



**SAN BENITO COUNTY
PLANNING COMMISSION**

Vincent Ringheden District No. 1	Richard Way District No. 2	Robert Scagliotti District No. 3 - Vice-Chair	Robert Gibson District No. 4 - Chair	Celeste Toledo-Bocanegra District No. 5
--	--------------------------------------	--	---	---

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - REGULAR SESSION-
AUGUST 21, 2024
6:00 PM**

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations.

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 842 6449 5650
Webinar Password: 928233
Join by Phone: +1 408 638 0968 US (San Jose)

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full Zoom experience, please make sure your application is up to date.

Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.

Remote Viewing:

Members of the public who wish to watch the meeting can view a livestream of the meeting online through either the:

A. Community Media Access Partnership (CMAP) YouTube Page:

https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA

B. Peak Agenda Page: https://cosb.granicus.com/ViewPublisher.php?view_id=1

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us.

Public Comment Guidelines

A. The San Benito County Board of Supervisor's welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@cosb.us.

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

4 DEPARTMENT ANNOUNCEMENTS

- 4.1. [RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -Accept informational report on recent project applications submitted following the June 19th, 2024 Regular Meeting.SBC FILE NUMBER: 790](#)

5 PUBLIC COMMENT

6 CONSENT AGENDA

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.

- 6.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Approve the draft Planning Commission Minutes from the Regular Meeting of June 19th, 2024.SBC FILE NUMBER: 790.2](#)
[2024-06-19_PC_MINUTES_DRAFT.docx](#)

- 6.2. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Acknowledge the Certificate of Posting for the August 21st, 2024 Regular Planning Commission Meeting.SBC FILE NUMBER: 790.2](#)
[8.21.2024_PC_Certificate of Posting.pdf](#)

7 PUBLIC HEARING

- 7.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing and consider resolution regarding County Planning file PLN240013, a conditional use permit to allow for the operation of a woodworking workshop that provides custom woodworking and small-scale cabinetry services as well as an agricultural equipment repair service business located at 10 Flint Road, San Juan Bautista, CA.SBC FILE NUMBER: 790](#)
Resolution

Staff Report
Freelance Notice

- 7.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing to consider adopting a resolution to approve a tentative map subdividing an existing 251.94-acres parcel into two separate parcels of 20.00 acres and 228.48 with a 3.46 acre road dedication. The Project, County Planning file PLN240016, is located at 2231 Shore Road approximately 8 miles northwest of downtown Hollister within unincorporated San Benito County.Â SBC FILE NUMBER: 790**

Resolution
Staff Report
Freelance Notice

- 7.3. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing to consider adopting a resolution to approve a tentative map subdividing an existing 38.93-acres parcel into four separate parcels of 5.00 acres, 5.00 acres, 5.00 acres, and 23.57 acres. The project, County Planning file PLN220004, is located at 1175 Comstock Road approximately 7 miles northeast of downtown Hollister in the unincorporated San Benito County.Â SBC FILE NUMBER: 790**

Resolution
Staff Report
CEQA Notice of Completion
CEQA Notice of Intent to Adopt a Mitigated Negative Declaration
Initial Study/Mitigated Negative Declaration
Freelance Notice

8 REGULAR AGENDA

- 8.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Receive presentation from RWE Clean Energy on the Panoche Valley Solar Plant Decommissioning Fund Discussion and provide direction on on request for the second decommissioning deposit waiver.SBC FILE NUMBER: 790**

Panoche Decommissioning Fund Discussion 081424.pptx
PVS - 1stAm Dev Agr - RECORDED.pdf
2024-06-03_Panoche Valley Solar_Decom Cost Estimate.pdf

9 COMMISSIONER ANNOUNCEMENTS

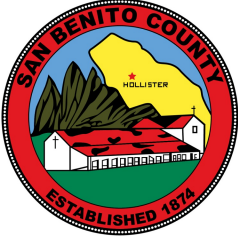
10 ADJOURNMENT

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**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 4.1

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -
Accept informational report on recent project applications submitted following the June 19th,
2024 Regular Meeting.**
SBC FILE NUMBER: 790

AGENDA SECTION:

DEPARTMENT ANNOUNCEMENTS

BACKGROUND/SUMMARY:

Planning staff to present any planning applications that have been submitted since the last Regular Planning Commission Meeting.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

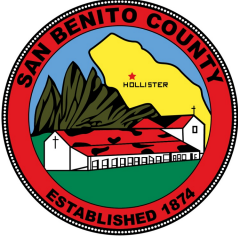
STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission receive the informational report, and if desired give staff guidance on the project applications.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 6.1

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -
Approve the draft Planning Commission Minutes from the Regular Meeting of June 19th, 2024.
SBC FILE NUMBER: 790.2**

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve the draft Planning Commission Minutes from the Regular Meeting of June 19th, 2024.

ATTACHMENTS:

[2024-06-19_PC_MINUTES_DRAFT.docx](#)



**SAN BENITO COUNTY
PLANNING COMMISSION**

Vincent Ringheden District No. 1
Richard Way District No. 2
Robert Scagliotti District No. 3
Robert Gibson District No. 4
Celeste Toledo-Bocanegra District No. 5
- Vice-Chair - Chair

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - REGULAR SESSION-
June 19, 2024, MEETING MINUTES**

NOTE: The minutes herein provide a summary of agenda items presented to the Planning Commission, but do not provide a transcript. The meetings are recorded and the full recording should be consulted for the complete presentations, discussions, and public comments.

Recordings of the Planning Commission meetings are available at:

<https://www.youtube.com/@CommunityMediaTV>

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 839 2529 9810

Webinar Password: 092505

Join by Phone: +1 (408) 638-0968

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

Remote zoom participation for members of the public is provided for convenience only. In the event that the zoom connection malfunctions for any reason, the board of supervisors reserves the right to conduct the meeting without remote access.

Remote Viewing:

Members of the public who wish to watch the meeting can view a livestream of the meeting online through either the:

- A. Community Media Access Partnership (CMAP) YouTube
Page: https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.
- B. Peak Agenda Page: https://cosb.granicus.com/ViewPublisher.php?view_id=1

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us.

Public Comment Guidelines

- A. The San Benito County Board of Supervisor's welcomes your comments.
- B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.
- C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.
- D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@sanbenitocountyca.gov

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6.00 p.m.

2. PLEDGE OF ALLEGIANCE

Richard Way, Planning Commissioner, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck Associate Planner, administered Roll Call.

Vincent Ringheden, Planning Commissioner, was present in chambers.

Richard Way, Planning Commissioner, was present in chambers.

Robert Scagliotti, Vice-Chair of the Planning Commission, was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commissioner, was present in chambers.

4. DEPARTMENT ANNOUNCEMENTS

Arielle Goodspeed, Principal Planner, presented upcoming schedule changes including cancellation of the July 17, 2024, Regular Meeting and scheduling and August 7, 2024, Special Meeting.

4.1 RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -

Accept informational report on recent project applications submitted following the May 15th, 2024 Regular Meeting.

Abraham Prado, Director of Planning and Building reported on recent applications.

5. PUBLIC COMMENT

Stephanie Reck, Associate Planner, presented the public comment guidelines.

There was no general public comment.

6. CONSENT AGENDA

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.

Robert Scagliotti, Vice Chair of the Planning Commission, motioned to adopt the Consent Agenda.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0)

Moved by Robert Scagliotti; Vice -Chair of the Planning Commission Motioned to adopt the Consent Agenda as a whole. Richard Way seconded this motion.

Moved by Robert Scagliotti; seconded by Richard Way to Approve.

Motion Passed: 5 - 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

6.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Acknowledge the Certificate of Posting for the June 19th, 2024, Regular Planning Commission Meeting.

6.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Approve the draft Planning Commission Minutes from the Regular Meeting of May 15th, 2024.

7. REGULAR AGENDA

7.1 SHERIFF'S OFFICE - E. TAYLOR -

Participate in discussion with Sergeant Canez and Code Enforcement Officer Robin Lelan regarding the cannabis raid conducted at Buena Vista Road the occurred in May of 2024.
SBC FILE NUMBER: 110

San Benito County Sheriff's Seargeant Canez, County Fire Marshall Dole and SBC Code Enforcement Officer, Robin Leland presented on the cannabis raid on Buena Vista Road. Stephanie Reck, Associate Planner, presented on the draft legislation SB-820 Cannabis enforcement seizure of property.

Discussion among the commissioners regarding the property owner's name. Why 12 plants were left after destroying 19,399 and if any property was seized during the raid.

Seargeant Canez explained that the Department is not releasing the name of the owner during the investigation. Twelve immature plants were left in good faith. A few generators.

7.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Receive information presentation from Karminder Brown regarding San Benito County Resource Conservation Districts (SBRCD).
SBC FILE NUMBER: 790.2

Karminder Brown, Executive Director San Benito Resource Conservation District, presented about San Benito County Resource Conservation Districts (SBCRD)

Discussion among the commissioners regarding if the SBCRD was invited to work with the Pacheco Stormwater District. Karminder Brown said she has worked with them and Steve Loupe the County Public Works Administrator.

7.3 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Receive information presentation from Lynn Overtree regarding the San Benito Agricultural Land Trust (SBALT).

SBC FILE NUMBER 790.2

Lynn Overtree, Executive Director of the San Benito Agricultural Land Trust (SBALT) presented information on the program.

Discussion among the commissioners regarding closing a possible loophole from the mapping process.

No Public comment in chambers or via zoom

7.4 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Receive information from Code Enforcement Officer Robin Leland regarding Title 1 Code Enforcement update. SBC FILE NUMBER: 790.2

Robin Leland, San Benito County Code Enforcement Officer, presented on the Title 1 Code Enforcement update.

No public comment in chambers or via zoom

Discussion among the commissioners regarding where the fees are deposited. Who is typically a non-biased hearing officer? What are the most frequent infractions? Is it hard to get an appeal? How are the proposed fees determined and are they based on similar districts? How is a structure determined? There were questions on the fee application to an infraction. Some felt the fee structure was not strong enough and recommended increasing them more than Leland proposed. How are man-hours calculated when investigating a violation?

Leland said she follows the letter of the law when addressing code enforcement warnings. She said the fees are deposited with the abatement fund. A non-biased hearing officer is typically an attorney or vetted individual not involved with the case. They do provide translation services. Most common infractions are: building without permits; visual blight or substandard housing. It is simple to submit a request for an appeal. The individual receives instructions with the Notice of Violation that details the process. The proposed fee schedule is based on fee schedules from districts that are similar in economic parameters as Hollister. A minimum standard for a structure is if it is connected to the ground, with or without walls. The need for a permit is triggered if the structure is a minimum of 120 square feet or has utilities. Leland explained that fees are charged on a per day, per violation basis up to 90 days. The landowner is informed by certified and regular mail at the onset that the violation is being recorded and

fees are accruing. They receive invoices every month. If that doesn't motivate the property owner, the county sends it to collections. If it goes further than collections the county may take civil action. Man-hours are computed by using the officers fully loaded hourly pay rate multiplied by the time spent on the investigation. Time spent on a citation is documented and charged. There is also a county-authorized \$125 legal surcharge per violation that requires a permit.

8. PUBLIC HEARING

8.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -

Hold a public hearing and consider resolution regarding County Planning file PLN220055, use permit for off-site truck parking in service of agriculture operations, including light maintenance activities such as checking and topping essential fluids, inspecting safety features, and general cleaning to prevent rust and corrosion.

SBC FILE NUMBER: 790.2

Victor Tafoya, Assistant Planner, presented on PLN220055, a use permit for off-site truck parking and maintenance for agriculture.

Discussion among the commissioners regarding facility being found in violation in 2022 and possibly operating since being cited; The routes the trucks drive; upgrades to the facility and the driveway. There were also concerns about the possibility of noise from refrigeration trucks and the hours of operations.

Tafoya said the facility was required to cease and desist operation when it was cited. He does not know if it has been in operation or where the trucks have been located.

The applicant, Salvadore Barreras explained what routes the trucks would use including exiting the lot and using Olympia and Bixby Roads and Highways 156 and 129. The project calls for installation of gravel and cement for the driveway. He does not have a current county business license.

Open Public Comment

Public Comment: Renee Harvey, Cindy commented via Zoom.

Close Public Comment

Moved by Richard Way, seconded by Robert Scagliotti, to deny the conditional use permit.

Motion passed four (4) to one (1)

Motion : 4- 1

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: Celeste Toledo-Bocanegra

After the vote the applicant was informed that he may appeal the decision to the County Board of Supervisors. It was recommended he get a county business license.

8.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING –

The project proposes to subdivide an existing 21.02-acres parcel into three separate parcels of 5.00 acres, 5.00 acres, 6.02 acres, with a 5.00 acre remainder parcel, respectively.

SBC FILE NUMBER: 790.2

Robert Gibson recused himself explaining he does seasonal work for the applicant. He stepped away from the bench.

Jonathan Olivas, Assistant Planner, presented on PLN230042 a minor subdivision.

Public Comment Opened:

No public comment via zoom or in chambers

Public Comment closed

Ann Hall, San Benito Engineering, speaking on behalf of the applicant, asked about condition Twenty (20) on the well easement. She suggested that they remove the requirement for a formal easement agreement between parties as the parcels are not yet in existence and they are all the property of one owner. The applicant would include information that the well will be shared and delineate easements to the well on the recorded map. She asked for a deferral on road improvements pending any future development after one home is built.

Discussion among the commissioners regarding deferment of mandatory road improvements until one home is built. After that the applicant would be required to provide road improvements from Los Vibrios Road to the end of the property.

Moved by Celeste Toledo-Bocanegra, to defer road improvements until after one home is built and removing Number 20 of the well access agreement. It includes approving the Minor Subdivision. Vincent Ringheden, seconded the motion.

Motion passed Four (4) to zero (0) with one (1) abstention.

Motion : 4- 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Celeste Toledo-Bocanegra

Voting Against: None

9. COMMISSIONER ANNOUNCEMENTS

No commissioner announcements.

10. **ADJOURNMENT**

Moved by Richard Way; seconded by Robert Scagliotti, to adjourn at 8:05 p.m.
Motion passed five (5) to zero (0)

Motion : 5 - 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson,
Celeste Toledo-Bocanegra

Voting Against: None

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.

Moved by Richard Way; seconded by Robert Scagliotti to Richard Way, District Two represented, motioned to adjourn at 8:05 p.m.

Robert Scagliotti, District Three representative, seconded the motion.

Motion passed 5-0

.

Motion : 5 - 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vincent Ringheden
District No. 1

Richard Way
District No. 2

Robert Scagliotti
District No. 3
- Vice-Chair

Robert Gibson
District No. 4
- Chair

Celeste Toledo-Bocanegra
District No. 5

Item Number: 6.2

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Holly Strother

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Acknowledge the Certificate of Posting for the August 21st, 2024 Regular Planning Commission Meeting.

SBC FILE NUMBER: 790.2

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Acknowledge the Certificate of Posting for the August 21st, 2024 Regular Planning Commission Meeting.

ATTACHMENTS:

[8.21.2024_PC_Certificate of Posting.pdf](#)

*San Benito County Planning Commission
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, *Holly Strother*, certify that the **REGULAR MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for August 21, 2024, was posted at the following locations, freely accessible to the public, on this day of August 14, 2024:

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

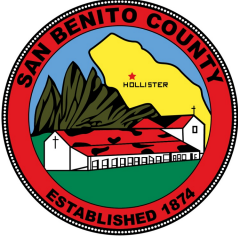
AND

The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

Holly Strother
Staff Services Specialist
County of San Benito



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vincent Ringheden
District No. 1

Richard Way
District No. 2

Robert Scagliotti
District No. 3
- Vice-Chair

Robert Gibson
District No. 4
- Chair

Celeste Toledo-Bocanegra
District No. 5

Item Number: 7.1

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing and consider resolution regarding County Planning file PLN240013, a conditional use permit to allow for the operation of a woodworking workshop that provides custom woodworking and small-scale cabinetry services as well as an agricultural equipment repair service business located at 10 Flint Road, San Juan Bautista, CA. SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The project at 10 Flint Road, San Juan Bautista, CA, involves the ongoing operation of two distinct businesses: a custom woodworking workshop and an agricultural equipment repair service. These businesses have been using the property's existing structures, which were originally built for agriculture, for several years without getting formal approval from the county

On January 9, 2024, San Benito County staff issued a notice of violation to the property owner, Anthony Botelho, for operating these businesses without the required county permits. In response, Anthony Botelho submitted an application for a Conditional Use Permit (CUP) on February 27, 2024, to bring the operations into compliance with county regulations. The CUP is necessary because the scale and scope of these operations exceed what is typically allowed under a Rural Home Enterprise, which would ordinarily require only an administrative permit.

The woodworking workshop focuses on custom woodworking and small-scale cabinetry services. It operates within three existing buildings on the property, each dedicated to different phases of the

woodworking process, from manufacturing to finishing. The workshop employs four individuals and is equipped with specialized machinery, including a large belt sander, shaper, and planer machine. The business does not engage in on-site customer interactions, minimizing traffic and maintaining a controlled operational environment.

The agricultural equipment repair service primarily serves local farms, providing essential maintenance and repair services for agricultural machinery. This business operates within a section of the woodworking buildings, using the space for storage of tools and equipment necessary for off-site repairs. On-site activities are limited to light maintenance and storage, ensuring that the repair services do not disrupt the agricultural character of the area.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission consider Resolution 2024-__ and adopt said resolution, subject to the findings and conditions of approval included therein, in order to approve the conditional use permit under County Planning file PLN240013.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[Freelance Notice](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

RESOLUTION 2024-___

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION APPROVING, FOLLOWING THE CONSIDERATION OF COUNTY PLANNING FILE **PLN240013**, A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A WOODWORKING WORKSHOP THAT PROVIDES CUSTOM WOODWORKING AND SMALL-SCALE CABINETS SERVICES, AS WELL AS AN AGRICULTURAL EQUIPMENT REPAIR SERVICE BUSINESS LOCATED AT 10 FLINT ROAD, SAN JUAN BAUTISTA, CA 95045, ASSESSOR'S PARCEL NUMBER (APN) 018-160-027.

WHEREAS the subject parcel is located 10 Flint Road, San Juan Bautista, in San Benito County, California (Assessor's Parcel Number 018-160-027), and is 10 acres in area; and

WHEREAS on January 9, 2024, County staff issued a notice of violation for the operation of a woodworking workshop and an agricultural equipment repair services business without obtaining proper county approvals; and

WHEREAS Anthony Botelho has filed an application February 27, 2024, to obtain a use permit for the operation of a woodworking workshop and an agricultural equipment repair services business; and

WHEREAS County staff received the proposal as County Planning file PLN240013 and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS the subject parcel currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS a Conditional Use Permit is required to allow the operation and certain expansions of the Rural Home Enterprise on the subject parcel, in accordance with County Code §25.08.004; and

WHEREAS the Planning Commission of the County of San Benito reviewed the use permit at its regularly scheduled meeting held on August 21, 2024; and

WHEREAS at said meeting the Planning Commission reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Exhibit A**, and

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves the conditional use permit subject to the conditions of approval found in **Exhibit B**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 13th DAY OF AUGUST 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director of Planning, Building & Code Enforcement
Resource Management Agency of San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an exemption from CEQA under State CEQA §15301 (Existing Facilities), §15303 (New Constructions or Conversion of Small Structures), and §15304 (Minor Alterations of Land).

Evidence: Section §15301 (Existing Facilities) exemptions consist of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures.” The proposed project involves the continued operation of a woodworking workshop and an agricultural equipment repair services business within existing buildings on the property. These operations have been ongoing for years without any significant physical alterations or expansions to the existing structures. Any maintenance or minor repairs conducted are routine and do not result in significant changes, making this project consistent with the criteria under Section §15301.

Evidence: Section §15303(C) (New Construction or Conversion of Small Structures) exemptions consist of “the construction and location of limited numbers of new, small facilities or structures, and the conversion of existing small structures from one use to another where only minor modifications are made.” The project does not involve any significant expansion or alteration of the existing structure or introduce significant amounts of hazardous materials. Additionally, a hazard mitigation plan will be prepared and submitted to the San Benito County Environmental Health Department to address potential risks associated with these activities. The combination of limited structural changes and the implementation of a hazard mitigation plan demonstrates the project's compliance with the exemption criteria specified in Section §15303(C).

Evidence: Section 15304 (Minor Alterations of Land) exemptions include “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.” The alterations, such as roadbed improvements are minor in nature and do not entail extensive grading, excavation, or changes to the topography. Additionally, the project does not involve the removal of mature, scenic trees or alterations to significant natural features.

Use Permit Findings:

Finding 1: The proposed use is conditionally permitted within applicable zone and complies with all other applicable provisions of County Code Title 25 (Zoning) and all other titles of the County of San Benito County Code, the General Plan, and any applicable Specific Plan.

Evidence: The proposed project aligns with the Agricultural Productive (AP) zoning district, which permits the operation of a woodworking workshop and agricultural equipment repair service under a Rural Home Enterprise. Per County Code §25.08.004(J), Rural Home Enterprises are permissible in the AR, AP, and R zones. This project involves a Rural Home Enterprise that has expanded to operate within three accessory structures, which requires a Conditional Use Permit (CUP) to accommodate this expansion. The business complies with all other rules and regulations for a Rural Home Enterprise, including compliance with the limits outlined in §25.08.004(J) et seq., such as the number of non-resident employees, the lack of minimum parcel size requirements, and adherence to the standard operating hours from 8 a.m. to 7 p.m. The conditions of approval for this CUP are designed to ensure that these requirements are satisfied and that the operations remain compliant with zoning regulations while addressing any prior code enforcement concerns. In addition, it aligns with the Agriculture (A) land use designation in the General Plan, which allows for the support uses that directly contribute to agriculture operations. The present proposal can be found consistent with the General Plan:

Exhibit A to Resolution

- *The proposed project description fulfills the General Plan designation of Agriculture (A) by supporting the productivity of agricultural land and operations through the establishment of a woodworking workshop and agricultural equipment repair service. The woodworking workshop provides custom woodworking and cabinetry services that can be integral to maintaining agricultural facilities, while the agricultural repair business offers essential maintenance and repair services for agricultural equipment. These activities support the ongoing productivity of the surrounding agricultural lands. Additionally, by utilizing existing structures on the property without disrupting the land's primary agricultural use, the project maintains the agricultural character and integrity of the area.*
- *General Plan Policy LU-1.10 (Development Site Suitability). The project site at 10 Flint Road does not have the presence of active seismic faults, landslides, steep slopes greater than 30 percent, or floodplains, thereby avoiding potential natural and man-made hazards.*
- *Policy LU-3.2 (Agricultural Integrity and Flexibility). The policy instructs that the County shall "protect the integrity of existing agricultural resources, and provide for flexibility and economic viability of farming and ranching operations." By offering custom woodworking and agricultural equipment repair services within existing structures, the project supports the economic viability and operational flexibility of local farming and ranching activities, contributing to the sustainability and productivity of agricultural operations in the county.*
- *Policy LU-3.6 (Agricultural Support Services). The policy encourages services such as trucking, warehousing, and distribution centers in appropriate locations to support the economic viability of commercial agriculture. The agricultural repair business provides necessary repair services for agricultural equipment. By offering these services in close proximity to agricultural operations, the project supports the efficiency and sustainability of commercial agriculture in the area, aligning with the County's goal of encouraging agricultural support services in appropriate locations.*
- *Under General Plan policy ED.1.2 "Jobs/Housing Balance" the County "shall strive to improve housing balance countywide by providing sufficient employment-based land uses." The projects' activities generate economic activity, create employment opportunities, and foster trade relationships. This direct contribution to the job/housing balance aligns with the County's General Plan policy.*
- *Implementation Program ED-H (New and Existing Business Support). The project would reflect the program's direction to develop "incentives to attract new investment and support existing local businesses, particularly small locally owned businesses."*
- *Policy NCR-7.12 (Archaeological Artifacts). The project site is understood to have high sensitivity for cultural resources. Compliance with standard procedures included in conditions of project approval would address potential for disturbance of any such resources. Project description indicates no proposed changes and disturbance to the surrounding environment.*
- *Policy NCR-9.1 (Light Pollution Reduction). A condition of approval requires compliance with exterior lighting limits under the Zone II regulations of County Code Chapter 19.31.*

Finding 2: The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

Evidence: County departments and responsible agencies have reviewed the application and have recommended conditions of project approval to address possible effects on the vicinity and the overall County general public and to prevent hazard or nuisance to persons and property. Activity beyond the scope of the proposed use as approved by the County shall require further permit review.

Exhibit A to Resolution

Finding 3: The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of County Code Title 25 (Zoning).

***Evidence:** The proposed use adheres to the design and development standards as outlined in San Benito County Title 25. The project utilizes existing structures in accordance with the zoning regulations, including requirements for building setbacks and height restrictions. Noise concerns have been addressed by ensuring that all activities occur within enclosed buildings, must comply with the noise-level standards specified in County Code Chapter 19.39. Additionally, a condition of approval has been included to ensure ongoing compliance with these noise standards, further mitigating any potential impact on surrounding properties.*

Finding 4: The site is physically suitable for the type, density, and intensity of the use being proposed. Suitability criteria may include, but are not limited to, access, utilities, and the absence of physical constraints.

