed with a single family residence and paved driveway, into three (3) residential parcels of 35 acres, 10 acres and 13.98 acres respectively. Parcel 2 would be configured around the applicant's existing residence. The current zoning designation would allow one (1) single-family dwelling on each of the newly created lots and an additional dwelling on each subject to additional criteria, such as minimum building site requirements.

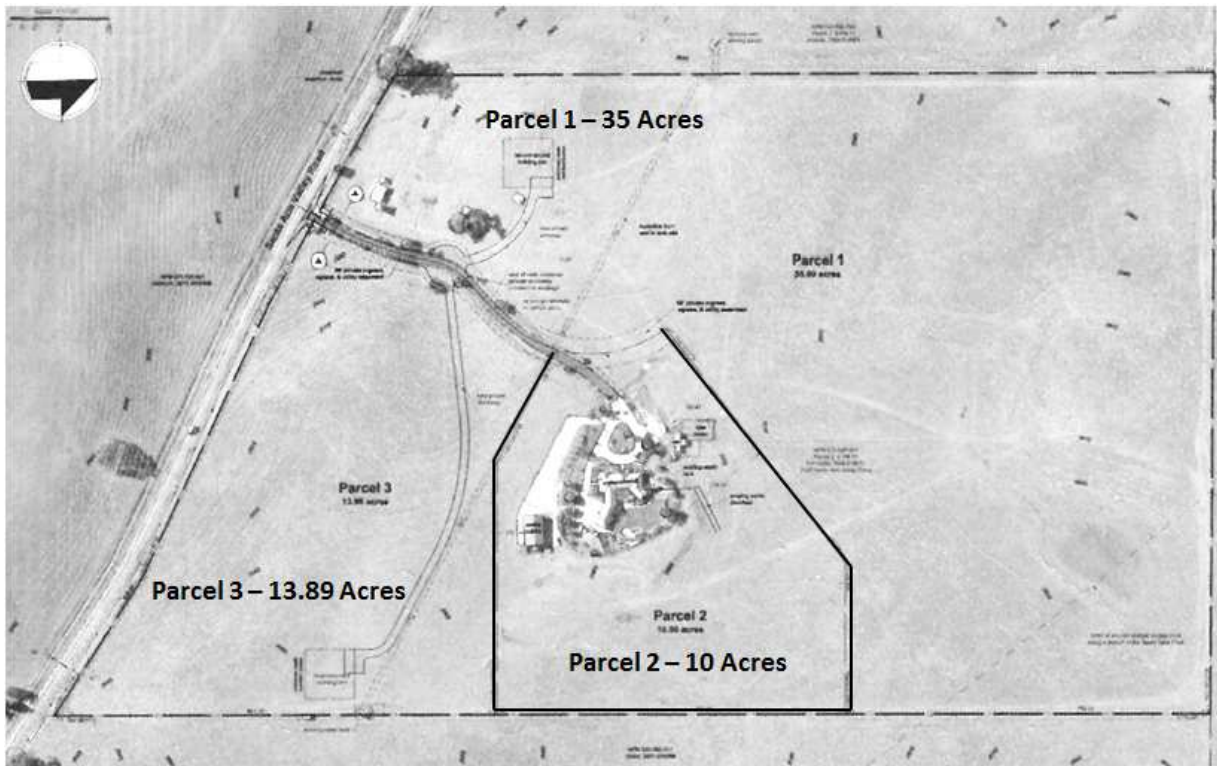


SITE DESCRIPTION: The Del Curto property encompasses approximately 59 acres across rolling grasslands on the north side of Santa Ana Valley Road, approximately 2.1 miles east of Fairview Road. While the balance of the property is vacant and used for grazing, Mr. Del Curto's estate is on the property with a well-defined paved driveway access to the residence from Santa Ana Valley Road. Properties to the north and east are primarily open grazing lands. The properties to the west are similarly configured with generous parcel sizes and residential estate structures (See attached **EXHIBIT A** and **B**).

Scenic Highway: No

Seismic Hazards: A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle.

<u>Fire Hazard:</u>	Moderate Fire Severity
<u>Floodplain:</u>	Zone X: Areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0205D, effective 4/16/2009.
<u>Kit Fox Habitat:</u>	Within impact fee area
<u>Other Species:</u>	California horned lark. (Not federally or state listed)
<u>Soils:</u>	Not Grade 1 Soils
<u>Williamson Act:</u>	Not within a Williamson Act designation.



Proposed Parcel 1 is the largest parcel at 35 acres and retains the greatest opportunity for further subdivision, although no additional lots are proposed at this time. Parcel 1 includes approximately 300 feet of frontage on Santa Ana Valley Road, and a few agricultural out building structures and a few mature trees. A recommended building site has been drawn, taking access from a proposed 60-foot-wide private ingress, egress and utility easement with a circular cul-de-sac-like turnaround area approximately 300 feet deep from Santa Ana Valley Road. An existing waterline traverses this proposed parcel in a northeasterly fashion connecting a water well on the western side of the property with the uphill water storage tanks on the east side of proposed Parcel 3.

Proposed Parcel 2 includes the Del Curto estate, reserving 10 acres of the original 59 acres. No development or changes are expected here other than a potential fence separation with the other parcels once a parcel map is approved. Parcel 2 is shown with the Del Curto residence, open stables, barn, out-building/garage, circular driveway turnaround, landscaping and the septic drain field and tank location.

Proposed Parcel 3 includes almost 14 acres, and has approximately 1100 feet of frontage on Santa Ana Valley Road. Access to the parcel and its recommended building site though would be from the 60-foot-wide private ingress, egress and utility easement with a circular cul-de-sac-like turnaround area. The elevation on this parcel rises approximately 70 feet from the low driveway connection at Santa Ana Valley Road, to the upper knoll near the water storage tanks.

BACKGROUND: In the recent past, Mr. Del Curto successfully processed a General Plan Amendment and Zone Change request (GPA 08-38 and ZC 08-166) from AR Agricultural Rangeland with 40 acre minimum parcel sizes to allow for the AP Agricultural Productive Zoning District with 5 acre minimum parcel sizes. Calera Wine was also granted the same change in land use intensity under the same action of the Board of Supervisors in Resolution 2009-65. **(EXHIBIT C)**

PLANNING AND ZONING: The property is designated as Agricultural (AG) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The AP Zone is intended to provide for areas within the county to be used for agricultural production as set forth in the general plan. In addition to customary agricultural uses, single-family dwellings are an allowed use in the AP District, and building sites shall be five acres at a minimum. No new buildings are proposed at this time; however, the creation of three (3) lots here would presume future single family dwellings and improvements on Parcels 1 and 3, and potentially second dwelling units.

STAFF ANALYSIS: The Del Curto property encompasses approximately 59 acres and the intensification of land uses from the former zoning designation of 40 acre minimum building sites under the (old) AR Agricultural Rangeland designation to the AP Agricultural Productive designation with 5 acre minimums has already been considered and acted upon by both the Planning Commission and Board of Supervisors. An Initial Study and Mitigated Negative Declaration were part of the record leading to the Board's actions. Mitigation measures simply required future development to be consistent with state and local laws regarding cultural resource protections and compliance with Uniform Building Code requirements, etc. These are attached in **EXHIBIT C**.

The Environmental Health Department, County Fire Department and Public Works and Planning Divisions have evaluated the proposal to create the three parcels and have included standard conditions of approval to meet codes and regulations. Briefly:

- Environmental Health has conditioned the project to assure that future septic systems are located within their respective (new) properties, that the Small Water System is adequate, properly named and subject to additional permitting by the Environmental Health Department, and that hazardous materials must be addressed properly if they are to be stored in existing or proposed facilities.
- The County Fire Department (Hollister Fire) has conditioned that proper turnarounds (for emergency vehicles) be provided, that there are fire hydrants no further than 150 feet from (future) homes, and that there are properly-sized water storage tanks for each parcel in proportion to future building sizes.

- The Public Works Division has required that numerous (but standard) conditions be met by the applicant prior to recording a Final Map for the property. The Public Works conditions broadly include:
 - Offers of dedication for rights of way;
 - Bonding for roadway improvements;
 - Fair share traffic mitigation fees;
 - Design level geotechnical engineering investigation (to assure protection of public improvements);
 - Proper drainage and retention facilities, utility installations, and Storm Water Pollution Prevention;
 - Formal and complete improvement plans, encroachment permits and requests for street names;
 - Dedication of parkland and/or payment of In-lieu fees; and
 - Creation of a homeowners association (to be responsible for common private infrastructure).
 - (San Benito County Traffic Impact Fees {TIF} and others are required at the time of building permit issuance, not with map recordation.)
- The Planning Division has included standard conditions of approval for indemnification, conformity to approved plans, acceptance of conditions of approval, compliance documentation, and the collection of habitat conservation impact fees. The project is below the parcel count (less than 5) for the San Benito County Inclusionary Housing Ordinance to apply.

ENVIRONMENTAL EVALUATION: Staff recommends that the Planning Commission determine the project Categorically Exempt, per CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. When the applicant pursued Board review and approval of the General Plan Amendment and Zoning District change in 2008 and 2009, the Initial Study and supporting documents and analysis concluded (for Resolution 2009 – 65) that there would be no significant environmental effect with the zone change from 40 acre minimums to 5 acre minimums (**EXHIBIT C**). Simple conditions were added to the approval to assure that existing regulations and customary practices would be followed in the future, and that these were sufficient to make a determination of less than significant impact. Furthermore, the present proposal already has a single residence on the property. Approval of a parcel map would allow two more – each of which would and will be exempt from CEQA when building permits are applied for.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report, hold a public hearing, make the following California Environmental Quality Act (CEQA) and subdivision findings, and approve Tentative Subdivision Map MS 1243-17, subject to the following conditions of approval.

California Environmental Quality Act (CEQA) Findings:

Finding 1: That the project is Categorically Exempt, per California Environmental Quality Act (CEQA) Guidelines Section 15061(b) (3).

Evidence: This is the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. When the applicant pursued Board review and approval of the General Plan Amendment and Zoning District change in 2008 and 2009, the Initial Study and supporting documents and analysis concluded (for Resolution 2009 – 65) that there would be no significant environmental effect with the zone change from 40 acre minimums to 5 acre minimums. Simple conditions were added to the approval to assure that existing regulations and customary practices would be followed in the future, and that these were sufficient to make a determination of less than significant impact (See **EXHIBIT C**).

Evidence: The present proposal already has a single residence on the property. Approval of a parcel map would allow two more – each of which would and will be exempt from CEQA under Section 15303 New Construction or Conversion of Small Structures when building permits are applied for.

Subdivision Findings:

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

Evidence: The property is designated as Agricultural (AG) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The AP Zone is intended to provide for areas within the county to be used for agricultural production as set forth in the general plan. In addition to customary agricultural uses, single-family dwellings are an allowed use in the AP District, and minimum building sites shall be five acres at a minimum. Each of the proposed parcels are 10 acres or greater. There are no adopted Specific Plans for this area.

Finding 2: The site is physically suitable for the type of development.

Evidence: The project site is approximately 59 acres and is surrounded by existing rural development on large lots. While the site does have varying topography and elevation changes, it is not susceptible to land sliding. A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle. This is proposed Parcel 1 at 35 acres and the seismic constraints will not compromise the utility of the large parcel. The applicant will need to demonstrate that soils are appropriate and that potential septic systems will function satisfactorily to the Environmental Health Department.

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

Evidence: Density in the AP Agricultural Productive designation allows one single family residence per every 5 acres. Parcel sizes have been proposed at 35 acres, 10 acres and 13.89 acres, each exceeding the minimum land areas necessary for 5 acre building sites.

Finding 4: 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 site is not mapped or otherwise identified as suitable habitat for fish or wildlife. The existing parcel is partially developed and includes a single-family dwelling, open stables, a barn, an out-building/garage, a circular driveway turnaround, landscaping and septic drain field and tank. Upon approval, two additional residential structures would be allowed, with potentially similar developments to the existing estate and low potential to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Finding 5: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: *The project improvements have been reviewed by Responsible Agencies to ensure that the proposed subdivision would not have an impact on public health. There is no evidence in the record that the proposed project or improvements could cause serious problems for public health. Any future development on the newly created lots will be subject to additional review prior to building permit issuance.*

Finding 6: 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: *The project will not conflict with any existing easements but will require the applicant to make the following irrevocable offers of dedication to San Benito County and the public for public use:*

- a. *A minimum of 30 foot right-of-way (or 60 foot ROW is acceptable) for the proposed common driveway and standard 50 feet radius ROW for the turnaround facility.*
- b. *Half of 84 feet right-of-way along property frontage on Santa Ana Valley Road.*
- c. *A non-access strip along Santa Ana Valley Road frontage to limit the access to the proposed common driveway.*

Finding 7: 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 the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: *The project was reviewed by the San Benito County Assessor. The Assessor did not identify this property as subject to a Williamson Act Contract.*

Finding 8: Subject to Section 66474.6 of the Government Code, that 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 subdivision as proposed will be served by separate septic systems. There is no indication from Environmental Health that the project as proposed would result in a violation*

of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

CONDITIONS OF APPROVAL:

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. [Planning]
2. **Conformity to Plan:** The development of the site shall conform substantially to the Proposed Tentative Map (**EXHIBIT A**) and Conditions of Approval as approved by the Planning Commission. [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 Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** The permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
5. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
6. **Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Resource Management Agency and recorded with the

County Recorder. The tentative parcel 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 parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]

7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Conditions of Approval, Easements, and Restrictions:** Prior to recordation of the parcel map all unmet conditions of approval, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]
9. **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]
10. **Parkland Dedication:** 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. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
12. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10

(commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code.
[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.
14. **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 contribute, prior to recordation of the subdivision map, a habitat conservation plan mitigation fee of \$600.00 for each lot over 5.1 acres. In this case the record shows that the applicant has already paid a unit of \$600.00 when he processed his General Plan Amendment and Zone Change Request as reflected in the body of the staff report. (\$1,200 payable to the Planning Division). [Planning]

ENVIRONMENTAL HEALTH DEPARTMENT:

15. **Sewage Disposal:** It is the responsibility of all owners to ensure all existing septic systems are located within their property lines and meets current county code upon approval/completion of this project. At this time, soil conditions for the proposed new Parcel 1 and 3 is unknown and would have to be evaluated and approved for any proposed new construction.
16. **Water:** This department requires the name of the Small Water System serving the proposed project proof that this system has adequate water to serve the proposed project. If a drinking water well has more than two (2) connections, a Small Water System permit is required by this department.
17. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan must be completed and submitted to this department.

SAN BENITO COUNTY FIRE:

18. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 2016 California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. [Fire] Particular requirements include:
 - a. That proper turnarounds (for emergency vehicles) be provided,
 - b. That there are fire hydrants no further than 150 feet from (future) homes, and
 - c. That there are properly-sized water storage tanks for each parcel in proportion to future building sizes.

PUBLIC WORKS DIVISION:

10. Prior to recordation of the Parcel Map, the applicant shall make the following irrevocable offers of dedication to San Benito County and the public for public use:

- a. A minimum of 30 foot right-of-way (or 60 foot ROW is acceptable) for the proposed common driveway and standard 50 feet radius ROW for the turnaround facility.
 - b. Half of 84 feet right-of-way along property frontage on Santa Ana Valley Road.
 - c. A non-access strip along Santa Ana Valley Road frontage to limit the access to the proposed common driveway.
11. Prior to recordation of the Parcel Map the applicant shall bond for or make the following roadway improvements:
 - a. A minimum of 16 foot AC pavement on 18 foot AB for the proposed common driveway with county approved turnaround facility, or provide confirmation that existing driveway already complies with the requirement and that the existing structural section meets County standards.
 - b. Enter into a deferred improvement agreement with the County to build half of 56 foot AC on 66 foot roadbed for the whole property frontage on Santa Ana Valley Road at future time whenever determined necessary by the County or County Engineer.
12. Prior to recordation of Parcel Map, a comprehensive design-level geotechnical engineering investigations report shall be submitted for review by Engineering. Prior to acceptance of required improvements, a letter of geotechnical compliance shall be submitted to Engineering upon completion of site improvements. A note shall be placed on the parcel map referencing the aforementioned reports for future reference by potential property owners. [§ 23.31.023]
13. As part of submission of engineered Improvement Plans for this project, the applicant shall comply with County Drainage Standards and provide erosion control details for the project. Included in this will be drainage calculations and construction details for either a retention or 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 in conjunction with any improvements that would create impermeable surfaces as part of this project.
14. 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 Parcel Map.
15. Applicant must submit with the Improvement Plans all applicable utility plans approved by the respective utility company. Approved utility plans will be included as part of the final or approved Improvement Plan.
16. It is the applicant's responsibility to provide 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 Parcel Map.

17. Applicant must obtain an Encroachment Permit from Engineering for any work being performed within the County right of way or for any road offered for dedication to the County prior to commencement of any improvements associated with this project.
18. Prior to recordation of the Parcel Map, the applicant must submit a list of proposed street name(s) for the common driveway to the County Communications Department for road name approval. The approved street name shall be reflected in the Parcel Map [§ 23.07.003.(A)(1)]
19. In accordance with San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider must dedicate land; pay a fee in-lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
20. If disturbed areas exceed one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to Engineering prior to start of any construction activities as part of this project. A note to this effect must be added on the Improvement Plans.
21. A homeowners association (as defined in Section 23.01.004), duly incorporated under the laws of the State of California, shall be formed for this subdivision. The covenants and restrictions for the subdivision shall provide for its formation and operation and delineate the rights and obligations of the association, its directors and its members (which must include the right of the association, through its members, to levy assessments that are a legal obligation of members and a lien on subdivided property owned by members of the association). The homeowners association shall be activated at or before the time of approval of the final or parcel map, for the purpose of street lighting, street sweeping, road maintenance, storm drainage, landscaping maintenance and other services directly related to the subdivision. An applicant may propose another option to developing a homeowners association. If so, the applicant's request shall be brought before the Board of Supervisors, reviewed and approved prior to or during approval of the final or parcel map, and any approved alternative shall be activated at or before the time of approval of the final map by the Board of Supervisors. (§23.25.007)
22. Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]
23. Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and shall be submitted to Engineering. [§ 23.31.002.(K)(1)]

EXHIBITS

- A. Darin Del Curto Proposed Tentative Parcel Map
- B. Project Data Sheet
- C. Board of Supervisors Resolution 2009-65 approving GPA 08-38 and ZC 08-166.