***Evidence:** The site is well-suited for the proposed use in terms of type, density, and intensity. It provides adequate access, utility connections, and existing infrastructure to support the operations without requiring significant alterations. The absence of physical constraints, such as steep, further confirms the site's suitability for the intended activities. This ensures that the proposed use can be carried out effectively and efficiently while maintaining compliance with all relevant regulations and minimizing potential impacts on the surrounding area.*

Conditions of Approval of Use Permit:

Planning:

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

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

Applicant Signature: _____

Date: _____

- 4. **Conformity with Plan:** The applicant shall demonstrate that the use of the site conforms substantially to the proposed site/project plan (as illustrated in **Exhibit C**), and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and

specifications shall not be changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code. [Planning]

5. **Compliance Documentation:** Within 60 days of the approval of this conditional use permit, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
6. **Staff Review Invoices:** Within 60 days of approval of the Conditional Use Permit, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the use permit to be paid in full. Payment of these invoices are a prerequisite to commencing the staff verification of compliance with conditions of approval for this project. Additionally, the project proponent shall be responsible for the payment of fees associated with the review and monitoring of the conditions of approval. Failure to comply with this condition may result in the suspension or revocation of the Conditional Use Permit. [Planning]
7. **Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.00 shall be submitted to the Resource Management Agency for the filing of the notice. [Planning/CDFW]
8. **County Business License:** All businesses are subject to San Benito County Code Title 5 Article IV Business License Tax. [Planning]
9. **Activities Allowed:** The activities permitted at 10 Flint Road are strictly limited to those specified in the project description. The use of Building 1 is limited to storage of completed products, tools, and equipment. Building 2 is dedicated to the manufacturing process, including the use of specialized equipment such as a belt sander, shaper equipment, and a planer machine, with associated material storage. Building 3 is designated for finishing work, including a permitted paint booth and light hand sanding. Additionally, the permitted activities include an agricultural equipment repair service business, with limited on-site repairs and tool storage within a portion of Building 1. No additional activities shall be conducted on-site without prior approval from the Planning Commission. The number of employees on-site is limited to a total of five, with operating hours restricted to 8:00 AM to 7:00 PM. No additional activities shall be conducted on-site without prior approval from the Planning Commission [Planning].
10. **Site Plan Conformity:** All activities, including the operation of the woodworking workshop and agricultural equipment repair service, shall be confined to the designated areas as illustrated in Exhibit C of the site plan. This condition reinforces the requirement for strict adherence to the approved site plan, ensuring that all proposed activities occur only within the specified locations. [Planning]
11. **Hours of Operation:** Business operation shall be restricted to the hours from 8 a.m. to 7 p.m, Monday through Sunday. [Planning]
12. **Noise:** Business operation shall comply with the noise-level standards of County Code Chapter 19.39. [Planning]
13. **Periodic Review:** Each year, if necessary, the applicant shall pay the cost of an inspection by the County. In the event of a compelling public necessity, noncompliance, problems, concerns or complaints, this permit will be subject to further review and conditioning or, if necessary, revocation by the Planning Commission. Violation of the permit, creation of a nuisance, or a compelling public

necessity could cause the modification or revocation of this permit. Any expansion of this use beyond what is currently proposed must first be reviewed by the Planning Director and, if necessary, shall require further Rural Home Enterprise Permit review by the Planning Commission. [Planning]

14. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site shall:
 - a. cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals.
 - c. notify the County Sheriff–Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 et seq.). [Planning]
15. **Outdoor Lighting:** All development is required to comply with Zone II regulations set within County Ordinance 748 (County Code Chapter 19.31). Prior to issuance of a building permit for development on the site, the applicant shall provide details for all outdoor lighting to the building official for review and approval. [Building]
16. **Landscaping:** The site shall be maintained in a litter-free and weed-free condition. All storage of equipment and other items shall be inside or behind the structure so that it is not visible from the public right-of-way. No trees of six-inches diameter at breast (d**h**b) or larger shall be removed from site without prior approval of the planning department [Planning]

Public Works:

17. **Right-of-Way Dedication:** The applicant shall provide confirmation that a 60-foot right-of-way (ROW) already exists on Flint Road. If such confirmation is not provided, the applicant shall be required to dedicate half of the 60-foot ROW along the entire property frontage on Flint Road. This dedication must be completed within 90 days of Conditional Use Permit (CUP) approval. [Public Works]
18. **Roadway Improvements:** Applicant shall improve half of a 28-foot-wide asphaltic concrete (AC) roadway on a 38-foot-wide roadbed (14-foot asphalt roadway surface and 5-foot shoulder per County standards) along the entire property frontage on Flint Road. This improvement must comply with County Code standards and be completed within 180 days of CUP approval. This requirement may be waived or deferred at the discretion of the Planning Commission. [Public Works]
19. **Improvement/Grading Plan Submission:** The applicant shall submit an Improvement/Grading Plan for review and approval by the County Engineer, along with the required fees as specified by the San

Benito County's Engineering Service Fees adopted by the County Board of Supervisors. This plan must be approved before the commencement of any construction activities. [Public Works]

20. **Compliance with Geotechnical Report:** The applicant shall submit a geotechnical investigation report as part of the Improvement/Grading Plan submission. The report must be reviewed and accepted by the Public Works Department. The design of the project improvements shall adhere to the recommendations provided by the Geotechnical Engineer. [Public Works]
21. **Drainage and Erosion Control:** The applicant shall provide drainage and erosion control measures to mitigate stormwater runoff from impermeable surfaces created by the project. As part of the Improvement/Grading Plan submission, the applicant shall provide hydraulic calculations, construction details for any existing or proposed detention/retention ponds, and erosion control details. If the disturbed area exceeds one acre, the applicant must comply with the California State Water Resources Control Board's Construction Stormwater General Permit by submitting a Notice of Intent (NOI) and developing a Stormwater Pollution Prevention Plan (SWPPP). A Waste Discharge Identification (WDID) number or Erosivity Waiver must be provided to Public Works prior to the start of any construction activities. [Public Works]
22. **Driveway and Non-Access Strip:** The applicant shall delineate the driveway (ingress/egress) to the property and establish a non-access strip along the property frontages to the public right-of-way, limiting access to the designated driveway(s) only. The driveway shall conform to the County standard driveway detail, available at the RMA-Public Works office. These requirements must be met within 90 days of CUP approval [Public Works]
23. **Annual Traffic Impact Review:** The traffic impact of the project shall be monitored and reviewed annually by the Public Works Department. The applicant shall implement mitigation measures if deemed necessary based on the annual review. [Public Works]
24. **Parking Delineation:** As part of the Improvement/Grading Plan submission, the applicant shall delineate parking spaces to enable verification of the required parking spaces. This must be completed no later than 90 days after CUP approval. [Public Works]
25. **Encroachment Permit:** In accordance with § 19.27.004 of the San Benito County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
26. **New Address:** Following the approval of this Conditional Use Permit (CUP) and prior to the issuance of any building or grading permits, the applicant shall apply for and obtain new addresses for each of the proposed business facilities. This application must be submitted within 30 days of CUP approval and addresses assigned before any further building permits are issued. [Public Works]

Fire:

27. **Fire Code:** Any and all development on this property, shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. Compliance with these standards must be verified within a year of approval of permit. [County Fire]

Environmental Health:

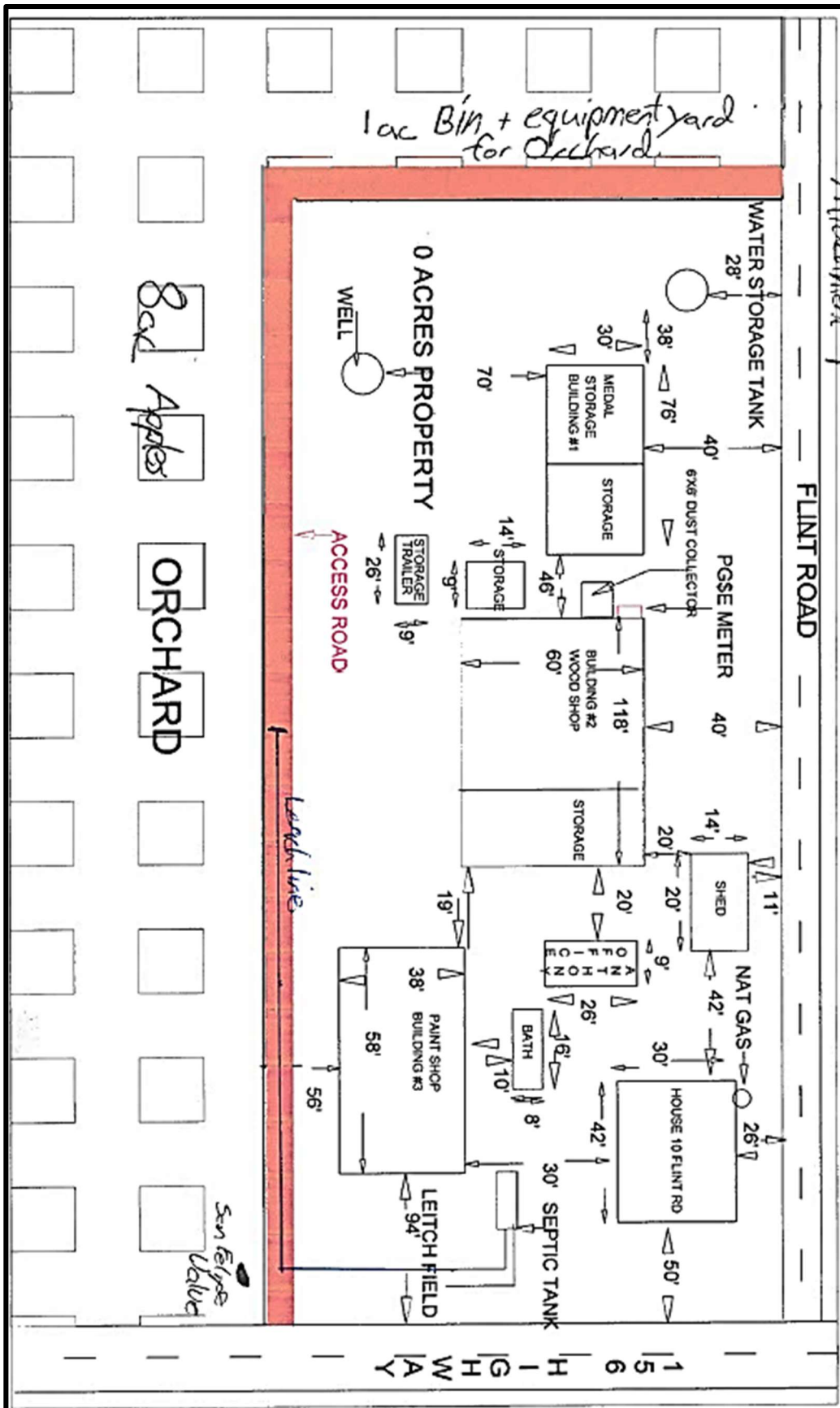
- 28. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facility/building/structure, a Hazardous Materials Business Plan (HMBP) must be completed and submitted to this department. The HMBP must be submitted no later than 30 days of CUP approval. [Environmental Health]
- 29. **Sewage Disposal and Septic System Documentation:** The applicant shall contact a licensed third-party septic system installer to locate and document the existing septic system on the property. A detailed scale plot plan must be created, showing the location of the existing septic system, including the tank size, length of leach lines, and the location of the secondary/repair leach line area. The plot plan must also indicate the location of all existing structures, dwellings, water systems, watercourses, and property lines. This documentation must be submitted to the County for review and approval prior to the issuance of any building or grading permits. [Environmental Health]

Building Department:

- 30. **Building Permit Updates for Commercial Facilities:** The applicant shall obtain all necessary building permits and ensure that existing facilities, including but not limited to the three structures used for the business operations, are brought up to code and adequately modified to meet the requirements for commercial use. This includes, but is not limited to, ensuring compliance with fire safety regulations, accessibility standards, sanitation and hygiene requirements, and any other applicable building codes. The project applicants shall work closely with the building department to obtain the necessary permits and complete any required upgrades or modifications within a year of approval of permit. [Building]

Code Enforcement:

- 31. **Payment of Code Enforcement Fees:** All code enforcement fees associated with violation (ENF23-00412) be paid in full within 30 days of CUP approval [Code Enforcement]



Site Plan: Proposed layout of the woodworking workshop and agricultural equipment repair services business area at 10 Flint Road

PHOTOGRAPH ADDENDUM

Client	Anthony Botelho						
Property Address	Flint/San Juan Road						
City	Hollister	County	San Benito	State	Ca.	Zip Code	95023
Client	Anthony Botelho						



Bld 1
40 x 60 cold storage building
Height to peak 20' elevation
Tenant using 1/2 building,
balance of building is storage
Tenants is using this as storage



Bld 2
120 x 60 packing house
Height to peak 30' elevation
Tenant is using 100' x 60'
balance of building is storage



Bld 3
40 x 40 storage building
Height to peak 15' elevation
Tenant uses this building
for finish works

Building 1: Used for woodworking workshop and agricultural equipment repair services business.

Building 2: Used for woodworking workshop.

Building 3: Used for woodworking workshop.

STAFF REPORT

PROJECT INFORMATION

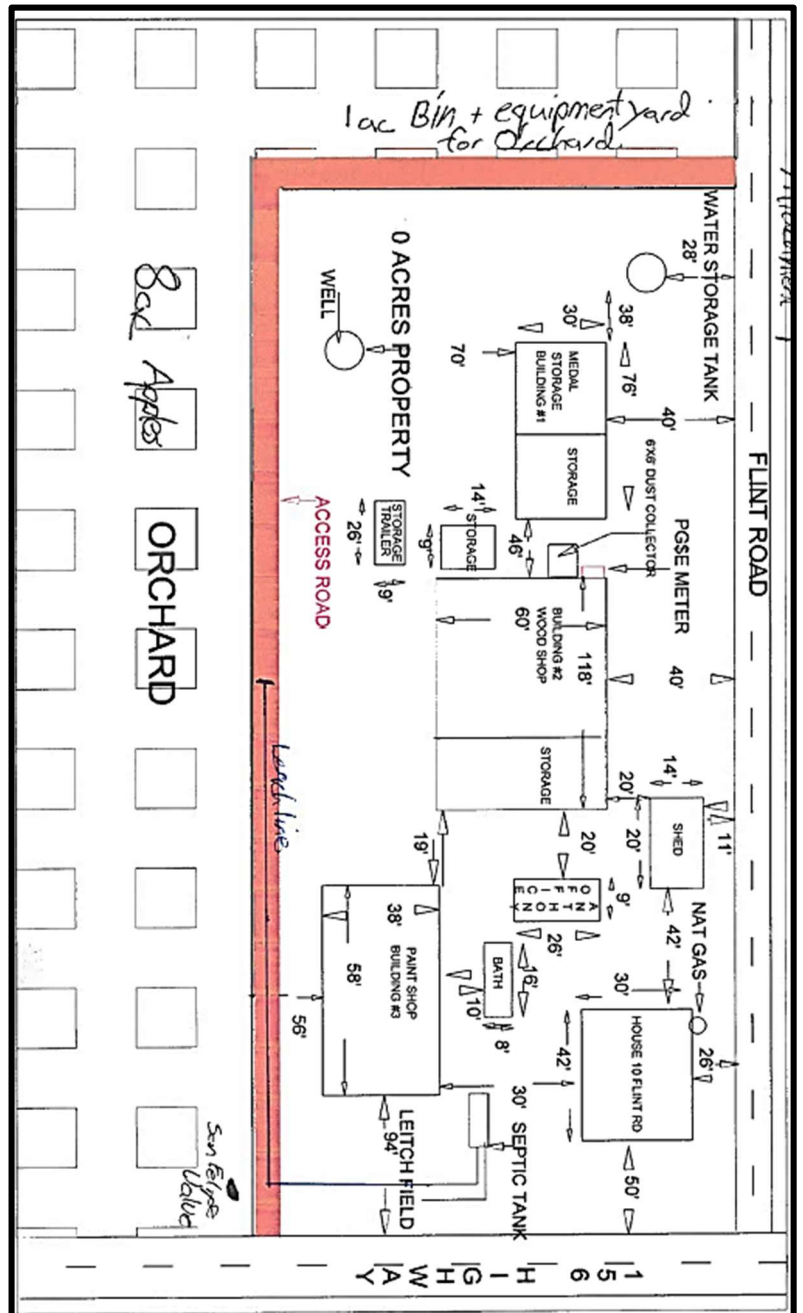
Application: PLN240033 (Conditional Use Permit)
 Public Hearing: August 21, 2024
 Applicant: Anthony Botelho
 Owner: Anthony Joseph & Susan M. Botelho
 Location: 10 Flint Road (2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister)
 APN: 018-160-027
 Zoning: Agricultural Productive (AP)
 General Plan: Agriculture (A)
 Planner: Victor Tafoya

PROJECT DESCRIPTION

The project at 10 Flint Road involves the operation of two distinct businesses: a woodworking workshop that provides custom woodworking and small-scale cabinetry services, and an agricultural equipment repair service. Both businesses have been established on the property for over many years, utilizing existing structures on the property. The project seeks to formalize the existing operations as a Rural Home Enterprise. However, because the scope of this project expands beyond the standard rules and regulations typically governing Rural Home Enterprises, a Conditional Use Permit (CUP) is required. This CUP will allow for the necessary expansions while ensuring that the operations remain compliant with zoning regulations, effectively addressing previous code enforcement concerns.

The woodworking workshop is a specialized facility focused on custom woodworking and small-scale cabinetry, employing four individuals, including the owner. The workshop operates within three buildings on the property, each dedicated to a specific phase of the woodworking process.

Building 1 (1,600 square feet) functions primarily as a storage facility for completed cabinetry, a company forklift, and essential tools. This building, originally constructed as a cold storage facility, features insulated walls, a cement floor, and no windows, providing a controlled environment for the storage of



finished products and equipment. The building is accessed via a 10' x 10' roll-up door and a standard metal door. Although the building is equipped with 220 three-phase electrical power, this capacity is not currently in active use.

Building 2 (6,000 square feet) is the central hub for manufacturing activities, housing specialized woodworking equipment necessary for the production of custom cabinetry. The building contains a large belt sander, shaper, planer machine, and other precision tools required for the fabrication of high-quality wood products. A dust collection system is installed to manage particulate matter generated during the manufacturing process, ensuring a clean and safe working environment. The building is powered by 220 three-phase electricity, with natural gas used for heating purposes.

Building 3 (2,400 square feet) is dedicated to the finishing process of the cabinetry. This building is equipped with a permitted paint booth, inspected and approved by the Air Pollution Quality Control Agency, ensuring that all finishing activities comply with environmental regulations. Additionally, the building contains metal cabinets for the secure storage of lacquer, paint, and other finishing materials. An adjacent cement apron facilitates light hand sanding operations, which are integral to the final preparation of the cabinetry before delivery.

The woodworking workshop operates with clearly defined business hours, limited to 8 a.m. to 7 p.m., seven days a week (Monday through Sunday). The business does not engage in on-site customer interactions, with all finished products delivered off-site for installation. This operational model minimizes traffic onto the property. In terms of traffic generation, the woodworking workshop anticipates a total of 18 trips per week. This includes 10 trips per week for employee commutes, about 1 trip per week for wood deliveries, 1 trip every other week for wood waste and landfill runs, and 1 trip per week to deliver finished products to clients."

The agricultural equipment repair service operates within a 1,200 square foot section of Building 1 and is dedicated to the repair and maintenance of agricultural equipment. The service primarily caters to four major agricultural clients: Dobbler & Sons Farm, Phil Foster Farm, Gonzales Orchards, and Gibson Farms. While the majority of repair work is conducted off-site, the on-site facility serves as a storage and maintenance area for essential tools and equipment, including drilling presses, a lathe, a tool truck, welding equipment, and a forklift.

On-site repair activities are limited to farm implements, with a policy in place to store no more than one item at a time, ensuring operational efficiency and safety. Building 1's metal frame, cement floor, and insulated walls—attributes from its former use as a cold storage unit—create a suitable environment for these activities. The building is accessed through a 16' x 16' roll-up door and a standard metal door, with power supplied by 220 three-phase electricity. There is no natural gas service to this building, therefore reducing potential environmental hazards.

The agricultural equipment repair service operates within the same business hours as the woodworking workshop, from 8 a.m. to 7 p.m., seven days a week (Monday through Sunday). The primary focus remains on off-site repairs, with no public customer interactions or advertising, thus minimizing the business's impact on the surrounding area. Hazardous materials are used sparingly and include essential items such as spray paint for equipment marking and acetylene tanks for welding.

Legal Lot of Record: The parcel was established as a legal lot of record as a portion of Lot 32 of the Western portion of the San Justo Rancho, as described in Volume 1 of Maps, at page 33, recorded on September 16, 1891, in the San Benito County Records.

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: Septic System

Water: Public well.

State Farmland Map Designation:

Prime farmland.

Land Conservation Act (Williamson Act): Not under the Williamson Act Contract.

Soils: Sorrento silt loam, 0 to 2 percent slopes (Grade 1).

Seismic Not within an Alquist–Priolo fault zone.

FEMA Flood Zone: Not located within a FEMA Flood Zone.

Fire Severity: Non-Wildland/Non-Urban.

Archaeological sensitivity: Not in sensitive location.

In terms of traffic generation, the agricultural equipment repair service anticipates 14 trips per week. This includes 10 trips per week for employee commutes, 2 trips per week for off-site repair work, and 2 trips per week for equipment delivery or pickup related to on-site repair activities.

The project is also a response to a notice of violation issued by County staff on January 9, 2024, for the operation of a woodworking workshop and an agricultural equipment repair services business without obtaining proper county approvals. Anthony Botelho subsequently filed an application on February 27, 2024, to obtain proper permit.

SITE DESCRIPTION

The subject property, located at 10 Flint Road, San Juan Bautista, CA, is situated within an unincorporated area of San Benito County. The property is officially identified by Assessor's Parcel Number (APN) 018-160-027 and covers an area of 10 acres. The site is located at the intersection of Flint Road and Highway 156, providing convenient access to regional and county transportation networks, which facilitate the movement of goods and services associated with the on-site business.

The property hosts three metal structures that serve as the operational bases for two distinct businesses: a woodworking workshop specializing in custom woodworking and small-scale cabinetry services, and an agricultural equipment repair service. Historically, these buildings were utilized for agricultural purposes, reflecting the site's integration into the rural and agricultural landscape of the surrounding area. This historical use underscores the minimal environmental impact observed on the site, as the transition from purely agricultural to light industrial activities has been managed with attention to preserving the local character.

Surrounding land uses are primarily characterized by agricultural activities and rural residential properties, which collectively contribute to the overarching agricultural identity of the region. The continuity of agricultural land use in the area is crucial for maintaining the rural character and ensuring that any development aligns with county zoning and land use regulations.

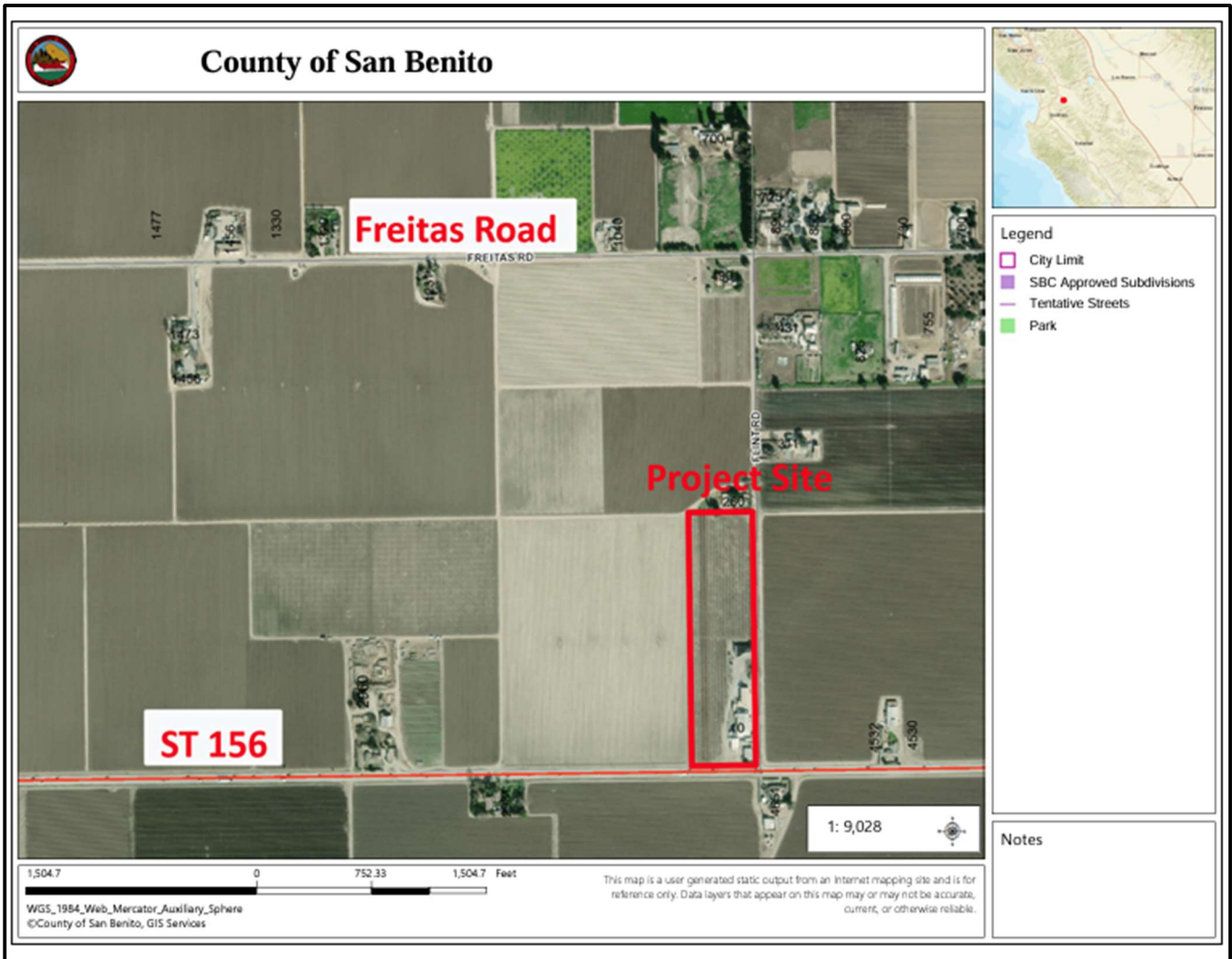
The property is equipped with essential infrastructure to support its current operations. A well water system, connected to a 5,000-gallon storage tank and pressure system, provides a reliable and adequate water supply for both operational needs and sanitary purposes. This self-sufficiency in water management is complemented by an on-site septic system for sewage disposal, ensuring that the property can operate independently of municipal utilities. Additionally, the site features a base rock driveway, which not only facilitates efficient ingress and egress for the businesses but also ensures safe and stable access from Flint Road, particularly important given the site's semi-rural context.

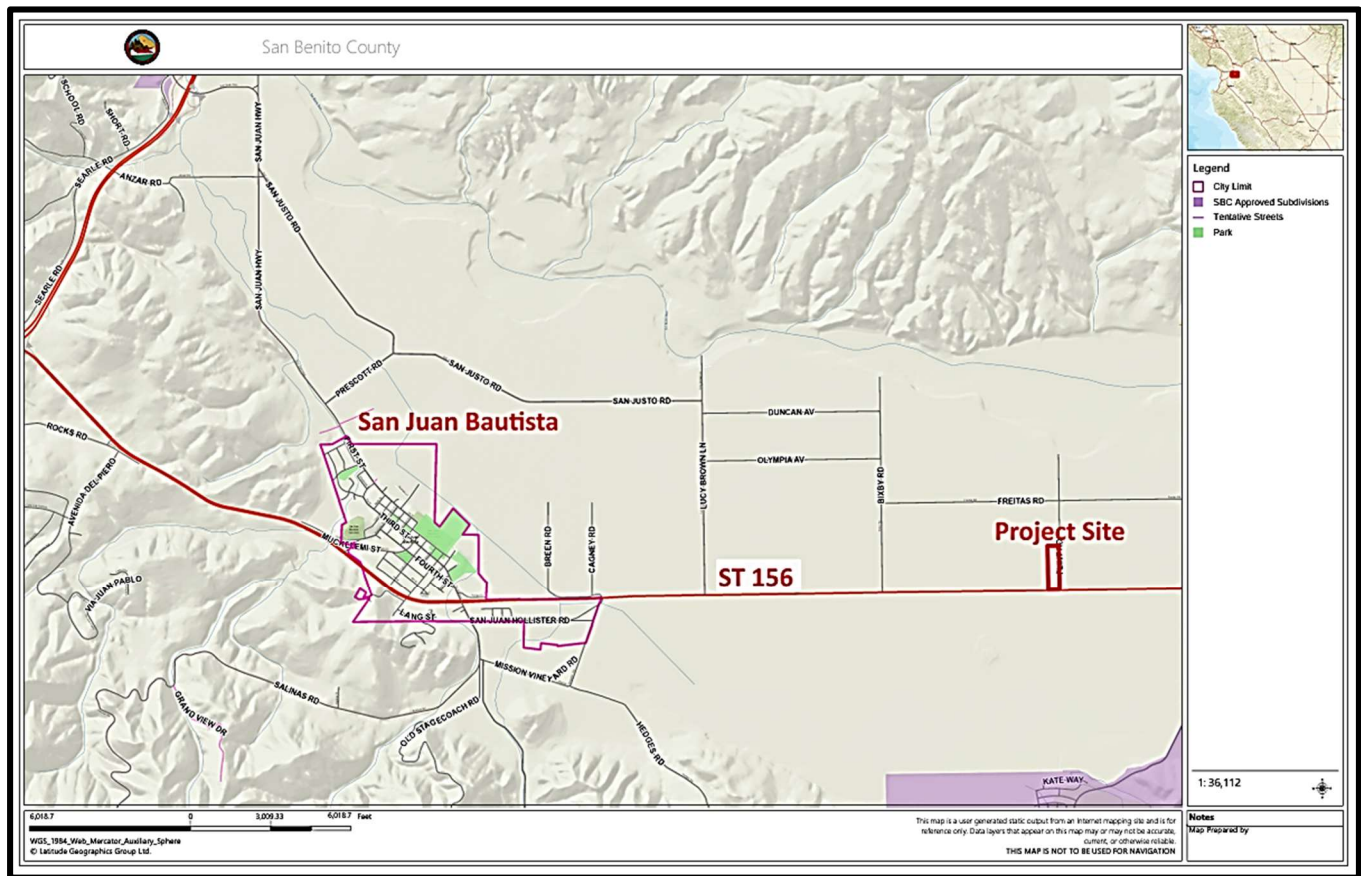
Overall, the subject property at 10 Flint Road is integrated into the surrounding rural landscape, with infrastructure and land use practices that align with the agricultural character of the area. The combination of its location, self-sufficient utilities, and minimal environmental impacts contributes to a functional site within the county's unincorporated area.

PLANNING AND ZONING

The site is under the Agriculture (A) land use designation in the San Benito County 2035 General Plan. The intent of this designation is to support and sustain the productivity of agricultural land, encompassing various types of agriculturally productive lands such as crop land, vineyards, and grazing lands, allowing for agricultural support uses and limited residential development while prioritizing transportation access and minimizing reliance on public infrastructure; this relates to the project by aligning with its goal of providing essential logistical support for agricultural operations while maintaining the integrity and productivity of the land. One dwelling per five acres is allowed and therefore additional dwellings will be limited to the lot and density standards per the site's Agricultural Productive zoning.

This property is also currently subject to the Agricultural Productive (AP) zone, a designation very similar to the similarly-named General Plan designation in terms of land use and intensity of use. The AP zone allows agriculture in general, with County Code §25.08.004 allowing a Rural Home Enterprise under an administrative permit. However, because the scope of this project expands beyond the standard rules and regulations typically governing Rural Home Enterprises, a Conditional Use Permit (CUP) is required.





ENVIRONMENTAL EVALUATION

Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an exemption from CEQA under State CEQA Guidelines §15301 (Existing Facilities), §15303(C) (New Construction or Conversion of Small Structure), and §15304 (Minor Alteration of Land). The attached resolution contains finding conveying this together with supporting evidence. This evidence includes the use of the existing structures and minimal alteration to existing structures. The findings also consider aspects of the site’s environmental sensitivity and further consider the use of regulations and typical conditions of approval that would minimize environmental impacts.