EXHIBIT A **Darin Del Curto Proposed Tentative Parcel Map** **County File MS 1243-17**

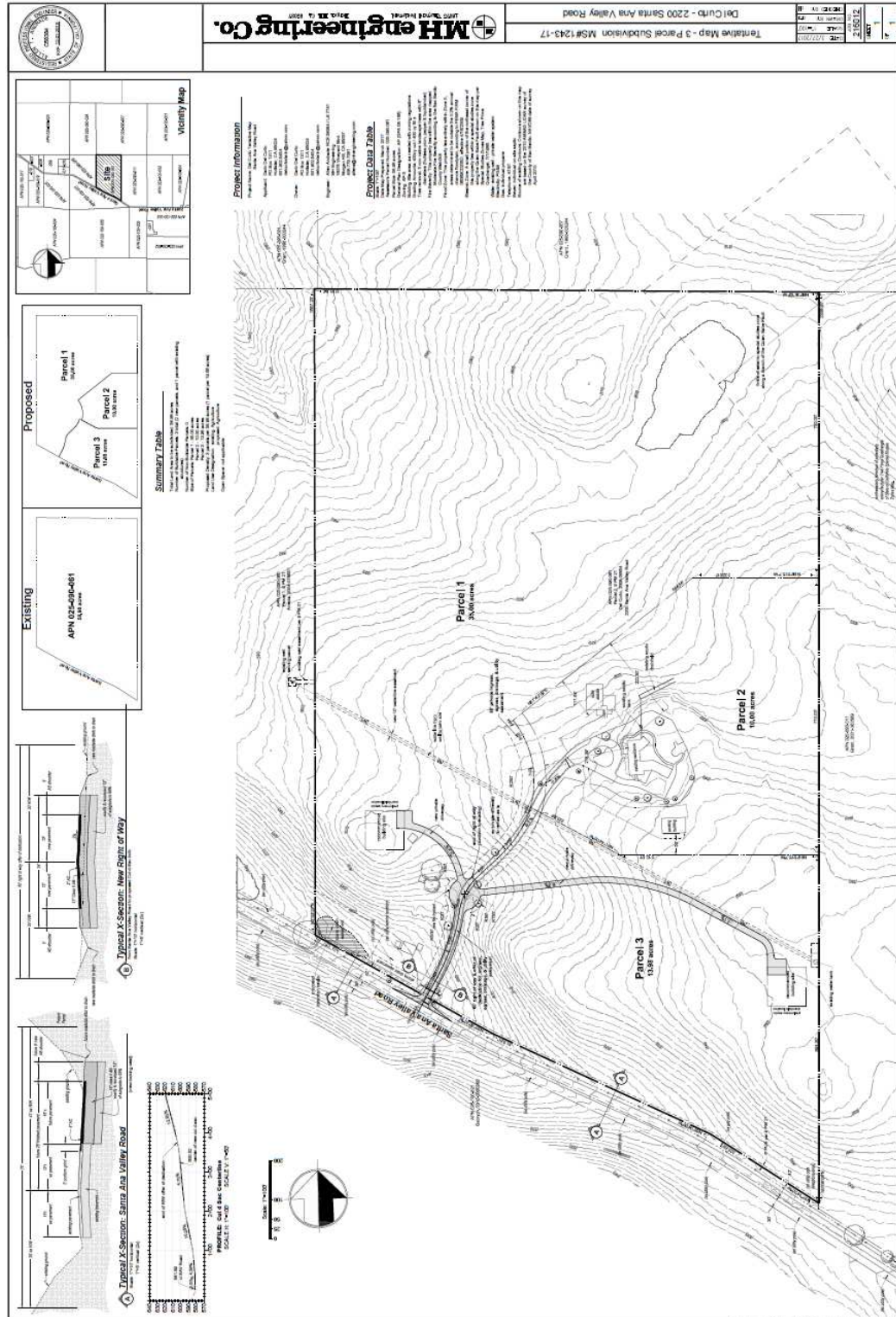


EXHIBIT B
Project Data Sheet
Darin Del Curto MS 1243 - 17
2200 Santa Ana Road

Project proposal: Application to allow a minor subdivision of 58.98 acres into three lots

Assessor Parcel Numbers: 025-090-061

Legal Lot of Record: Parcel 2 as shown in that certain parcel map recorded on November 12, 1998, in Book 9 of Parcel maps, at Page 21, Records of San Benito County, State of California.

Permit Requirement: Minor Subdivision

Zoning: AG Agricultural Productive

General Plan: Agricultural

Land Use: Agricultural with a residential estate

Minimum Building Site Allowed: 5 Acres

Lot Sizes:

Parcel 1	35 acres
Parcel 2	10 acres
Parcel 3	<u>13.98 acres</u>
	58.98 acres

Sewage Disposal: Individual On-site Septic

Water: Existing well – private water system

CEQA Determination: Categorically Exempt, per CEQA Guidelines Section 15061 (b) (3) the General rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FEMA Flood Zone: Zone X, areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0205D, effective 4/16/2009.

Fire Severity: Moderate Fire Severity

Within earthquake fault zone: A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes. All proposed lots exceed the 5 acre minimum attributable to the Agricultural Productive Zoning District.

EXHIBIT C
Board of Supervisors Resolution 2009-65
Approving GPA 08-38 and ZC 08-166.

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY)
3 BOARD OF SUPERVISORS AMENDING THE)
4 GENERAL PLAN LAND USE ELEMENT AND MAP,)
5 TO AMEND THE LAND USE DESIGNATION OF)
6 APPROXIMATELY 58.9 ACRES OF PROPERTY)
7 LOCATED ON SANTA ANA VALLEY ROAD)
8 (DEL CURTO) AND APPROXIMATELY 73.18)
9 ACRES OF PROPERTY LOCATED ON CIENEGA)
10 ROAD (CALERA WINE) TO THE AGRICULTURAL)
11 PRODUCTIVE ZONING DISTRICT, AS REQUESTED)
12 UNDER GENERAL PLAN AMENDMENT 08-38 (DEL)
13 CURTO) AND GENERAL PLAN AMENDMENT 08-39)
14 (CALERA WINE), AND AMENDING THE LAND USE)
15 DESIGNATION OF APPROXIMATELY 3.28 ACRES)
16 OF PROPERTY LOCATED ON FALLON ROAD)
17 (RODRIGUEZ) TO THE HEAVY INDUSTRIAL)
18 ZONING DISTRICT, AS REQUESTED UNDER)
19 GENERAL PLAN AMENDMENT 09-40 (RODRIGUEZ))

RESOLUTION NO. 2009-65

20 **WHEREAS**, Darin Del Curto requested an amendment of the General Plan Land Use
21 designation of an approximately 58.9-acre parcel located on Santa Ana Valley Road, as shown in
22 Exhibit A attached hereto and incorporated herein by reference, from the Agricultural Rangeland
23 (AR) to the Agricultural Productive (AP) general plan designation (GPA 08-38); and

24 **WHEREAS**, Josh Jensen of Calera Wine Co. requested an amendment of the General Plan Land
25 Use designation of an approximately 73.18-acre parcel located on Cienega Road, as shown in
26 Exhibit B attached hereto and incorporated herein by reference, from the Agricultural Rangeland
27 (AR) to the Agricultural Productive (AP) general plan designation (GPA 08-39); and

28 **WHEREAS**, Ruben Rodriguez requested an amendment of the General Plan Land Use
designation of an approximately 3.28-acre parcel located on Fallon Road, as shown in Exhibit C
attached hereto and incorporated herein by reference, from the Agricultural Productive (AP)
general plan designation to the Heavy Industrial (M-2) general plan designation (GPA 09-40);
and

WHEREAS, Planning staff prepared and circulated Initial Studies and Mitigated Negative
Declarations regarding each of the applications, prepared recommended findings and conditions
of approval, and scheduled public hearings before the Planning Commission; and

WHEREAS, the Planning Commission conducted public hearings regarding each of the
applications, and adopted resolutions, reflecting its recommendations to the Board of Supervisors
regarding each of the applications; and

WHEREAS, the County is limited to four amendments of its General Plan Land Use Element
and Map per year, under Government Code section 65358(b); and

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2 **WHEREAS**, the County desired to combine the proposed amendments of the General Plan
3 designations of the three separate parcels into a single amendment of the County's General Plan
4 Land Use Element and Map; and

5
6 **WHEREAS**, the Board of Supervisors held a single public hearing regarding General Plan
7 Amendment Numbers 08-38, 08-39 and 09-40; and

8
9 **WHEREAS**, following the public hearing, the Board of Supervisors considered the proposed
10 amendment of the General Plan Land Use Element and Map.

11
12 **NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
13 Benito that, based on the entire record of proceedings before the Planning Commission, the
14 Board of Supervisors, and all public comment provided, it hereby makes the following findings
15 regarding General Plan Amendment 08-38 (Del Curto), regarding a proposed amendment of the
16 General Plan Land Use designation of property located on Santa Ana Valley Road from
17 Agricultural Rangeland (AR) to Agricultural Productive (AP):

- 18 1. an Initial Study and proposed Mitigated Negative Declaration were prepared and
19 circulated from April 2, 2009 through May 1, 2009, in compliance with the provisions of
20 the California Environmental Quality Act, the State CEQA Guidelines, and the San
21 Benito County Implementing Procedures for the California Environmental Quality Act;
- 22 2. on June 3, 2009, the San Benito County Planning Commission held a duly noticed public
23 hearing and considered the merits of the application for GPA 08-38, along with the Initial
24 Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
25 Program, together with all comments received from the public review process;
- 26 3. the Planning Commission heard and received all oral and written testimony and evidence
27 that was made, presented, or filed, and all persons present at the hearings were given an
28 opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of public testimony, the Planning Commission closed the public hearing
and considered the merits of the application;
4. the Planning Commission adopted Resolution #2009-05, recommending that the Board of
Supervisors adopt the Mitigated Negative Declaration, Mitigation Monitoring and
Reporting Program, and approve General Plan Amendment 08-38;
5. the matter was set for public hearing before the Board of Supervisors and the
administrative record was forwarded and made available to the Board of Supervisors;
6. on July 7, 2009, the Board of Supervisors held a duly noticed public hearing and
considered the merits of the application for GPA 08-38, along with the Initial
Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program, together with all comments received from the public review process;

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2 7. the Board of Supervisors heard and received all oral and written testimony and evidence
3 that was made, presented or filed, and all persons present at the hearings were given the
4 opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of the public testimony, the Planning Commission closed the public
hearing and considered the merits of the application;

5 8. **CEQA Finding 1:** That the Initial Study/Mitigated Negative Declaration for GPA 08-38
6 has been prepared in compliance with the provisions of the California Environmental
7 Quality Act, the State CEQA Guidelines and the San Benito County Implementing
Procedures for the California Environmental Quality Act.

8 *Evidence: The relevant documents used in the preparation of the Initial Study and*
9 *Mitigated Negative Declaration are filed in the project record located at the San*
10 *Benito County Planning Department in file numbers GPA 08-38 and ZC 08-166.*
11 *Public review of the Initial Study was conducted from April 2, 2009 to May 1, 2009.*
12 *The Notice of Availability of the Mitigated Negative Declaration was mailed to*
interested parties and to property owners within 300 feet of the project site and
posted at two public locations in the County (the Planning and Building Department
and the Recorder's office).

13 9. **CEQA Finding 2:** That the Board of Supervisors has considered the Mitigated Negative
14 Declaration together with all comments received from the public review process.

15 *Evidence: The Planning Commission and Board of Supervisors considered all*
16 *evidence, including any written and oral comments and responses from the public*
hearings on June 3, 2009 and July 7, 2009 regarding this project.

17 10. **CEQA Finding 3:** The Mitigated Negative Declaration reflects the independent
18 judgment of the Board of Supervisors.

19 *Evidence: The San Benito County Planning Department prepared the Initial*
20 *Study/Mitigated Negative Declaration. The Planning Commission considered and*
21 *reviewed the Initial Study/Mitigated Negative Declaration and considered public*
22 *comments and supplemental information prior to making its recommendation to the*
23 *Board of Supervisors to adopt the Mitigated Negative Declaration. The Board of*
24 *Supervisors considered and reviewed the Initial Study/Mitigated Negative*
Declaration and considered public comments, staff's and the Planning Commission's
recommendations, and supplemental information prior to making its decision to
adopt the Mitigated Negative Declaration.

25 11. **CEQA Finding 4:** That the Board of Supervisors has found that there is no substantial
26 evidence that the proposed project will have a significant effect on the environment.

27 *Evidence: After consideration of the Initial Study/Mitigated Negative Declaration,*
28 *the Planning Commission found and recommended that the Board of Supervisors find*
that the project as proposed, with the adoption of the Mitigation Measures and

1 conditions of approval, could not have a significant effect on the environment. After
2 consideration of the Initial Study/Mitigated Negative Declaration, as well as public
3 comments and staff's and the Planning Commission's recommendations, the Board of
4 Supervisors found that the project as proposed, with the adoption of the Mitigation
Measures and conditions of approval, could not have a significant effect on the
environment.

- 5 12. **General Plan Amendment Finding:** That the approval of the General Plan Amendment
6 is deemed to be in the public's interest.

7 **Evidence:** *The General Plan Amendment will not substantially increase the*
8 *population and would better harmonize this property's General Plan designation with*
9 *the General Plan designations of neighboring parcels to the West and directly North*
10 *(neighboring parcels zoned AP). Further, given current site conditions, the property*
11 *better reflects the Agricultural Productive Designation as described in the General*
12 *Plan's Land Use Element. Namely, the property is served by a collector road, is*
13 *productive farmland, is not remote or isolated, is not substantially*
14 *constrained/environmentally sensitive, has a moderate fire rating, and is in close*
15 *proximity to utility services. The proposed AP designation of the property would*
16 *conform to all General Plan Policies and it will allow for planning design that is*
17 *consistent with current General Plan Policies.*

18 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that,
19 based on the entire record of proceedings before the Planning Commission, the Board of
20 Supervisors, and all public comment provided, it hereby makes the following findings regarding
21 General Plan Amendment 08-39 (Calera Wine Co.), regarding a proposed amendment of the
22 General Plan Land Use designation of property located on Cienega Road from Agricultural
23 Rangeland (AR) to Agricultural Productive (AP):

- 24 1. an Initial Study and proposed Mitigated Negative Declaration were prepared and
25 circulated from April 9, 2009 through April 28, 2009, in compliance with the provisions
26 of the California Environmental Quality Act, the State CEQA Guidelines, and the San
27 Benito County Implementing Procedures for the California Environmental Quality Act;
28 2. on May 6, 2009, the San Benito County Planning Commission held a duly noticed public
hearing and considered the merits of the application for GPA 08-39, along with the Initial
Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program, together with all comments received from the public review process;
3. the Planning Commission heard and received all oral and written testimony and evidence
that was made, presented, or filed, and all persons present at the hearings were given an
opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of public testimony, the Planning Commission closed the public hearing
and considered the merits of the application;

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4. the Planning Commission adopted Resolution #2009-04, recommending that the Board of
Supervisors adopt the Mitigated Negative Declaration, Mitigation Monitoring and
Reporting Program, and approve General Plan Amendment 08-39;
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5. the matter was set for public hearing before the Board of Supervisors and the
administrative record was forwarded and made available to the Board of Supervisors;
6. on July 7, 2009, the Board of Supervisors held a duly noticed public hearing and
considered the merits of the application for GPA 08-39, along with the Initial
Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program, together with all comments received from the public review process;
7. the Board of Supervisors heard and received all oral and written testimony and evidence
that was made, presented or filed, and all persons present at the hearings were given the
opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of the public testimony, the Planning Commission closed the public
hearing and considered the merits of the application;
8. **CEQA Finding 1:** That the Initial Study/Mitigated Negative Declaration for GPA 08-39
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: The relevant documents used in the preparation of the Initial Study and
Mitigated Negative Declaration are filed in the project record located at the San
Benito County Planning Department in file numbers GPA 08-39 and ZC 08-166.
Public review of the Initial Study was conducted from April 9, 2009 to April 28, 2009.
The Notice of Availability of the Mitigated Negative Declaration was mailed to
interested parties and to property owners within 300 feet of the project site and
posted at two public locations in the County (the Planning and Building Department
and the Recorder's office). Comments were received by San Benito Engineering,
requesting a change to Mitigation Measure #3. The additional review of Mitigation
Measure three resulted in the revision of this Mitigation Measure to state the
following: Prior to any construction in areas of the property listed under landslide
hazard area four (4), a site specific geo-technical report shall be completed by a
qualified registered engineer addressing this issue. The Planning Director and
Building Official shall review the geo-technical report and approve the proposed
building site at his/her discretion.*

9. **CEQA Finding 2:** That the Board of Supervisors has considered the Mitigated Negative
Declaration together with all comments received from the public review process.

*Evidence: The Planning Commission and Board of Supervisors considered all
evidence, including any written and oral comments and responses from the public
hearings on May 6, 2009 and July 7, 2009 regarding this project.*

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10. **CEQA Finding 3:** The Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors.