STAFF ANALYSIS

The proposed project aligns with the Agricultural Productive (AP) zoning district, which permits the operation of a woodworking workshop and agricultural equipment repair service under a Rural Home Enterprise. Per County Code §25.08.004(J), Rural Home Enterprises are permissible in the AR, AP, and R zones. This project involves a Rural Home Enterprise that has expanded to operate within three accessory structures, which requires a Conditional Use Permit (CUP) to accommodate this expansion. The business complies with all other rules and regulations for a Rural Home Enterprise, including compliance with the limits outlined in §25.08.004(J) et seq., such as the number of non-resident employees, the lack of minimum parcel size requirements, and adherence to the standard operating hours from 8 a.m. to 7 p.m. The conditions of approval for this CUP are designed to ensure that these requirements are satisfied and that the operations remain compliant with zoning regulations while addressing any prior code enforcement concerns. In addition, it aligns with the Agriculture (A) land use designation in the General Plan, which allows for the support uses that directly contribute to agriculture operations. The present proposal can be found consistent with the General Plan:

- *The proposed project description fulfills the general plan designation of Agriculture (A) by supporting the productivity of agricultural land and operations through the establishment of a woodworking workshop and agricultural equipment repair service. The woodworking workshop*

provides custom woodworking and cabinetry services that can be integral to maintaining agricultural facilities, while the agricultural repair business offers essential maintenance and repair services for agricultural equipment. These activities support the ongoing productivity of the surrounding agricultural lands. Additionally, by utilizing existing structures on the property without disrupting the land's primary agricultural use, the project maintains the agricultural character and integrity of the area.

- *The General Plan land use designation of Agriculture (A) allows support uses that directly support agriculture operations.*
- *General Plan Policy LU-1.10 (Development Site Suitability). The project site at 10 Flint Road does not have the presence of active seismic faults, landslides, steep slopes greater than 30 percent, or floodplains, thereby avoiding potential natural and man-made hazards.*
- *Policy LU-3.2 (Agricultural Integrity and Flexibility). The policy instructs that the County shall "protect the integrity of existing agricultural resources, and provide for flexibility and economic viability of farming and ranching operations." By offering custom woodworking and agricultural equipment repair services within existing structures, the project supports the economic viability and operational flexibility of local farming and ranching activities, contributing to the sustainability and productivity of agricultural operations in the county.*
- *Policy LU-3.6 (Agricultural Support Services): The policy encourages services such as trucking, warehousing, and distribution centers in appropriate locations to support the economic viability of commercial agriculture. The woodworking workshop offers custom woodworking and cabinetry, which could be used in various agricultural settings, while the agricultural repair business provides necessary repair services for agricultural equipment. By offering these services in close proximity to agricultural operations, the project supports the efficiency and sustainability of commercial agriculture in the area, aligning with the County's goal of encouraging agricultural support services in appropriate locations.*
- *Under General Plan policy ED-1.2 "Jobs/Housing Balance" the County "shall strive to improve housing balance countywide by providing sufficient employment-based land uses." The projects' activities generate economic activity, create employment opportunities, and foster trade relationships. This direct contribution to the job/housing balance aligns with the County's General Plan policy.*
- *Implementation Program ED-H (New and Existing Business Support). The project would reflect the program's direction to develop "incentives to attract new investment and support existing local businesses, particularly small locally owned businesses."*
- *Policy NCR-7.12 (Archaeological Artifacts). The project site is understood to have high sensitivity for cultural resources. Compliance with standard procedures included in conditions of project approval would address potential for disturbance of any such resources. Project description indicates no proposed changes to the surrounding environment.*
- *Policy NCR-9.1 (Light Pollution Reduction). A condition of approval requires compliance with exterior lighting limits under the Zone II regulations of County Code Chapter 19.31.*

The resolution presented for adoption includes conditions of approval aimed at mitigating the potential effects of the proposed use, ensuring environmental impact is controlled, and upholding County oversight over the granted use permit.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission consider Resolution 2024-___ and adopt said resolution, subject to the findings and

conditions of approval included therein, in order to approve the conditional use permit amendment under County Planning file PLN240013.

ATTACHMENTS

- A. Site Photos
- B. Planning Commission Resolution 2024-____ (draft), including
 - Exhibit A, Findings
 - Exhibit B, Conditions of Approval
 - Exhibit C, Project Plan

Site Photos.



View Looking South Over Flint Road



Front Elevation of Building #1

Site Photos Continued.



Interior Look of Building #2



View Looking North Overlooking Orchard Fields

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

**MEETING OF AUGUST 21ST,
2024, at 6:00 p.m.**

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, August 21st, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers: +1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose). To access the meeting, please enter the Webinar ID **842 6449 5650** AND Webinar Password **928233**.

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN220004 (Minor Subdivision at 1175 Comstock Road):

OWNER: Frank Edwin Russell Trust. APPLICANT: Kelley Engineering & Surveying. LOCATION: 1175 Comstock Road (7 miles from downtown Hollister) in unincorporated San Benito County. APN: 017-030-015. REQUEST: To subdivide an existing 38.93-acre parcel into four parcels: one of 23.57 acres and three of 5.00 acres each. The 23.57-acre lot would contain the existing three dwellings, driveways, a septic system, and two wells. The proposed plan includes building envelopes for each of the 5.00-acre lots, each of which being proposed to have a new residence and potential accessory dwelling unit. The new residential units will connect to new wells and new septic systems when developed. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

PLN240016 (Minor Subdivision at Shore and Lake Roads):

OWNER: Brigantino D&D Family Ltd Partnership. APPLICANT: Kelley Engineering & Surveying. LOCATION: South of Shore Road between its Frazer Lake Road intersection and Tequisquita Slough (9 miles northwest of Downtown Hollister) in unincorporated San Benito County. APN: 013-060-018. REQUEST: To subdivide an existing 251.94-acre parcel into two separate parcels, each measuring 228.48 acres and 20.00 acres respectively with a 3.46-acre road dedication. The two parcels are undeveloped agricultural land. This project proposes no construction. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b) (3)) and §15301 (Existing Facilities, subparagraph c). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

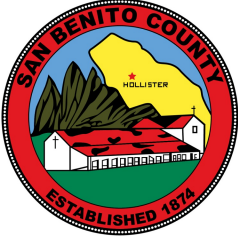
PLN240013 (Botelho Conditional Use Permit):

OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (at State Route 156 intersection, 2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: To operate a woodworking shop that provides custom woodworking and small-scale cabinetry services, as well as an agricultural equipment repair service business. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303(C) (New Construction or Conversion of Small Structures), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vtafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: August 2nd, 2024
PUBLISHED: Friday, August 9th, 2024~ Hollister Free Lance (Pub HF 8/9)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.2

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution to approve a tentative map subdividing an existing 251.94-acres parcel into two separate parcels of 20.00 acres and 228.48 with a 3.46 acre road dedication. The Project, County Planning file PLN240016, is located at 2231 Shore Road approximately 8 miles northwest of downtown Hollister within unincorporated San Benito County.

SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

This project entails the subdivision of an existing 251.94-acre parcel into two separate parcels, each measuring 228.48 acres and 20.00 acres respectively with a 3.46 acre road dedication. The two parcels are undeveloped agricultural land. This project proposes no construction.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve PLN240016 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[Freelance Notice](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2024-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN240016, A PROPOSAL FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE AN EXISTING 251.94-ACRE PARCEL INTO TWO LOTS OF 228.48 ACRES AND 20.00 ACRES WITH A 3.46 ACRE ROAD DEDICATION.

WHEREAS the subject parcel is located at 2231 Shore Road near Hollister, San Benito County (“County”), California (Assessor’s Parcel 013-060-018) and currently contains 251.94 acres; and

WHEREAS Kelley Engineering & Surveying has filed an application for a minor subdivision/tentative parcel map (illustrated in **Exhibit C**) to subdivide the property into two lots of 228.48 and 20.00 acres with a 3.46-acre road dedication; and

WHEREAS the property is currently a legal lot recorded in San Benito County Official Records as Book 262 Page 296 on November 29th, 1968; and

WHEREAS the property is currently undeveloped agricultural land; and

WHEREAS the property currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS the purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas; and

WHEREAS the intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the general plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses; and

WHEREAS the above designations allow the continuation of the current agricultural operations and with a minimum building site of five acres, with the proposed lots having 228.48 and 20.00 acres, respectively; and

WHEREAS the applicant and owner have demonstrated adequate street access, road improvements, existing accessory structures, and wells; and

WHEREAS the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regular meeting held on August 21st, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

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

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Exhibit A**.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN240016 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Exhibit B** and as illustrated in **Exhibit C**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 21ST DAY OF AUGUST 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director, Planning and Building
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding: The project qualifies for a “common sense” exemption under Article 5 of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (Review for Exemption, subparagraph (b)(3)) and Section 15301 (Existing Facilities, subparagraph c), and Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a).

Evidence: *The project qualifies for the §15061(b)(3) exemption due to the clear assurance that the proposed subdivision will not result in a significant impact on the environment. This project, as submitted, proposes no construction at this time and, consequently, will not cause disruptions within areas of ecological, seismic, historical, or any other environmental sensitivity. The applicant's proposal primarily involves delineating new property boundaries without plans for new construction. The current zoning regulations already allow for nearly the same level of land use as what could occur with or without this subdivision.*

To comply with San Benito County Code, a typical subdivision would involve ground disturbance activities related to road construction, frontage improvements, grading, water access, or other development requirements. These activities fall under CEQA Class 1 Categorical Exemption (State CEQA Guidelines §15301, Existing Facilities, subparagraph c). This exemption applies to projects that primarily involve the maintenance, repair, or minor alteration of existing infrastructure, such as roads, sidewalks, and bicycle facilities. This exemption further requires that these projects must not expand the existing or former use, such as the addition of extra automobile lanes to roadways. Compliant with the aforementioned exemption, the road improvements that County Code Title 23 (Subdivisions) requires of this project would add no new lanes or expanded use, while the project itself proposes no new construction.

The majority of Parcel Two and the eastern portion of Parcel One are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas since this project does not propose any construction at this time. In case construction takes place at a later time, the applicant has agreed to designate non-buildable areas around these sensitive areas as a condition of approval (see Condition 11 and Exhibit C).

Furthermore, any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), thus maintaining consistency with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments adhere to stringent flood protection standards designed to provide a minimum level of protection against a 100-year flood event. These requirements align with local, state, and federal regulations, effectively mitigating the potential for flood-related damages.

The site is located within the Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

In the context of safeguarding cultural resources, Condition 14 outlines a set of stringent procedures that are mandated in the event of discovering human remains or significant archaeological artifacts during excavation or ground disturbances. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is required for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources in line with San Benito County Code and applicable laws.

Moreover, this project is anticipated to have an insignificant cumulative impact on the area. The most recent comparable subdivisions are Minor Subdivision 1031-91, Minor Subdivision 1114-00, and Minor Subdivision 1151-04, which were approved in 1991, 2003, and 2007, respectively, within a mile of the project site. Minor Subdivisions 1031-91 and 1151-04 involved the creation of two lots and easements, while Minor Subdivision 1114-00 involved the creation of four lots and easements. All of these subdivisions accounted for minimal impact and involved no construction.

Projects of larger size in the vicinity, such as Dunneville Estates, Pacheco Creek Estates, and Comstock Estates, have already had their cumulative impacts accounted for in their respective environmental reviews. Any potential future development, especially those leading to increased population density or other significant alterations, will undergo a comprehensive evaluation and require additional approval from the County.

Subdivision Findings:

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

Evidence: *The property has an Agricultural (A) designation per the General Plan and is designated as Agricultural Productive (AP) under the Zoning Ordinance. The purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per lot, all in aid of preserving agricultural viability. The intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the general plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses. Additionally, this zoning allows for limited low-density residential development while prioritizing the preservation of prime farmland. The proposed project, which involves no construction, aligns with both zoning and General Plan designations. The proposed map remains congruent with the intent of the General Plan's A district and the AP zoning district.*

In addition, this project aligns with General Plan Policy LU-3.2 (Agricultural Integrity and Flexibility). These policies direct the County to protect the integrity of existing agricultural resources and provide both flexibility and economic viability for farming and ranching operations. The project proposes large lots of 20.00 acres and 228.48 acres, respectively, which still allow for the existing agricultural operations to continue. The site would remain commercially viable for the existing agricultural operations in addition to retaining sufficient lot area to be eligible for becoming agricultural preserves under San Benito County Code Chapter 19.01 which sets minimum lot-area standards for parcels to receive property-tax deductions in Exchange for agricultural productivity in accordance with the State of California Williamson Act.

Any potential future development, particularly those entailing an increase in density or substantial physical change to the land's grade, would necessitate further evaluation by the County. No specific plan has been adopted in this particular area.

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

Evidence: *The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.*

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

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

Evidence: *The project proposes to establish two parcels, measuring 228.48 and 20.00 acres respectively. This subdivision will not result in increased density or uses beyond current zoning allowances. The General Plan's land use district permits one dwelling per five acres, with the County Zoning Ordinance aligning the minimum lot size with this requirement.*

The majority of Parcel Two and the eastern portion of Parcel One are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas since this project does not propose any construction at this time. Additionally, the applicant has agreed to designate non-buildable areas around these sensitive areas as a condition of approval (see Condition 11 and Exhibit C).

Furthermore, any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), thus maintaining consistency with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments adhere to stringent flood protection standards designed to provide a minimum level of protection against a 100-year flood event. These requirements align with local, state, and federal regulations, effectively mitigating the potential for flood-related damages.

The site is located within the Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

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

Evidence: The project aims to create two parcels, measuring 228.48 acres and 20.00 acres, respectively. This subdivision will not result in increased density or uses beyond what is currently allowed by the zoning regulations. The General Plan's land use district permits one dwelling per 5 acres, and the project's lot sizes align with the County Zoning Ordinance minimum lot size of 5 acres as well. The floodplain in the eastern portion of this property and the Alquist-Priolo Earthquake Zone would not compromise the suitability of this site for any construction (see Finding 3 for further discussion).

Furthermore, this subdivision will change little in terms of entitlements, as the applicant is only proposing new property lines. The existing zoning regulations already permit nearly the same degree of use as the proposed subdivision. This project aligns with the existing zoning and land use regulations, ensuring that it complies with current standards and does not increase density or uses beyond what is allowed, provided compliance with the conditions of 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 has areas identified as exceptional habitat for fish or wildlife (freshwater wetlands). However, the applicant has agreed to a condition of approval (see Attachment D Condition of Approval (COA) 11) stating that any construction project or significant ground disturbing activities within the identified non-buildable areas (shown in Exhibit C) will require the property owner to obtain new or modified approval from the County, while proposed structures or activities outside this area would be processed through standard permitting procedures by the County or related agencies, which may involve submitting a standard building application. The parcel at present is developed with accessory buildings for the agricultural operations, a driveway, and two wells. The applicant currently proposes no new construction and no further improvements at this time, though approval of the project would allow an additional accessory dwelling unit. As there is no proposed increase to the intensity or density of development on any of the parcel's at this time and the development of the parcel is limited under the Williamson Act to agricultural uses only, and the County requires detailed review of any future substantial development, no substantial impact, damage, or harm will be caused by this project as long as the applicant/owner maintains current use or seeks requisite County approval for additional use. This minor degree of change would not create high risk of substantial damage to the environment, including wildlife and its habitat.

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

Evidence: The project, which involves no new construction, has been thoroughly reviewed by relevant agencies with a focus on public health. Conditions of approval have been established to ensure public health standards are met, particularly concerning water quality related to well and septic system use, as well as the management of grading impacts, including water runoff and dust emissions. The evidence on record does not indicate that the proposed project or its improvements would pose serious public health concerns. Any future development on the project site will undergo additional review during the building permit issuance process.

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: The project would affect no such easement.

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

Evidence: As confirmed by the office of the County Assessor, the project site is subject to a Land Conservation Act (Williamson Act) contract (No. 68-113) and meets all current rules and regulations thereof, including satisfaction of County approval for Williamson Act purposes to divide the contracted agricultural preserve (see Board of Supervisors Resolution No. 2023-172). The resulting parcels follow the subdivision rules as the proposed parcels meet the minimum acreage to sustain their agricultural use. The site will continue to be used for agriculture, which under County Code § 19.01.023 is a use compatible with the Williamson Act.

Finding 9: Subject to Cal. Gov't Code § 66474.6, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Cal. Water Code Division 7 (commencing with § 13000).

Evidence: The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal and the applicant would need to show the viability of these systems via a soils report. The proposed subdivision as submitted has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.

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

Evidence: This property is located in a Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.

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

Evidence: The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Hollister Fire Station 1 at 110 5th Street by downtown Hollister 8.5 miles by road and CAL FIRE at 1979 Fairview Road 10 miles by road.

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

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

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. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in Exhibit C) 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]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision 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:** Prior to map recordation, 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. **Notice of Exemption (California Department of Fish and Wildlife Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. In accordance with State CEQA Guidelines §15062, the notice shall be provided by the County Resource Management Agency and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.⁰⁰ shall be submitted to the Resource Management Agency Planning staff for the filing of the notice. [Planning, California Department of Fish and Wildlife]
6. **Condition of Approval:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel, and the County Planning Director shall agree to and sign the Condition of Approval form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions. If multiple parcel maps are filed, separate agreements with new builders/owners may be required. [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **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]
9. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of 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]
10. **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]
11. **Non-Buildable Areas:** Any structure, and/or significant ground disturbing discretionary activities, proposed within the non-buildable areas as indicated on the parcel map shall require the property owner to seek a new or amended discretionary County Approval. Any structure, and/or significant ground disturbing ministerial activities, proposed outside of the non-buildable areas of the parcel map shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include but are not limited to a standard building application submittal. A note and delineation of the areas shall be placed on the map to this effect. [Planning]
12. **Flood Zone:** In consideration of the subject property's location within a 100-year flood zone according to FEMA FIRM panels 06069C0065D & 06069C0075D (April 15, 2009), a note shall be placed on the parcel map to state the following:

- a. Prior to construction of any new buildings and prior to approval of any further subdivision on the subject property, the applicant shall demonstrate site suitability for such additional use including ability of well(s), septic tank system(s), and site access to meet applicable standards to prove further developability without conflict from flood hazard.
- b. In accordance with County Code §25.08.026 (G) (Submittal of Construction Plans; Required Flood Elevation) and §25.08.026 (H) (Alternatives to Required Elevation):
 - All development shall conform with the standards of the floodplain management ordinance or its successor.
 - Each property owner or his or her agent who proposes a project for which a building permit is required in a floodplain area shall, prior to approval thereof, submit plans prepared by a civil engineer, licensed by the State of California. The plans shall establish the living area, manufacturing area or storage area of any structure for which a building permit is required at a minimum of one foot above the 100-year flood elevation. The Planning Director may require evidence from an engineer to assist in the determination.
 - The engineer preparing the plans shall, on the building site, provide the Building Inspection Department, at a location acceptable to the Building Inspection Department, a reference to the required elevation that will enable the building department to determine that the required flood elevation is adhered to. The county Building Inspector shall require, and a developer shall provide, written certification from the responsible engineer that the required flood elevation has been met.
 - As an alternative to the construction of buildings one foot above the floodplain as provided herein, the site of the buildings may be raised to the required elevation or the site protected by a levee or berm constructed to the elevation necessary to afford adequate protection. The alternatives shall be subject to the terms of the county's grading and erosion control ordinance and floodplain management ordinance or its successor. In either case, plans and specifications for modifications and protection of the site prepared by a licensed civil engineer shall accompany the plans for the building, and, prior to the issuance of a building permit, the site improvement shall be completed and certified in writing by the engineer as having been constructed to prevent flooding. In addition, evidence shall be submitted by a licensed civil engineer that flood hazard is not increased off-site as a result of any development on the property. [Planning]

13. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]

14. **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]
15. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
16. **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 or Zone III regulations as applicable within Ordinance 748). [Planning]
17. **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 \$1200.00 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]
18. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of 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. [Planning]
19. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 et seq. (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]

San Benito County Water District:

- 20. **Well Access:** Applicant must indicate well ownership by parcel. If well is to be shared between parcels, easements shall be shown on the map to ensure access to water for each parcel. [SBCWD]

County Division of Environmental Health:

21. **Sewage Disposal:** The proposed project does not appear to impact any existing septic systems located on the project site. It is the owner's responsibility to ensure all existing septic systems are within the required setback from all property lines. The proposed Parcel 1 will require soils testing should there be any development in the future. A note shall be placed on the map to this effect. [Environmental Health]
22. **Water:** The proposed project does not appear to impact existing water system(s) at the project site. It is the owner's responsibility to ensure all water systems meet the required rate of gallons per minute for the number of connections allowed and that the water quality meets Title 22. A Local Small Water System permit will be required if the proposed Parcel 1 is connected to the existing well on proposed Parcel 2. A note shall be placed on the map to this effect. [Environmental Health]
23. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) shall be completed and submitted to County Division of Environmental Health. [Environmental Health]

San Benito County Fire:

24. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 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.

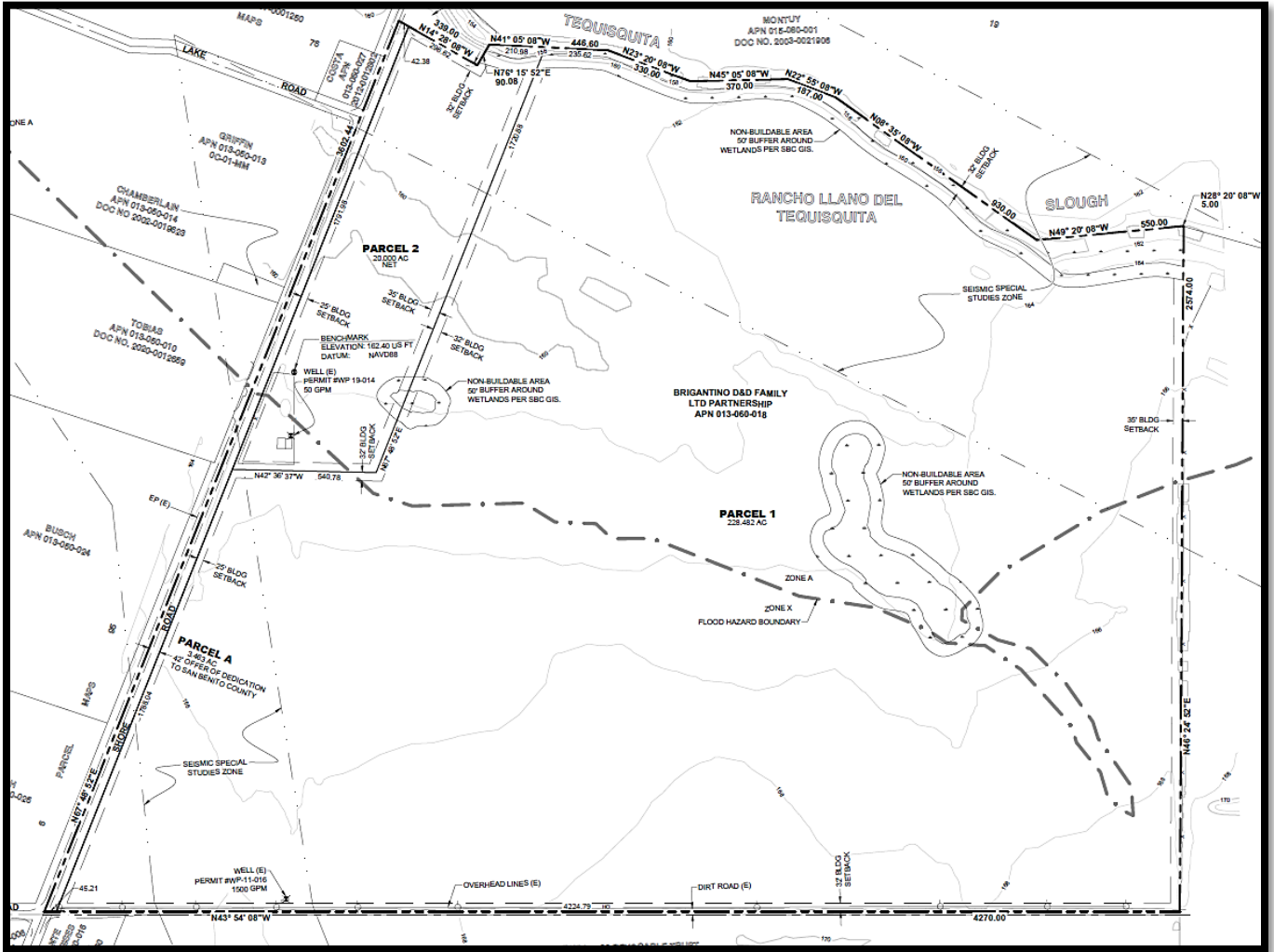
Public Works Division:

25. **Right-of-Way:** Prior to the recordation of the Parcel Map, the applicant shall irrevocably dedicate half of the 110-foot right-of-way along the entire property frontage on Shore Road to the County of San Benito and the public for public use. [§ 23.15.002 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easement] [Public Works]
26. **Improvement Agreement:** Prior to the recordation of the Parcel Map, the applicant shall improve Shore Road by constructing half of 94-foot Asphalt Concrete (AC) on 96-foot Aggregate Base (AB) along the whole property frontage. Design of improvements shall comply with County Code improvement standards. This requirement may be waived or deferred at the discretion of the Planning Commission. [Public Works]
27. **Geotechnical Report:** As part of submission of engineered improvement plans for this project, a design-level geotechnical engineering investigations report shall be submitted for review by the County Engineer, and the same (once reviewed and accepted) shall be the basis of the design of any proposed or required improvements within the property. Prior to acceptance of any required improvements, a letter of geotechnical compliance shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023] [Public Works]
28. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Storm Drainage Design Standards, hence, shall mitigate concentrated or increased runoff resulting from the impermeable surfaces created by the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for the impermeable surfaces created as part of this project. Details and direction of flows of drainage swales

and grades shall also be included. Applicant shall ensure that runoff from the proposed improvement(s) shall be directed to existing drainage systems and/or drainage easements and shall not negatively impact neighboring properties. Applicant shall also be required to implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, hence, erosion control measures shall also be shown on the plans. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project. [§ 23.17.003 (B); Ch. 23.31 Article III] [Public Works]

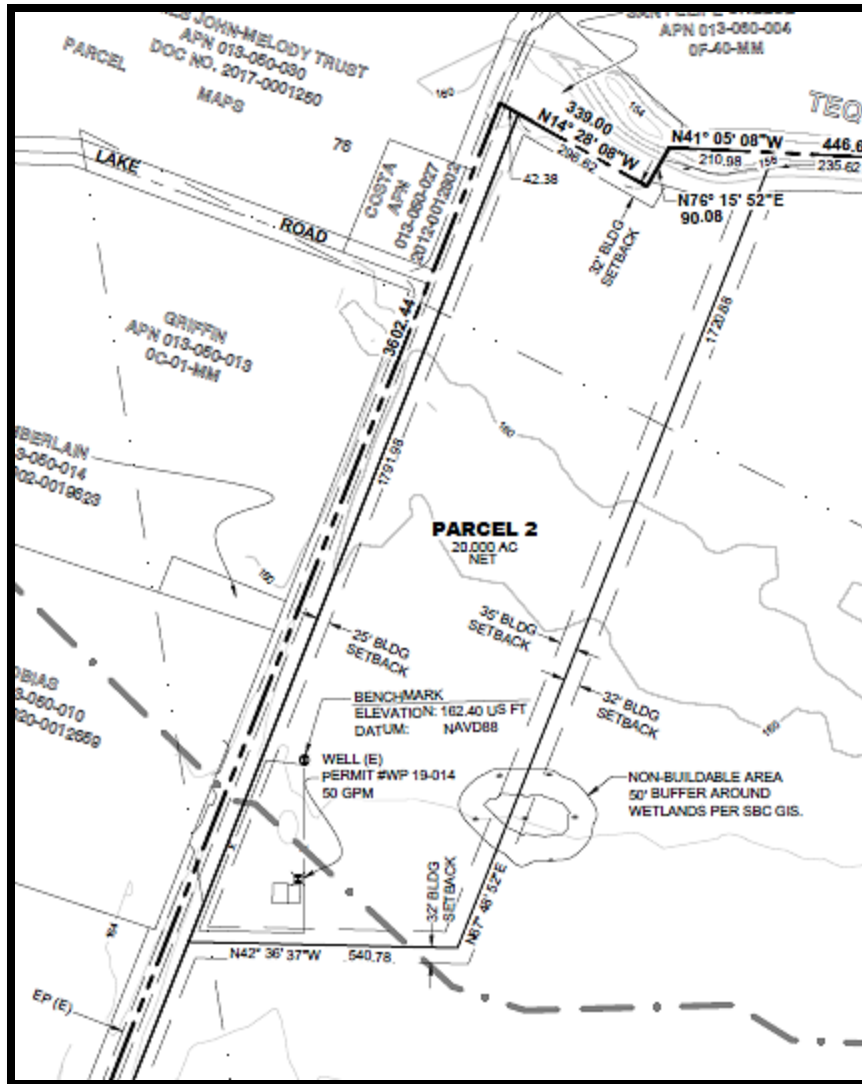
29. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cable television facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 Required Improvements, (E); (F)] [Public Works]
30. **Utility Plans:** 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. 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. [Public Works]
31. **Community Facilities District:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
32. **Dedication of Parkland:** Prior to recordation of the Parcel Map, pursuant to San Benito County Code of Ordinances Section 23.15.008 (Dedication of Parkland), the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
33. **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.
34. **Warranty Security:** 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)]
35. **As Built Improvement Plans:** 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)]

Exhibit C to Planning Commission Resolution (Site Plan)



The image shows a detailed site plan for the proposed subdivision, dividing the property into two parcels: Parcel 1 (228.48 acres) and Parcel 2 (20.00 acres). The site plan highlights several key features, including the Tequisquita Slough, which runs along the eastern boundary of the property, and areas designated as non-buildable due to their proximity to the slough and the presence of wetlands. The plan also identifies two Alquist-Priolo fault zones and the FEMA Flood Zone (Zone A), indicating areas that are particularly sensitive to seismic activity and flood risks. Parcel 1 contains two non-buildable areas surrounding the slough and is mostly encompassed by the flood hazard zone, while Parcel 2 includes a well and is adjacent to Shore Road, which provides access.

Exhibit C to Planning Commission Resolution (Site Plan) (Cont.)



The image provides a detailed view of Parcel 2 of the proposed subdivision map, covering 20.00 acres and situated along Shore Road. Key features include a well (permitted as #WP 19-014 with a 50 GPM capacity), a non-buildable area with a 50-foot buffer around wetlands, as designated by San Benito County GIS, and a small agricultural accessory building.

STAFF REPORT

PROJECT INFORMATION:

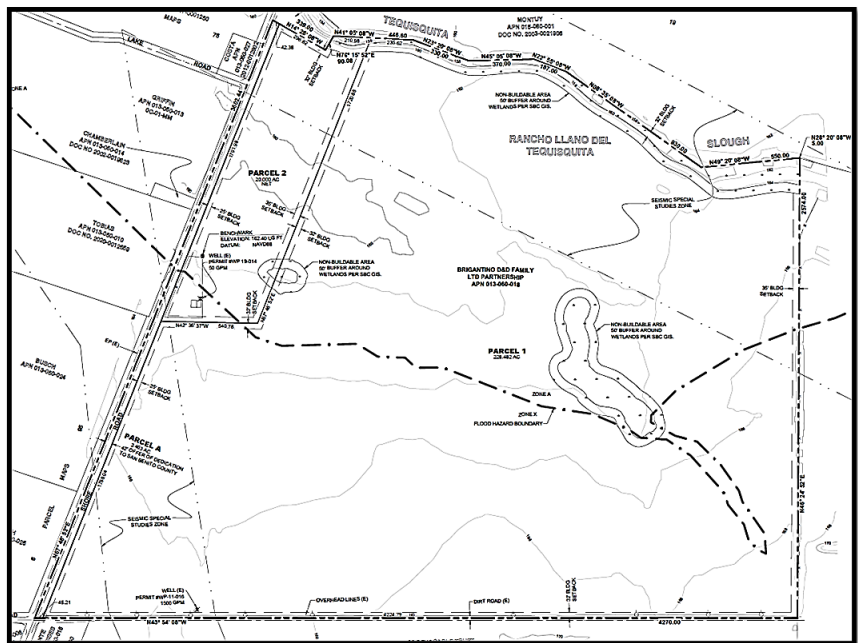
Application: PLN240016 (Minor Subdivision)
Date of Hearing: August 21st, 2024
Applicant: Kelley Engineering & Surveying
Owner(s): Brigantino D&D Family LTD Partnership
Location: 2231 Shore Road (approximately 1 mile east of the intersection of Highway 25 and Shore Road)
APN: 013-060-018
General Plan: Agricultural (A)
Zoning: Agricultural Productive (AP)
Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

This project entails the subdivision of an existing 251.94-acre parcel into two separate parcels, each measuring 228.48 acres and 20.00 acres respectively with a 3.46 acre road dedication. The two parcels are undeveloped agricultural land. This project proposes no construction.

SITE DESCRIPTION

The proposed project is situated at 2231 Shore Road and encompasses an approximately 251.94-acre parcel (Assessor's Parcel Number [APN] 013-060-018). The site is located approximately 8 miles northwest of downtown Hollister within unincorporated San Benito County. Positioned around 1 mile to the east of the intersection of Highway 25 and Shore Road, this project occupies a rural area surrounded by agricultural activities. The proposed project has existing access from Shore Road, which will also serve the two proposed parcels.



This property has historically been utilized for agricultural purposes and currently accommodates a small existing agricultural building and the majority of the property is undeveloped farmland. Importantly, no new construction is proposed as part of this project. The neighboring parcels are predominantly used for agricultural functions, including grazing and row crops, as well as housing rural residences. Five of the contiguous parcels to the project site are under the Land Conservation Act (Williamson Act) as agricultural preserves, as is the project site itself. Properties similar in size to the subject property in the vicinity are commonly dedicated to activities such as grazing, agricultural support uses, and the establishment of rural residences. (See Figure 1, Vicinity Map.)

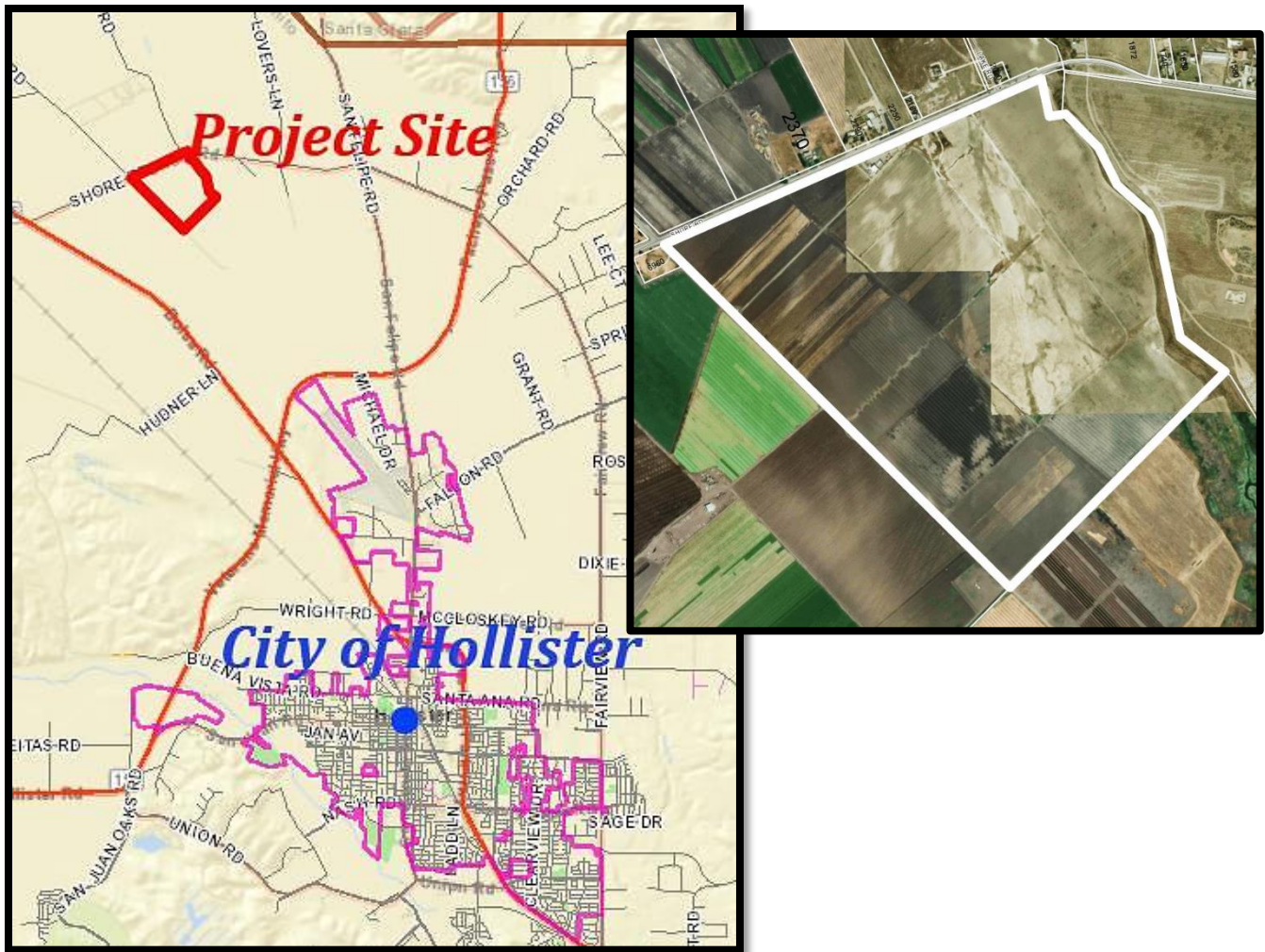


Figure 1. Vicinity Map

Legal Lot of Record: The property is currently a legal lot recorded in San Benito County Official Records as Book 262 page 296 on November 29th, 1968.

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: Septic System.

Water: Private well producing 50 GPM.

State Farmland Map Designation: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, and Other Land. (per 2020 Farmland Mapping & Monitoring Program (FMMP)).

Land Conservation Act (Williamson Act): Yes.

Soils: **Pacheco Silt Loam**, Capability Units IIw-2 (14), Grade 2. Soils in this unit are very deep and somewhat poorly drained. The available water holding capacity is 5.0 to 12.0 inches. **Pacheco Loam**, Capability Units IIw-2 (14), Grade 2. Soil characteristics are the same as previous soil type. **Pacheco Silty Clay**, Capability Units IIs-5 (14), Grade 3. Soils in this unit are very deep, well drained to moderately well drained and nearly level. Available water capacity is about 8.0 to 12.0 inches. **Riverwash**, Capability Units VIIIw-4 (14), Grade 6. Only Riverwash is in this unit, and it consists of sand and gravel in channels of larger streams. Soil material is excessively drained and commonly flooded part of the year. **Willows Soils**, eroded, Capability Units IVw-6 (14), Grade 4. Soils in this unit occur in basins and are deep, poorly drained and nearly level. Available water capacity is about 7.0 to 9.0 inches.

Seismic: Project is located within an Alquist-Priolo Fault Zone (Calaveras Fault).

FEMA Flood Zone: Project is located within a FEMA Flood Zone.
Fire Severity: Non-Wildland/Non-Urban
Archaeological sensitivity: Yes.
Habitat Conservation Plan Study Area Interim Mitigation Fee: Within fee area.
Other Endangered or Sensitive Species: None of special consideration.

PLANNING AND ZONING

The property has an Agricultural (A) designation per the General Plan and is designated as Agricultural Productive (AP) under the Zoning Ordinance. The purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per lot, all in aid of preserving agricultural viability. The intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the General Plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses. Additionally, it allows for limited low-density residential development while prioritizing the preservation of Prime Farmland. Given that the proposed project involves no construction, and that the existing agricultural use aligns with both zoning and General Plan designations, the proposed map is consistent with the intent of the General Plan's A district and the AP zoning district. This project is also consistent with General Plan policy as well. (See Staff Analysis for more detailed consideration.)

ENVIRONMENTAL EVALUATION

Under the California Environmental Quality Act (CEQA), the project qualifies for the State CEQA Guidelines §15061(b)(3) exemption due to the clear assurance that the proposed subdivision will not result in a significant impact on the environment. This project, as submitted, proposes no construction at this time and, consequently, will not cause disruptions within areas of ecological, seismic, historical, or any other environmental sensitivity. The applicant's proposal primarily involves delineating new property boundaries without plans for new construction. The current zoning regulations already allow for nearly the same level of land use as what could occur with or without this subdivision.

To comply with San Benito County code, a typical subdivision would involve ground disturbance activities related to road construction, frontage improvements, grading, water access, or other development requirements. These activities fall under CEQA Class 1 Categorical Exemption (State CEQA Guidelines §15301, Existing Facilities, subparagraph c). This exemption applies to projects that primarily involve the maintenance, repair, or minor alteration of existing infrastructure, such as roads, sidewalks, and bicycle facilities. This exemption further requires that these projects must not expand the existing or former use, such as the addition of extra automobile lanes to roadways. While this project proposes no new construction, County Code Title 23 (Subdivisions) requires road improvements that add no new lanes or expanded use, ensuring compliance with the aforementioned exemption.

The majority of Parcel Two and the eastern portion of Parcel One are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas since this project does not propose any construction at this time. Additionally, the applicant has agreed to designate non-buildable areas around these sensitive areas as a condition of approval (see Condition 11 and Exhibit C).

Furthermore, any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), thus maintaining consistency with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments adhere to stringent flood protection standards

designed to provide a minimum level of protection against a 100-year flood event. These requirements align with local, state, and federal regulations, effectively mitigating the potential for flood-related damages.

The site is located within the Alquist-Priolo Earthquake Zone. Due to the site's location in a seismically active region and within an Earthquake Zone, the proposed project would be subject to a low likelihood of strong seismic ground shaking during its design life. This is in part due to the fact that any potential future development would be required to comply with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code, ensuring that potential adverse impacts would be reduced to a less than significant level. Additionally, this project would be subject to San Benito County Code § 25.08.028 (Seismic Safety Development Standards), which would further ensure that potential adverse impacts would not have an adverse effect on the project site. The project site otherwise lacks physical hazards.

In the context of safeguarding cultural resources, Condition 13 outlines a set of stringent procedures that are mandated in the event of discovering human remains or significant archaeological artifacts during excavation or ground disturbances. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is required for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources in line with San Benito County Code and applicable laws.

Moreover, this project is anticipated to have an insignificant cumulative impact on the area. The most recent comparable subdivisions are Minor Subdivision 1031-91, Minor Subdivision 1114-00, and Minor Subdivision 1151-04, which were approved in 1991, 2003, and 2007, respectively, within a mile of the project site. Minor Subdivisions 1031-91 and 1151-04 involved the creation of two lots and easements, while Minor Subdivision 1114-00 involved the creation of four lots and easements. All of these subdivisions accounted for minimal impact and involved no construction.

Projects of larger size in the vicinity, such as Dunneville Estates, Pacheco Creek Estates, and Comstock Estates, have already had their cumulative impacts accounted for in their respective environmental reviews. Any potential future development, especially those leading to increased population density or other significant alterations, will undergo a comprehensive evaluation and require additional approval from the County.

STAFF ANALYSIS

This type of project must maintain consistency with both its zoning and General Plan designation. Subdivisions must also adhere to additional requirements outlined in San Benito County Code Title 23 (Subdivisions) and California Government Code Section 66410 *et seq.* (Subdivision Map Act).

One such policy of note is General Plan Policy LU-3.2 (Agricultural Integrity and Flexibility). These policies direct the County to protect the integrity of existing agricultural resources and provide both flexibility and economic viability for farming and ranching operations. The project proposes large lots of 20.00 acres and 228.48 acres, respectively, which still allow for the existing agricultural operations to continue. The site would remain commercially viable for the existing agricultural operations in addition to retaining sufficient lot area to be eligible for becoming agricultural preserves under San Benito County Code Chapter 19.01 which sets minimum lot-area standards for parcels to receive property-tax deductions in Exchange for agricultural productivity in accordance with the State of California Williamson Act.

Any potential future development, particularly those entailing an increase in density or substantial physical change to the land's grade would necessitate further evaluation by the County. No specific plan has been adopted in this particular area.

The project aims to create two parcels, measuring 228.48 acres and 20.00 acres, respectively. This subdivision will not result in increased density or uses beyond what is currently allowed by the zoning regulations. The General Plan's land use district permits one dwelling per 5 acres, and the project's lot sizes align with the County Zoning Ordinance minimum lot size of 5 acres as well. The floodplain in the eastern portion of this property and the Alquist-Priolo Earthquake Zone would not compromise the suitability of this site for any construction (see "Natural features and hazards" later in this section for further discussion). Furthermore, this subdivision will change little in terms of entitlements, as the applicant is only proposing new property lines. The existing zoning regulations already permit nearly the same degree of use as the proposed subdivision. This project aligns with the existing zoning and land use regulations, ensuring that it complies with current standards and does not increase density or uses beyond what is allowed, provided compliance with the conditions of approval.

Improvements. The proposed project would provide adequate access, connections to water service, and other infrastructure in a manner compliant with General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). County Resource Management Agency Planning and Public Works staff and the County Environmental Health Division have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with the aforementioned General Plan policies, the Subdivision Map Act, and the San Benito County Subdivision Ordinance design standards in Title 23 (Subdivisions) Chapter 23.25 (Design Requirements) provided compliance with conditions of approval. Any potential future development such as further subdivision or development requiring building permits, will be subject to further evaluation, and require additional approval from the County including but not limited to a design-level geotechnical analysis that identifies recommendations for the design and construction of future project improvements.

The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal, and the applicant would need to show the viability of these systems via a soils and/or a geotechnical report. The proposed subdivision, as submitted, has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.

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

Furthermore, the County Fire Department, comprising personnel contracted from the City of Hollister Fire Department, has evaluated the design of the proposed subdivision, including its proposed ingress/egress improvements. Their assessment resulted in a series of recommendations that have been integrated into the conditions of approval for the project in response to the project's location in a Non-Wildland/Non-Urban fire zone. Any future development on the project site will undergo additional review as part of the building permit issuance process. The project does not affect any easements for public access through the site.

As confirmed by the office of the County Assessor, the project site is subject to a Land Conservation Act (Williamson Act) contract and meets all current rules and regulations thereof, including satisfaction of County approval for Williamson Act purposes to divide the contracted agricultural preserve. The resulting parcels follow the subdivision rules as the proposed parcels meet the minimum acreage to sustain their agricultural use. The site will continue to be used for agriculture, which under County Code § 19.01.023 is a use compatible with the Williamson Act. (See Board of Supervisors Resolution 2023-172 for approval information.)

Natural features and hazards. The site has areas identified as exceptional habitat for fish or wildlife (freshwater wetlands). Considering this, the applicant has agreed to the following condition of approval (see Attachment D Condition of Approval (COA) 11), which states in short that any construction project or significant ground disturbing activities within the identified (See Attachment C) non-buildable areas will require the property owner to obtain new or modified approval from the County. However, any proposed structure or activity not within non-buildable areas will be processed through the County and other relevant agencies using standard permitting procedures, which may involve submitting a standard building application.

The parcel at present is developed with accessory buildings for the agricultural operations, a driveway, and two wells. The applicant currently proposes no new construction or improvements at this time, though approval of the project would allow an additional accessory dwelling unit. As there is no proposed increase to the intensity or density of development on any of the parcel at this time, the development of the parcel is limited under the Williamson Act to agricultural uses only, and the County requires detailed review of any future substantial development, no substantial impact, damage, or harm will be caused by this project as long as the applicant/owner maintains current use or seeks requisite County approval for additional use.

The majority of Parcel Two and the eastern portion of Parcel One are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas since this project does not propose any construction at this time. Additionally, the applicant has agreed to designate non-buildable areas around these sensitive areas as a condition of approval (see Condition 11 and Attachment C).

Furthermore, any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), thus maintaining consistency with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments adhere to stringent flood protection standards designed to provide a minimum level of protection against a 100-year flood event. These requirements align with local, state, and federal regulations, effectively mitigating the potential for flood-related damages.

The site is located within the Alquist-Priolo Earthquake Zone. Due to the site's location in a seismically active region and within an Earthquake Zone, the proposed project would be subject to a low likelihood of strong seismic ground shaking during its design life. This is in part due to the fact that any potential future development would be required to comply with all applicable building requirements related to seismic safety. These include applicable provisions of the California Building Code, Title 24 of the California Administrative Code, and County Code § 25.08.028 (Seismic Safety Development Standards), ensuring that potential adverse impacts would be reduced to a less than significant level. The project site otherwise lacks physical hazards.

The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Hollister Fire Station 1 at 110 5th Street by downtown Hollister 8.5 miles by road and CAL FIRE at 1979 Fairview Road 10 miles by road. The County Fire Department has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.

In consideration of these natural features and hazards, and with the findings from agencies' review of this project, the minor degree of change would not create high risk of substantial damage to the environment, including wildlife and its habitat.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends

that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN240016 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Site Photos
- B. Planning Commission Resolution 2024-____ (draft) including:
 - Attachment A California Environmental Quality Act (CEQA) Findings
 - Attachment B Conditions of Approval
 - Attachment C Tentative Map

Attachment A
Site Photos



The project site facing south towards Hollister Valley from the middle of Parcel Two with Parcel One off in the distance.

Attachment A
Site Photos



The project site facing east towards the Tequisquita Slough from Parcel Two along Shore Road between the intersections of Fraizer Lake Road and Lake Road.

Attachment A
(continued)



The project site facing west toward the Flint Hills and Highway 25 from Parcel Two near the intersection of Fraizer Lake Road and Shore Road.

Attachment A
(continued)



The project site facing northwest towards San Felipe Lake and Gilroy with Shore Road in the foreground.

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF AUGUST 21ST, 2024, at 6:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, August 21st, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers: +1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose). To access the meeting, please enter the Webinar ID **842 6449 5650** AND Webinar Password **928233**.

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN220004 (Minor Subdivision at 1175 Comstock Road):

OWNER: Frank Edwin Russell Trust. APPLICANT: Kelley Engineering & Surveying. LOCATION: 1175 Comstock Road (7 miles from downtown Hollister) in unincorporated San Benito County. APN: 017-030-015. REQUEST: To subdivide an existing 38.93-acre parcel into four parcels: one of 23.57 acres and three of 5.00 acres each. The 23.57-acre lot would contain the existing three dwellings, driveways, a septic system, and two wells. The proposed plan includes building envelopes for each of the 5.00-acre lots, each of which being proposed to have a new residence and potential accessory dwelling unit. The new residential units will connect to new wells and new septic systems when developed. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

PLN240016 (Minor Subdivision at Shore and Lake Roads):

OWNER: Brigantino D&D Family Ltd Partnership. APPLICANT: Kelley Engineering & Surveying. LOCATION: South of Shore Road between its Frazer Lake Road intersection and Tequisquita Slough (9 miles northwest of Downtown Hollister) in unincorporated San Benito County. APN: 013-060-018. REQUEST: To subdivide an existing 251.94-acre parcel into two separate parcels, each measuring 228.48 acres and 20.00 acres respectively with a 3.46-acre road dedication. The two parcels are undeveloped agricultural land. This project proposes no construction. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b) (3)) and §15301 (Existing Facilities, subparagraph c). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

PLN240013 (Botelho Conditional Use Permit):

OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (at State Route 156 intersection, 2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: To operate a woodworking shop that provides custom woodworking and small-scale cabinetry services, as well as an agricultural equipment repair service business. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303(C) (New Construction or Conversion of Small Structures), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vtafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: August 2nd, 2024
PUBLISHED: Friday, August 9th, 2024~ Hollister Free Lance (Pub HF 8/9)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.3

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution to approve a tentative map subdividing an existing 38.93-acres parcel into four separate parcels of 5.00 acres, 5.00 acres, 5.00 acres, and 23.57 acres. The project, County Planning file PLN220004, is located at 1175 Comstock Road approximately 7 miles northeast of downtown Hollister in the unincorporated San Benito County. SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The proposed project involves subdividing an existing 38.93-acre parcel into four parcels: one of 23.57 acres and three of 5.00 acres each. The project site currently contains three dwellings, driveways, a septic system, and two wells. The proposed plan includes building envelopes for each of the 5.00-acre lots. Each lot will have a new residence and potentially an accessory dwelling unit. The new residential units will connect to the existing on-site water supply well and have new septic systems installed on each lot. Additionally, the project includes dedicating a right-of-way and constructing public road improvements along the project's frontage on Comstock Road, in compliance with County Code.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN220004 minor subdivision/tentative parcel map, which includes certifying the Mitigated Negative Declaration subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[CEQA Notice of Completion](#)

[CEQA Notice of Intent to Adopt a Mitigated Negative Declaration](#)

[Initial Study/Mitigated Negative Declaration](#)

[Freelance Notice](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2024-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN220004, A PROPOSAL FOR A TENTATIVE MAP TO SUBDIVIDE AN EXISTING 38.93-ACRE PARCEL INTO FOUR PARCELS OF 23.57 ACRES, 5.00 ACRES, 5.00 ACRES, AND 5.00 ACRES.

WHEREAS the subject parcel is located at 1175 Comstock Road near Hollister, San Benito County (“County”), California (Assessor’s Parcel 017-030-015) and currently contains 38.93 acres; and

WHEREAS Kelley Engineering & Surveying has filed an application for a minor subdivision/tentative parcel map (illustrated in **Attachment C**) to subdivide the property into four lots of 23.57 acres, 5.00 acres, 5.00 acres, and 5.00 acres; and

WHEREAS the property is currently a legal lot that was conveyed by and was recorded in San Benito County Official Records Book 271 Pages 175-180 on October 4th, 1961; and

WHEREAS the property currently contains three residences with the addresses 1155, 1165, and 1175 Comstock Road; and

WHEREAS the property currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS the purpose of the underlying A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productivity land types such as crops, vineyards, and grazing areas; and

WHEREAS the intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the general plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses; and

WHEREAS the applicant and owner have demonstrated adequate street access, and the presence of three existing dwellings demonstrates septic-system suitability and water availability adequate for use and enjoyment of the proposed resulting parcels; and

WHEREAS, on August 12, 2022, the County, pursuant to Public Resources 21080.3.1 and Assembly Bill (AB) 52 (2014), sent via certified mail notification letter to (4) California Native American Tribes that are traditionally and culturally affiliated within the project area, with comments being received, addressed, and incorporated into the CEQA Initial Study Mitigated Negative Declaration Mitigation Monitoring and Reporting Program and the conditions of approval; and

WHEREAS the County assessed the potential for any substantial effect on the environment for the project consistent with the requirements of the California Environmental Quality Act (CEQA) by preparing and Initial Study and Mitigated Negative Declaration that was circulated for public review and comment for 30 days from June 10th, 2024, to July 9th, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed the minor subdivision/tentative parcel map application at its regularly scheduled meeting held on August 21st, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

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

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Attachment A**.

BE IT FURTHER RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito also adopts the Initial Study/Mitigated Negative Declaration for County Planning file PLN220004, included as **Attachment E** to this resolution.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN220004 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Attachment B** (which by reference includes **Attachment D**, Mitigation Monitoring Reporting Program) and as illustrated in **Attachment C**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 21st DAY OF AUGUST 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Assistant Director, Planning and Building
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding 1: The initial study for PLN220004 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: An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in accordance with CEQA requirements, including supporting technical reports. Mitigation measures were identified to reduce significant impacts to a less than significant level and will be included in the project as conditions of approval. Potential impacts mitigated to a less than significant level include Biological, Geology/Soils, Cultural Resources, and Tribal Cultural Resources. The County prepared and mailed certified letters to Native American individuals and tribal organizations in accordance with AB 52 on August 12, 2022. The letter was sent to the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Rumsen Ama Turataj Ohlone. Responses were received, addressed, and incorporated into the conditions of approval. The IS/MND was duly noticed and available for public review and comment for 30 days from June 10th, 2024, till July 9th, 2024. The County received comments on the IS/MND.

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

Evidence: An initial study/mitigated negative declaration (IS/MND) was prepared and circulated publicly to receive comments from members of the public and other public agencies from June 10th, 2024, till July 9th, 2024. The IS/MND document, the staff report, and written and verbal testimony were presented to the Planning Commission in preparation for, and during, the August 21st, 2024, 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 IS/MND and circulated the resulting document to the public. Planning staff also prepared the staff report and its discussion of the IS/MND. The IS/MND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.

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

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

Subdivision Findings:

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

Evidence: *The property is designated as Agricultural (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per five acres, all in aid of preserving agricultural viability. The intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the General Plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses. Additionally, this zoning allows for limited low-density residential development while prioritizing the preservation of Prime Farmland. The proposed project, which proposes three future residences, aligns with both zoning and General Plan designations. The proposed map remains congruent with the intent of the General Plan's A district and the AP zoning district.*

In addition, this project aligns with General Plan Policy LU-3.12 (Agricultural Viability of Small Parcel Sizes). This policy expects that project applicants seeking to subdivide agriculturally zoned parcels must demonstrate the ongoing feasibility of lots smaller than 40 acres for commercial agriculture operations. In this case, the parcel's existing size is already too small for viable large scale commercial agriculture even without the proposed subdivision. Any potential future development, particularly those entailing an increase in density, would necessitate further evaluation by the County. No specific plan has been adopted in this particular area.

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

Evidence: *The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.*

The existing dwellings would continue to use their existing septic and well systems, installed in accordance with regulations requiring systems be properly designed to function in the site's specific conditions. The future dwellings would be located on the proposed Parcels 2, 3, and 4 and would be expected to connect to new wells and new septic systems. The conditions of project approval reflect review by the County Environmental Health Division of septic system use, including attention to soil compatibility. Any potential future development such as further subdivision or development requiring building permits, will be subject to further evaluation, and require additional approval from the County including but not limited to a design-level geotechnical analysis that identifies recommendations for the design and construction of future project improvements.

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

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

Evidence: The site contains some physical hazards and proposes the construction of three new future residences beyond the existing residences and agricultural use. (See discussion of mitigations below.) The four parcels are currently mostly undeveloped, except for Parcel One, which has three accessory structures for agriculture and residential uses and three residences. The subdivision meets the minimum 5-acre lot area requirement of the AP zone, ensuring the continuation of current land use while allowing for future uses per zoning regulations. This secures future agricultural viability and productivity, as well as continued enjoyment of the property for both future and existing landowners. Additionally, the conditions of approval require the County Environmental Health Division to review septic system use, focusing on soil compatibility. The existing systems were installed following regulations that ensured appropriate design for effective operation within the site's soil conditions.