Evidence: The San Benito County Planning Department prepared the Initial Study/Mitigated Negative Declaration. The Planning Commission considered and reviewed the Initial Study/Mitigated Negative Declaration and considered public comments and supplemental information prior to making its recommendation to the Board of Supervisors to adopt the Mitigated Negative Declaration. The Board of Supervisors considered and reviewed the Initial Study/Mitigated Negative Declaration and considered public comments, staff's and the Planning Commission's recommendations, and supplemental information prior to making its decision to adopt the Mitigated Negative Declaration

11. **CEQA Finding 4:** That the Board of Supervisors has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration, the Planning Commission found and recommended that the Board of Supervisors find that the project as proposed, with the adoption of the Mitigation Measures and conditions of approval, could not have a significant effect on the environment. After consideration of the Initial Study/Mitigated Negative Declaration, as well as public comments and staff's and the Planning Commission's recommendations, the Board of Supervisors found that the project as proposed, with the adoption of the Mitigation Measures and conditions of approval, could not have a significant effect on the environment..

12. **CEQA Finding 5:** That the Board of Supervisors has found that the original Mitigation Measure 3 is undesirable as currently written, in that a more precisely written Mitigation Measure will provide the same protection/mitigation while allowing consideration of areas which may be safe for construction, and the Board of Supervisors further finds that the revised Mitigation Measure 3 is equivalent or more effective in mitigating significant effects on the environment to a less than significant level and will not cause any potentially significant effects on the environment.

Evidence: Section 21080(f) of CEQA states:

(f) As a result of the public review process for a Mitigated Negative Declaration, including administrative decisions and public hearings, the lead agency may conclude that certain Mitigation Measures identified pursuant to paragraph (2) of subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the lead agency, prior to approving the project, may delete those Mitigation Measures and substitute for them other Mitigation Measures that the lead agency finds, after holding a public hearing on the matter, are equivalent or more effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. If those new Mitigation Measures are made conditions of project approval or are otherwise made part of the project approval, the deletion of the former measures and the substitution of the new

Mitigation Measures shall not constitute an action or circumstance requiring recirculation of the Mitigated Negative Declaration.

Mitigation Measure 3 has been revised to state the following: Prior to any construction in areas of the property listed under landslide hazard area four (4), a site specific geo-technical report shall be completed by a qualified registered engineer addressing this issue. The Planning Director and Building Official shall review the geo-technical report and approve the proposed building site at his/her discretion. The original Mitigation Measure 3 is undesirable as being unduly burdensome in prohibiting all building in areas that could be established, through a geotechnical report, as being appropriate building sites. The revised Mitigation Measure 3 is a more precisely written Mitigation Measure that will provide the same mitigation/protection against landslide hazards, while allowing consideration of areas which may be proved to be safe for construction.

13. **General Plan Amendment Finding:** That the approval of the General Plan Amendment is deemed to be in the public's interest.

Evidence: *The General Plan Amendment will not substantially increase the population and would better harmonize this property's AP General Plan designation with the size and intensity of use of neighboring parcels, a majority of which are currently legal non-conforming parcels ranging from .6 acres to 14.76 acres in size, in mixed agricultural and residential uses, and particularly with the AP designated parcels to the South. Further, given current site conditions, the property better reflects the Agricultural Productive Designation as described in the General Plan's Land Use Element. Namely, the property is served by a collector road, is considered productive farmland, is not remote or isolated, is not substantially constrained/environmentally sensitive, is within a moderate fire rating, and is in close proximity to utility services. The proposed AP designation of the property would conform to all General Plan Policies and it will allow for planning design that is consistent with current General Plan Policies.*

BE IT FURTHER-RESOLVED by the Board of Supervisors of the County of San Benito that, based on the entire record of proceedings before the Planning Commission, the Board of Supervisors, and all public comment provided, it hereby makes the following findings regarding General Plan Amendment 09-40 (Ruben Rodriguez), regarding a proposed amendment of the General Plan Land Use designation of property located on Fallon Road from Agricultural Productive (AP) to Heavy Industrial (M-2):

1. an Initial Study and proposed Mitigated Negative Declaration were prepared and circulated from May 15, 2009 through June 15, 2009, 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;
2. on June 17, 2009, the San Benito County Planning Commission held a duly noticed public hearing and considered the merits of the application for GPA 09-40, along with the

1 Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
2 Program, together with all comments received from the public review process;

3 3. the Planning Commission heard and received all oral and written testimony and evidence
4 that was made, presented, or filed, and all persons present at the hearings were given an
5 opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of public testimony, the Planning Commission closed the public hearing
and considered the merits of the application;

6 4. the Planning Commission adopted Resolution #2009-03, recommending that the Board of
7 Supervisors adopt the Mitigated Negative Declaration, Mitigation Monitoring and
Reporting Program, and approve General Plan Amendment 09-40;

8 5. the matter was set for public hearing before the Board of Supervisors and the
9 administrative record was forwarded and made available to the Board of Supervisors;

10 6. on July 7, 2009, the Board of Supervisors held a duly noticed public hearing and
11 considered the merits of the application for GPA 09-40, along with the Initial
12 Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program, together with all comments received from the public review process;

13 7. the Board of Supervisors heard and received all oral and written testimony and evidence
14 that was made, presented or filed, and all persons present at the hearings were given the
15 opportunity to hear and be heard with respect to any matter related to the application, and
at the conclusion of the public testimony, the Planning Commission closed the public
hearing and considered the merits of the application;

16 8. **CEQA Finding 1:** That the Initial Study/Mitigated Negative Declaration for GPA 09-40
17 has been prepared in compliance with the provisions of the California Environmental
18 Quality Act, the State CEQA Guidelines and the San Benito County Implementing
Procedures for the California Environmental Quality Act.

19 **Evidence:** *The relevant documents used in the preparation of the Initial Study and*
20 *Mitigated Negative Declaration are filed in the project record located at the San*
21 *Benito County Planning Department in file numbers GPA 09-40 & ZC 06-148. Public*
22 *review of the Initial Study was conducted from May 15, 2009 to June 15, 2009. The*
23 *Notice of Availability of the Mitigated Negative Declaration was mailed to interested*
24 *parties and to property owners within 300 feet of the project site and posted at two*
25 *public locations in the County (the Planning and Building Department and the*
26 *Recorder's office). Comments were received as a result of the Initial Study*
27 *Circulation. These comments did not require any changes in the existing Mitigation*
28 *Measures.*

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9. **CEQA Finding 2:** That the Board of Supervisors has considered the Mitigated Negative Declaration together with all comments received from the public review process.

Evidence: The Planning Commission and Board of Supervisors considered all evidence, including any written and oral comments and responses from the public hearings on June 17, 2009 and July 7, 2009 regarding this project.

10. **CEQA Finding 3:** The Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors.

Evidence: The San Benito County Planning Department prepared the Initial Study/Mitigated Negative Declaration. The Planning Commission considered and reviewed the Initial Study/Mitigated Negative Declaration and considered public comments and supplemental information prior to making its recommendation to the Board of Supervisors to adopt the Mitigated Negative Declaration. The Board of Supervisors considered and reviewed the Initial Study/Mitigated Negative Declaration and considered public comments, staff's and the Planning Commission's recommendations, and supplemental information prior to making its decision to adopt the Mitigated Negative Declaration.

11. **CEQA Finding 4:** That the Board of Supervisors has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration, the Planning Commission found and recommended that the Board of Supervisors find that the project as proposed, with the adoption of the Mitigation Measures and conditions of approval, could not have a significant effect on the environment. After consideration of the Initial Study/Mitigated Negative Declaration, as well as public comments and staff's and the Planning Commission's recommendations, the Board of Supervisors found that the project as proposed, with the adoption of the Mitigation Measures and conditions of approval, could not have a significant effect on the environment.

12. **CEQA Finding 5:** That the Board of Supervisors has found that the original Mitigation Measure 18 is undesirable as currently written in that it contained a typographical error in stating "no left turn" signs would be placed at two locations on the project site, instead of requiring "no right turn" signs at the designated locations, and that a correctly written Mitigation Measure will provide better protection/mitigation of traffic hazards posed by vehicles making right turns at those locations, and the Board of Supervisors further finds that the revised Mitigation Measure 18 is equivalent or more effective in mitigating significant effects on the environment to a less than significant level and will not cause any potentially significant effects on the environment.

Evidence: Section 21080(f) of CEQA states:

(f) As a result of the public review process for a Mitigated Negative Declaration, including administrative decisions and public hearings, the lead agency may

1 conclude that certain Mitigation Measures identified pursuant to paragraph (2) of
2 subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the
3 lead agency, prior to approving the project, may delete those Mitigation Measures
4 and substitute for them other Mitigation Measures that the lead agency finds, after
5 holding a public hearing on the matter, are equivalent or more effective in mitigating
6 significant effects on the environment to a less than significant level and that do not
7 cause any potentially significant effect on the environment. If those new Mitigation
8 Measures are made conditions of project approval or are otherwise made part of the
9 project approval, the deletion of the former measures and the substitution of the new
10 Mitigation Measures shall not constitute an action or circumstance requiring
11 recirculation of the Mitigated Negative Declaration.

12 Mitigation Measure 18 has been revised to change the "no left turn" restriction to a
13 "no right turn" restriction. Staff discovered that the intention of the redline
14 documents provided by Public Works Staff was to require all vehicles to make left
15 turns when leaving the property, in order to ensure that traffic impacts off Fairview
16 Road are mitigated as intended in the CEQA evaluation.

17 Mitigation Measure 18 has been revised to state the following: In order to increase
18 safety measures "No Right Turn" signs shall be placed at two locations:

- 19 a. Within the subject property at the proposed upgraded driveway exit (R42); and
20 b. On the far site of Fallon Road in the line site of drivers leaving the project site (R16).

- 21 13. **CEQA Finding 6:** That the Board of Supervisors has found that the original Mitigation
22 Measure 22 is undesirable as currently written, because it is considered unsafe to widen
23 only an isolated portion of Fallon Road, and that a more precisely written Mitigation
24 Measure will provide improvements to Fallon Road at such time as the widening of
25 Fallon Road occurs or is deemed necessary by the Public Works Department, and the
26 Board of Supervisors further finds that the revised Mitigation Measure 22 is safer, is
27 equivalent or more effective in mitigating significant effects on the environment to a less
28 than significant level and will not cause any potentially significant effects on the
environment.

Evidence: Section 21080(f) of CEQA states:

(f) As a result of the public review process for a Mitigated Negative Declaration,
including administrative decisions and public hearings, the lead agency may
conclude that certain Mitigation Measures identified pursuant to paragraph (2) of
subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the
lead agency, prior to approving the project, may delete those Mitigation Measures
and substitute for them other Mitigation Measures that the lead agency finds, after
holding a public hearing on the matter, are equivalent or more effective in mitigating
significant effects on the environment to a less than significant level and that do not
cause any potentially significant effect on the environment. If those new Mitigation
Measures are made conditions of project approval or are otherwise made part of the
project approval, the deletion of the former measures and the substitution of the new
Mitigation Measures shall not constitute an action or circumstance requiring
recirculation of the Mitigated Negative Declaration.

1 Mitigation Measure 22 has been revised to state that prior to operation of the
2 business onsite, the applicant shall enter into a deferred improvement agreement for
3 half-road improvements along the property frontage of Fallon Road. Staff discovered
4 that Public Works Staff deemed the widening of an isolated portion of Fallon Road at
5 the present time, prior to the widening of Fallon Road, to create a more dangerous
6 condition, and that Public Works Staff's intention was to have the applicant enter into
7 a deferred improvement agreement until such a time that Fallon Road is widened or
8 that it is deemed safe by the Public Works Department to construct the frontage
9 improvements.

10 Mitigation Measure 22 has been revised to state the following: Prior to operation of
11 any business onsite the owner shall enter into a deferred improvement agreement for
12 half-road improvements (to rural standards), along the property frontage of Fallon
13 Road (1/2-width of 56 feet AC on 66 feet AB to rural standard).

- 14 14. **General Plan Amendment Finding:** That the approval of the General Plan Amendment
15 is deemed to be in the public's interest.

16 **Evidence:** The General Plan Amendment will not substantially increase the
17 population and would better harmonize the property's historical agricultural
18 industrial uses, providing opportunities for increased industrial uses in the area. The
19 General Plan Amendment has the potential to provide for further industrial uses on-
20 site. Industrial sites are highly limited within the unincorporated County. Such sites
21 serve a valuable function to the community and provide for jobs. Historically, the
22 project site has been used for Agricultural Industrial uses, which is not a current
23 Zoning or General Plan designation, but has been considered to be an industrial use.
24 Given current site conditions, the property better reflects the Industrial Land Use
25 Designation as described in the General Plan's Land Use Element. Namely, the
26 property is served by a collector road, the majority of the site is listed as Urban and
27 Built-up Land by the Farmland Mapping and Monitoring Program, is not remote or
28 isolated, is not substantially constrained/environmentally sensitive, and is in close
proximity to utility-services. The proposed M-2 designation of the property would
conform to all General Plan Policies and it will allow for planning design that is
consistent with current General Plan Policies. The site is surrounded by properties
bearing the AP General Plan and Zoning designations and would create an isolated
industrial lot within an AP zone. However, this project is unlikely to result in future
proposals for General Plan Amendments and Zone Change Petitions because it is the
only parcel in the area (along Fallon Road) that is or has been used as an industrial
site and the surrounding parcels have been historically used for Prime Agricultural
Farming. The surrounding properties (minus the house directly next door to this site)
are listed as Prime Farmland in the 2007 Farmland Mapping and Monitoring
Program. This General Plan Amendment will complete the need for further
adjustments in this area.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that,
based on the entire record of proceedings before the Planning Commission and the Board of

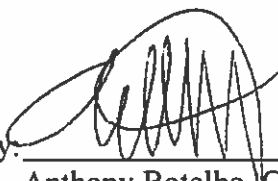
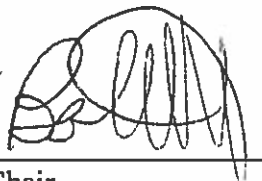
Supervisors, it does hereby adopt the Mitigated Negative Declarations and the Mitigation Monitoring and Reporting Programs for General Plan Amendments 08-38 (Del Curto), 08-39 (Calera Wine Co.) and 09-40 (Rodriguez); and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that, based on the entire record of proceedings before the Planning Commission and the Board of Supervisors, it does hereby approve the following amendments to the General Plan Land Use Element and Map:

1. the land use designation of an approximately 58.9-acre parcel located on Santa Ana Valley Road, as shown in Exhibit A, is hereby amended from Agricultural Rangeland (AR) to Agricultural Productive (AP), as proposed in application No. GPA 08-38;
2. the land use designation of an approximately 73.18-acre parcel located on Cienega Road, as shown in Exhibit B, is hereby amended from Agricultural Rangeland (AR) to Agricultural Productive (AP), as proposed in application No. GPA 08-39; and
3. the land use designation of an approximately 3.28-acre parcel located on Fallon Road, as shown in Exhibit C, is hereby amended from Agricultural Productive (AP) to Heavy Industrial (M-2), as proposed in application No. GPA 09-40.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AT THE MEETING OF SAID BOARD ON THIS 7th DAY OF JULY, 2009 BY THE FOLLOWING VOTE:

AYES:	SUPERVISORS:	<i>Monaco, Barrios, De La Cruz</i>
NOES:	SUPERVISORS:	<i>Loe, Botelho</i>
ABSENT:	SUPERVISORS:	<i>none</i>
ABSTAIN:	SUPERVISORS:	<i>none</i>

By:  
Anthony Botelho, Chair
San Benito County Board of Supervisors

ATTEST:
Linda Churchill, Clerk of the Board

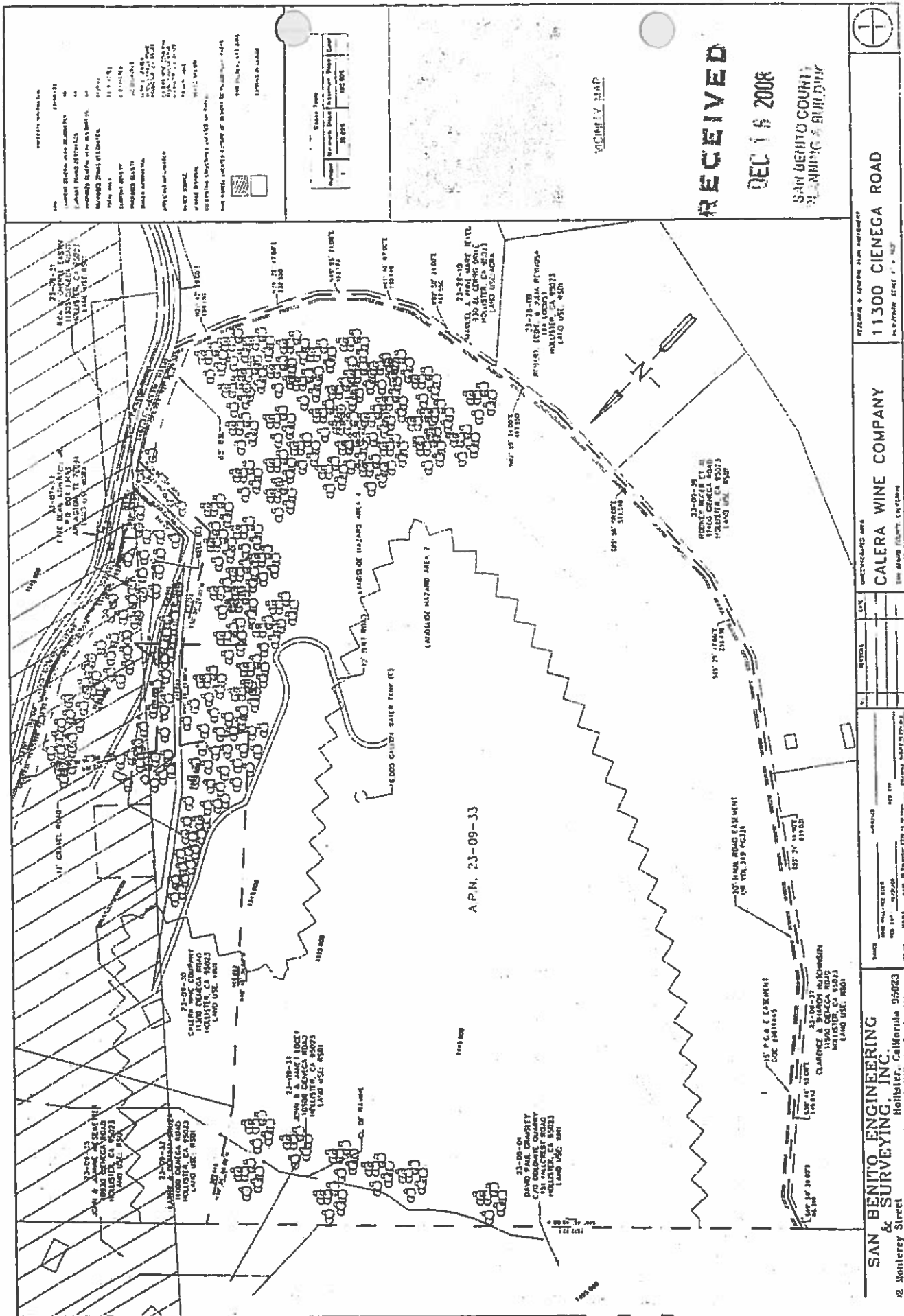
APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

By:  By:  7/1/09
Shirley L. Murphy, Deputy County Counsel



**SAN BENITO ENGINEERING
& SURVEYING, INC.**

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.



RECEIVED

DEC 16 2008

SAN BENITO COUNTY
PLANNING & BUILDING

11300 CIENEGA ROAD

CALERA WINE COMPANY

SAN BENITO ENGINEERING
& SURVEYING, INC.

12 Monterey Street
Hollister, California 95023
(408) 937-3193 FAX (408) 937-4823 E-MAIL: sbe@sbengr.com

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 AN ORDINANCE OF THE SAN BENITO)
3 COUNTY BOARD OF SUPERVISORS TO)
4 REZONE THE PARCEL DESCRIBED)
5 HEREIN TO THE AGRICULTURAL)
6 PRODUCTIVE (AP) ZONING DISTRICT)
7 (DEL CURTO - ZC 08-166))

ORDINANCE NO. 840

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

10 All property described and/or shown in Exhibit A, attached hereto and incorporated herein by
11 reference, is hereby designated to be Agricultural Productive (AP) as set forth in the San Benito
12 County Code, Title 25 (Zoning Ordinance No. 479, as amended), Chapter 25.07 (Agricultural
13 Districts), Article II (Agricultural Productive District), commencing with Section 25.07.020.

14 All property described and shown in Exhibit A shall be subject to the conditions of approval as
15 set forth in the staff report presented to the Board of Supervisors on July 7, 2009 and as adopted
16 by the Board of Supervisors, which conditions are summarized in Exhibit B, attached hereto and
17 incorporated herein by reference.

18 This Ordinance shall take effect and be in full force and effect (30) days after its passage and
19 before expiration of fifteen (15) days after passage of this Ordinance, it shall be published once
20 with the names of the members of the Board of Supervisors voting for and against the Ordinance
21 in a newspaper of general circulation published in the County of San Benito, State of California.

22 The foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of
23 San Benito, State of California, at the regular meeting of said Board held on the 7th day of July,
24 2009, by the following vote:

25 AYES: Supervisor(s): Monaco, Barrios, de la Cruz
26 NOES: Supervisor(s): Loe, Botelho
27 ABSENT: Supervisor(s): none
28 ABSTAINING: Supervisor(s): none

By: 

Anthony Botelho, Chair

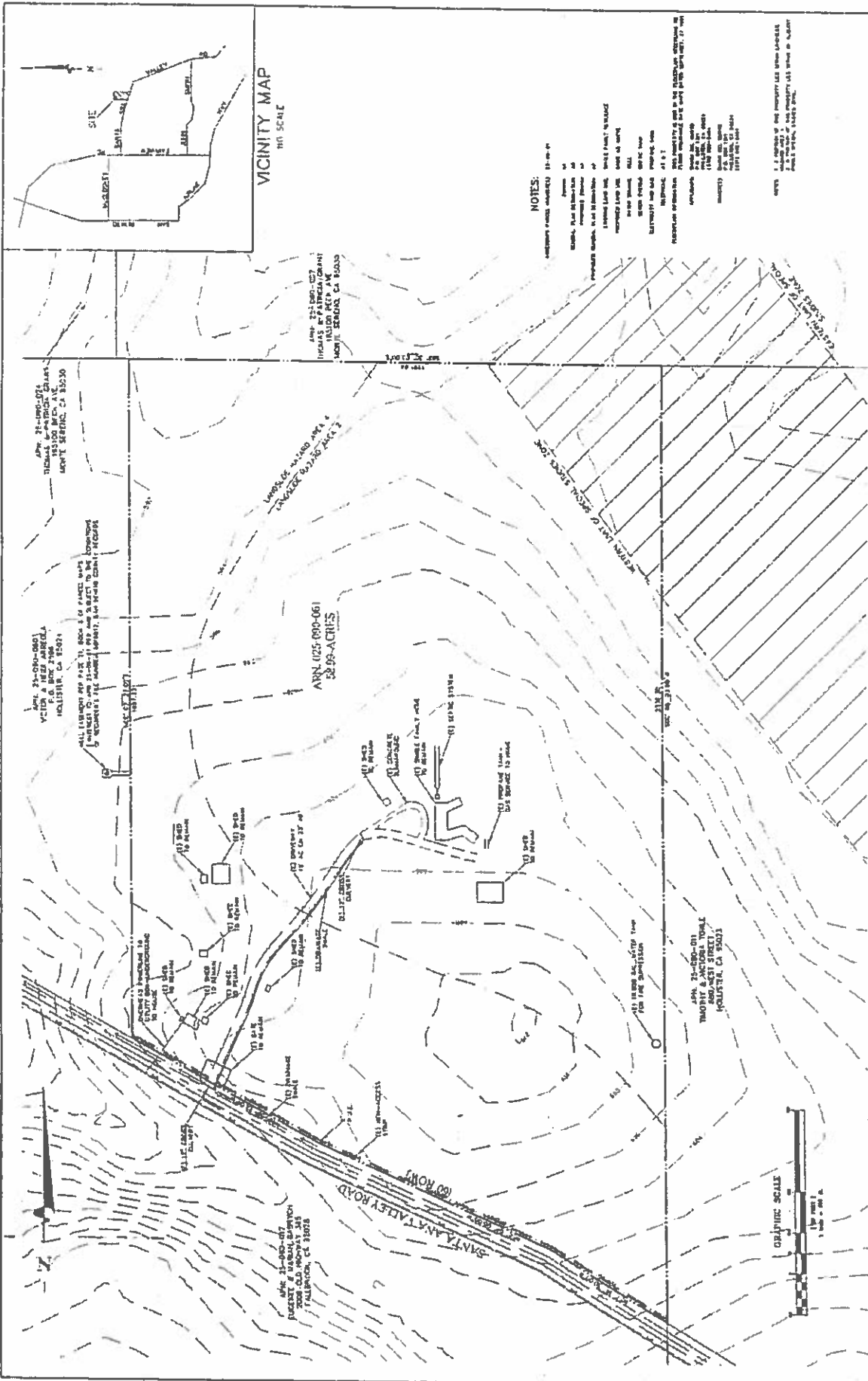
29 ATTEST:
30 Linda Churchill
31 Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

32 By: Linda Churchill

33 Date: July 7, 2009

34 By: Shirley L. Murphy
35 Shirley L. Murphy, Deputy County Counsel
36 Date: July 1, 2009



**SAN BENTO ENGINEERING
& SURVEYING, INC.**

FOURTH OF MAY 1867
PARCEL 2, BOOK 9
PARCEL MAPS. PAGE 21

DARIN DEL CURTO

[illegible]

COOPER COUNTY
MISSISSIPPI

Ordinance No. 840, Exhibit B
ZC 08-166 (Del Curto)

Standard Conditions:

1. **Hold Harmless:** Upon written notice by the County, the permittee shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this Zone Change and associated General Plan Amendment and any applicable proceedings. San Benito County reserves the right to prepare its own defense. [Planning]
2. **Notice of Determination (Fish & Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the Zone Change Petition. Department of Fish and Game fee (\$2,043– Fish & Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. 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 section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
3. **Habitat Conservation Plan Impact Fees:** The applicant/owner shall pay their portion of the Habitat fee as stated in San Benito County Ordinance 541. The total sum of the Habitat Conservation fee will be \$600. [Planning, Department of Fish and Game] [Mitigation Measure #1]

Planning Conditions:

4. **Mitigation Monitoring:** Prior to final approval, the applicant/owner, County Counsel and the Planning Director shall agree to and sign the Mitigation Monitoring Program form(s).
5. **Cultural Resources:** Any property owner who, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant 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 not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the sheriff-coroner of the discovery if human and/or questionable remains have been discovered. The Planning Department Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the coroner and the Planning Department Director permission to enter onto the property and to take all actions consistent with Title 19, Chapter 19.05 of the San Benito County Code and consistent with Section 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with

Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
[Mitigation Measure #2]

6. **Future Permits:** The applicant(s)/Owner(s), at the time of development would have to apply for a grading permit application (if grading exceeds 50 cubic yards), a use permit (if the items are listed as a condition use within the zoning restrictions) or any other planning/building related application as they apply to the specific project request. These planning/building applications shall be required to evaluate the air quality impacts to the specific proposed project(s) and how to mitigate for these potential impacts. Future development would also require the full compliance to the California Fire Code and Policy 37 of the General Plan's Open Space and Conservation Element. This shall be further evaluated through the CEQA review process. [Planning]



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Tognazzini
District No. 1
Vice-Chair

Jean Zlotkin
District No. 2

Ray Pierce
District No. 3

Pat Loe
District No. 4
Chair

Robert Rodriguez
District No. 5

Item Number: 4.

MEETING DATE: 9/20/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER:

SBC DEPT FILE NUMBER:

SUBJECT:

Tentative Subdivision Map (TSM) #15-93: OWNER: Lompa Enterprises, LP. (Fay/Bennett). APPLICANT: Hollister Land Partners, LLC. (Todd Deutscher). LOCATION: 3061 Southside Road, Hollister CA (APN) 020-290-049. This is a proposal to subdivide the 26+/- acre site and construct 84 single family homes. Lot sizes would range from approximately 7,200 square feet to 14,000 square feet. GENERAL PLAN DESIGNATION: Residential Mixed (RM). ZONING DESIGNATION: Single-Family Residential (R1). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration for Bennett Ranch Project-3061 Southside Road. ***Planner: Taven M. Kinison Brown (Tkinisonbrown@cosb.us)***

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

While several property owners and development interests south and east of this subject property are working together to develop a collective approach to the future provision of infrastructure and public utility services south and east of the City of Hollister, this Fay/Bennett/Hollister Land Holdings LLC proposal to subdivide 27 +/- acres into 84 residential lots has preceded the submittal of, or formal County review of the collective approach. Additionally, with the attrition and

loss of development review staff in the RMA, this subdivision proposal and other projects have had extended processing times. At the same time as new staff has had to come up to speed on such projects, staff has also fielded repeated phone calls and the sense of urgency on the part of applicants to process their applications and bring them to the Planning Commission for consideration.

So in the interest of providing necessary customer service, this project is coming before the Planning Commission for the Planning Commission to learn of the details of the project, to hear from the applicant, and for the Commission to provide direction to staff and the applicant. There are significant outstanding issues that will be discussed in the sections ahead.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report, hold a public hearing, consider the environmental documentation prepared, engage the design and other issues associated with the development proposal and provide direction to the applicant and staff in the form of a Continuance.

Staff recommends that the Planning Commission continue the item to a date certain, considering the outstanding items remaining to be addressed and resolved.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report for the TSM 15-93	9/15/2017	Staff Report
Exhibit A - TSM 15-93	9/15/2017	Exhibit
Exhibit B 15-93	9/15/2017	Exhibit
Exhibit C - TSM 15-93	9/15/2017	Exhibit
Exhibit D TSM 15-93	9/15/2017	Exhibit

STAFF REPORT

PROJECT INFORMATION:

Application: Fay / Bennett Tentative Subdivision Map TSM 15-93
Date of Hearing: September 20, 2017
Applicant/Owner: Hollister Land Partners LLC.
Location: The subject parcel is on the east side of Southside Road, south of Enterprise Road; approximately 27.26 acres.
APN: 020-290-049-000
General Plan: RM Residential Mixed
Zoning: R-1 Single Family Residential
Project Planner: Taven M. Kinison Brown.

BACKGROUND: While several property owners and development interests south and east of this subject property are working together to develop a collective approach to the future provision of infrastructure and public utility services south and east of the City of Hollister, this Fay/Bennett/Hollister Land Holdings LLC proposal to subdivide 27 +/- acres into 84 residential lots has preceded the submittal of, or formal County review of the collective approach. Additionally, with the attrition and loss of development review staff in the RMA, this subdivision proposal and other projects have had extended processing times. At the same time as new staff has had to come up to speed on such projects, staff has also fielded repeated phone calls and the sense of urgency on the part of applicants to process their applications and bring them to the Planning Commission for consideration.

So in the interest of providing necessary customer service, this project is coming before the Planning Commission for the Planning Commission to learn of the details of the project, to hear from the applicant, and for the Commission to provide direction to staff and the applicant. There are significant outstanding issues that will be discussed in the sections ahead.

PROJECT DESCRIPTION: The applicant is proposing to clear and subdivide the 27.26 acre tree-farm site and construct 84 single-family homes. Lot sizes would range from approximately 7,200 square feet to approximately 14,000 square feet in size. The applicant is requesting public sewer and water service from the City of Hollister and the Sunnyside County Water District. See **EXHIBIT A**.

Location and Context: The project site is located at 3061 Southside Road, approximately 0.5 mile south of the City of Hollister (outside of its municipal boundaries and sphere of influence) in unincorporated San Benito County, California. The site is located on the rural-urban fringe, with surrounding land uses that include more urbanized residential subdivisions, land in active agricultural production, and open space. To the west of the site on the opposite side of Southside Road, south of Hospital Road, lies a residential subdivision of single family homes, and there are more residences clustered to the east of County Labor Camp Road, south of the project site. Further to the east, there are residential subdivisions flanking SR-25. To the north of the site, there are walnut orchards in active production, while immediately to the east lies undeveloped grazing land and hills. To the south, there is an abandoned gravel quarry.

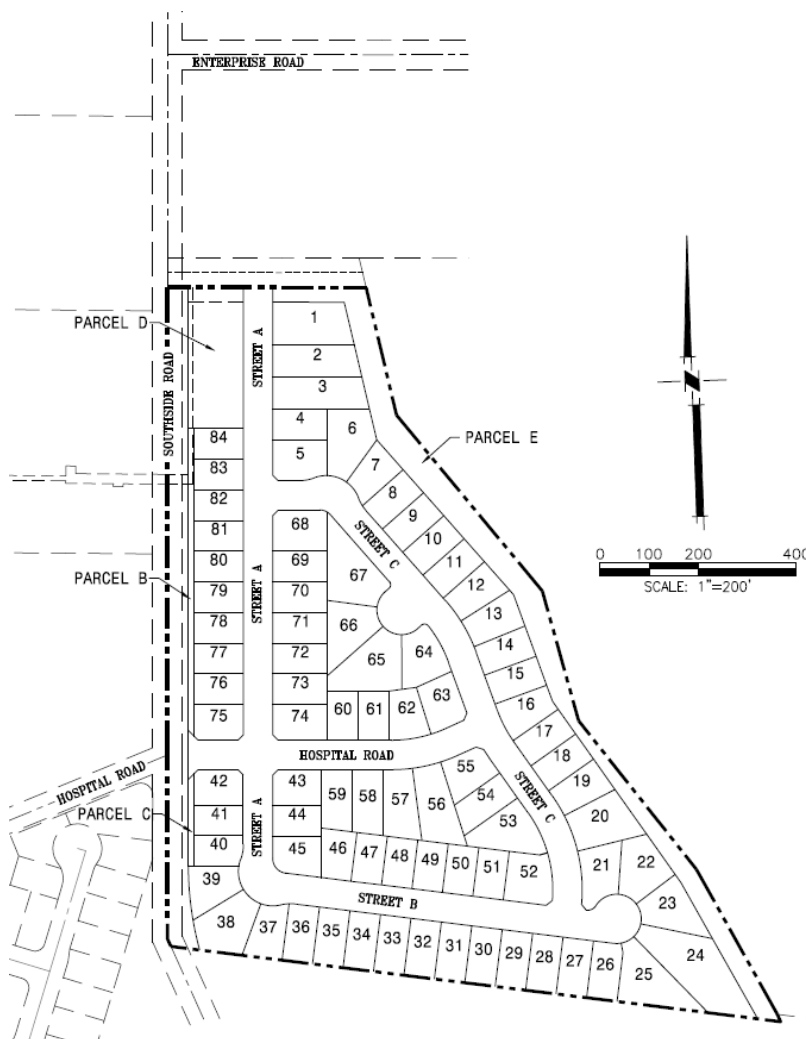
Current access to the site is provided by a gravel driveway that runs east from Southside Road near Hospital Road. There are existing Class II bike lanes on County Labor Camp Road, and Class I bike lanes are planned for the segment of Southside Road adjacent to the project site. There is no direct transit service within 1 mile of the site, and there are no pedestrian facilities in the vicinity.



Site Characteristics: The project site has been in cultivation as an orchard since the 1950s, and while orchards were removed from the central and southern portions of the site within the last 15 years, the northern portion of the site remains in cultivation today. The remains of an old canal are present on-site, parallel to the northeast property line. Existing structures on the site consist of two single-family homes and associated outbuildings, including a barn, corrals, and woodsheds in the central portion of the site, as well as a compound of tents and RVs built around an old farmhouse in the southwest corner of the site. There are also some utility poles

and lines on the site providing connection to existing buildings, although the main utilities are generally located on the west side of Southside Road. Overall, the site has been heavily disturbed over years of farming and the existing character is primarily agricultural. See the attached Project Data Sheet in **EXHIBIT B**.