Mitigation measure GEO-2 mandates that when development occurs the construction contractor implements erosion control measures and associated BMPs during construction to reduce soil disturbance and the potential for erosion and sedimentation. These measures include managing demolition debris, concrete, and soil; protecting storm drain inlets; stabilizing disturbed areas through hydroseeding or revegetation; minimizing impervious surfaces; and implementing runoff controls such as percolation basins and drainage facilities. Proper management of construction materials and waste, aggressive litter control, and sediment control measures must be in place. Grading should be limited to the minimum area necessary for the project. County staff must verify these conditions in project plans before issuing any grading or building permits.

Mitigation measure HYD-1 requires the applicant to retain a certified Qualified SWPPP Practitioner (QSP) and/or Qualified SWPPP Developer (QSD) to prepare a SWPPP before the issuance of a grading or building permit. The SWPPP must be submitted to the County Resource Management Agency for review and approval. A QSD/QSP should be retained for the duration of the construction to coordinate compliance with RWQCB requirements and monitor the project until completion. Typical BMPs specified within the SWPPP may include using sandbags, straw bales, and temporary de-silting basins during the rainy season to prevent sediment-laden runoff into stormwater facilities; revegetation as soon as practicable after grading to reduce sediment transport during storms; and installing straw bales, wattles, or silt fencing at the base of bare slopes and project perimeter before the rainy season. The QSD/QSP shall provide written documentation of compliance with these measures to the County for review and approval following the completion of construction.

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

Evidence: The project proposes four parcels of 23.57 acres, 5.00 acres, 5.00 acres, and 5.00 acres. Subdividing the property into these four lots could result in three new dwellings on Parcels 2, 3, and 4, in addition to the site's three existing primary dwellings. Parcels 2, 3, and 4 could also potentially have their own accessory dwelling units or structures, as allowed under current zoning. The General Plan land use district for the location permits one dwelling per five acres, with the County Zoning Ordinance setting five acres as the minimum lot size. The proposal aligns with these requirements, creating three lots of 5.00 acres and one lot of 23.57 acres, and any development would realistically be significantly under the General Plan land use district's current Floor Area Ratio of 0.5.

The site is partially located within an Alquist-Priolo Earthquake Zone. Mitigation measure GEO-1 ensures that before issuing any grading or building permits, the applicant must submit evidence that the design plans (including grading plans, foundation plans, and design loads) have been reviewed by a

qualified professional. This professional must certify that the design complies with the recommendations outlined in Butano Geotechnical Engineering's report (Project No. 21-293-SB). If additional testing is recommended, the applicant must provide the results to the County for review and approval. As stated earlier mitigation measures GEO-1, GEO-2, and HYD-1 further reduce any adverse effects as result of physical or man-made hazards. (See Finding 3 for further discussion.)

Future development must comply with all applicable building requirements related to seismic safety, including provisions of the California Building Code and Title 24 of the California Administrative Code, ensuring that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project must adhere to San Benito County Code 25.08.028 Seismic Safety Development Standards, further ensuring no adverse effects on the project site. The site otherwise lacks physical hazards.

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

Evidence: The site includes areas identified as exceptional habitats for fish or wildlife, such as freshwater wetlands. To address these environmentally sensitive areas, mitigation measures have been proposed for species like California tiger salamander (CTS), raptors, and other protected bird species that may occur within or near the proposed development lots. Although the subdivision itself is unlikely to impact these species, future construction activities may result in significant impacts through habitat modification. Future construction within agricultural and ruderal areas could affect CTS habitats through grading, vegetation removal, and construction activities, resulting in temporary impacts and permanent habitat loss. Noise and traffic during construction may also disturb CTS movement, posing potentially significant impacts that can be mitigated to less than significant levels with the implementation of Mitigation Measures BIO-1 and BIO-3.

Raptors and other nesting birds may nest in trees within or adjacent to the proposed development lots. Construction activities during the avian nesting season could lead to the incidental loss of eggs or nestlings, or cause nest abandonment. Vegetation removal, especially tree removal or limbing, may directly impact nests and individual birds. These significant impacts can be mitigated to less than significant levels with the implementation of Mitigation Measures BIO-2 and BIO-3. BIO-1 requires compliance with Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), and coordination with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the need for incidental take authorization for CTS. If required, the applicant must prepare and implement a mitigation plan and obtain necessary permits before grading. This plan should include avoidance measures, mitigation strategies, and compensatory habitat measures.

BIO-2 suggests timing construction activities to avoid the avian nesting season (February 1 through September 15). If this is not feasible, pre-construction surveys for protected avian species must be conducted by a qualified biologist within 15 days before construction starts. If nesting birds are found, an appropriate buffer zone must be established, and no construction can occur within this buffer until the young birds have fledged. BIO-3 requires a qualified biologist to conduct an Employee Education Program for the construction crew to ensure awareness and compliance with mitigation measures. This program includes educating the crew on project boundaries, access routes, identifying special-status species, and proper procedures if such species are encountered. Documentation of this training must be provided to the County before construction begins.

The project site contains identified culturally sensitive areas, protected by mitigation measures resulting from Tribal Consultation as part of the AB 52 process, existing County codes, and the project's Phase I Cultural Resource Inventory. These measures prevent disturbance of these sensitive areas. Mitigation measure CR-1 requires an extended Phase I study within the project's Area of Direct Impact (ADI) before any ground disturbance requiring a permit. This study will determine if the site contains subsurface archaeological deposits and assess whether these deposits constitute an archaeological site with sufficient integrity for evaluation of eligibility for the California Register of Historical Resources (CRHR).

Mitigation measure CR-2 mandates that the project applicant retains a qualified archaeologist to be present on the project site from the start of ground-disturbing work. If potentially significant archaeological resources are discovered, the archaeologist must halt excavation until the finds are evaluated. If a find is significant, work must remain halted to allow for appropriate mitigations, including selective data recovery, with the concurrence of the CEQA Lead Agency (San Benito County). The archaeologist may discontinue monitoring if enough information is collected to conclude that cultural resources do not exist. Additionally, before construction begins, the archaeologist must conduct sensitivity training for all onsite personnel involved in ground-disturbing activities and provide written documentation of this training to the County.

Mitigation measure CR-4 specifies that if human remains are found, work must stop immediately, and the County Coroner must be notified. If the remains are determined to be Native American, the Native American Heritage Commission will designate a Most Likely Descendant to provide recommendations for managing the remains. Additional measures include ceasing excavation within 200 feet of the discovery, staking the area of discovery, notifying the Resource Management Agency Director within 24 hours, and granting authorized representatives permission to enter the property to take actions consistent with applicable laws. These steps ensure the protection of cultural resources and compliance with relevant regulations.

Should any future substantial discretionary development occur beyond the current project description the County will require a detailed review of said development. The project as submitted with the incorporated mitigation measures and conditions of approval will cause no substantial impact, damage, or harm to or substantially and avoidably injure fish or wildlife or their habitat. (See Attachment D for further explanation of mitigation measures)

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

Evidence: Project improvements have been reviewed by relevant agencies in consideration of public health, and conditions of approval have been included to ensure public health. This includes emphasis on water quality regarding well and septic system use and on controlling effects from grading including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements would cause serious problems for public health. (See Finding 5 for further discussion). The County reserves the right to additionally review any future development on the project sites at such time that the development occurs.

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: The project would affect no such easement.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Calif. Gov't Code Section 51200 *et seq.*) and that the resulting parcels following a subdivision of that land would not be too small to sustain their agricultural use.

Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) contract.

Finding 9: Subject to 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: Use of a community sewer system is not proposed, with existing septic systems to be used for sewage disposal. 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. (See Finding 2 for further discussion.)

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

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

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

Evidence: The subject property is within a local responsibility area designated as non-wildland/non-urban. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are CAL FIRE at 1979 Fairview Road, approximately 6 ½ miles by road, and Hollister Fire Station 1 at 110 5th Street in Downtown Hollister, approximately 8 miles by road.

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

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

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. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in **Attachment C**) 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]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision 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:** Prior to map recordation, 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. **CEQA Mitigation Measures:** The development of the site shall conform to the mitigation measures as adopted by the Planning Commission and included in the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Reporting Program to the satisfaction of the Planning Director. The mitigation measures shall be regarded as Conditions of Approval for Tentative Subdivision Map. See **Attachment D.** [Planning]
6. **Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to the recordation of the Parcel map, the applicant/owner, County Counsel and the County Planning Director shall agree to and sign the Condition of Approval/Mitigation Monitoring and Reporting Program form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. If multiple Final Maps are filed, separate agreements with new builders/owners may be required. See **Attachment D.** [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **CEQA Notice of Determination (Fish & Wildlife Fees):** The applicant/owner shall be required to file a Notice of Determination for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. The applicant shall submit payment of the Fish & Wildlife Fees (\$2,916.75 as of 2024 per Pub. Resources Code, § 21152; Fish & Game Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5) and County Clerk administrative fee of \$50.00 to the Planning Department for the filing of the notice. [Planning, CDFG]
9. **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]
10. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of 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]
11. **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]
12. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]

13. **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]
14. **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]
15. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
16. **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 \$1500.00 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]
17. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of 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. [Planning]
18. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 *et seq.* (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]

County Division of Environmental Health:

19. **Sewage Disposal:** The owner has provided percolation tests conducted by Earth Systems on August 17, 2008. Septic envelopes have been indicated on the site map. Installation of a septic system in the indicated septic envelopes appears feasible. Note, the soil conditions for the proposed Lot #3 appear marginal. [Environmental Health]
20. **Water:** The owner has stated that the 3 new lots (5 acres each) split from APN 017-030-015 will have their own water systems on each respective lot. The domestic well on the current property will continue to supply water to the existing residents on Parcel 1 and will not be used to supply the proposed new lots. It is the owner's responsibility to ensure all water systems serving the proposed parcels meet the required flow in gallons per minute for the number of connections allowed and that the water quality meets the standards of Title 22 of California Code of Regulations. [Environmental Health]
21. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) must be completed and submitted to County Division of Environmental Health. [Environmental Health]

San Benito County Fire:

22. **Fire Suppression Requirements:** Each parcel will require a dependable water source for fire suppression and sprinkler systems; agricultural water is not acceptable. Each parcel must have one 5,000-gallon water storage tank for every 3,000 square feet of structure, up to a maximum of 15,000 gallons, depending on the size of the largest structure. Additionally, a 2 1/2-inch wharf fire hydrant is required within 100 feet of the structure on an accessible roadway. A note to this effect shall be placed on an additional sheet to the parcel map. [County Fire]
23. **Fire:** Prior to issuance of a building permit or beginning any construction, fire access and water supply for that parcel shall be in place and operable. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 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. A note to this effect shall be placed on an additional sheet to the parcel map. [County Fire]

Public Works Division:

24. **Roadway Dedication:** Prior to the recordation of the Parcel Map, the applicant shall irrevocably dedicate half of the 60-foot right-of-way along property frontage on Comstock Road to the County of San Benito and the public for public use. [§ 23.15.002 Dedication of Streets, Alleys, and Other Public Rights-of-Way or Easement]. [Public Works]
25. **Roadway Improvement:** Prior to the recordation of the Parcel Map, the applicant shall improve Comstock Road by constructing half of the 28-foot Asphaltic Concrete (AC) on 38-foot Aggregate Base (AB) along the whole property frontage. Design of improvements shall comply with County Code improvement standards. [Public Works]
26. **Improvement Plan:** As part of the submission of Improvement Plan for this project, the Geotechnical Investigation report (Project No. 21-293-SB) prepared by Butano Geotechnical Engineering, Inc. shall be the basis of the design of any proposed or required improvements for the project. Prior to recordation of the Final Map and/or prior to acceptance of required improvements, a complete compilation of test reports along with a letter from Soils/Geotechnical Engineer attesting compliance

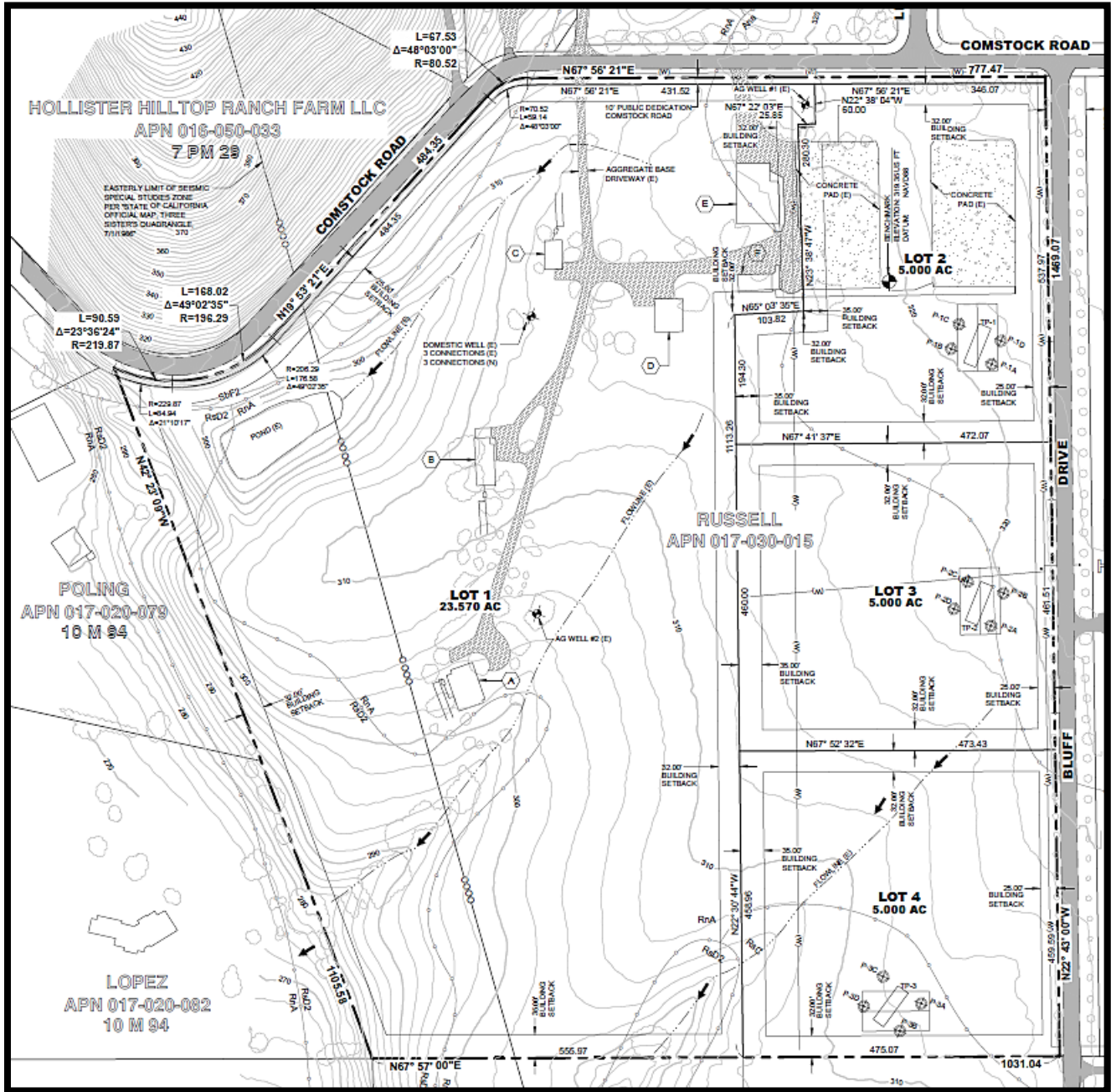
with requirements and recommendations, shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023] [Public Works]

27. **Drainage:** 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 the 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. [§ 23.17.003 (B); § 23.31 Article III] [Public Works]
28. **Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cable television facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 REQUIRED IMPROVEMENTS, (E); (F)] [Public Works]
29. **Utility Plans:** 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. 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. [Public Works]
30. **Storm Water Pollution Prevention Plan:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the Public Works Division prior to start of any construction activities as part of this project. A note to this effect shall be added on the Improvement Plans. [Public Works]
31. **Encroachment Permit:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way, and for any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
32. **Warranty Security:** 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)] [Public Works]
33. **As-Built Improvement Plans:** 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)] [Public Works]
34. **Community Facilities District Annexation:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general County

costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study. [Public Works]

35. **Dedication of Parkland:** Pursuant to San Benito County Code of Ordinances Section 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. [Public Works]

ATTACHMENT C to Planning Commission Resolution



The image shows a detailed site plan for the proposed subdivision, dividing the property into four parcels: Lot 1 (23.570 acres), Lot 2 (5.000 acres), Lot 3 (5.000 acres), and Lot 4 (5.000 acres). The plan includes existing access from Comstock Road, future access from Bluff Drive, and existing features such as two wells and residences, including ADUs, on Parcel 1.

**ATTACHMENT D to Planning Commission Resolution
Mitigation Monitoring Reporting Program**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Biological Resources</i>				
BIO-1	The project applicant or future property owner will comply with ESA and CESA and will coordinate with USFWS and CDFW to determine whether incidental take authorization for CTS is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of this species is required, the project applicant or future property owner will comply with ESA and/or CESA to obtain the required incidental take permits from USFWS and/or CDFW prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation, restoration, and/or purchase of conservation credits from an approved mitigation bank. The project applicant or future property owner would be required to retain a qualified biologist to prepare a mitigation plan, which will include, but is not limited to, identifying avoidance and minimization measures, and identifying a mitigation strategy that includes a take assessment, avoidance and minimization measures, compensatory mitigation lands, success criteria, and funding assurances. The project applicant or future property owner would be required to implement the approved plan and any additional permit requirements. Proof of consultation with USFWS and CDFW, as well as any required incidental take permits, shall be provided to the County prior to the issuance of a grading permit.	Coordination with USFWS/CDFW, obtaining Incidental Take Permits, if required.	Prior to issuance of a grading permit.	Project Applicant or future property owner, USFWS, CDFW
BIO-2	Construction activities that may affect nesting raptors and other protected avian species may be timed to avoid the avian nesting season (which occurs February 1 through September 15). Specifically, vegetation and/or tree removal can be scheduled between September 16 and January 31. If this is not possible, pre-construction surveys for protected avian species shall be conducted by a qualified biologist within 15 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary. If nesting birds are identified during pre-construction surveys, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, as determined by the qualified biologist, or until after September 1 (when young are assumed fledged). This determination shall be documented in a brief memorandum to be reviewed and approved by the County prior to the start of construction.	Schedule construction outside of nesting season. If not feasible, conduct preconstruction surveys for protected avian species within 15 days in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary.	Prior to the commencement of construction activities.	Project Applicant, qualified biologist.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BIO-3	A qualified biologist will conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist will meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities, 3) the identification of special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-status species is encountered within the project site to avoid impacts. The qualified biologist shall provide the County with written documentation that the Employee Education Program was conducted prior to the start of construction.	Conduct an Employee Education Program for the construction crew.	Prior to any construction activities.	Qualified biologist.
<i>Cultural Resources/Tribal Cultural Resources</i>				
CR-1	<p>Prior to any ground disturbance requiring an encroachment, grading, or building permit, an extended Phase I study shall be conducted within the proposed project's Area of Direct Impact ("ADI") to determine the following:</p> <ul style="list-style-type: none"> • Whether the proposed project site contains subsurface archaeological deposits; and • If subsurface archaeological deposits are present, assess whether these deposits (within the project alignment) constitute an archaeological site and retains sufficient integrity for the evaluation of eligibility for the California Register of Historical Resources ("CRHR"). 	Phase I Archaeological Monitoring Report, Additional Mitigation Measures (if needed).	Prior to any ground disturbance requiring an encroachment, grading, or building permit.	County – RMA, Qualified Archaeologist, Construction Manager.
CR-2	The project applicant shall retain a qualified archaeologist (project archaeologist) to be present on the project site from the start of ground disturbing work for the planned construction. If potentially significant archaeological resources are discovered, the project archaeologist shall halt excavation until any finds are properly evaluated. If a find is determined to be significant, work shall remain halted near the find to permit development and implementation of the appropriate mitigations (including selective data recovery) with the concurrence of the CEQA Lead Agency (San Benito County). At the discretion of the qualified archaeologist, monitoring could be discontinued if there is enough information collected from direct observation of the subsurface conditions to conclude that cultural resources do not exist. The qualified archaeologist shall provide either a monitoring report following the completion of construction or a written recommendation that monitoring is no longer necessary during construction for the County's review and approval.	Monitoring report or recommendation that ongoing monitoring is not required.	During construction and following completion of construction	Qualified archaeologist, County- RMA
CR-3	Prior to construction, the project applicant's project archeologist shall conduct a sensitivity training for cultural resources for all onsite personnel involved in ground disturbing activities. The qualified archaeologist shall provide the County with written documentation that the sensitivity training for cultural resources was conducted prior to the start of construction.	Documentation proving sensitivity training occurred.	Prior to construction.	Qualified archaeologist, County -RMA

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
CR-4	<p>If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)</p> <p>Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <p>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:</p> <ol style="list-style-type: none"> a) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains. b) Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals. c) Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above. 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] 	<p>Coordination with NAHC, adherence to MLD’s recommendations.</p>	<p>During construction activities.</p>	<p>County – RMA, Qualified Archaeologist, Construction Manager, Native American Heritage Commission, County Coroner, Project Applicant</p>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Geology and Soils</i>				
GEO-1	Prior to the issuance of any grading or building permit, the applicant shall submit evidence demonstrating that the design-plans (including grading plans, foundation plans, and design loads) have been reviewed by a qualified professional certifying that the design complies with the recommendations outlined in Butano Geotechnical Engineering's geotechnical report (Project No. 21-293-SB). If additional testing is recommended by the qualified professional, the applicant shall provide the results of the additional testing to the County for review and approval.	Verification of design-plans.	Prior to issuance of grading or building permits	Project applicant, County RMA, Qualified Professional
GEO-2	<p>During construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:</p> <ul style="list-style-type: none"> • Stockpiling and disposing of demolition debris, concrete, and soil. • Protecting existing storm drain inlets and stabilizing disturbed areas. • Hydroseeding/re-vegetating disturbed areas. • Minimizing areas of impervious surfaces. • Implementing runoff controls (e.g., percolation basins and drainage facilities). • Properly managing construction materials. • Managing waste, aggressively controlling litter, and implementing sediment controls. • Limiting grading to the minimum area necessary for construction and operation of the project. <p>County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.</p>	Plan review by County.	Prior to issuance of grading or building permits. During Construction activities (implementation)	Construction contractor, project applicant, County RMA.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Hydrology and Water Quality</i>				
HYD-1	<p>Prior to the issuance of a grading or building permit, the applicant shall retain a certified Qualified SWPPP Practitioner (“QSP”) and/or Qualified SWPPP Developer (“QSD”) to prepare a SWPPP. The SWPPP shall be submitted to County Resource Management Agency for review and approval prior to the issuance of a grading or building permit. A QSD/QSP should be retained for the duration of the construction and should be responsible to coordinate and comply with requirements by the RWQCB and to monitor the project as to compliance with requirements until its completion. BMPs that are typically specified within the SWPPP may include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> <li data-bbox="358 611 906 730">• The use of sandbags, straw bales, and temporary de-silting basins during project grading and construction during the rainy season to prevent discharge of sediment - laden runoff into storm water facilities. <li data-bbox="358 766 906 842">• Revegetation as soon as practicable after completion of grading to reduce sediment transport during storms. <li data-bbox="358 877 906 953">• Installation of straw bales, wattles, or silt fencing at the base of bare slopes before the onset of the rainy season (October 15th through April 15th). <li data-bbox="358 989 906 1085">• Installation of straw bales, wattles, or silt fencing at the project perimeter and in front of storm drains before the onset of the rainy season (October 15th through April 15th). <p>The QSD/QSP shall provide written documentation of compliance with the requirements of these measures to the County for review and approval following the completion of construction.</p>	<p>Prepare a SWPPP Retain QSD/QSP to coordinate and comply with RWQCB requirements.</p>	<p>Prior to start of grading/ construction activities Throughout the duration of construction.</p>	<p>Project applicant, qualified QSP/QSD, County RMA</p>

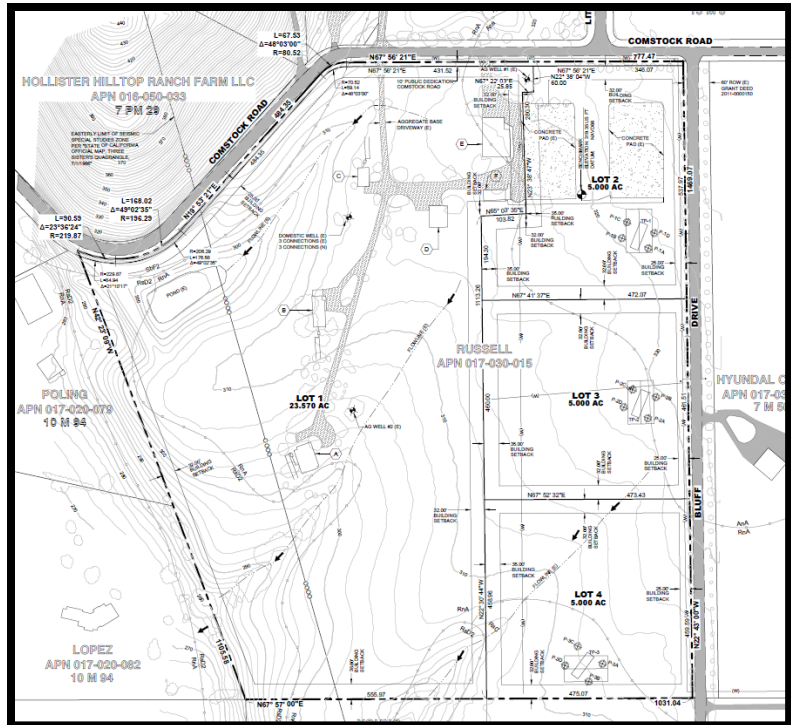
STAFF REPORT

PROJECT INFORMATION:

Application: PLN220004 (Minor Subdivision)
Date of Hearing: August 21ST, 2024
Applicant: Kelley Engineering & Surveying
Owner: Frank Edwin Russell Trust
Location: 1175 Comstock Road
APN: 017-030-015
General Plan: Agricultural (A)
Zoning: Agricultural Productive (AP)
Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

The proposed project involves subdividing an existing 38.93-acre parcel into four parcels: one of 23.57 acres and three of 5.00 acres each. The project site currently contains three dwellings, driveways, a septic system, and two wells. The proposed plan includes building envelopes for each of the 5.00-acre lots. Each lot will have a new residence and potentially an accessory dwelling unit. The new residential units will connect to the existing on-site water supply well and have new septic systems installed on each lot. Additionally, the project includes dedicating a right-of-way and constructing public road improvements along the project's frontage on Comstock Road, in compliance with County Code.



SITE DESCRIPTION

The proposed project is located at 1175 Comstock Road, Hollister, CA 95023, in San Benito County, California. The project site is made up of an approximately 39-acre parcel (Assessor's Parcel Number ["APN"] 017-030-015). State Route ("SR") 156 provides local access to the project site and is located about 2 miles west of the project site by way of Fairview Road and Comstock Road. The property is in a rural area and is surrounded by agricultural and rural residential land uses.