Proposal: The applicant is proposing to subdivide the site and construct 84 single-family homes oriented around three new roadways with related improvements, as shown on the proposed Tentative Subdivision Map plans. Lot sizes would range from approximately 7,200 square feet to approximately 14,000 square feet in size. The homes would be constructed with conventional light frame structures, using concrete slab on grade or structural mat foundations and would include energy and water efficient appliances, native or drought tolerant plants, and water efficient outdoor irrigation systems. The homes would adhere to all applicable R-1 zoning development standards.



Primary access to the site would be provided via a two-way, stop controlled driveway at the intersection of Southside Road and Hospital Road. Emergency vehicle access (EVA) would also be available from Southside Road at the northwestern corner of the site, approximately 450 feet south of Enterprise Road. Internal roadways would be 60 feet wide and have fully improved frontages, with curbs, gutters, sidewalks, and streetlights in accordance with applicable County and other standards and requirements. Internal roadways would also provide Class III bike lanes for shared use with motor vehicles, connecting to the existing Class II lanes on Southside Road.

It is anticipated that the Project would be served by Hollister area utilities. Water service would be provided to

the site by the Sunnyslope County Water District (SSCWD). Wastewater from the site would be conveyed by gravity flow through 8-inch sewer mains installed on-site to connect with the existing City of Hollister sewer main on Southside Road, and then would flow to the City's

Southside Lift Station just south of Enterprise Road. Existing utility lines would be removed and new electricity, gas, phone, and cable connections would be provided in an underground joint trench. A stormwater detention basin and bioswale would be installed in the northwestern corner of the site in accordance with applicable County and other standards and requirements. Additional linear open space would be provided on-site along Southside Road, as well as in a 50-foot buffer along the eastern perimeter of the site.

While the Project site is located within the geographical boundaries of the Hollister urban area (as defined in the City of Hollister Urban Area Water and Wastewater Master Plan (Master Plan)), the site is not currently within the City's Sphere of Influence (SOI). As such, it is anticipated that San Benito County Local Agency Formation Commission (LAFCO) approval may be necessary (e.g., in connection with an out-of-agency service agreement and related sphere of influence amendment or other action(s) as may be required under applicable LAFCO laws).

Construction is anticipated to take approximately 30 months, with demolition of existing structures completed beforehand. The site would be graded and excavated, with maximum cuts of approximately 13 and 22 feet in the southern portion of the site and less cut and fill in other portions of the site. An estimated total of approximately 65,600 cubic yards of material would be cut and an estimated 57,800 cubic yards of fill material would be used. The remaining 7,800 cubic yards would be exported. Over-excavation is anticipated to account for soil compaction. Eight-foot tall retaining walls would be utilized in the design to restrain soil along slopes at the eastern edge of the site.

PLANNING AND ZONING: The property is designated as RM Residential Mixed by the General Plan and R-1 Single Family Residential by the Zoning Ordinance. Drawing from the San Benito County Zoning Ordinance for the R-1 Single Family Residential zone, minimum Building Sites allowed are:

- 5,000 square feet where a public sewer and public water supply are available.
- Where a public sewer and public water supply are available, and the project involves the construction of five dwelling units or more, mixed residential development types shall be provided.
- One-acre minimum building sites are required where septic tanks may be used for sewage disposal and there is a public water supply available.
- Two and one-half acre minimum building sites are required where septic tanks may be used for sewage disposal and there is no public water supply available.

Staff has included in the Planning Commission packet a **DRAFT Notice of Decision** that includes a draft of the *Findings and Evidence* needed to approve a subdivision under CEQA and the Subdivision Map Act, as well as the proposed *Conditions of Approval* and proposed *Mitigation Measures* (See **EXHIBIT D**). Not all of the findings for approval can be made at this time.

ANALYSIS AND ISSUE IDENTIFICATION: Several fundamental items are outstanding regarding the design of the subdivision, and there are other substantial components such as securing public sewer and a public water supply that can be addressed prior to Final Map, but generally would have been secured by a property owner prior to making a development application with the county.

Fundamental to the Design of the Subdivision

- Compliance with the San Benito County Parks and Recreation Facilities Master Plan
 - While no parks or open space have been provided within the project area for the new residents or community, the applicant has proposed payment of in-lieu fees to meet park requirements. Under Section 23.15.008, this option to pay in-lieu fees is at the ***option of the County*** and shall be made a condition of approval of a final map or a parcel map at the time of approval and according to the standards contained in Section 23.15.008.
 - To meet compliance with Section 23.15.008 (G) and (I), a condition of approval has been included requiring the applicant to meet with the San Benito County Parks and Recreation Commission for them to consider compliance with the San Benito County Parks and Recreation Facilities Master Plan.
 - The Parks and Recreation Commission shall make a recommendation to the Planning Commission on the appropriateness of acceptance of in-lieu fees without land dedication and what appropriate compliance should be.
 - Should the Parks and Recreation Commission determine that on-site dedication of parkland is appropriate:
 - The applicant shall revise the Tentative Subdivision Map, and present such map to the Parks and Recreation Commission and Planning Commission for review and approval, including preparation of a Parks Maintenance and Operations Plan and incorporating additional conditions of approval as may be required by County land use agencies.
- Southside Road Right of Way, Access and Connection to:
 - The Southside Road right of way width in the 2035 General Plan is 110 feet wide. The recent Brigantino Subdivision approval (across the street) allowed the applicant to reduce his responsibility to reflect a right of way of only 84 feet.
 - This project has proposed a right of way of 84 feet as well (inconsistent with the General Plan).
 - The County Public Works Division wants to require the subject property to dedicate for a 110 foot ROW, yet only construct half-width improvements to match Brigantino.
 - Such a requirement would unfairly burden the present applicant by needing to dedicate 68 feet of frontage instead of 42 feet (as with the Brigantino Project).
 - Staff suggests that the Planning Commission engage the Public Works Department in conversation, ***potentially*** recommending that the County of San Benito amend the General Plan arterial road characterization for Southside Road to reflect an 84 foot width, or
 - After engaging the Public Works Department, holding to the General Plan arterial road characterization for Southside Road and requiring all development

- and subsequent proposals to adhere to the 110 foot right of way (excepting Brigantino).
 - The Planning Commission's direction will have major ramification on the applicant's layout and lotting pattern if 110 feet is upheld.
 - County Road Standards will also require the installation of curb, gutter, sidewalks, turn pockets, Class I trail per the San Benito County Bikeway and Pedestrian Master Plan, Class II bike lane, street lights, street trees and sound walls along the property frontage on Southside Road.
- Hospital Road and the Emergency Vehicle Access
 - The project proposes to have its primary and only access for all 84 units at Hospital Road. Concerns have been raised that speeds and site distance concerns present safety hazards at Hospital Road.
 - The Public Works Department recently authorized construction of a bridge at the west side of Hospital Road past Riverview Estates, which may fundamentally alter potential traffic impacts of this and other projects with Hospital Road becoming a through street.
 - There is no formal secondary access for the 84 units. At 450 feet south of Enterprise road an Emergency Vehicle Access (EVA) is offered.
 - The Public Works Department has requested that the applicant provide a street network plan illustrating the whole picture of the overall circulation system, how the internal streets will be connected into adjoining properties, and how they will inter-connect over the long term.
- Mixed Residential Development types required by the R-1 Zoning District Standards
 - Other than single family lots ranging from 7,200 square feet to approximately 14,000 square feet in size, staff has not observed other lotting patterns in the subdivision that would accommodate Mixed Residential Development types required by the R-1 Zoning, such as duplexes, apartments, condominiums, or clustered developments.
 - Staff requests Planning Commission direction here, as the Brigantino subdivision apparently did not have alternative lotting patterns approved that would accommodate Mixed Residential Development types required by the R-1 Zoning (to staff's knowledge), nor does an upcoming 90+ unit subdivision proposal at the Bluffs in Ridgemark.

Other Substantial Items

- Demonstration of Public Water and Sewer Service
 - Prior to ground disturbance and preparation of the property for infrastructure or residential development and prior to recordation of the first Final Map, the applicant shall demonstrate proof of sewer and water utility services from the City of Hollister and 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 will 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.

- Systems may need to be sized in a manner that will allow for future connections and service capacities.
- The applicant is presently engaged with the LAFCo of San Benito County and had the following item scheduled to be considered for LAFCO Thursday September 14, 2017
 - “Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(1) for the connection of sewer service from the City of Hollister - Request from Todd Deutscher, Hollister Land Partnership, LLC as project applicant, for the Fay/Bennett Ranch subdivision project at 3061 Southside Road, located on the east side of Southside Road and approximately 400 feet south of Enterprise Road.”
 - Staff understands from Mr. Deutscher in a phone call September 14, 2017 that he asked for the item to be pulled from the agenda and rescheduled for another day.
- Sufficiency of Affordable Housing Offer
 - While no affordable housing has been proposed within the design and improvements of the subdivision, the applicant has offered to pay a \$4,500 fee to the County per unit at the time of building permit issuance to help facilitate the County’s goal of providing for its fair share of affordable housing.
 - This offer is consistent with the County of San Benito’s recent approval and acceptance of the neighboring Brigantino Subdivision.
 - Over time as building permits are issued for the 84 homes to be constructed, \$378,000 will be collected.

ENVIRONMENTAL EVALUATION: Staff recommends that the Planning Commission consider the attached Initial Study and proposed Mitigated Negative Declaration (**EXHIBIT C**). Materials in the preparation of the Initial Study and Mitigated Negative Declaration (including all appendices) are filed in the project’s administrative record located at the San Benito County Planning Department in file TSM 15-93. Public review of the initial study was conducted from Friday, August 18, 2017 to Monday, September 18, 2017. Notice of Availability of the proposed Mitigated Negative Declaration was mailed to interested parties and to property owners within 300 feet of the project site and posted at public locations in the County, including the County of San Benito Website (www.cosb.us). Mitigation measures have been proposed to reduce potential environmental impacts to less than significant levels in the following subject areas:

- Aesthetics – for residential design standards and landscaping to lessen the impact of converting former agricultural areas to residential uses.
- Agriculture and Forestry Resources – For compliance with the 2035 General Plan Policies requiring mitigation for the permanent conversion of farmlands to non-agricultural uses.
- Biological Resources. To assure protection for the potential presence of California red-legged frog, California tiger salamander, San Joaquin Kit fox, burrowing owl, American Badger, and roosting bats. An additional measure has been included to assure that the applicant processes a tree removal permit for the removal of the black walnut trees located on site.

- Cultural Resources. To assure compliance with the provision and protections afforded under state law to the discovery of cultural resources, human remains, or paleontological resources.
- Geology and Soils. To assure that construction and design are in conformance with the recommendations of the two Earthquake Fault Investigation reports and that additional qualified investigations occur prior to issuance of building permits.
- Hazards and Hazardous Materials. To assure that during the demolition of existing structures the potential presence of asbestos and lead paint is considered and planned for and handled in accordance with state laws.
- Construction Noise.
- Transportation and Traffic. To assure that the applicant pays their fair share of adopted traffic impact mitigation fees (TIMF).
- Utilities and Service Systems. To assure that the Southside Road Sewer Main is sized appropriately and has the capacity to meet the needs of the service provider (City of Hollister) to provide sewer service to this project. Another measure has been included to assure that the Southside Lift Station Improvements are also funded and constructed to the needs of the service provider (City of Hollister) to provide service to this project.

PUBLIC COMMENT: As of the writing of this report Friday, September 15, 2017, three Public Comments had been received. The public review period concludes on Monday September 18, 2017.

- R. Gibson – “I am a resident of Southside Road just before Southside School. I would like to make you aware that having the ingress/egress at Hospital Road without additional lanes being constructed is dangerous not only to those in automobiles but also to the many bicyclists and pedestrians that use Southside Road. A more suitable location for the roadway would be much closer to Enterprise Road, giving everyone safer access.”
- P. Gibson – “Regarding the subdivision on Southside Rd I would like to urge the intersection at Hospital Rd to be strongly reconsidered. The current problem is bad enough when people pull out in front of you, and from across the street it would be much worse as the angle of the turn makes it even harder to see southbound. I think a stoplight or moving it closer to Enterprise Rd would make it much safer for everyone involved. If the stoplight option is used please make it a no turn on red when turning north onto Southside Rd. Thank you for taking the time to read and consider this.”
- California Department of Parks and Recreation - Expressed that new residents may be able to see the State Off-road Vehicle Park across the valley to the west and offered to remain in contact with the County on development affairs.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report, hold a public hearing, consider the environmental documentation prepared, engage the design and other issues associated with the development proposal and provide direction to the applicant and staff in the form of a Continuance.

Staff recommends that the Planning Commission continue the item to a date certain, considering the outstanding items remaining to be addressed and resolved.

EXHIBITS

- A. Tentative Subdivision Map
- B. Project Data Sheet
- C. Initial Study / Proposed Mitigated Negative Declaration
- D. Draft Notice of Decision with Findings and Evidence, Conditions of Approval, and the Mitigation Monitoring and Reporting Program (MMRP)

EXHIBIT A
Bennett Ranch Vesting Tentative Subdivision Map
County File VTM 15-93

EXHIBIT B
Project Data Sheet
Vesting Tentative Subdivision Map
County File VTM 15-93

EXHIBIT C

Bennett Ranch Project - 3061 Southside Road Initial Study/Mitigated Negative Declaration

Planning Commissioners received hard copy and CD –ROM copies of this 156 page Initial Study and Proposed Mitigated Negative Declaration on August 18, 2017.

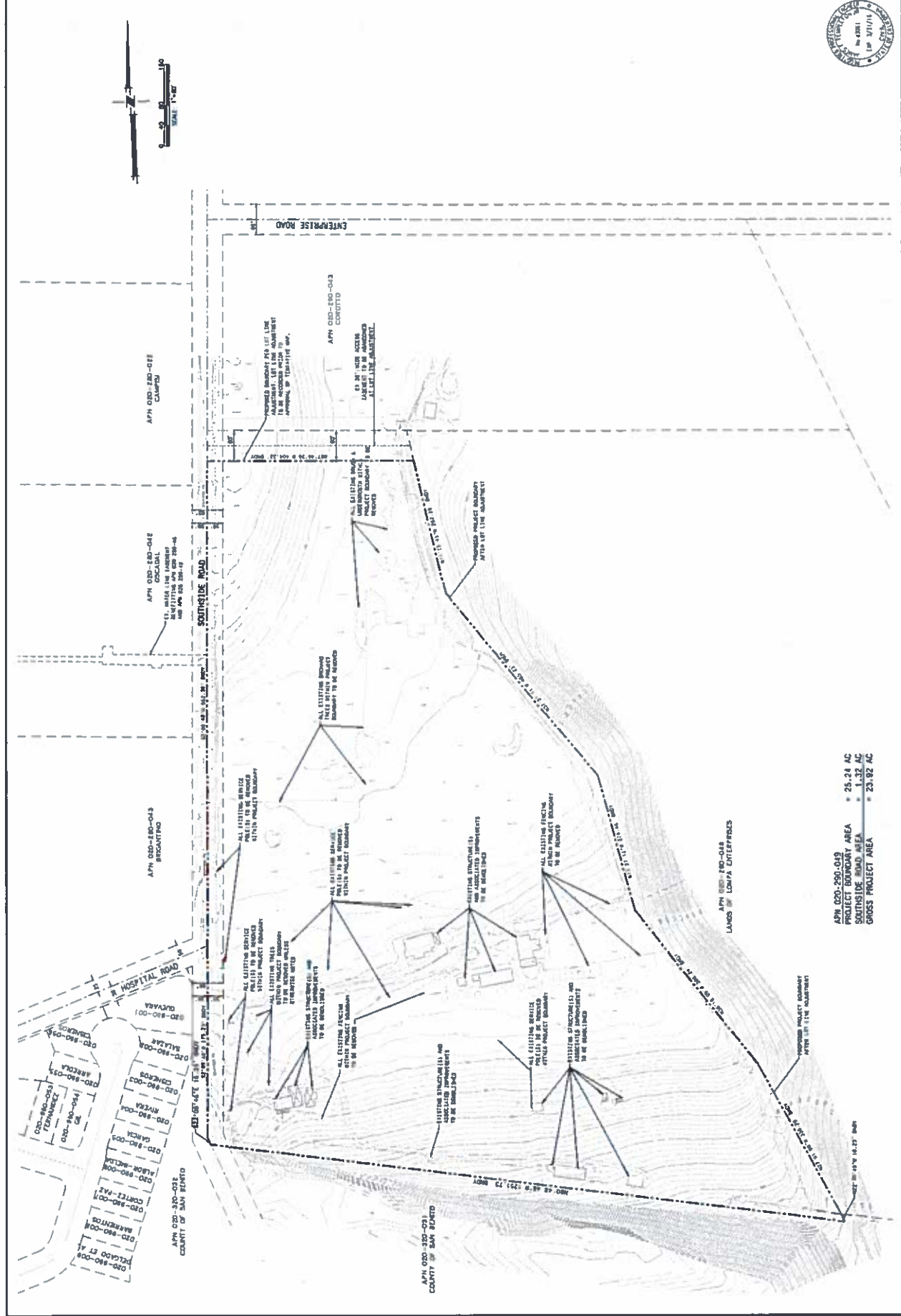
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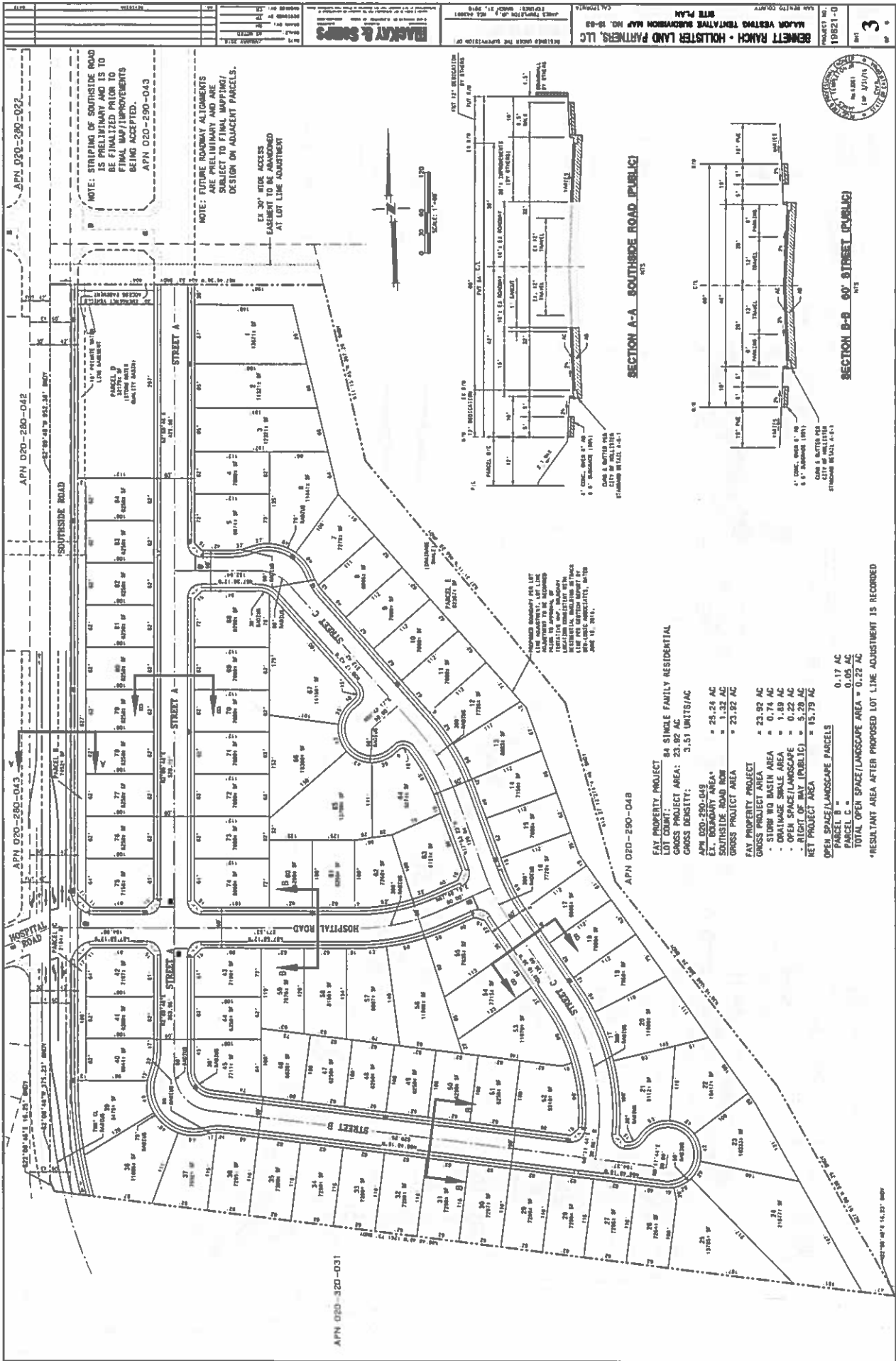
Additionally, a Public Review copy is available at the Resource Management Agency offices at 2301 Technology Parkway, Hollister, CA during normal business hours. Several CD Copies are also available at no charge.

EXHIBIT D

Draft Notice of Decision with Findings and Evidence, Conditions of Approval, and Mitigation Monitoring and Reporting Program (MMRP)

EXHIBIT A
Bennett Ranch Vesting Tentative Subdivision Map
County File VTM 15-93





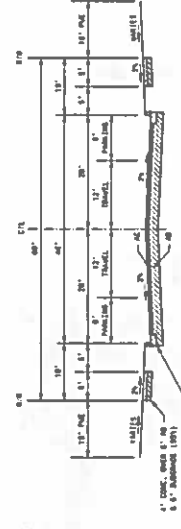
NOTE: STRIPING OF SOUTHSIDE ROAD IS PRELIMINARY AND IS TO BE FINALIZED PRIOR TO FINAL MAP/IMPROVEMENTS BEING ACCEPTED.
APN 020-290-043

NOTE: FUTURE ROADWAY ALIGNMENTS ARE PRELIMINARY AND ARE SUBJECT TO FINAL MAP/DESIGN ON ADJACENT PARCELS.

EX 30' WIDE ACCESS EXISTING TO BE ADJUSTED AT LOT LINE ADJUSTMENT



SECTION A-A SOUTHSIDE ROAD (PUBLIC)



SECTION B-B 60' STREET (PUBLIC)



FAY PROPERTY PROJECT 84 SINGLE FAMILY RESIDENTIAL

LOT COUNT: 84

GROSS PROJECT AREA: 23.92 AC

GROSS DENSITY: 3.51 UNITS/AC

APN 020-290-049

EX. BOUNDARY AREA = 25.24 AC

SOUTHSIDE ROAD ROW = 1.32 AC

GROSS PROJECT AREA = 23.92 AC

FAY PROPERTY PROJECT

GROSS PROJECT AREA = 23.92 AC

- STORM W/D BASIN AREA = 0.74 AC

- DRAINAGE SWALE AREA = 1.89 AC

- OPEN SPACE/LANDSCAPE = 0.22 AC

- RIGHT OF WAY (PUBLIC) = 5.28 AC

NET PROJECT AREA = 15.79 AC

OPEN SPACE/LANDSCAPE PARCELS

PARCEL B = 0.17 AC

PARCEL C = 0.05 AC

TOTAL OPEN SPACE/LANDSCAPE AREA = 0.22 AC

*RESULTANT AREA AFTER PROPOSED LOT LINE ADJUSTMENT IS RECORDED

APN 020-320-031

APN 020-290-043

APN 020-290-042

APN 020-290-041

APN 020-290-040

APN 020-290-039

APN 020-290-038

APN 020-290-037

APN 020-290-036

APN 020-290-035

APN 020-290-034

APN 020-290-033

APN 020-290-032

APN 020-290-031

APN 020-290-030

APN 020-290-029

APN 020-290-028

APN 020-290-027

APN 020-290-026

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APN 020-290-014

APN 020-290-013

APN 020-290-012

APN 020-290-011

APN 020-290-010

APN 020-290-009

APN 020-290-008

APN 020-290-007

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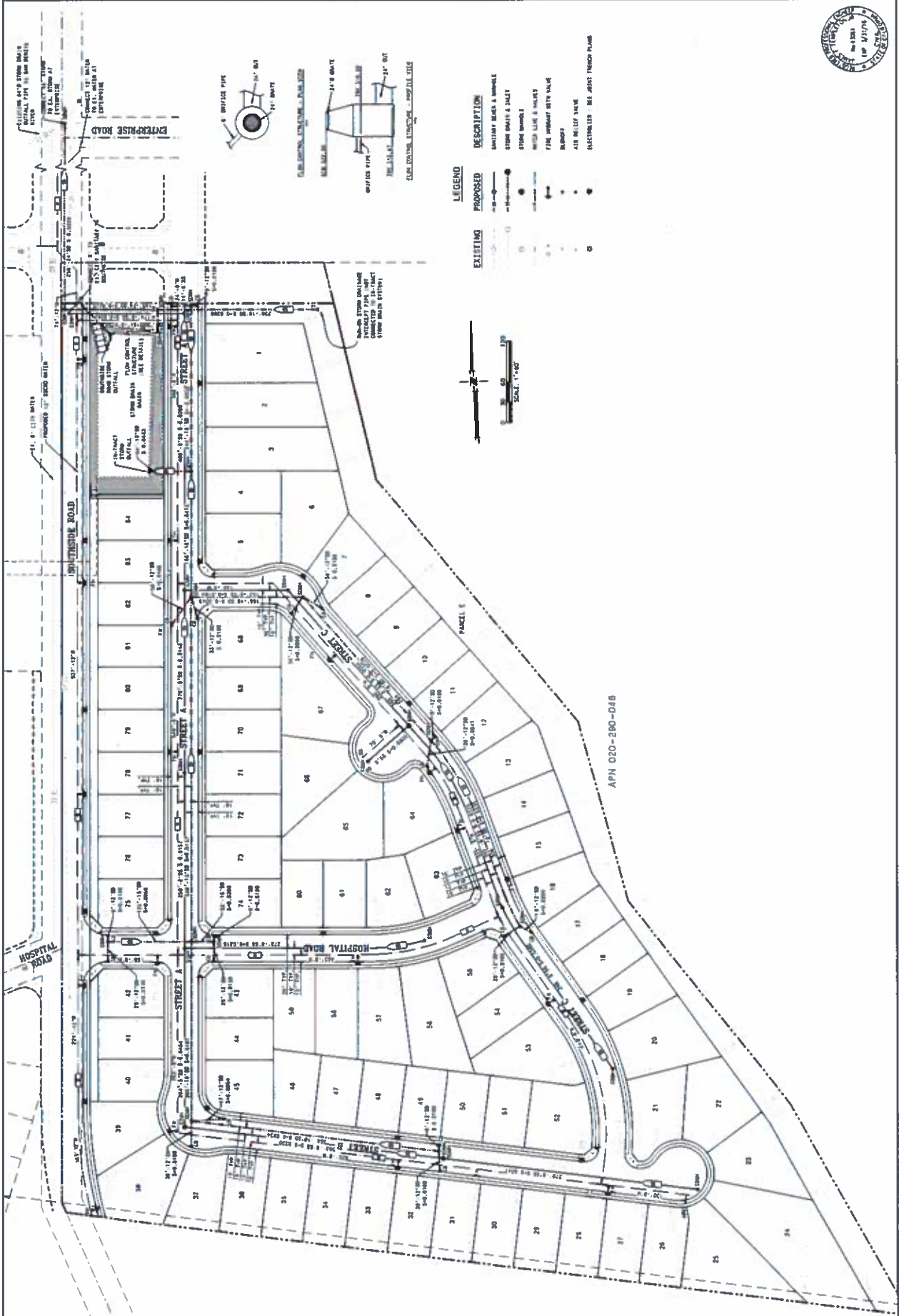




EXHIBIT B
Project Data Sheet
Vesting Tentative Subdivision Map
County File VTM 15-93

EXHIBIT B
Project Data Sheet
Fay / Bennett Tentative Subdivision Map 15-93
3061 Southside Road

Project proposal: To subdivide the 27.26 acre site and construct 84 single-family homes.

Assessor Parcel Numbers: 020-290-049-000

Legal Lot of Record: Yes

Permit Requirement: Tentative Subdivision Map

Zoning: R-1 Single Family Residential

General Plan: RM Residential Mixed

Land Use: Agricultural with a residential estate

Minimum Building Site Allowed:

- 5,000 square feet where a public sewer and public water supply are available.
- Where a public sewer and public water supply are available, and the project involves the construction of five dwelling units or more, mixed residential development types shall be provided.
- One acre where septic tanks may be used for sewage disposal and there is a public water supply available.
- Two and one-half acres where septic tanks may be used for sewage disposal and there is no public water supply available.

Lot Sizes: Lot sizes would range from approximately 7,200 square feet to approximately 14,000 square feet in size.

Sewage Disposal: Project proponents are requesting to connect to the City of Hollister wastewater treatment plant

Water: Project proponents are requesting to connect to the Sunnyslope County Water District water distribution system.

CEQA Determination: An Initial Study and proposed Mitigated Negative Declaration have been prepared for the project and were circulated for public review between August 18, 2017 and September 18, 2017.

FEMA Flood Zone: Zone X, areas determined to be outside the 0.2% annual chance floodplain.

Fire Severity: Hazard Class: Non-Wildland / Non-Urban. The Project site is not located in any fire hazard severity zones as delineated by CalFire.

Within earthquake fault zone: Approximately the eastern third of the property is subject to the Calaveras Earthquake Fault Zone.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Subject to the provision of public water and sewer service: Without these public utilities, minimum parcel sizes would be one acre and/or two and a half acres.

EXHIBIT C

Bennett Ranch Project - 3061 Southside Road Initial Study/Mitigated Negative Declaration

Planning Commissioners received hard copy and CD –ROM copies of this 156 page Initial Study and Proposed Mitigated Negative Declaration on August 18, 2017.

An online version of the study a can be found at <http://cosb.us/wp-content/uploads/19650005-Fay-ISMND-Project-ISMND.pdf>

Additionally, a Public Review copy is available at the Resource Management Agency offices at 2301 Technology Parkway, Hollister, CA during normal business hours. Several CD Copies are also available at no charge.

EXHIBIT D

**Draft Notice of Decision with Findings and Evidence, Conditions of Approval,
and Mitigation Monitoring and Reporting Program (MMRP)**



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



2301 Technology Parkway
Hollister, CA 95023-2513

Phone: (831) 637-5313
E-mail: sbcpplan@cosb.us

NOTICE OF DECISION
Planning Commission

APPLICATION: Fay / Bennett Tentative Subdivision Map Proposal TSM 15-93.
DATE: September 20, 2017
APPLICANT: Hollister Land Partners LLC.
OWNER: Dennis Fay /Lompa Enterprises LP a CA Ltd. Partnership
LOCATION: The subject parcel is on the east side of Southside Road, south of Enterprise Road, San Benito County, CA and approximately 27.26 acres in area.
APN: 020-290-049-000
GENERAL PLAN: RM Residential Mixed
ZONING: R-1 Single Family Residential

Draft

IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, THE FAY/ BENNETT VESTING TENTATIVE SUBDIVISION MAP TSM 15-93 IS HEREBY APPROVED BY THE PLANNING COMMISSION TO ALLOW FOR THE SUBDIVISION OF UP TO 84 SINGLE FAMILY RESIDENTIAL UNITS, THIS 20th DAY OF SEPTEMBER 2017 WITH THE FOLLOWING PROJECT DESCRIPTION, AND SUBJECT TO THE FOLLOWING FINDINGS, CONDITIONS OF APPROVAL AND MITIGATION MEASURES.

PROJECT DESCRIPTION:

The approved Tentative Subdivision Map TSM-15-93 will allow the construction of 84 single-family homes oriented around three new roadways internal to the site along with related improvements. Lot sizes would range from approximately 7,200 square feet to approximately 14,000 square feet in size. Primary access to the site will be provided via a two-way, stop controlled driveway at the intersection of Southside Road and Hospital Road. Emergency vehicle access (EVA) will also be available from Southside Road at the northwestern corner of the site, approximately 450 feet south of Enterprise Road. Internal roadways will be 60 feet wide and have fully improved frontages, with curbs, gutters, sidewalks, and streetlights in accordance with applicable County and other standards and requirements. Internal roadways will provide Class III bike lanes for shared use with motor vehicles, connecting to the existing Class II lanes on Southside Road.

FINDINGS

California Environmental Quality Act (CEQA) Findings:

Finding 1: The initial study/mitigated negative declaration for Bennett Ranch Project - 3061 Southside Road Tentative Subdivision Map (TSM) 15-93 has been prepared in compliance with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: Materials in the preparation of the initial study and mitigated negative declaration (including all appendices) are filed in the project's administrative record located at the San Benito County Planning Department in file TSM 15-93. Public review of the initial study was conducted from Friday, August 18, 2017 to Monday, September 18, 2017. Notice of Availability of the proposed Mitigated Negative Declaration was mailed to interested parties and to property owners within 300 feet of the project site and posted at public locations in the County, including the County of San Benito Website (www.cosb.us).

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

Evidence: The Planning Commission considered all evidence regarding this project, including any written and verbal responses from the public hearing on September, 2017.

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

Evidence: The San Benito County Planning Department prepared the initial study/mitigated negative declaration and related technical studies with assistance from First Carbon Solutions of Walnut Creek, California. The Planning Commission considered and reviewed the initial study/mitigated negative declaration and considered public comments and supplemental information prior to action on the mitigated negative declaration.

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: After consideration of the initial study/mitigated negative declaration, the Planning Commission found that the project as proposed, with the adoption of the mitigation measures and conditions of approval, would not have a significant effect on the environment.

Subdivision Findings:

Finding 1: The proposed map (TSM 15-93) is consistent with applicable provisions of 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. Because the project includes the construction of 84 single-family units on an approximately 26-acre site, it would be consistent with the residential standards permitted and other relevant provisions in the RM designation.

Evidence: While not subject to a specific plan, the proposed project's 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 City of Hollister's wastewater treatment plant for sewer service (subject to any required approvals from other public agencies, e.g., LAFCO and/or the City of Hollister) and to the Sunnyslope County Water District (SSCWD) for water service, 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.

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

Evidence: While no parks or open space have been provided within the project site for the new residents or community, the applicant has proposed payment of in-lieu fees to meet park requirements. Under Section 23.15.008, this option to pay in-lieu fees is at the option of the County and shall be made a condition of approval of a final map or a parcel map at the time of approval and according to the standards contained in Section 23.15.008. A condition of approval has been included requiring the applicant to meet with the San Benito County Parks and Recreation Commission for them to consider the applicant's compliance with the San Benito County Parks and Recreation Facilities Master Plan. The Parks and Recreation Commission shall make a recommendation to the Planning Commission on the appropriateness of acceptance of in-lieu fees without land dedication.

Evidence: While no affordable housing has been proposed within the design and improvements of the subdivision, the applicant has offered to pay a \$4,500 fee to the County per unit at the time of building permit issuance to help facilitate the County's goal of providing for its fair share of affordable housing. (This offer is consistent with the County of San Benito's recent approval and acceptance of the neighboring Brigantino Subdivision.) Over time as building permits are issued for the 84 homes to be constructed, \$378,000 will be collected.