This property has historically been utilized for agricultural purposes and currently accommodates three residences and several accessory structures for the existing agricultural operations. As part

of this subdivision it proposes three new residences on the proposed parcels 2, 3 and 4. The neighboring parcels are predominantly used for agricultural functions, including grazing and row crops, as well as housing rural residences. None of the contiguous parcels to the project site are under the Land Conservation Act (Williamson Act) as agricultural preserves, nor is the project site itself. Properties similar in size to the subject property in the vicinity are commonly dedicated to activities such as grazing, agricultural support uses, and the establishment of rural residences. (See *Figure 1, Vicinity Map.*)

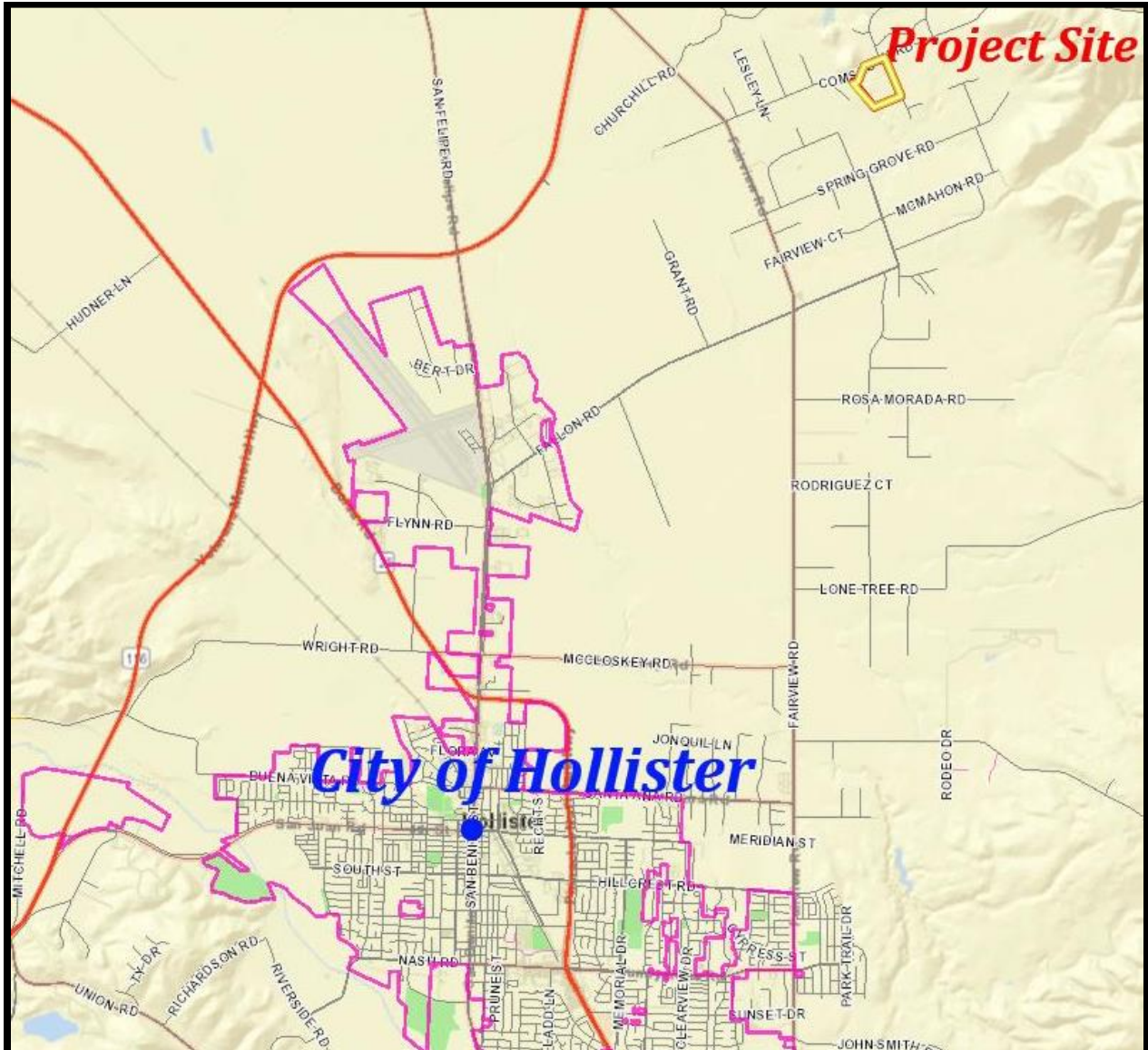


Figure 1 Vicinity Map

Legal Lot of Record: The property is currently a legal lot that was conveyed by and was recorded in San Benito County Official Records Book 271 Pages 175-180 on October 4th, 1961.

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: Septic System.

Water: Private well(s) on site.

State Farmland Map Designation: Prime Farmland, Farmland of Statewide importance, Grazing Land, Other land.

Land Conservation Act (Williamson Act): Not subject under Williamson Act Contract.

Soils: **Rincon Loam**, 0 to 2 percent slopes (Grade 1, capability units IIs-5 (14)) soils in this unit are very deep, well drained to moderately well drained. Available water holding capacity is 8.0 to 12.0 inches, **Antioch Loam**, 0 to 2 percent slopes (Grade 2, capability units IIIs-3 (14)) this is the only soil in this capability unit and it is moderately deep and medium textured. Available water holding capacity is 3.75 to 5.0 inches, **Rincon Silty Clay Loam**, 2 to 9 percent slopes (Grade 2, capability units IIIe-5 (15)), soil in this unit are moderately deep to vert deep and well-drained, available water holding capacity is 5.0 to 12.0 inches. **Rincon Silty Clay Loam**, 9 to 15 percent slopes, eroded (Grade 2, capability units IIIe-5 (15)) same as above, **San Benito Clay Loam**, 30 to 50 percent slopes, eroded (Grade 4, capability units VIe-5 (15)) soils in this unit are moderately deep to deep and well drained. The water holding capacity is 3.0 to 8.0 inches.

Seismic: The western most portion of the property lies within the Alquist-Priolo Fault Zone (Quien Sabe Fault Zone.)

FEMA Flood Zone: Not located within a FEMA Flood Zone

Fire Severity: Non-Wildland/Non-Urban

Archaeological sensitivity: Yes.

Kit Fox Habitat: Yes.

Other Endangered or Sensitive Species: None of special consideration.

PLANNING AND ZONING

The property in question is designated as Agricultural (A) under the General Plan and zoned as Agricultural Productive (AP) according to the Zoning Ordinance. The A General Plan designation aims to uphold agricultural productivity, especially on Prime Farmland, which includes various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per lot to maintain agricultural viability. The AP zoning designation intends to support diverse agricultural activities, as outlined in the General Plan, including vineyards, wineries, and associated uses. Additionally, it allows for limited low-density residential development while prioritizing the preservation of prime farmland. The project proposes the construction of three additional residences. The proposed project is located within a non-urbanized area, where the surrounding uses are residential within and adjacent to parcels zoned for agriculture. These residential uses are allowed under both the Agricultural Productive (AP) zoning designation and the Agricultural (A) General Plan designation that apply to the site. The project aligns with the intent of the General Plan's A district and the AP zoning district. Furthermore, the project adheres to General Plan policy. (For more detailed consideration, see Staff Analysis.)

ENVIRONMENTAL EVALUATION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in accordance with CEQA requirements, including supporting technical reports. Mitigation measures were identified to reduce significant impacts to a level less than significant and are included in the draft resolution as conditions of approval. Potential impacts mitigated to a less-than-significant level include Biological, Geology/Soils, Cultural Resources, Tribal Cultural Resources, Hydrology, and Water Quality. The County prepared and mailed certified letters to Native American individuals and tribal organizations in accordance with AB 52 on August 12, 2022. Responses were received, addressed, and incorporated into the conditions of approval. The IS/MND was duly noticed and available for public review and comment for 30 days beginning June 10th, 2024, and ended on July 9th, 2024. The County received comments on the IS/MND. All

relevant mitigation measures have been incorporated into the resolution and conditions of approval (see Attachment X).

STAFF ANALYSIS

The proposed project must maintain consistency with both its zoning and General Plan designation. Subdivisions must also adhere to additional requirements outlined in San Benito County Code Title 23 (Subdivisions) and California Government Code Section 66410 *et seq.* (Subdivision Map Act).

One such policy is General Plan Policy LU-3.12 (Agricultural Viability of Small Parcel Sizes). This policy requires project applicants seeking to subdivide agriculturally zoned parcels to demonstrate the ongoing feasibility of lots smaller than 40 acres for commercial agriculture operations. In this case, the parcel's existing size is already too small for viable large-scale commercial agriculture, even without the proposed subdivision. Any potential future development, particularly those involving an increase in density, would necessitate further evaluation by the County. No specific plan has been adopted for this particular area.

The project proposes subdividing a property into four parcels: three 5.00-acre parcels and one 23.57-acre parcel, allowing for increased density within existing zoning limits. The General Plan land use district and County Zoning Ordinance both permit one dwelling per five acres, and the subdivision aligns with these requirements. This plan allows for the construction of three new residences on the 5.00-acre parcels, each potentially including an accessory dwelling unit (ADU). The 23.57-acre parcel already contains three primary residences, which will remain. The proposed subdivision complies with all zoning and land use regulations, with development expected to remain well below the district's current Floor Area Ratio (FAR) of 0.5.

The attached Initial Study/Mitigated Negative Declaration (IS/MND) thoroughly evaluates the potential impacts of the increased density and development, with identified impacts on Biological Resources, Geology/Soils, Cultural Resources, Tribal Cultural Resources, Hydrology, and Water Quality all mitigated to a less-than-significant level. (See Environmental Evaluation for further discussion) All relevant mitigation measures have been incorporated into the resolution and conditions of approval (see Attachment B).

Any future development, especially those involving an increase in density or significant physical changes to the site's grade, will require further evaluation by the County. Currently, no specific plan has been adopted for this particular area.

Improvements. The proposed project would provide adequate access, connections to water service, and other infrastructure in compliance with General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). The County Resource Management Agency Planning and Public Works staff, along with the County Environmental Health Division, have analyzed the proposed subdivision and determined that its design and improvements are consistent with the aforementioned General Plan policies, the Subdivision Map Act, and the San Benito County Subdivision Ordinance design standards in Title 23 (Subdivisions), Chapter 23.25 (Design Requirements), provided compliance with conditions of approval. Any potential future development, such as further subdivision or development requiring building permits, will be subject to further evaluation and additional approval from the County, including, but not limited

to, a design-level geotechnical analysis that identifies recommendations for the design and construction of future project improvements.

The existing dwellings will continue to use their existing septic and well systems, which are installed following regulations requiring systems to be properly designed to function in the site's specific conditions. The future dwellings, to be located on the proposed parcels 2, 3, and 4, are expected to connect to new wells and new septic systems. The conditions of project approval reflect a review by the County Environmental Health Division, focusing on the compatibility of septic system use with soil conditions.

A community sewer system is not proposed; existing septic systems will be used for sewage disposal. The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found to comply with existing requirements prescribed by the Central Coast Regional Water Quality Control Board, provided conditions of project approval are met.

Project improvements have been reviewed by relevant agencies with public health considerations in mind, and conditions of approval have been included to ensure public health. This includes an emphasis on water quality regarding well and septic system use and controlling effects from grading, such as water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements would cause serious problems for public health. The County reserves the right to additionally review any future development on the project sites at such time that the development occurs.

The County Fire Department, staffed by City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and made recommendations accordingly, which have been incorporated into the conditions of approval. The subject property is within a local responsibility area designated as non-wildland/non-urban. The County Fire Department generally provides fire suppression and other related emergency services, with additional aid from the California Department of Forestry and Fire Protection (CAL FIRE). The closest fire stations are CAL FIRE at 1979 Fairview Road, approximately 6 ½ miles by road, and Hollister Fire Station 1 at 110 5th Street in Downtown Hollister, approximately 8 miles by road.

Qualified personnel from responsible agencies have reviewed the proposed minor subdivision, including its proposed ingress/egress improvements, and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval. The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

Natural Features and Hazards. The site contains some physical hazards and proposes the construction of three new residences in addition to the existing residences and agricultural use. The four parcels are currently mostly undeveloped, except for Parcel One, which has three accessory structures for agriculture and residential uses and three residences. The subdivision meets the minimum 5-acre lot area requirement of the AP zone, ensuring the continuation of current land use while allowing for future uses per zoning regulations. This secures future agricultural viability and productivity, as well as the continued enjoyment of the property for both future and existing landowners. Additionally, the conditions of approval require the County Environmental Health Division to review septic system use, focusing on soil compatibility. The

existing systems were installed following regulations that ensured appropriate design for effective operation within the site's soil conditions.

In order to reduce the identified temporary physical hazards related to future construction at the site to a level of less than significant impact the following mitigation measures have been implemented per the IS/MND:

GEO-2: When development occurs, the construction contractor must implement erosion control measures and associated BMPs during construction to reduce soil disturbance and potential erosion and sedimentation. These measures include:

- Managing demolition debris, concrete, and soil.
- Protecting storm drain inlets.
- Stabilizing disturbed areas through hydroseeding or re-vegetation.
- Minimizing impervious surfaces.
- Implementing runoff controls such as percolation basins and drainage facilities.
- Proper management of construction materials and waste, aggressive litter control, and sediment control measures must be in place. Grading should be limited to the minimum area necessary for the project. County staff must verify these conditions in project plans before issuing any grading or building permits.

HYD-1: The applicant must retain a certified Qualified SWPPP Practitioner (QSP) and/or Qualified SWPPP Developer (QSD) to prepare a SWPPP before the issuance of a grading or building permit. The SWPPP must be submitted to the County Resource Management Agency for review and approval. A QSD/QSP should be retained for the duration of the construction to coordinate compliance with RWQCB requirements and monitor the project until completion. Typical BMPs specified within the SWPPP may include:

- Using sandbags, straw bales, and temporary de-silting basins during the rainy season to prevent sediment-laden runoff into stormwater facilities.
- Revegetation as soon as practicable after grading to reduce sediment transport during storms.
- Installing straw bales, wattles, or silt fencing at the base of bare slopes and the project perimeter before the rainy season.
- The QSD/QSP shall provide written documentation of compliance with these measures to the County for review and approval following the completion of construction.

The site is partially located within an Alquist-Priolo Earthquake Zone. Mitigation measure GEO-1 ensures that before issuing any grading or building permits, the applicant must submit evidence that the design plans (including grading plans, foundation plans, and design loads) have been reviewed by a qualified professional. This professional must certify that the design complies with the recommendations outlined in Butano Geotechnical Engineering's report (Project No. 21-293-SB). If additional testing is recommended, the applicant must provide the results to the County for review and approval. Mitigation measures GEO-1, GEO-2, and HYD-1 further reduce any adverse effects as a result of physical or man-made hazards (see attachment B, Finding 3).

Future development must comply with all applicable building requirements related to seismic safety, including provisions of the California Building Code and Title 24 of the California Administrative Code, ensuring that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project must adhere to San Benito County Code 25.08.028 Seismic Safety Development Standards, further ensuring no adverse effects on the project site. The site otherwise lacks physical hazards.

Environmental Sensitivity: The site includes areas identified as exceptional habitats for fish or wildlife, such as freshwater wetlands. To address these environmentally sensitive areas, mitigation measures have been proposed for species like the California tiger salamander (CTS), raptors, and other protected bird species that may occur within or near the proposed development lots. Although the subdivision itself is unlikely to impact these species, future construction activities may result in significant impacts through habitat modification. Future construction within agricultural and ruderal areas could affect CTS habitats through grading, vegetation removal, and construction activities, resulting in temporary impacts and permanent habitat loss. Noise and traffic during construction may also disturb CTS movement, posing potentially significant impacts that can be mitigated to less-than-significant levels with the implementation of Mitigation Measures BIO-1 and BIO-3. (See Attachment D for further explanation of mitigation measures)

Raptors and other nesting birds may nest in trees within or adjacent to the proposed development lots. Construction activities during the avian nesting season could lead to the incidental loss of eggs or nestlings or cause nest abandonment. Vegetation removal, especially tree removal or limbing, may directly impact nests and individual birds. These significant impacts can be mitigated to less-than-significant levels with the implementation of Mitigation Measures BIO-2 and BIO-3. BIO-1 requires compliance with the Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), and coordination with the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the need for incidental take authorization for CTS. If required, the applicant must prepare and implement a mitigation plan and obtain necessary permits before grading. This plan should include avoidance measures, mitigation strategies, and compensatory habitat measures.

BIO-2 suggests timing construction activities to avoid the avian nesting season (February 1 through September 15). If this is not feasible, pre-construction surveys for protected avian species must be conducted by a qualified biologist within 15 days before construction starts. If nesting birds are found, an appropriate buffer zone must be established, and no construction can occur within this buffer until the young birds have fledged. BIO-3 requires a qualified biologist to conduct an Employee Education Program for the construction crew to ensure awareness and compliance with mitigation measures. This program includes educating the crew on project boundaries, access routes, identifying special-status species, and proper procedures if such species are encountered. Documentation of this training must be provided to the County before construction begins.

The project site contains identified culturally sensitive areas, protected by mitigation measures resulting from Tribal Consultation as part of the AB52 process, existing County codes, and the project's Phase 1 Cultural Resource Inventory. These measures prevent disturbance of these sensitive areas. Mitigation measure CR-1 requires an extended Phase I study within the project's Area of Direct Impact (ADI) before any ground disturbance requiring a permit. This study will determine if the site contains subsurface archaeological deposits and assess whether these deposits

constitute an archaeological site with sufficient integrity for evaluation of eligibility for the California Register of Historical Resources (CRHR).

Mitigation measure CR-2 mandates that the project applicant retain a qualified archaeologist to be present on the project site from the start of ground-disturbing work. If potentially significant archaeological resources are discovered, the archaeologist must halt excavation until the finds are evaluated. If a find is significant, work must remain halted to allow for appropriate mitigations, including selective data recovery, with the concurrence of the CEQA Lead Agency (San Benito County). The archaeologist may discontinue monitoring if enough information is collected to conclude that cultural resources do not exist. Additionally, before construction begins, the archaeologist must conduct sensitivity training for all onsite personnel involved in ground-disturbing activities and provide written documentation of this training to the County.

Mitigation measure CR-4 specifies that if human remains are found, work must stop immediately, and the County Coroner must be notified. If the remains are determined to be Native American, the Native American Heritage Commission will designate a Most Likely Descendant to provide recommendations for managing the remains. Additional measures include ceasing excavation within 200 feet of the discovery, staking the area of discovery, notifying the Resource Management Agency Director within 24 hours, and granting authorized representatives permission to enter the property to take actions consistent with applicable laws. These steps ensure the protection of cultural resources and compliance with relevant regulations.

Should any future substantial discretionary development occur beyond the current project description, the County will require a detailed review of such development. The project, as submitted with the incorporated mitigation measures and conditions of approval, will cause no substantial impact, damage, or harm to, or substantially and avoidably injure fish or wildlife or their habitat. This project will be subject to additional review by the County as part of any building permit issuance.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN220004 minor subdivision/tentative parcel map, which includes certifying the Mitigated Negative Declaration subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Site Images
- B. Planning Commission Resolution 2024-___ (draft) including:
 - Attachment A California Environmental Quality Act (CEQA) Findings
 - Attachment B Conditions of Approval
 - Attachment C Tentative Map
 - Attachment D Mitigation Monitoring Reporting Plan
- C. Initial Study/Mitigated Negative Declaration

Attachment A (Site Photos)



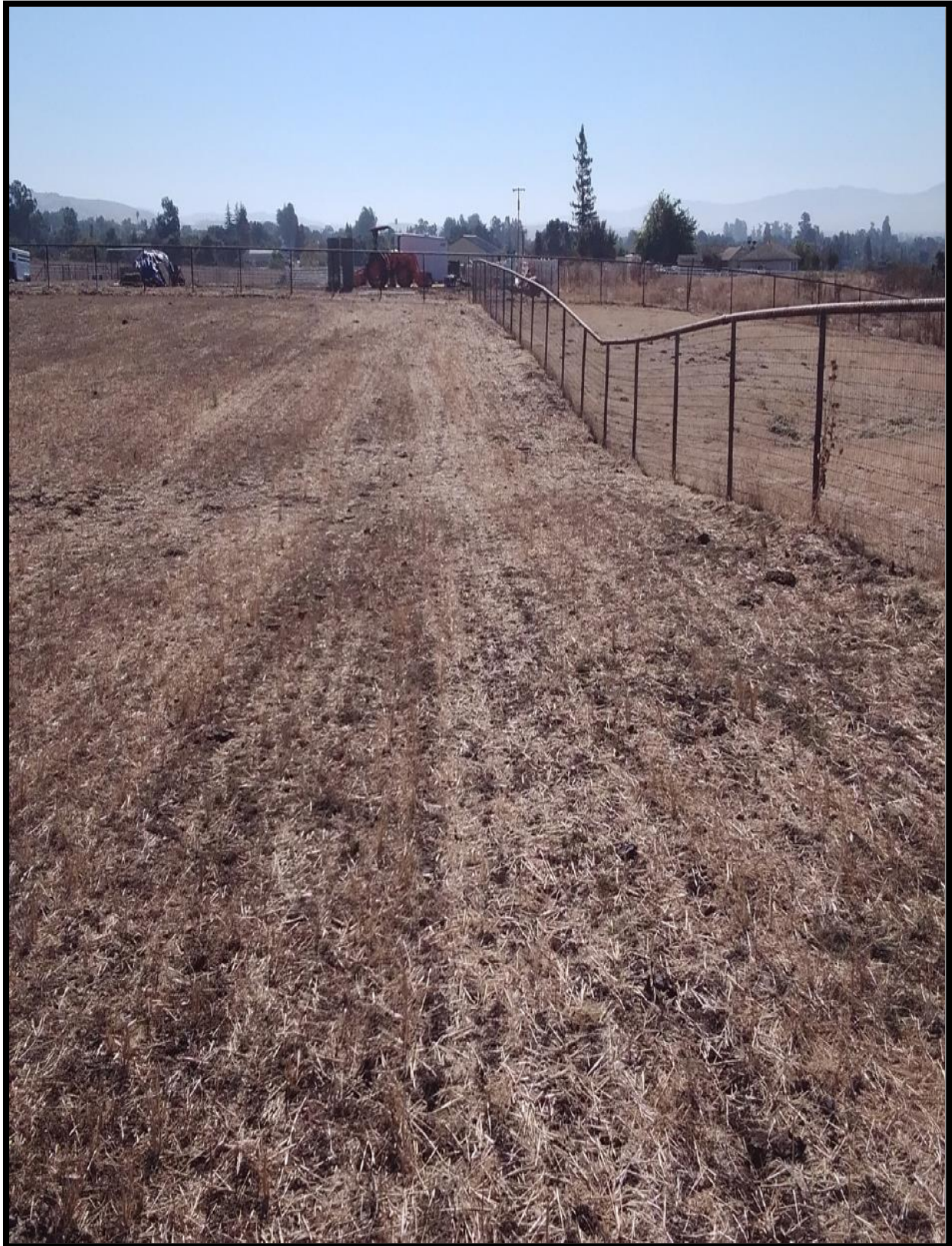
Project site facing east from the southern boundary of the site (Parcel Four) with Bluff Drive in the distance with Parcels Two and Three to the North.



The project site faces north towards Comstock Road, viewed from the southern boundary of the property along the border of Parcel One and Parcel Four. Two existing accessory buildings can be seen in the distance near Comstock Road and would be located on Parcel One.



Project site entrance (Parcel One north) from Comstock Road. Potential road improvements will occur here along the property frontage if approved.



View of the project site looking south from Parcel Four near the future site of one of the three proposed residences.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: 1175 Comstock Road Minor Subdivision Project

Lead Agency: San Benito County Resource Management Agency Contact Person: Jonathan Olivas
 Mailing Address: 2301 Technology Parkway Phone: (831) 902-2288
 City: Hollister Zip: 95023 County: San Benito

Project Location: County: San Benito City/Nearest Community: Hollister
 Cross Streets: Comstock Road and Little River Drive / Comstock Road and Bluff Drive Zip Code: 95023
 Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 39
 Assessor's Parcel No.: 017-030-015 Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: 156 Waterways: N/A
 Airports: N/A Railways: N/A Schools: Spring Grove School

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI _____

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units N/A Acres 39
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: _____ Waste Treatment: Type _____ MGD _____
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Agriculture (A) / Agricultural Productive (AP)

Project Description: (please use a separate page if necessary)

Please see Attachment A.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # <u>3</u> |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>4</u> | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date 6/10/2024 Ending Date 7/9/2024

Lead Agency (Complete if applicable):

Consulting Firm: <u>County of San Benito Resource Management Agency</u>	Applicant: <u>Frank Russel</u>
Address: <u>2301 Technology Parkway</u>	Address: <u>1175 Comstock Road</u>
City/State/Zip: <u>Hollister, CA 95023</u>	City/State/Zip: <u>Hollister, CA 95023</u>
Contact: <u>Jonathan Olivas</u>	Phone: <u>(831) 634-0275</u>
Phone: <u>(831) 902-2288</u>	

Signature of Lead Agency Representative:  **Date:** 6/6/2024

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Availability for Public Review

To: Interested Individuals
San Benito County Clerk

From: San Benito County Resource Mgmt. Agency
2301 Technology Parkway
Hollister, CA 95023-2513

Contact Person: Jonathan Olivas, Assistant Planner, (831) 902-2288, jolivas@cosb.us
Project File No.: County Planning File PLN220004
Project Applicant: Frank Russell
Project Location: 1175 Comstock Road, Hollister, CA 95023, within San Benito County, California (Assessor's Parcel Number 017-030-015)

NOTICE IS HEREBY GIVEN that the Initial Study for County Planning File PLN220004 is available for public review and that the County, as LEAD AGENCY, 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 June 10th, 2024, and ends at 5:00 p.m. on July 9th, 2024. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and MND are available for review at the County Resource Management Agency at the above address and at the County website: aca.accela.com/SANBENITO search for PLN220004 and select record info. Comments may be addressed to the contact person identified above; written comments are preferred. Please reference the project file number in all communications. **NOTICE IS HEREBY FURTHER GIVEN** that a public hearing for this project before the County Planning Commission is tentatively scheduled for 6:00 p.m., August 21st, 2024, or as soon thereafter as the matter may be heard), in the Board of Supervisors Chambers of San Benito County, located at 481 Fourth Street, Hollister, California, at which time and place interested persons may appear and be heard thereon.



The proposed project, reviewed under County Planning File PLN220004, aims to subdivide an approximately 39-acre parcel into four (4) new lots. Three (3) new lots would each be five (5) acres in size, and are anticipated to each be developed with one (1) new residence and potential accessory dwelling units. One (1) existing lot ("Lot 1") would remain following the subdivision and would be 23.54 acres in size. Lot 1 would be connected to an existing well and the three (3) new lots would require installation of a new well on each lot. The three (3) new lots would also require installation of new individual septic systems for any future development. The proposed project also includes dedication of a right-of-way and construction of public road improvements along the project's frontage on Comstock Road, in compliance with County Code. Minor grading would be required for the proposed building envelopes and driveway access, as well as improvements to Comstock Road. No other grading or construction is currently proposed; it is assumed that the lots would be sold individually, and the new owners would construct new buildings and associated water supply and septic infrastructure at a future date.



Signature

Assistant Planner

Title

6/6/2024

Date

**DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

**1175 COMSTOCK ROAD
MINOR SUBDIVISION PROJECT**

Prepared by: Denise Duffy & Associates

Lead Agency: County of San Benito, California
Resource Management Agency

Applicant: Frank Russell

May 2024

This Page Intentionally Left Blank

Table of Contents

PROJECT DATA.....	1
CHAPTER 1. INTRODUCTION AND PROJECT DESCRIPTION.....	3
1.1 Introduction.....	3
1.2 Project Location.....	3
1.3 Project Description.....	7
1.4 Required Permits.....	11
CHAPTER 2. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	13
CHAPTER 3. DETERMINATION.....	15
CHAPTER 4. INITIAL STUDY ENVIRONMENTAL CHECKLIST.....	17
4.1 Aesthetics.....	18
4.2 Agricultural and Forest Resources.....	20
4.3 Air Quality.....	24
4.4 Biological Resources.....	28
4.5 Cultural Resources.....	39
4.6 Energy.....	42
4.7 Geology and Soils.....	43
4.8 Greenhouse Gas Emissions.....	49
4.9 Hazards and Hazardous Materials.....	50
4.10 Hydrology and Water Quality.....	53
4.11 Land Use and Planning.....	59
4.12 Noise.....	60
4.13 Population and Housing.....	63
4.14 Public Services.....	64
4.15 Recreation.....	65
4.16 Transportation.....	66
4.17 Tribal Cultural Resources.....	68
4.18 Utilities and Service Systems.....	70
4.19 Wildfire.....	72
4.20 Mandatory Findings of Significance.....	76
CHAPTER 5. REFERENCES.....	87

TABLES

Table 1. Changes to Impervious Surfaces.....	10
Table 2. North Central Coast Air Basin Attainment Status.....	24
Table 3. Typical Construction Equipment Noise Levels.....	61
Table 4. Vibration Velocities for Construction Equipment.....	62
Table 5. Summary of Impacts and Mitigation Measures.....	77

FIGURES

Figure 1. Regional Map.....	4
Figure 2. Assessor's Parcel Map.....	5
Figure 3. Vicinity Map.....	6
Figure 4. Site Photos.....	8
Figure 5. Site Plan.....	9
Figure 6. Important Farmlands Map.....	23
Figure 7. Vegetation Types Map.....	30
Figure 8. CTS Occurrence Map.....	33
Figure 9. Fault Map.....	45
Figure 10. Floodplain Map.....	55
Figure 11. Fire Hazard Severity Map.....	75

APPENDICES

- Appendix A. CNDDDB Database List
- Appendix B. Geotechnical Investigation Report
- Appendix C. Soil Profile and Percolation Testing
- Appendix D. Assembly Bill 52 Consultation

This Page Intentionally Left Blank

Project Data

1. **Project Title:** 1175 Comstock Road Minor Subdivision Project
2. **Lead Agency & Lead Agency Contact:** Jonathan Olivas, Assistant Planner, (831) 637-5313, jolivas@sanbenitocountyca.gov; San Benito County Resource Management Agency, 2301 Technology Parkway, Hollister CA 95023
3. **Applicant Contact Information:** Frank Russell, (831) 634-0275, 1175 Comstock Road, Hollister, CA 95023
4. **Project Location:** The proposed project is located at 1175 Comstock Road, Hollister, CA 95023, in San Benito County, California. The project site is made up of an approximately 39-acre parcel (Assessor's Parcel Number ["APN"] 017-030-015). State Route ("SR") 156 provides local access to the project site and is located about 2 miles west of the project site by way of Fairview Road and Comstock Road. The property is in a rural area and is surrounded by agricultural and rural residential land uses.
5. **Project Description:** The proposed project consists of a minor subdivision of an approximately 39-acre parcel into four (4) new lots (County Planning File PLN220004). The proposed project is located northeast of Hollister in unincorporated San Benito County at 1175 Comstock Road (APN 0170300150). The project site is currently occupied by three (3) existing dwellings, which would remain on the site following the subdivision on a revised 23.57-acre lot (Lot 1). The three (3) new lots (Lots 2, 3, and 4) would be approximately five (5) acres and are anticipated to each be developed with a new residence, in addition to potential accessory dwelling units. New residential units would connect to the existing water supply well on site and would be connected to new septic systems installed on each lot. The proposed project also includes dedication of a right-of-way and construction of public road improvements along the project's frontage on Comstock Road, in compliance with County Code.
6. **Acreage of Project Site:** The parcel is approximately 39 acres (APN 017-030-015).
7. **Land Use Designations:** The San Benito County General Plan designates the project site as Agricultural (A). The site is located within the Agricultural Productive (AP) Zoning District.
8. **Date Prepared:** May 2024
9. **Prepared By:** Denise Duffy & Associates, Inc. ("DD&A")

This Page Intentionally Left Blank

Chapter 1. Introduction and Project Description

1.1 Introduction

This Initial Study/Mitigated Negative Declaration (“IS/MND”) has been prepared to evaluate the potential environmental effects associated with the 1175 Comstock Road Minor Subdivision Project (“project or proposed project”), in San Benito County, California (“County”). This IS/MND has been prepared in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code §21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations (“CCR”) §15000 *et seq.*

An IS/MND is an informational document prepared by a lead agency to determine if a project may have a significant effect on the environment (CEQA Guidelines §15063, subd. (a)). If there is substantial evidence that a project may have a significant effect on the environment, an Environmental Impact Report (“EIR”) must be prepared, in accordance with CEQA Guidelines §15064(a). However, if the lead agency determines that revisions in the project plans or proposals made by or agreed to by the applicant mitigate the potentially significant effects to a less-than-significant level, an Initial Study/Mitigated Negative Declaration may be prepared instead of an EIR (CEQA Guidelines §15070, subd. (b)). In this instance, the lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071.

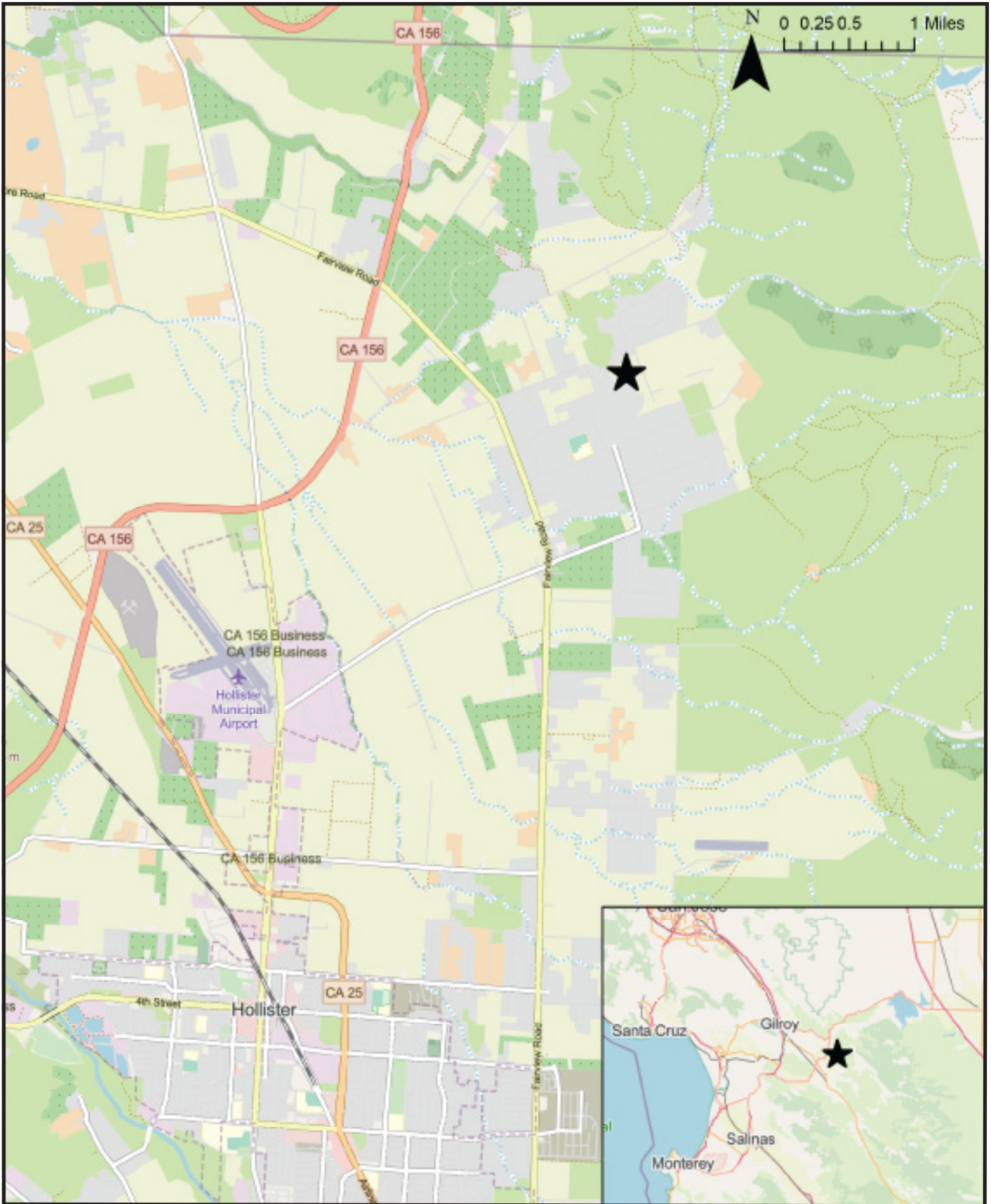
The San Benito County Resource Management Agency (“County RMA”) is acting as the Lead Agency pursuant to CEQA Guidelines §15050(a). As the Lead Agency, the County RMA oversaw preparation of this IS/MND pursuant to CEQA Guidelines §15063, §15070, and §15152. This IS/MND will be circulated for agency and public review during a 30-day public review period pursuant to CEQA Guidelines §15073. Comments received by the County RMA on this IS/MND will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines §15074.

The following section is consistent with the requirements of CEQA Guidelines §15124 to the extent that it is applicable to the project. This section contains a detailed description of the project location, existing setting, project components and relevant project characteristics, and applicable regulatory requirements.

1.2 Project Location

The proposed project is located at 1175 Comstock Road, Hollister, California, 95023, in San Benito County (see **Figure 1. Regional Map**). The project site is comprised of an approximately 39-acre parcel (APN 017-030-015) that contains three (3) single-family residences, two (2) garages, a shop building, two (2) paved driveways, and farmland (see **Figure 2. Assessor’s Parcel Map**). The project site is in a rural area (see **Figure 3. Vicinity Map**). Regional access to the project site is provided by State Route (“SR”) 156, located about two (2) miles west of the project site by way of Fairview Road and Comstock Road. There are two (2) driveway entrances to the project site off of Comstock Road on the northern edge of the site, the westernmost of which connects to Ausaymas Court, a private street.

Surrounding land uses are primarily agricultural and rural residential. The project site is relatively flat, sloping slightly to the south (Google Earth, March 2023).



Title: **Regional Map**

Date 11-17-2023
 Scale _____
 Project 2023-15



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
1

REVISED	BY
12-07-99	BA
9-8-04	JC
03-14-12	SD
05-3-12	SD
05-4-12	SD
10-31-12	SD
12-06-13	SD

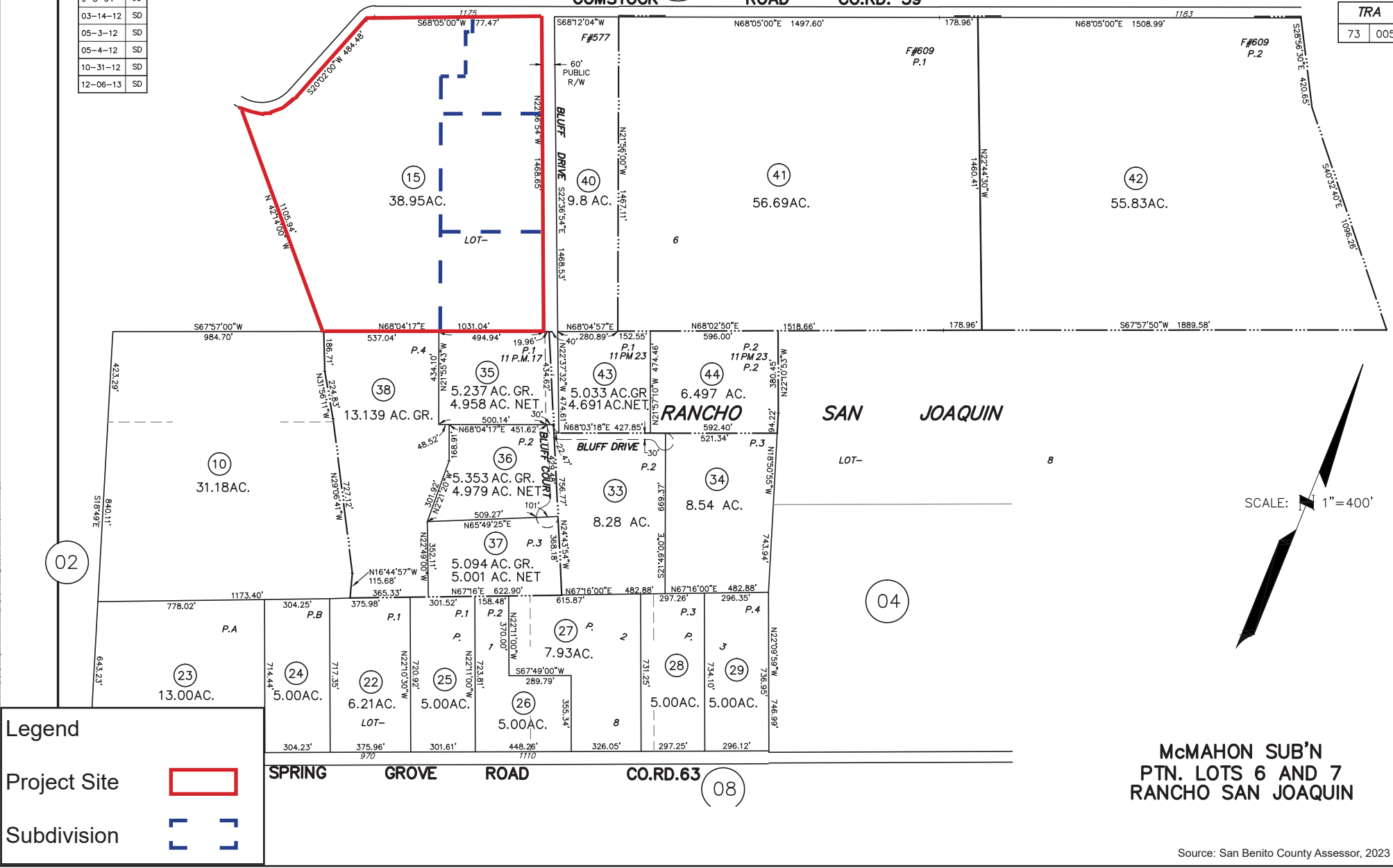
BK 16
PG 05

THIS MAP IS NOT AN OFFICIAL DOCUMENT AND IS USED FOR ASSESSMENT PURPOSES ONLY.

BOOK 017
PAGE 03

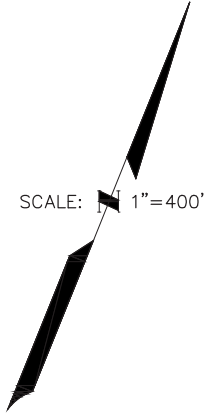
COMSTOCK ROAD RANCHO AUSAYMUS Y SAN FELIPE CO.RD. 59

TRA
73 005



Legend

Project Site	
Subdivision	



McMAHON SUB'N
PTN. LOTS 6 AND 7
RANCHO SAN JOAQUIN

Source: San Benito County Assessor, 2023

Title: **Assessor's Parcel Map**


Date: 11-15-2023
Scale: _____
Project: 2023-15



Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure
2
120



Title: Vicinity Map	Date <u>11-15-2023</u> Scale _____ Project <u>2023-15</u>	 Monterey San Jose Denise Duffy and Associates, Inc. Environmental Consultants Resource Planners 947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341	Figure 3
----------------------------	---	--	---------------------------

The San Benito County General Plan designates the project site as Agriculture (A) and the project site is zoned Agricultural Productive (AP). The AP designation applies to areas that are characterized by agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. The purpose of this land use designation is to maintain the productivity of agricultural land, especially prime farmland, in the County.

1.3 Project Description

The proposed project consists of an application for a Minor Subdivision (County Planning File PLN220004) to subdivide an existing approximately 39-acre lot into four (4) new lots. Photographs of the existing site are presented in **Figure 4**. A tentative map and site plan showing the proposed subdivision is presented in **Figure 5**. Three (3) of the new lots (Lots 2, 3, and 4) would be five (5) acres in size, while the remaining lot (Lot 1) would be 23.54 acres in size. The site is occupied by three (3) single-family residences, two (2) garages, and a shop building, all of which will remain on Lot 1. The tentative map identifies a 3,000 square foot (“sf”) building envelope for each of the proposed Lots 2, 3, and 4. The three (3) five (5)-acre lots are each anticipated to be developed with one (1) single-family residence. Lots 2 and 4 would also be developed with accessory dwelling units (“ADUs”) measuring 1,800 sf, while Lot 3 would include a 2,700-sf barn. Future development on Lots 2, 3, and 4 would be served by new wells. The existing development on Lot 1 would continue to be served by an existing well, and Lots 2, 3, and 4 would require installation of new individual septic systems. Future development is assumed to occur within the entirety of the identified building envelopes as shown in **Figure 5**. Any development of the site outside of these building envelopes may be subject to additional environmental review under CEQA.

The proposed project also includes dedication of half of the 60-foot right-of-way along property frontage on Comstock Road to the County of San Benito and the public for public use. Additionally, the proposed project would require a “fair-share” contribution of improvements to Comstock Road. These improvements are anticipated to consist of the installation of 38 feet of aggregate base (“AB”)¹ along the site’s Comstock Road frontage and construction of half of a planned 28-foot improvement consisting of laying down asphaltic concrete (“AC”) surface on top of the AB. These improvements would be required to be constructed prior to recording the final map for the subdivision.

CONSTRUCTION

Construction of the proposed project would commence following approval of the subdivision. It is assumed that the lots would be sold individually and that the new owners would construct new single-family dwellings within the identified building envelopes. As a result, the overall schedule for construction build-out is not known at this time. The proposed project would also require installing 38 feet of AB and laying down AC surface atop the AB. Construction activities would be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday. The specific types of equipment required for construction of the proposed project are not known at this time, but are assumed to include a mini-excavator, backhoe, water truck, and forklift.

WATER SUPPLY

Future residential units developed on the new lots are expected to connect to new wells located on each of the lots. A well permit would be required for each new well. The 23.54-acre lot will continue to be served by an existing well located on the property.

¹ Aggregate base is a construction aggregate typically composed of crushed rock and used as a base for installation of concrete and asphalt surfaces.



Photo 1: Facing East from South Boundary of Site.



Photo 2: Facing North from South Boundary of Site.



Photo 3: Facing South from Comstock Rd (Google, 2023).



Photo 4: Overview of the project site, looking west.

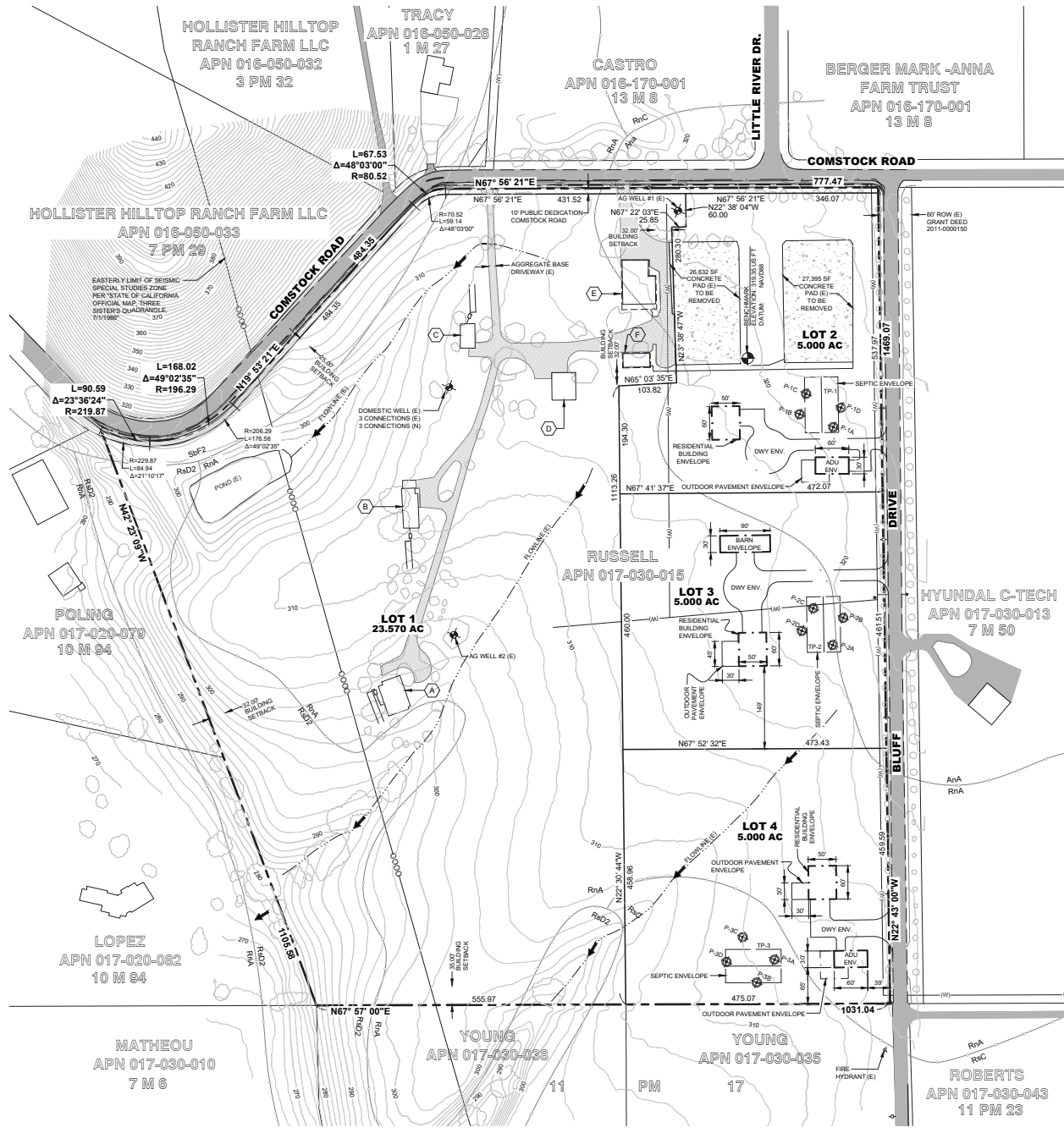
Title: **Site Photos**

Date 11-15-2023
 Scale _____
 Project 2023-15



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
4
123



EXCEPTIONS
 EXCEPTIONS FROM CONDITION OF TITLE GUARANTEE BY STEWART TITLE. FILE NO. 1520894. GUARANTEE NO. G-2921-2718, DATED 11/30/2021:

1. WATER, WELL AND RESERVOIR AGREEMENT RECORDED 3/25/1964 IN 296 OR 410.
2. EASEMENT AND RIGHT TO TRANSPORT WATER RECORDED 9/18/1978 IN 434 OR 381.
3. EASEMENT AND RIGHT TO TRANSPORT WATER RECORDED 9/18/1978 IN 434 OR 383.
4. CONTRACT AND EASEMENT WITH SAN BENITO COUNTY WATER CONSERVATION AND FLOOD CONTROL DISTRICT RECORDED 4/20/1982 IN 479 OR 411.
5. CONTRACT AND EASEMENT WITH SAN BENITO COUNTY WATER CONSERVATION AND FLOOD CONTROL DISTRICT RECORDED 8/20/1982 IN 483 OR 876.

ABBREVIATIONS

- AC ACRES
- AG AGRICULTURAL
- APN ASSESSOR'S PARCEL NUMBER
- Δ DELTA ANGLE
- DWY DRIVEWAY
- (E) EXISTING
- ENV ENVELOPE
- L LENGTH
- M MAPS
- PM PARCEL MAPS
- R RADIUS
- ROW RIGHT-OF-WAY
- SF SQUARE FEET

SOIL TYPES (SAN BENITO COUNTY GIS)

SOIL NAME	SLOPES	ACRES	% OF SITE	GRADE 1
0-2% ANITCOH LOAM	0-2%	7.41	8.9%	NO
RNA RINCON LOAM	0-2%	24.7	63.4%	YES
RSC RINCON SILTY CLAY LOAM	2-9%	1.5	4.0%	NO
RS2D RINCON SILTY CLAY LOAM	9-15%	3.7	9.5%	NO
SBF2 SAN BENITO SILTY CLAY L	30-50%	1.6	4.2%	NO

NOTE: THIS PROJECT IS EXEMPT FROM LAND USE ELEMENT POLICY 3 (PROTECTION OF GRADE 1 SOILS), DUE TO THE DEVELOPMENT OF THE NORTH (13 M 8), WEST (10 M 94) AND SOUTH (MS# 1188-06) SURROUNDING PROPERTIES TO THE MAXIMUM DENSITY ALLOWED.

LEGEND

- PROJECT BOUNDARY
- ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- CENTERLINE
- EASEMENT LINE
- OOOO SEISMIC SPECIAL STUDY ZONE BOUNDARY
- SOIL TYPE BOUNDARY
- MAJOR EXISTING CONTOUR LINE (10' INTERVAL)
- MINOR EXISTING CONTOUR LINE (2' INTERVAL)
- FLOW LINE EXISTING
- (W) EXISTING WATER LINE
- (V) PROPOSED WATER LINE
- WELL
- PERCOLATION TEST HOLE
- TP-# SOIL TEST PIT LOCATION FROM EARTH SYSTEMS FILE NO. SH-10566-SA
- ▲ FIRE HYDRANT
- ▲ DOMESTIC WATER SERVICE
- ELECTRICAL SERVICE
- EXISTING POLE
- EXISTING CONCRETE
- EXISTING PAVEMENT
- EXISTING AGGREGATE BASE
- FLOW DIRECTION

IMPERVIOUS AREA ESTIMATE

EXISTING

LOT 1 96,880 SF

TO BE REMOVED

LOT 2 54,027 SF (CONCRETE PADS)

NEW

LOT 2 17,760 SF

LOT 3 19,305 SF

LOT 4 14,160 SF

COMSTOCK ROAD 17,891 SF

NET IMPERVIOUS AREA

126,096 SF

KEY NOTES

KEY	BUILDING	FRONT SIDE	EXISTING SETBACKS		
			WEST SIDE	EAST SIDE	REAR SIDE
A	PRIMARY RESIDENCE (E)	547.57	303.97	379.53	520.26
B	SECONDARY RESIDENCE (E)	316.94	447.58	359.09	858.34
C	SECONDARY RESIDENCE (E)	198.50	656.53	262.36	1181.94
D	GARAGE (E)	321.44	778.18	74.05	1088.12
E	SHOP BUILDING (E)	117.87	950.36	36.95	131.87
F	GARAGE (E)	284.83	916.60	49.76	28.95

GRAPHIC SCALE



Source: Kelly Engineering and Surveying, October 2023

Title:
Site Plan

Date 11-15-2023
 Scale _____
 Project 2023-15



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
5
124

SEPTIC

The existing residences are currently on a septic system. New residential developments proposed for the three (3) new lots would install individual septic systems to serve each property. The proposed footprints for installation of future septic systems are shown in **Figure 5**.

DRAINAGE

The project site is located in FEMA Flood Zone X (unshaded, i.e., an area of minimal flood hazard, located outside of the 500-year floodplain). The proposed project includes new impervious surfaces on Lots 2, 3, and 4, as well as new impervious surfaces associated with the proposed improvements to the project frontage on Comstock Road. However, the proposed project would remove two (2) existing concrete pads from Lot 2. The total change in area of impervious surfaces associated with the proposed project is shown in **Table 1**. Overall, the proposed project would result in a 15,189-sf net increase in impervious surfaces. Identified building envelopes are assumed to be entirely developed with impervious surfaces to provide a conservative analysis.

Lot #	New Impervious Surfaces (sf)	Removed Impervious Surfaces (sf)	Net Total Increase in Impervious Surfaces (sf)
2	17,760	54,027	-36,267
3	19,305	0	19,305
4	14,160	0	14,160
Comstock Road Frontage	17,991	0	17,991
Total	69,216	54,027	15,189

UTILITIES

Each of the three (3) new residential lots would have an on-site septic system installed. New wells would be drilled on each of the lots to serve the new developments. The 23.54-acre lot would continue to be served by an existing well located on the property. Other utilities, including electricity and telecommunications, would connect to existing utility infrastructure located along Bluff Drive.

GRADING

The project site is generally flat. Grading would be limited to the amount required for the proposed building envelopes and driveway access, as well as some potential minor grading associated with the improvements to Comstock Road.

LIGHTING

The new residential units that would be constructed as part of the proposed project would include limited outdoor lighting for safety and security purposes. All proposed outdoor lighting would conform to County requirements for nighttime lighting.

ACCESS AND PARKING

Private driveways connecting to Bluff Drive would provide access to new residential lots. An existing driveway and a private street (Ausayamas Court) that connects to Comstock Road would provide access to the existing development on Lot 1.

1.4 Required Permits

This IS/MND is an informational document for both agency decision-makers and the public. The County RMA is the Lead Agency responsible for adoption of this IS/MND. It is anticipated that the proposed project would require permits and approvals from the following agencies.²

LOCAL AGENCY PERMITS

A list of the anticipated discretionary permits and approvals required by the County of San Benito is provided below:

- Adoption of IS/MND.
- Approval of the final map for the proposed project (including the proposed minor subdivision).

² This list is not considered exhaustive and additional agencies and/or jurisdictions may have permitting authority.

This Page Intentionally Left Blank

Chapter 2. Environmental Factors Potentially Affected

The environmental factors identified below are discussed within **Chapter 4. Initial Study Environmental Checklist** Sources used for analysis of environmental effects are cited in parenthesis after each discussion and are listed in **Chapter 5. References**.

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

ENVIRONMENTAL FACTORS NOT AFFECTED

As part of the scoping and environmental analysis conducted for the project, the following environmental resources were considered but no potential adverse impacts to these resources were identified. Consequently, there is no further discussion regarding these resources in this document.

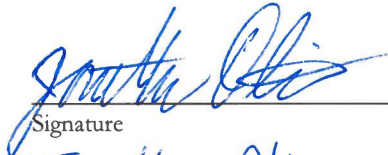
Mineral Resources: The site has not been mapped for mineral resources by the California Department of Conservation’s Surface Mining and Reclamation Act (“SMARA”). Furthermore, the project site and adjoining lands have been designated by the County 2035 General Plan for agricultural use and are not designated for mineral extraction operations. As a result, there would be no impact to mineral resources. (Sources: 1, 2, 3, 4, 48)

This Page Intentionally Left Blank

Chapter 3. Determination

On the basis of this initial evaluation:

- 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
Jonathan Olivas

Printed Name

5/30/2024

Date
San Benito County

For

This Page Intentionally Left Blank

Chapter 4. Initial Study Environmental Checklist

The following chapter assesses the environmental consequences associated with the proposed project. Mitigation measures, where appropriate, are identified to address potential impacts.

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 project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite 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.
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, which 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 information sources for potential impacts (e.g., general plans, zoning ordinances) into the checklist references. 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.

4.1 Aesthetics

4.1.1 Environmental Setting

The 2035 County General Plan Update Recirculated Draft EIR (“RDEIR”) notes that the County’s most striking features are the Diablo and Gabilan Mountain Ranges and the San Benito Valley, which lies between them. There are no State designated scenic highways located in the County. However, three (3) highways are County designated scenic highways, including Highway 101, located approximately ten (10) miles west of the project site; SR 156, located about two (2) miles west of the project site; and SR 129, located approximately 12 miles southwest of the project site.

According to the 2035 County General Plan RDEIR, important vistas within San Benito County that define its visual character include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the Diablo and Gabilan ranges. These agricultural and rangeland areas constitute more than 75 percent of the County’s total land area. Additionally, the County’s topography includes valleys and rolling hills, particularly in the northern portion of the County near Hollister and San Juan Bautista, where most of the County’s population dwells.

The existing site is currently used for agricultural activities. Surrounding lands are rural and currently consist primarily of agricultural uses. The proposed project would result in the subdivision of the existing lot, creating three (3) new residential lots, and development of each of the new lots with a single-family residence (as well as an ADU on Lots 2 and 4 and a barn on Lot 3), septic system, and access driveway connecting to Bluff Road. Construction of the proposed project would not require any nighttime construction and construction activities would be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday. Therefore, construction activities would not result in any new nighttime lighting or glare. New sources of exterior lighting are proposed as part of this project and would be limited to ambient and security lighting for each of the proposed residences. The surrounding lands are rural in all directions and currently consist of primarily agricultural and rural residential uses, which produce varying degrees of nighttime lighting.