Evidence: Subject to obtaining basic sewer and water utility services from the City of Hollister and the Sunnyslope County Water District, the project will 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. (Systems may need to be sized in a manner that will allow for future connections and service capacities.) A condition of approval has been added to the project requiring proof of these services and written contractual agreements for these services (to the extent required under applicable laws), prior to ground disturbance and any preparation of the project site for infrastructure or residential development.

Evidence: Subject to the applicant demonstrating compliance with these significant design and improvement elements such as the San Benito County Parks and Recreation Facilities Master Plan, the Affordable Housing provisions of the Code (at the time of project completeness determination), and evidence of availability and willingness to provide sewer and water from the applicable utility service providers, the design and improvements of the proposed subdivision map are consistent with the applicable sections of the San Benito County Code.

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

- Concerns for Connection at Hospital Road
- Concerns for the curve of Southside Road Right of Way south of Hospital Road
- Street A and the 90 degree turn to Southside for E15

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 15-93 are 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 evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-93 and have determined that the type of development described in the map is consistent with that described in the initial study/mitigated negative declaration and the underlying RM General Plan land use designation and applicable zoning.

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 15-93, and have determined that the density of development described in the map is consistent with that described in the proposed initial study/mitigated negative declaration and the underlying RM General Plan land use designation and applicable zoning.

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 initial study/mitigated negative declaration 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 will be required to comply with these mitigation measures from the initial study/mitigated negative declaration including those pertaining to biological impacts, which will be imposed as conditions of approval.

Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-93, and have determined that the design of the subdivision and proposed improvements are consistent with that described in the initial

study/mitigated negative declaration. 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 initial study/mitigated negative declaration evaluated potentially significant impacts pertaining to public health to the extent required under CEQA (e.g., air quality, etc.) and proposed mitigation measures designed to reduce the potential impacts to a less than significant level. Staff and the Planning Commission evaluated the proposed vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-93, and have determined that the design of the subdivision and type of improvements (subject to the qualifications in the above findings) are consistent with that described in the Initial Study/Mitigated Negative. The project will be required to comply with these mitigation measures from the initial study/mitigated negative declaration including those pertaining to public health (e.g., air quality impacts, etc.), which will be imposed as conditions of approval.*

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 amended vesting tentative subdivision map and all associated materials provided in connection with the application for TSM 15-93, and have determined that any easements for public access or use have been identified on the tentative map and shall be maintained.*

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: *The project site is not subject to a Land Conservation Act (Williamson Act) contract. This topic was also evaluated in the initial study/mitigated negative declaration. While the site currently contains an orchard and has undeveloped grazing fields, agricultural activities have not occurred on-site since 2014 and the land is not currently irrigated. Further, irrigation is not readily feasible, and the only nearby well, which services two rental structures, generates 15 gallons per minute, rendering it incapable for crop irrigation. The General Plan and Zoning Designation anticipate suburban residential development for the project site, and efforts to sustain agricultural uses here and for the surrounding areas have been redirected to urbanized residential development (thereby providing an opportunity to protect more productive agricultural lands elsewhere in the County from such urbanized growth). 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. Said mitigation will be imposed on the project as a condition of approval.*

Finding 9: 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 site is proposed to be connected to the Hollister Water Reclamation Facility in accordance with the Hollister Urban Area Master Water and Wastewater Plan, as evaluated more fully in the initial study/mitigated negative declaration. 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.*

**CONDITIONS OF APPROVAL AND
MITIGATION MONITORING AND REPORTING PROGRAM**

Draft

- 1. Indemnification:** The applicant shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (collectively, "County") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (collectively, "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees (for both County Counsel and outside counsel), expert witness fees, and court costs) incurred by the County arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of the applicant's project or action taken by the County thereon, including Legal Actions based on the negligence of the County. The Applicant shall reimburse the County for any and all damages, costs, or fees (including attorneys' fees for County Counsel and outside counsel) 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. The County hereby retains its discretion to direct its counsel (whether County Counsel or outside counsel) regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. [Planning]
- 2. Conformity to Plan:** The development of the site shall conform substantially to the Proposed Vesting Tentative Map (**EXHIBIT A**) and Conditions of Approval as approved by the Planning Commission. [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, with respect to the project's Vesting Tentative Map (TSM 15-93).

Applicant Signature: _____

Date: _____

- 4. 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]
- 5. 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 contribute, prior to recordation of the first final subdivision map, a habitat conservation plan mitigation fee of \$150.00 for each or lots under 1 acre. In this case at 84 residential lots equates to a total of \$12,600 payable to the Planning Division. [Planning]

6. **Assessment:** Prior to recordation of any and all Final Map(s), the subdivider 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]
7. **Recordation:** The subdivider 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. Any and all approved Final Maps shall be recorded by the subdivider 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 life of the Vesting Tentative Subdivision Map (including any period(s) of extension) shall terminate all subdivision proceedings. [RMA]
8. **Easements:** The Final Map(s) shall show all necessary easements for access, utilities, and drainage. [RMA]
9. **Notice of Determination (California Fish & Wildlife Fees):** The subdivider shall file the Notice of Determination, provided 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 \$2,266.25 (\$2,216.25 + \$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 submitted to the County RMA. 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 section 21167 and the Project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [RMA]
10. **Conditions of Approval, Easements, and Restrictions:** Prior to recordation of any and all Final Map(s) all unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s), and other documentation as required by the County (e.g., subdivision improvement agreement, deferred improvement agreement, etc.), along with adequate security, and recorded with the Final Map(s), to ensure that all conditions, mitigation measures, easements and restrictions are satisfied and fully enforceable. [RMA]
11. **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."
12. **Development Fees:** The subdivider 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 subdivider applies for each building permit, as provided in Section 23.13.003 of the San Benito County Code.

- 13. Mitigation Monitoring:** Prior to the recordation of any and all Final Map(s), the subdivider/owner(s), County Counsel, and the RMA Director shall agree to and sign the Mitigation Monitoring Program form(s). The subdivider/owner(s) 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 Fay / Bennett / Hollister Land Partners LLC Project. In adopting these mitigation measures, the Planning Commission intends to adopt each of the mitigation measures identified by the Initial Study/Mitigated Negative Declaration and applicable to the Project. Accordingly, in the event a mitigation measure recommended has inadvertently been omitted from the MMRP, such mitigation measure as set forth in the Initial Study/Mitigated Negative Declaration is hereby adopted and incorporated by reference. In addition, in the event the language describing a mitigation measure set forth in the MMRP fails to accurately reflect the mitigation measure in the Initial Study/Mitigated Negative Declaration due to a clerical error, the language of the mitigation measure as set forth in the Initial Study/Mitigated Negative Declaration shall control, unless the language of the mitigation measure has been specifically and expressly modified. [RMA, County Counsel]
- 14. Affordable Housing Fee.** The applicant shall pay a \$4,500 fee to the County per unit at the time of building permit issuance to help facilitate the County's goal of providing for its fair share of affordable housing. Over time as building permits are issued for the 84 homes to be constructed, \$378,000 will be collected.
- 15.** Prior to the recordation of the first Final Map, the applicant shall prepare plans for review and recommendation of the San Benito County **Parks and Recreation Commission** to consider the proposal's compliance with the San Benito County Parks and Recreation Facilities Master Plan.
- The Parks and Recreation Commission shall make a recommendation to the Planning Commission on the appropriateness of the County's acceptance of in-lieu fees without land dedication, and what appropriate compliance should be.
 - Should the Parks and Recreation Commission determine that on-site dedication of parkland is appropriate; the applicant shall revise the Tentative Subdivision Map, and present such map to the Planning Commission for review and approval, including preparation of a parks maintenance and operations plan and incorporating additional conditions of approval as may be required by County Land Use Agencies.
- 16. Demonstration of Public Water and Sewer Service.** Prior to ground disturbance and preparation of the project site for infrastructure or residential development, the applicant shall demonstrate proof of sewer and water utility services from the City of Hollister and the Sunnyslope County Water District and the relevant entities' availability and willingness to serve the project. Upon demonstrating proof of written contractual agreements (to the extent required under applicable law) for these services (that will also clarify financial obligations of concerned parties), the project will 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, as described more fully in the initial study/mitigated negative declaration
- 17. Domestic Water:** The subdivider shall provide the necessary domestic water system improvements that are sufficient to deliver water and provide water service to the Project, as

shown on the vesting TSM and in all applicable Water Improvement Plans, pursuant to San Benito County Standards and all other applicable standards and requirements, and as evaluated more fully in the initial study/mitigated negative declaration.

- 18. Sanitary Sewer Improvements:** The subdivider shall install sanitary sewer improvements that are sufficient to serve the Project, as shown on the vesting TSM and in all applicable Wastewater Improvement Plans, pursuant to San Benito County Standards and all other applicable standards and requirements, and as evaluated more fully in the initial study/mitigated negative declaration.
- 19. 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.

20. Revenue Neutrality of Project; Cooperation in Forming / Annexing into Financing Districts.

- *Revenue Neutrality Generally.* Pursuant to applicable General Plan policies, the subdivider acknowledges and agrees that it is required to ensure revenue neutrality of the Project through the formation (or annexation, as applicable) and implementation of a Community Facilities District (CFD) or other mutually acceptable financing district or mechanism as contemplated by this Condition.
- *Formation and Implementation of the CFD.* Subdivider shall cooperate in the establishment of (or annexation into, as applicable) the CFD and the imposition of the related levy over the Property, including, without limitation, not exercising any right of protest; funding all of the County's costs to prepare any and all studies and other documentation necessary to form (or annex into, as applicable) the CFD (which costs shall include all internal County costs as well as all costs relating to third party consultants and outside legal counsel); and paying all of the other County's costs and expenses associated with the CFD formation (or annexation, as applicable) and implementation process. After Subdivider has initiated said formation/annexation (if applicable) process, County shall use diligent and good faith efforts to complete said

formation/annexation (if applicable) process within one hundred eighty (180) days after County issues the required Notice of Intention for Form/Annex (if applicable) the CFD. Said CFD shall be structured to ensure revenue neutrality and thus cover all relevant County services (at an urban level of service) including, without limitation, the following: Information Technology, GIS, Finance, County Counsel, Personnel, Elections, Judicial, Police Protection, Detention and Correction, Communications, Public Works Administration & Engineering, Resource Management, County Clerk, Recorder, Coroner, Public Administrator, Office of Emergency Services, Planning & Building, Animal Control, Housing & Economic Development, CMSP Participation Fee, Public Assistance Aid Programs, Veteran's Services, Library Services, and Parks & Recreation.

- *Prior to recordation of the first Final Map*, the Subdivider shall cooperate and diligently work with the County to form (or annex into, as applicable) a CFD to enable the Project to remain revenue neutral in accordance with an approved fiscal impact study funded by the Project applicant (which costs may be shared by other participating developers/property owners) and conducted by the County's consultant. 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 (or annexation into, as applicable) the above-referenced CFD. Said formation (or annexation, as applicable) of the CFD shall be completed prior to recordation of the first Final Map. [RMA, County Counsel]

ENVIRONMENTAL HEALTH DEPARTMENT:

21. **Sewage Disposal.** The proposed Project states service will be provided by the City of Hollister, subject to approval by all applicable agencies (e.g., LAFCO, City of Hollister).
22. **Water.** The proposed project states that will be provided by the Sunnyslope County Water District, subject to approval by all applicable agencies (e.g., LAFCO, Sunnyslope County Water District).
23. **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 in accordance with applicable County and other standards and requirements.

SAN BENITO COUNTY FIRE:

24. **Fire:** Any and all development on this Project site shall be required to meet the standards set forth in the latest editions of the 2016 California Fire Code, or if subsequently amended, 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 2016 California Fire Code."

SAN BENITO COUNTY WATER MANAGEMENT DISTRICT:

- 25. Project Grading** The application states that the project will involve approximately 65,600 cubic yards of cut and approximately 57,800 cubic yards of fill. The disposal and deposition of overburden should be reviewed, whether on or off site, and mitigation measures and/or conditions of approval should be included to prevent harmful impacts to surface and groundwater quality resulting from erosion and sediment transport.
- 26. 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 in accordance with these Conditions of Approval.
- 27. Wastewater Disposal.** The applicant shall submit an 'intent to serve' letter from the City of Hollister, that includes acknowledgement of the proposed project scope in accordance with these Conditions of Approval.
- 28. 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 should be described and the location of said facilities should 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.
- 29. 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, as described more fully in the initial study/mitigated negative declaration. This project may also be required to develop and implement a Storm Water Management Plan in accordance with applicable laws and regulations. The project, as currently proposed, appears to do nothing 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 applicable 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 shall conform to NPDES requirements in effect when grading permits are issued on the new parcels. The project shall be required to prepare a Storm Water Pollution

Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to be incorporated into the project. Said construction BMPs should 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 should also be required during construction to minimize dispersion of small particulate matter.

PUBLIC WORKS DIVISION:

30. Prior to recordation of the first Final Map, the applicant shall make the following irrevocable offers of dedication [§ 23.15.002 Dedication of Streets, Alleys and Other Public Rights-of-Way or easement]:

- Half of *110 foot right-of-way along the whole project site frontage on Southside Road.
- Full **60 foot right-of-way for all streets within the subdivision with standard 50 feet radius right-of-way for the turnaround facility at each ends and standard knuckle per City of Hollister Standards. Dedication of road shall consider and provide required curve radius at the corners of intersections.

Provide confirmation that the right-of-way dedications at the corners of intersections had been considered to accommodate ADA Ramp per County Standards.

**110 feet right-of-way requirement for Southside Road may change to 84 feet if Southside Rd. is reclassified in the circulation element.*

***60 feet right-of-way requirement may change to 56 feet upon the approval of the new road standards by the San Benito County Board of Supervisors.*

31. Prior to recordation of the first Final Map, the applicant shall bond for or make the following roadway improvements, which shall be reflected in an approved Subdivision Improvement Agreement [§ 23.17 Improvements]:

- Half of the *94 foot curb to curb paved surface on 96 foot roadbed with standard curb, gutter and detached sidewalk along the whole property frontage on Southside Road.
- Full **40 feet 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)]

**curb to curb pavement width requirement may change upon the reclassification of Southside Rd. in the circulation element.*

***curb to curb pavement width requirement may change upon the approval of the new road standards by the San Benito County Board of Supervisors.*

32. Prior to recordation of the first final map, the applicant shall comply with the recommendations by the traffic report (attached as an appendix to the initial study/mitigated negative declaration and as reflected in the MMRP)by:

- Pay Traffic Impact Mitigation Fee (TIMF) for Union Rd. /Airline HWY.
- Pay Traffic Impact Mitigation Fee (TIMF) for Enterprise Rd. /Airline HWY.
- If the project has direct impact on deterioration of existing level of service (LOS) on any given intersection below LOS D, immediate improvements to LOS D or better is upon the project. The applicant may enter into a reimbursement agreement with the county to receive reimbursement when funding available in the traffic impact mitigation fee account (TIMF).

33. As part of the submission of engineered Improvement Plans for this project, the recommendations in the following reports shall be incorporated into the design of the improvement plans (unless such plans have been modified and approved by the County, in which case the modified reports shall govern):

- The Review of Earthquake Faults Investigation (File No. SH-12620-GC) by Earth Systems Pacific,
- The Earthquake Fault Investigation by Geo-Logic Associates (Project No. 2014.0158), and
- The Site Specific Geotechnical Investigation done by Earth Systems Pacific mentioned in the Geo-Logic Associates report.

Also 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 first Final Map referencing the aforementioned report for future reference by potential property owners. [§ 23.31.023]

34. As part of the submission of engineered improvement plans for this project, the applicant shall comply with then-applicable County Drainage Standards and provide drainage and erosion control details for the project. Included in this will be drainage calculations and construction details for the proposed retention/detention pond for impermeable surfaces created as part of this project, as described more fully in the initial study/mitigated negative declaration. All drainage improvements must be installed or bonded for prior to recordation of the first Final Map. [§ 23.17.003.(B)]

35. Prior to issuance of a mass grading permit, a Storm Water Pollution Prevention Plan "SWPPP" prepared by a certified QSD/QSP (Qualified SWPPP Developer/Qualified SWPPP Practitioner) shall be submitted to County RMA in accordance with applicable laws and regulations. A QSD/QSP shall be retained for the duration of the construction and shall be responsible to coordinate and comply with applicable 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.

36. As part of submission of Improvement Plans for this project, applicant shall include utility plans and have them approved by each corresponding utility company 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 the County RMA for concurrence. Said plans shall be part of the approved Improvement Plan.

37. As part of submission of engineered Improvement Plans for this project, the applicant shall do utility coordination with surrounding properties to be able to have a systematic utility system within the neighboring properties and future developments. This may require utility easements to

be provided whenever necessary and these shall be shown on the improvement plans to be submitted to the County for approval.

38. 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.
39. Prior to recordation of the first Final Map, the applicant must submit a list of proposed street names (for Street A, Street B, & Street C) to the County's RMA for road name approval. [§23.07.003]
40. The proposed project is within the Enterprise Drainage Basin; therefore, prior to the recordation of the first final map the applicant shall be required to pay a fee towards the Enterprise Drainage Basin Benefit Area.
41. **A Homeowners Association** (as defined in Section 23.01.004), duly incorporated under the laws of the State of California, shall be formed for this subdivision. The covenants and restrictions for the subdivision shall provide for its formation and operation and delineate the rights and obligations of the association, its directors and its members (which must include the right of the association, through its members, to levy assessments that are a legal obligation of members and a lien on subdivided property owned by members of the association). The homeowners association shall be activated at or before the time of recordation of the first final map, for the purpose of:
Street lighting, street sweeping, road maintenance, storm drainage, landscaping maintenance and other services/improvements that are installed for the benefit of the subdivision that are private and not offered and accepted for dedication by the County.

An applicant may propose another option to developing a homeowners association to achieve the same purposes as set forth above. If so, the applicant's request shall be brought before the Board of Supervisors, and the applicant shall obtain approval thereof no later than the recordation the first final map, and any approved alternative shall be activated no later than recordation of the first final map. [§23.25.007 (SBC Code)]

42. 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.
43. Upon completion of required improvements, applicant shall provide warranty security in the 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, and shall otherwise provide all security in connection with said improvements as required by the Subdivision Map Act and the County's Subdivision Ordinance. [§ 23.17.009.4]

44. Prior to the recordation of the first 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)] [NLC note to team: how can improvement plans be prepared before recordation of the map? Wouldn't there be a subdivision improvement agreement, bonding, first final map, and then improvement plans and building permit to construct said improvements and then release of bonds once improvements are accepted (except for warranty, which remains for one year)?]

THE MITIGATION MONITORING AND REPORTING PROGRAM

45. The Mitigation Monitoring and Reporting Program for the Bennett Ranch Project - 3061 Southside Road Draft Initial Study/Mitigated Negative Declaration San Benito County, California is hereby incorporated into these conditions of approval and made a part. See the attached pages that follow.



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

2301 Technology Parkway/
Hollister, CA 95023-2513

Phone: (831) 637-5313
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Table 1: Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures		Method of Verification	Timing of Verification	Responsible Agency or Party	Verification of Completion	
					Date	Initial
1.	Aesthetics					
MM AES-1 (A) Design Standards Prior to issuance of the first building permit for the project, the project proponent shall submit anticipated design components to the County for review and approval in order to confirm consistency with applicable standards, requirements and design guidelines. Said components shall, at minimum, satisfy the following: <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.• Color combinations used on individual home roofs, walls, and fascia shall be selected as to avoid high contrast, such as very dark brown adjacent to white.• 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.		Review by staff for potential action by the Director or Planning Commission	Prior to the recordation of the first final map	County of San Benito Resource Management Agency (RMP)		
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 conceptual landscape plan. Tract-wide landscaping plans shall comply with the following		Review by Public Works Department and Planning Department for potential action by the Director or Planning Commission	Prior to the recordation of the first final map	County of San Benito RMP		

requirements:				
<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. Only natural fiber, biodegradable materials shall be used. 				

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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2. Agriculture and Forestry Resources MM AG-1: 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 (for a total of 14 acres). Said mitigation shall be satisfied by the applicant through: <ol style="list-style-type: none"> 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 14 acres of FMMP 	Provide evidence of the recorded easement or deed restriction or evidence of payment to the County Planning Department or qualifying entity, such as the San Benito County Agricultural trust for approval.	Prior to issuance of any grading permits	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>Important Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or</p> <p>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 14 acres of FMMP Important 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</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 14 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>					
4. Biological Resources					
MM BIO-1: The Project shall adhere to and demonstrate compliance with the following requirements to the satisfaction of the County:	Planning Review	Prior to issuance of grading permits.	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<ul style="list-style-type: none"> Avoidance of grading during the wet season (defined as the months of October to April); A pre-construction survey of the site for California red-legged frog and California tiger salamander by a qualified biologist prior to the start of construction activities; and A worker training session, conducted by a qualified biologist, informing construction workers of the biology of the California red-legged frogs and California tiger salamander and the requirements and procedures in the event these species are encountered during construction. 					
MM BIO-2: A pre-construction survey of the site by a qualified biologist prior to the start of construction activities shall be conducted, along with related measures involving avoidance of kit foxes during construction (such as maintenance of buffers around dens in the unlikely event that the species is detected during the pre-construction survey), per the Standardized Recommendations For Protection Of The San Joaquin Kit Fox Prior To Or During Ground Disturbance (USFWS 1999).	Planning Review	Prior to issuance of grading permits.	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-3: The project shall adhere to and demonstrate compliance with the following requirements to the satisfaction of the County: <ul style="list-style-type: none"> • A pre-construction survey of the site for burrowing owl presence by a qualified biologist is required prior to the start of construction activities ; • Should burrowing owls be discovered on or near the site, construction activities shall be avoided within 250 feet of active burrows during the breeding season (February 1 through August 31); and • Eviction of owls from burrows will only be allowed during the nonbreeding season. 	Planning Review	Prior to issuance of grading permits.	County of San Benito RMP		
MM BIO-4: The project shall adhere to and demonstrate compliance with the following requirements to the satisfaction of the County: A pre-construction survey of the site for American Badger presence by a qualified biologist is required prior to the start of construction activities. <ul style="list-style-type: none"> • Should an active badger den be discovered on or near the site, construction activities shall be avoided within 250 feet of active dens; and • Eviction of American Badgers from dens will only be allowed during the nonbreeding season. 	Planning Review	Prior to issuance of grading permits.	County of San Benito RMP		
MM BIO-5: Avoidance and minimization measures to satisfy General Plan Policy NCR-2.2 shall be implemented to reduce the potential for proposed development of the site to result in significant impacts to roosting bats. Such	Planning Review	Prior to issuance of grading permits.	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>measures shall include the following:</p> <ul style="list-style-type: none"> • Pre-construction surveys of all potential roosting structures by a qualified biologist prior to construction; • Maintenance of disturbance-free buffers around active roosts during the maternity season (March 15 to August 31) to avoid impacting young bats that are not volant (i.e., that cannot fly); and • The eviction of bats will only be allowed outside of the maternity season. 					
<p>MM BIO-6: The following measures shall be implemented to ensure compliance with the Migratory Bird Treaty Act and California Fish and Game Code:</p> <ul style="list-style-type: none"> • Construction activities shall be avoided during the nesting season (i.e., February 1 to August 31) to the extent feasible. • Potential nesting substrate (e.g., bushes, trees, snags, grass, and suitable artificial surfaces) should be removed during the non-breeding season (i.e., they should be removed between September 1 and January 31), if feasible, to help preclude nesting on the site by birds. If it is not feasible to schedule vegetation removal during the non-breeding season, then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during construction activities. This survey shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist shall 	Planning Review	Prior to issuance of grading and during construction	Director, County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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inspect all trees, shrubs, and other potential nesting habitats in and immediately adjacent to the site for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with the CDFW, shall determine the extent of a buffer zone to be established around the nest, typically a 300 foot radius for raptors and a 100 foot radius for other birds, to ensure that no nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code will be disturbed during construction activities.					
MM BIO-7: Prior to grading activities, the Project Applicant shall obtain a tree permit for all black walnut trees located on-site pursuant to Chapter 25.29 Article VII "Tree Protection." Permit requirements are clarified under Chapter 24.29.214, and no work shall commence prior to the approval of the permit by the County's Director of Planning and Building Services.	Planning Review	Prior to issuance of grading and during construction	County of San Benito RMP		
5. Cultural Resources					
MM CUL-1: If cultural resources or Tribal Cultural Resources are encountered during ground-disturbing activities, work within a 50-foot radius of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (NPS 1983) should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological	Review of NAHC correspondence; onsite inspection/ monitoring by County and Applicant	In the event cultural resources or Tribal Cultural Resources are encountered during ground-disturbing activities	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work such as data recovery excavation may be warranted to exhaust the data potential of the resource, thereby reducing any impact to a less-than-significant level. All subsequent archaeological work shall be performed at the direction of the County and the developer would be responsible for the additional cost to perform the work.					
MM CUL-2: If human remains are found, State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In accordance with this code, in the event of an unanticipated discovery of human remains, the County Coroner would be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (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.	Review of NAHC correspondence; onsite inspection/ monitoring by County and Applicant	In the event human remains are found during site disturbance/construction	County of San Benito RMP		
MM CUL-3: Paleontological Monitoring Program: Prior to construction activity, a qualified paleontologist shall	Review of NAHC correspondence; onsite	Prior to construction	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>prepare a Paleontological Monitoring Program to be implemented during project ground disturbance activity. This program shall include worker awareness training and procedures for reporting if a paleontological resource is found. Typical components include the following:</p> <ul style="list-style-type: none"> • Paleontological Worker Environmental Awareness Program: Prior to the start of construction, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff and should fossils be discovered by construction staff. The county shall establish the procedure for notifying a qualified paleontologist to make a determination about fossils found during excavation. Developer shall be responsible for the costs of a monitoring paleontologist, as determined necessary by the County. • Paleontological Monitoring: Any excavations exceeding 3 feet in depth shall be monitored on a full-time basis by a qualified paleontological monitor. Ground disturbing activity that does not exceed 3 feet in depth does not require paleontological monitoring. Should no fossils be observed during the first 50 percent of excavations exceeding 3 feet in depth, paleontological monitoring may be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Developer shall be responsible for the costs of a monitoring paleontologist, as determined necessary by the County. • Salvage of Fossils: If fossils are discovered, a qualified paleontologist (or the paleontological monitor) shall 	inspection/ monitoring by County and Applicant	activity			

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>recover them. 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 monitoring or on-call 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.</p> <p>Developer shall be responsible for the costs of a monitoring paleontologist, as determined necessary by the County.</p> <ul style="list-style-type: none"> • Preparation and Curation of Recovered Fossils: 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 (such as the WSC or SBCM), along with all pertinent field notes, photos, data, and maps. • Final Paleontological Monitoring Report: Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final monitoring report outlining the results of the monitoring program. The report shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. 					

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
6. Geology and Soils					
MM GEO-1: Design of proposed structures on the site shall be done in conformance with the seismic provisions of the 2016 CBC and the recommendations of the Earthquake Fault Investigation prepared by Geo-Logic Associated (dated June 10, 2015) and the Geotechnical Engineering Report conducted by Earth Systems Pacific (dated April 25, 2015) including setbacks from identified faults. A qualified geotechnical engineer, as determined by the County, shall review the final foundation and building plans to ensure conformance with the recommendations.	Review of site plans; onsite inspection	Prior to issuance of building permit	County of San Benito RMP		
MM GEO-2: The Applicant shall obtain a qualified geologist to perform a follow up site-specific investigation of secondary seismic hazards including liquefaction and landslide susceptibility, lateral spreading, and seismic settlement. Should any secondary seismic hazards be found to exist on-site, the geologist will determine standards for construction for proposed structures on the Site. A qualified geotechnical engineer shall review the final foundation and building plans to ensure conformance with the recommendations before building permits are issued by the County. The builder will demonstrate conformance with the approved plans in construction inspections.	Review of site plans; onsite inspection	Prior to issuance of building permit	County of San Benito RMP		
MM GEO-3: Design and construction of fills, cuts, foundations, retaining walls, and slabs shall recognize the presence of upper soil with loose consistency and the presence of previously-placed undocumented fill and completed in compliance with the recommendations of the ESP (2015) report. Grading measures such as	Review of site plans; onsite inspection	Prior to issuance of building permit	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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overexcavation for cut/fill building pads and removing undocumented fill in the areas of the existing residences and driveways shall occur consistent with the geotechnical recommendations. A qualified geotechnical engineer shall review the final grading and foundation plans to ensure conformance with the recommendations.					
MM GEO-4: The Applicant shall adhere to the recommendations of the ESP (2015) Geotechnical Engineering Report regarding expansive soils on-site. As set forth in said recommendations, post-tensioned slabs or structural mat foundations should be designed to withstand forces related to soil expansion and contraction. In addition, the soil should be moisture conditioned, and nonexpansive imported material should be placed in areas to receive exterior concrete flatwork.	Review of site plans; onsite inspection	Prior to issuance of building permit	County of San Benito RMP		
8. Hazards and Hazardous Materials					
MM HAZ-1: Prior to issuance of demolition permits, the Project applicant shall retain a hazardous materials contractor to inspect the Project site (including all existing structures and buildings to be demolished) for the presence of asbestos-containing materials and lead-based paint. If these materials are determined to be present, they shall be removed and disposed of by a registered asbestos abatement contractor in accordance with applicable federal, state, and local laws and regulations. If these materials are determined not to be present, no further action is necessary. The applicant shall submit documentation verifying compliance with	Periodic onsite inspection/ monitoring	Prior to issuance of demolition permits	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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this mitigation measure as part of the demolition permit application.					

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

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<p>12. Noise</p> <p>MM NOI-1a: Construction Noise Attenuation Best Management Practices (BMPs). For all construction activity at the Project site, noise attenuation BMPs shall be employed to ensure that noise levels are maintained within levels allowed under Section 19.39.051 of the San Benito County Code. Such techniques shall include:</p> <ul style="list-style-type: none"> • Install a temporary noise barrier on the western boundary of the Project site along Southside Road during construction. Temporary noise barriers should be made of noise-resistant material sufficient to achieve a Sound Transmission Class (STC) rating of STC 30 or greater, based on sound transmission loss data taken according to ASTM Test Method E90. To be effective, the barrier must be long and tall enough to completely block the line-of-sight between the noise source and the receptors. Any gaps between adjacent panels must be filled-in to avoid having noise penetrate directly through the barrier. • Equip mobile or fixed "package" equipment (e.g., arc welders, air compressors) with shrouds, sound blankets, and noise-control features that are readily available for that type of equipment. • All diesel equipment shall be operated with closed engine doors and shall be equipped with mufflers and air-inlet silencers, where appropriate, that meet or exceed original factory specification. • For stationary equipment, the applicant shall designate equipment areas with appropriate acoustic shielding on building and grading plans. Equipment and shielding shall be installed prior to construction and 	Record in contract specifications; Periodic onsite inspection/monitoring	Prior to and during construction	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>remain in the designated location throughout construction activities.</p> <ul style="list-style-type: none"> • Electrical power shall be used to power air compressors and similar power tools. • Construction vehicles and equipment shall be left idling for no longer than 5 minutes when not in use. 					
<p>MM NOI-1b: Construction Activity Timing. Except for emergency repair of public service utilities, or where an exception is issued by the County Planning & Building Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur daily between the hours of 7:00 p.m. and 7:00 a.m., or any time on Sundays, holidays, or after sunset.</p> <p>The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No movement of heavy equipment shall occur on Sundays, holidays, or after sunset.</p>	Record in contract specifications; Periodic onsite inspection/monitoring	Prior to and during construction	County of San Benito RMP		
<p>MM NOI-1c: Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:</p> <ul style="list-style-type: none"> • The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. 	Record in contract specifications; Periodic onsite inspection/monitoring	Prior to and during construction	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

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<ul style="list-style-type: none"> The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the Project site. 					
<p>NOI-1(d): Construction Vehicle Travel Route. All construction traffic to and from the Project site shall be routed via designated truck routes where feasible. All construction related heavy truck traffic in residential areas shall be prohibited where feasible. Construction vehicles and haul trucks must utilize roadways that avoid residential neighborhoods and sensitive receptors where possible. The applicant shall submit a proposed construction vehicle and hauling route for County Planning & Building Department review and approval prior to grading/building permit issuance. The approved construction vehicle and hauling route shall be used for</p>	Record in contract specifications; Periodic onsite inspection/monitoring	Prior to and during construction	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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the duration of project construction.					
NOI-1(e): Neighboring Property Owner Notification and Construction Noise Complaints. The contractor shall inform residents and business operators at properties within 240 feet of the Project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Proof of mailing the notices shall be provided to the County Planning & Building Department before the County issues grading or building permits. Signs shall be in place before beginning of and throughout grading and construction activities. Noise-related complaints shall be directed to the County Planning & Building Department.	Record in contract specifications; Periodic onsite inspection/monitoring	Prior to and during construction	County of San Benito RMP		
16. Transportation/Traffic					
MM TRANS-1: Applicant will pay their fair share through the TIMF fee to complete the following improvements: modify the existing traffic signal at the intersection of Union Road and Airline Highway (SR-25) to include protected left-turn phasing for the eastbound and westbound approaches and to add a right-turn only lane to the eastbound approach. With these improvements, this intersection is projected to provide "Existing" and "Existing plus Project" AM and PM peak-hour LOS "C" operations. Alternatively, this intersection is projected to provide acceptable LOS operations with Airline Highway (SR-25) and Union Road widening (TIMF Projects 4, 9 and 10).	Record in conditions of approval; periodic onsite inspection/monitoring	Prior to issuance of certificate	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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18. Utilities and Service Systems					
MM UTIL-1: Southside Road Sewer Main Capacity. Prior to approval of the final map(s), the applicant shall confirm the required size and installation cost of the planned upgrade to the Southside Road sewer main, to address the identified cumulative impact. The estimated cost (including design, permitting and construction) along with the applicant's pro-rata share, shall be reviewed and approved by the County of San Benito and City of Hollister. Prior to approval of the final map, the Applicant shall pay its pro rata fair share towards the construction of the planned improvements.	Record in conditions of approval; periodic onsite inspection/monitoring	Prior to approval of the final map	County of San Benito RMP		
MM UTIL-2: Southside Lift Station Improvements. In order to ensure that existing City of Hollister wastewater conveyance infrastructure can accommodate flows from the proposed Project, as a condition of map approval, the Applicant shall be obligated to fund and construct all lift station improvements recommended in the Wallace Group memo of March 24, 2017, and/or as modified in the subsequent Wallace Group memo dated July 27, 2017 (both memos included in Appendix K of the Draft IS/MND), subject to review and approval by the County Engineer and City of Hollister. Such improvements shall be constructed prior to issuance of the first building permit for the project. As noted in the Wallace Group memos, these recommended improvements may include the following:	Record in conditions of approval; periodic onsite inspection/monitoring	Prior to approval of the final map	County of San Benito RMP		

Table 1 (cont.): Bennett Ranch Project-3061 Southside Road Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<ul style="list-style-type: none"> • A permanent on-site generator and automatic transfer switch shall be installed at the Southside Liftstation. • To increase the existing wet well storage capacity and improve the response time in case of pump failure as requested by the City of Hollister, a new 6-foot wet well is to be constructed adjacent to the existing wet well. The two wet wells are to be connected at the pump off level elevation so that the adjacent wet well empties after every cycle. Considering the future peak flow from all reasonably foreseeable development identified in the Wallace Group memo of March 24, 2017, the required response time during a peak hour flow failure shall be no less than 6.2 minutes (T = 1,957 gallons/315 gpm = 6.2 minutes). 					

Taven M. Kinison Brown
San Benito County
Planning & Building Inspection Services
Resource Management Agency

Date