Section 19.31.005 of the San Benito County Code establishes three (3) lighting zones, with Zone I having the strictest regulations and Zone III imposing the least restrictive. The project site is located in Zone II. General requirements are applicable to all zones, under Section 19.31.006, and the special requirements applicable to project set forth in Section 19.31.008 are listed below:

- (A) (1) Total outdoor light output (excluding streetlights used for illumination of county roadways or private roadways related to any development project in Zone II) shall not exceed 50,000 initial raw lamp lumens per net acre, averaged over the entire project.
- (2) Furthermore, no more than 5,500 initial raw lamp lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in Table 19.31.006(1) of this chapter.
- (D) Class 3 lighting must be extinguished at 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 to January 15.

4.1.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality?	<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"/>

4.1.3 Explanation

- a) **Less than Significant Impact.** According to the County’s General Plan, most of the County consists of agricultural and rangeland uses and many of the County’s scenic vistas consist of views of these areas. The proposed project consists of the subdivision of an existing lot to facilitate the future development of three (3) new single-family residences, two (2) ADUs, and a barn on the new lots. The project is not visible from existing scenic roads. In addition, the project would not exceed the 35-foot building height threshold for the Agricultural Productive (AP) zoning designation and would not block any neighboring views of distant mountain ranges. Lastly, the proposed project would not impair County scenic vistas within the agricultural and rangeland uses; therefore, the impacts would be less-than-significant. (1, 2, 3)
- b) **No Impact.** There are many scenic resources in the County; however, the project site is not located within the vicinity of a County designated scenic roadway or an officially designated State Scenic Highway. Therefore, the project is not visible from a state designated scenic highway or County designated scenic roadway. As a result, the development of three (3) single-family residences, two (2) ADUs, and a barn on the new lots would have no impact on scenic resources such as rock outcroppings, trees, or historic buildings within view from a scenic highway. (1, 2, 3)
- c) **Less than Significant Impact.** The proposed project is located within a non-urbanized area and would involve residential uses within and adjacent to parcels zoned for agriculture. These residential uses are allowed under the Agricultural Productive (AP) zoning designation and Agricultural (A) General Plan designations that apply to the site. Consistent with General Plan Policy NCR-8.11, the proposed project would be designed to appear similar to and visually blend with existing agricultural uses in the vicinity. The project would be consistent with the County zoning and regulations governing

land use and scenic quality. Given the above, the proposed project would result in a less-than-significant impact to the visual character and quality of public views of the project site. (1, 2, 3)

- d) **Less than Significant Impact.** Construction activities would occur during daytime hours and nighttime lighting for construction activities would not be necessary. Lighting associated with project operation would primarily consist of exterior lighting at the proposed residences for security purposes. Overall, nighttime lighting would be minimal and would only include that which is necessary for safety for vehicular movement and security.

The increased lighting into a minimally lit area would increase the extent of lighting as compared to existing conditions. The proposed project would be required to conform with applicable provisions of the County “Dark Skies” Ordinance (Chapter 19.31), which requires the use of outdoor lighting systems and practices designed to reduce light pollution and glare, and protection of the nighttime visual environment by regulating outdoor lighting that interferes with astronomical observations and enjoyment of the night sky. Compliance with the County’s “Dark Skies” Ordinance would ensure that potential adverse effects associated with site lighting would be less than significant.

Additionally, as part of the County permitting process, the proposed project would go through design review and approval in order to confirm consistency with applicable standards, requirements and design guidelines. As a result, potential impacts from lighting and glare would be less-than-significant. (1, 2, 3, 8)

4.2 Agricultural and Forest Resources

4.2.1 Environmental Setting

The California Department of Conservation Farmland Mapping and Monitoring Program (“FMMP”), established by the State Legislature in 1982, assesses the location, quality, and quantity of agricultural lands. In addition, the FMMP monitors the conversion of these lands over time. The FMMP is a non-regulatory program contained in Section 612 of the Public Resources Code. The Program contains five (5) farmland categories to provide consistent and impartial analysis of agricultural land use and land use changes throughout California. The five (5) farmland categories consist of the following:

- Prime Farmland (P) comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four (4) years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.
- Farmland of Statewide Importance (S) possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and more pronounced slopes.
- Unique Farmland (U) has a production history of propagating crops with high-economic value.
- Farmland of Local Importance (L) is important to the local agricultural economy. Local advisory committees and a county specific Board of Supervisors determine this status.
- Grazing Land (G) is suitable for browsing or grazing of livestock.

The existing project site consists of “Prime Farmland” (0.7 acres), “Farmland of Statewide Importance” (0.7 acres), “Other Land” (2.8 acres), and “Farmland of Local Importance” (11 acres) in the FMMP (California Department of Conservation, 2023). Other Land consists of land that is either currently producing or has the capability of production but does not meet the criteria of Prime, Statewide or Unique Farmland. The portion

of the lot that is subject to the proposed subdivision is designated entirely as “Other Land” and “Farmland of Local Importance.” The adjacent parcels to the west and south contain lands designated as Prime Farmland.

The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners to offer tax incentives in exchange for an agreement that the land will remain as agricultural or related open space use for a 10-year period. The project site is not subject to a Williamson Act contract.

According to the California Public Resources Code §4526, the California Board of Forestry and Fire Protection defines “Timberland” as land not owned by the federal government, nor designated as experimental forest land, which is capable and available for growing any commercial tree species. The board defines commercial trees on a district basis following consultation with district committees and other necessary parties. There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local regulations located within the County.

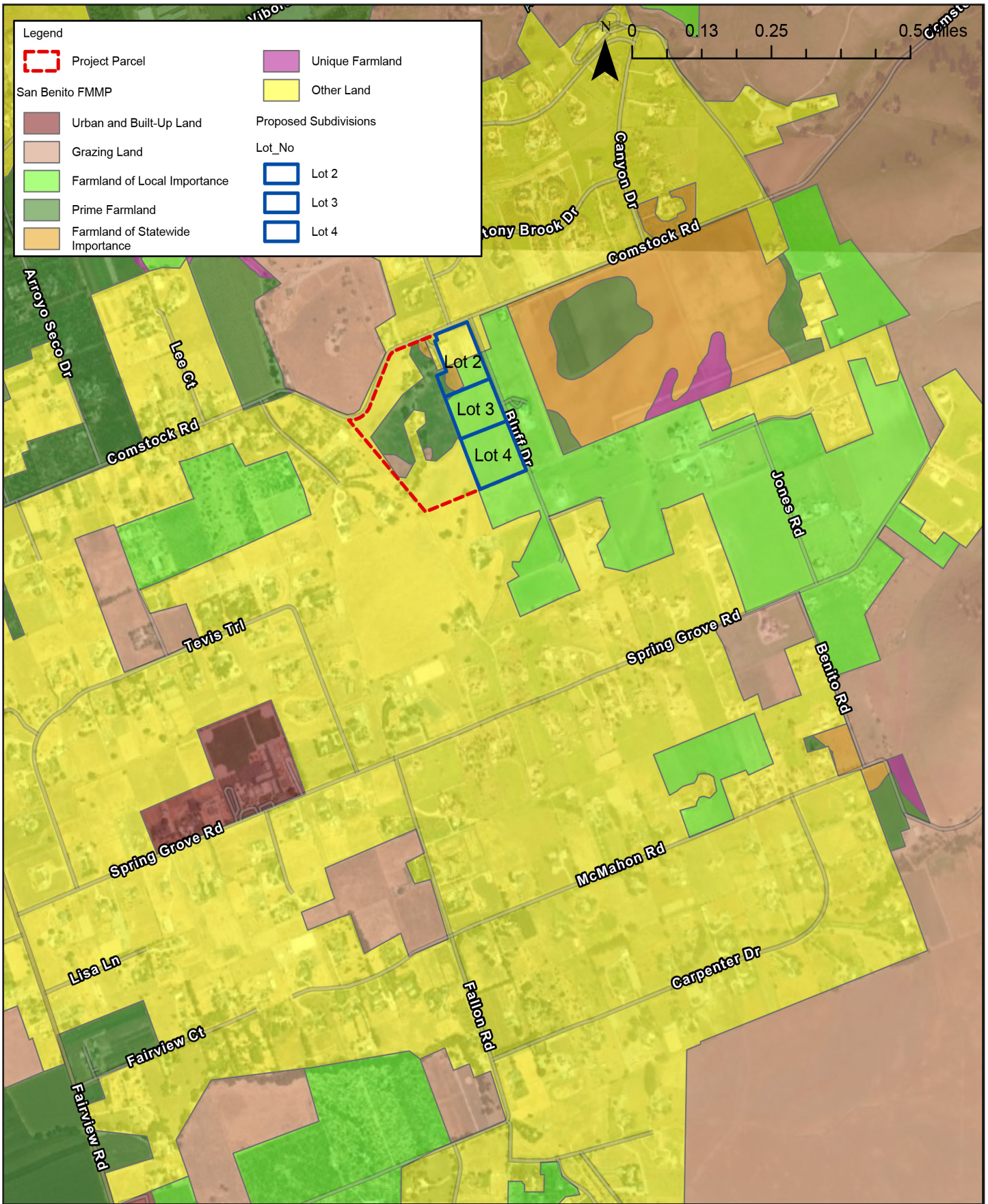
4.2.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURAL AND FOREST 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 checked="" type="checkbox"/>	<input 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 uses?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

4.2.3 Explanation

- a) **Less than Significant Impact.** The project site consists of “Prime Farmland” (0.7 acres), “Farmland of Statewide Importance” (0.7 acres), “Other Land” (2.8 acres), and “Farmland of Local Importance” (11 acres). Prime Farmland and/or Farmland of Statewide Importance is also located within the project parcel, immediately west of the three (3) proposed lot boundaries, and within parcels to the east of Bluff Road, as shown on **Figure 6, Important Farmlands Map**. However, the building envelopes for the proposed project are located outside of these areas. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, as none occurs within the proposed three (3) lots. This represents a less-than-significant impact. (1, 2, 3, 4, 5)
- b) **Less than Significant Impact.** The proposed use for the project is consistent with the project site’s zoning designation, Agricultural Productive (AP), and County General Plan designation, Agriculture (A). Residential units are a permitted use on agricultural lots in the County at a density of one (1) residence per five (5) acres³. Each of the newly formed lots would be five (5) acres in size. The project site is not subject to a Williamson Act Contract. The portion of the project site subject to the subdivision and development of single-family residential units is designated as “Farmland of Local Importance” and “Other Land” and does not contain any Prime Farmland as defined by the FMMP. The proposed project would be consistent with the existing zoning for agricultural use, resulting in a less-than-significant impact. (1, 2, 3, 5, 8)
- c-e) **No Impact.** There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations within the County, or otherwise present on-site. As the project site is not designated as forest land, the proposed project would not convert these lands to non-forest use. Furthermore, the proposed use for the project is consistent with the zoning designation and County General Plan designation of the existing site. The project would not conflict with or require rezoning of forest land or timberland; would not result in the loss or conservation of forest land; and would not involve other changes in the existing environment which could result in conversion of forest land to non-forest land; therefore, there would be no impact. (1, 2, 3, 4, 5)

³ Per County Code Title 25, Section 25.03.004 AGRICULTURAL AND RURAL DISTRICTS, ADUs do not count towards the density requirements for residential units on lots zoned as Agricultural (A).



<p>Title: Important Farmland Map</p>	<p>Date: 11-17-2023</p> <p>Scale: _____</p> <p>Project: 2023-15</p>	<p>Monterey San Jose</p> <p>Denise Duffy and Associates, Inc.</p> <p>Environmental Consultants Resource Planners</p> <p>947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341</p>	<p>Figure 6</p>
---	---	--	------------------------

4.3 Air Quality

4.3.1 Environmental Setting

The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under these Acts, the United States Environmental Protection Agency (“U.S. EPA”) and the California Air Resources Board (“CARB”) have established ambient air quality standards for specific “criteria” pollutants. These pollutants are carbon monoxide (“CO”), ozone (“O₃”), sulfur dioxide (“SO₂”), nitrogen oxides (“NO_x”), particulate matter less than 10 microns in diameter (“PM₁₀”), lead, and particulate matter less than 2.5 microns in diameter (“PM_{2.5}”).

The project site is located within the North Central Coast Air Basin (“NCCAB”), which comprises Santa Cruz, San Benito, and Monterey Counties, and is regulated by the Monterey Bay Air Resources District (“MBARD”), which was formally known as the Monterey Bay Unified Air Pollution Control District.

The U.S. EPA administers the National Ambient Air Quality Standards (“NAAQS”) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The NCCAB is in attainment for all NAAQS and for all California Ambient Air Quality Standards (“CAAQS”) except O₃ and PM₁₀. The primary sources of O₃ and PM₁₀ in the NCAAB are from automobile engine combustion. To address exceedance of these CAAQS, MBARD has developed and implemented several plans including the 2005 Particulate Matter Plan, the 2007 Federal Maintenance Plan, and the 2012-2015 Air Quality Management Plan (“AQMP”), a revision to the 2012 Triennial Plan. NCCAB Attainment Status to National and California Ambient Air Quality can be found in **Table 2** below.

Pollutant	State Designation ¹	National Designation ²
Ozone (O ₃)	Nonattainment - Transitional	Attainment
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment
Carbon Monoxide (CO)	Unclassified	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment

Notes:
 1) The State Designations apply to the entire NCCAB and are based on air quality data from 2017. Source: Monterey Bay Air Resources District Air Quality Management Plan 2012-2015; https://www.mbard.org/files/6632732f5/2012-2015-AQMP_FINAL.pdf
 2) The National Designations apply to San Benito County only and are based on air quality data from as recent as January 31, 2021. Source: California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants; https://www3.epa.gov/airquality/greenbook/anayo_ca.html

Plans to attain these standards already accommodate the future growth projections available at the time these plans were prepared. Any development project capable of generating air pollutant emissions exceeding regionally established criteria is considered a significant impact for purposes of CEQA, whether or not such emissions have been accounted for in regional air planning. Any project that would directly cause or substantially contribute to a localized violation of an air quality standard would generate substantial air pollution impacts. The same is true for a project that generates a substantial increase in health risks from toxic air contaminants.

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors include residences, schools, and health care facilities. Nearby sensitive receptors in the vicinity of the project site include rural residences to the north, east, west, and south.

4.3.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.3.3 Explanation

- a) **Less than Significant Impact.** CEQA Guidelines §15125(b) requires an evaluation of project consistency with applicable regional plans, including the AQMP. As stated above, MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the 2012-2015 AQMP. MBARD is required to update their AQMP once every three (3) years; the most recent update was the 2012-2015 AQMP (MBARD, 2017) was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (“AMBAG”) and other indicators.

The proposed project would not result in any increase in employment. The proposed project would potentially result in increased population growth of 14 persons due to the development of three (3) new single-family residential units and two (2) ADUs. This population increase would not result in an exceedance of AMBAG population estimates for population San Benito County that would significantly increase emissions of any criteria pollutants. Therefore, the proposed project would be consistent with the MBARD 2012-2015 AQMP. For these reasons, implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. This impact is considered less-than-significant. (1, 2, 6, 7)

- b) **Less than Significant Impact.** The proposed project could result in air quality impacts during construction due to the use of construction equipment for site grading, paving, removal of existing concrete surfaces, and other activities. Site disturbance activities could result in a short-term, localized

decrease in air quality due to the generation of particulate emissions (PM₁₀). The MBARD 2016 Guidelines for Implementing CEQA contain standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA. According to MBARD, a project would not violate an air quality standard and/or contribute to an existing or projected violation during construction if it would:

- Emit (from all sources, including exhaust and fugitive dust) less than:
 - 137 pounds per day (lb/day) of oxides of nitrogen (NO_x);
 - 137 lb/day of reactive organic gases (ROG);
 - 82 lb/day of respirable particulate matter (PM₁₀);
 - 55 lb/day of fine particulate matter (PM_{2.5}); and
 - 550 lb/day carbon monoxide (CO)

A project would not violate an air quality standard and/or contribute to an existing or proposed violation during operation if it would:

- Emit (from all sources, including exhaust and fugitive dust) less than:
 - 137 pounds per day (lb/day) of oxides of nitrogen (NO_x);
 - 137 lb/day of reactive organic gases (ROG);
 - 82 lb/day of respirable particulate matter (PM₁₀);
 - 55 lb/day of fine particulate matter (PM_{2.5}); and
 - 550 lb/day carbon monoxide (CO)
- Not cause or contribute to a violation of any California or National Ambient Air Quality Standard;
- Not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment;
- Not exceed the health risk public notification thresholds adopted by the Air District;
- Not create objectionable odors affecting a substantial number of people; and
- Be consistent with the adopted federal and state Air Quality Plans.

Due to the overall scale of the proposed project, air quality impacts for construction and operation were assessed qualitatively.

Construction

Construction activities, including grading, excavation, and concrete removal, could result in short-term impacts to air quality. Site disturbance activities could result in short-term, localized decrease in air quality due to the generation of particulate emissions (PM₁₀). According to MBARD's criteria for determining construction impacts (as updated February 2008), a project would result in a potentially significant impact if it would result in 8.1 acres of minimal earthmoving per day or 2.2 acres per day of grading and excavation. While the maximum acreage of grading for the project site is not known with certainty, it is expected to be approximately two (2) acres or less for the three (3) new lots. As a result, the proposed project is below the threshold of 2.2 acres per day of grading and excavation.

In addition, the project would also implement standard construction Best Management Practices ("BMPs") identified by MBARD related to dust suppression, which would include:

- Watering active construction areas;
- Prohibiting grading activities during periods of high wind (over 15 mph);
- Covering trucks hauling soil; and,
- Covering exposed stockpiles.

Implementation of these BMPs would further ensure that potential construction-related emissions would be minimized. Since the project is under the threshold for construction air quality impacts, this impact would be less than significant.

Operation

Operation of the proposed residential subdivision would not result in substantially increased air quality emissions compared to existing conditions. The project site is currently used for agricultural activities; limited agricultural uses could still occur on the site following the proposed project. The proposed project would introduce five (5) new residential units onto the site (including two [2] ADUs), which would produce air quality emissions associated with vehicle trips to and from the new residential units. Energy sources include natural gas for uses such as lighting and other uses related to residential and agricultural activities. Mobile emissions would result mainly from vehicle trips by residents.

MBARD has established screening criteria for development projects which provide conservative indication of whether a development could result in a potentially significant impact on ozone. These are levels at which indirect sources and area sources could potentially emit 137 lbs/day or more of VOC or NO_x. For a single-family dwelling the threshold for a potentially significant impact is 810 dwelling units. The proposed project consists of five (5) total residential units (including two [2] ADUs) and is substantially below the screening criteria. The proposed project is not anticipated to generate substantial vehicle trips during operation due to the small scale of the development. This amount of traffic is not anticipated to generate emissions exceeding the 550-pound per day threshold of CO. There are no truck trips associated with operation of the proposed project and the proposed access driveways would be paved; therefore, the proposed project is not anticipated to generate in excess of 82 lbs/day of PM₁₀ at the project site. In addition, the proposed project consists of a small subdivision and is not anticipated to generate general oxides or sulfur emissions. As a result, operation of the proposed project would not result in any significant air quality impacts.

Project construction and operation would not result in a significant air quality impact due to the limited duration and scale of construction activities and the low-density residential use that would be facilitated by the proposed project. As stated above, all impacts would be below applicable MBARD thresholds of significance. Construction and operation of the proposed project would result in a less than significant impact with respect to resulting in a cumulatively considerable net increase in any criteria pollutant. (1, 2, 6, 7)

- c) **Less than Significant Impact.** A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (“k-12”) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. There are existing residences within 1,000 feet of the project site, including the existing residences on the western portion of 1175 Comstock Road, and offsite residences located to the north, south, west, and east. MBARD’s 2008 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO, PM₁₀ or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor.

The project would implement standard air quality BMPs based on MBARD’s 2008 CEQA Air Quality Guidelines. Additionally, the proposed project would not exceed any MBARD thresholds, including CO and PM₁₀. For these reasons, the proposed project would have a less-than-significant impact on sensitive receptors during construction.

The proposed project does not include installation of any new major stationary or mobile sources of emissions. The proposed land uses would be primarily residential with the potential for continuing with some limited agricultural uses that would be consistent with existing use of the site. New trips generated by the proposed project would be minimal due to the five (5) total units proposed. Operation of the proposed project would not exceed any MBARD emissions thresholds and would result in a less than significant impact. (1, 2, 6, 7)

- d) **Less than Significant Impact.** Pollutants associated with substantial emissions (such as those leading to odors) with the potential to adversely affect a substantial number of people include sulfur compounds and methane. Typical sources of odors include diesel emissions from construction equipment, odors from laying asphalt, landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD, 2008).

The proposed project will result in a subdivision of an existing parcel and the introduction of new residential uses. Future construction facilitated by the proposed project would result in odor emissions from diesel powered construction equipment and laying of asphalt along the frontage Comstock Road. However, the proposed project is located within a rural area away from sensitive receptors. In addition, all construction related diesel and asphalt odors would be temporary and would cease upon the completion of construction. Single-family residential land uses are not typically associated with odor-producing activities. In addition, the project site is currently utilized for agriculture, which generates more odors compared to the proposed residential uses. Therefore, the project would not result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people and the impact would be considered less-than-significant. (1, 2, 6, 7)

4.4 Biological Resources

4.4.1 Environmental Setting

This section describes existing biological resources within the proposed Lots 2, 3, and 4 (collectively referred to as the “proposed development lots” or “survey area” henceforth in this section), identifies any special status species and sensitive habitats known or with the potential to occur within the survey area, and assesses the types of biological impacts that could result from future development activities. This section also provides generalized recommended avoidance, minimization, and mitigation measures to reduce impacts to biological resources. Proposed Lot 1 was not evaluated as part of the biological evaluation because no additional development is proposed on this lot as part of the proposed project (see **Section 1.3, Project Description**); therefore, no biological impacts are expected to occur on Lot 1 area. Therefore, Lot 1 is excluded from further discussion in this section.

DD&A Senior Environmental Scientist, Matthew Johnson, and Assistant Environmental Scientist, Bibiana Carrasco conducted a general biological reconnaissance survey on November 3, 2023, within the proposed development lots. DD&A biologists identified general and sensitive habitats types, as well as special-status plant or wildlife species or suitable habitats for these species within the survey area. Survey methods included walking the site and using aerial maps to identify biological resources. DD&A reviewed available reference materials prior to conducting the field survey. DD&A collected data during the survey to assess the environmental conditions of the site and its surroundings.

The project site is located within a rural area of San Benito County and is surrounded primarily by agricultural and rural-set residential land uses. The proposed development lots, located in the eastern area of the project parcel, are disturbed from being actively row-cropped and used for the rearing of cattle. Disturbance from

active agriculture is evidenced by the presence of a leveled surface with furrows, stunted vegetation, and non-native plant infestation, as well as several bare ground areas.

Vegetation Communities

Two (2) vegetation communities were identified within the boundaries of the proposed development lots (**Figure 7**); these vegetation communities are described below. In addition, approximately 1.2 acres of the survey area is developed consisting of two (2) concrete slabs in the northern area of the site (within Lot 2).

Active Agricultural

Agricultural areas are subject to an anthropogenic disturbance regime related to the cultivation of row cropping and cattle rearing. Due to this historic and ongoing disturbance, vegetation is dominated by those species associated with the row cropping of hay. A few “weedy” and other crop plant species persist on the edges, including black nightshade (*Solanum nigrum*), vinegar weed (*Trichostema lanceolatum*), summer field mustard (*Hirschfeldia incana*), field mustard (*Brassica rapa*), common deerweed (*Lotus scoparius*), and beet (*Beta vulgaris*). Approximately 11.2 acres of active agriculture occur within the survey area (**Figure 7**).

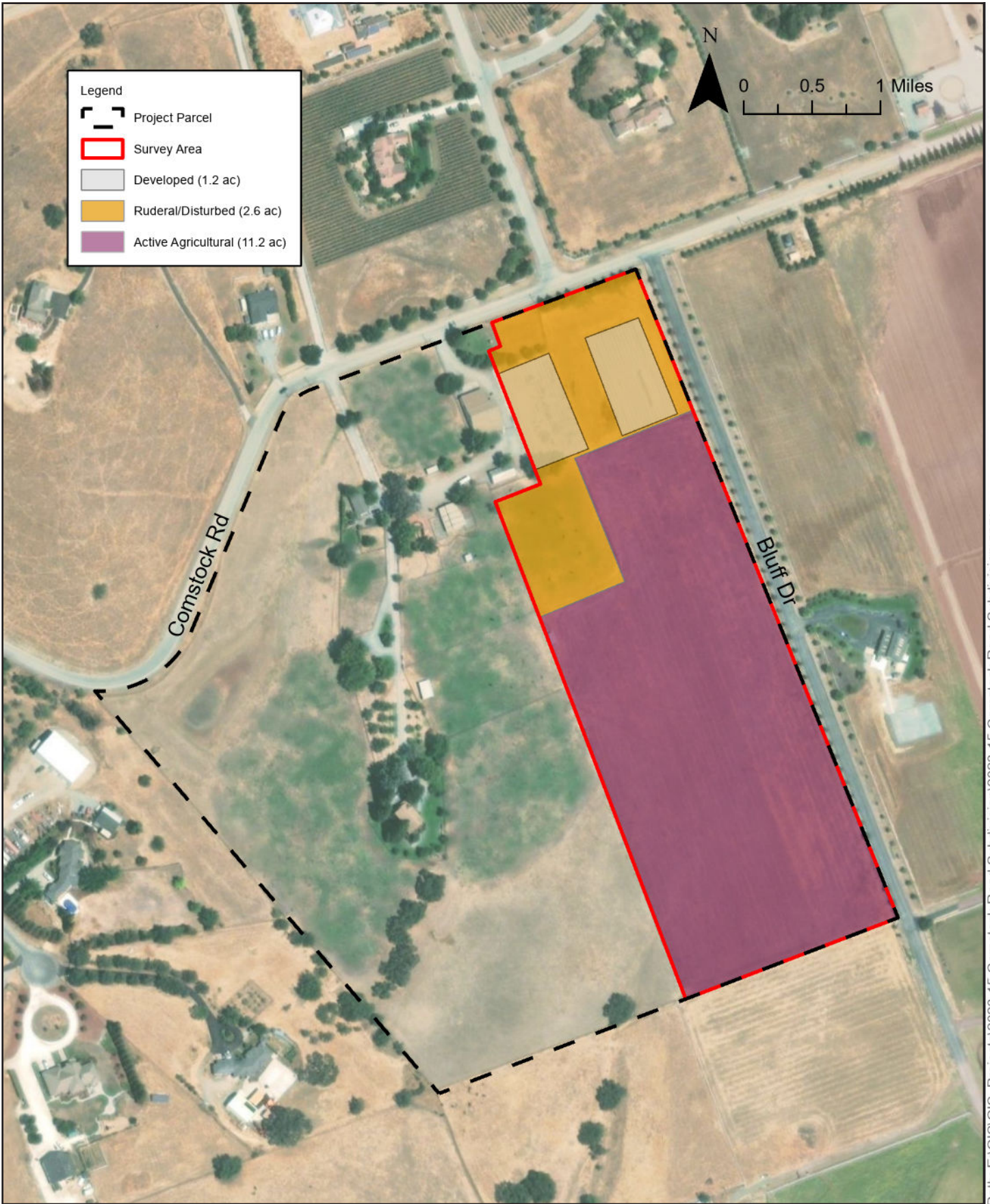
Ruderal/Disturbed

Ruderal areas are those areas which have been disturbed by human activities and are dominated by “weedy” species and nonnative annual grasses. Landscaped areas are also included within this vegetation type. Ruderal areas within the survey area include vegetation dominated by knot-root bristlegrass (*Setaria parviflora*), Kikuyu grass (*Pennisetum clandestinum*), cut-leaved plantain (*Plantago coronopus*), little mallow (*Malva parviflora*), stinkwort (*Dittrichia graveolens*), black mustard (*Brassica nigra*), chicory (*Cichorium intybus*), tocalote (*Centaurea melitensis*), and field willow herb (*Epilobium brachycarpum*). Three (3) tree species are present within this vegetation community; one (1) valley oak (*Quercus lobata*) is present adjacent to the cattle grazing area, approximately 14 coast redwoods (*Sequoia sempervirens*) are present on the northern border of the parcel adjacent to Comstock Road, and approximately 43 eucalyptus trees are present on the eastern border of the proposed development lots adjacent to Bluff Drive. Approximately 2.6 acres of ruderal/disturbed areas are present within the survey area (**Figure 7**).

Vegetation communities within the development lots are considered to have low biological value, are generally dominated by native and non-native plant species, and consist of relatively low-quality habitat from a wildlife perspective. However, common wildlife species which do well in urbanized and disturbed areas, such as the American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), northern mockingbird (*Mimus polyglottos*), American robin (*Turdus migratorius*), mourning dove (*Zenaidura macroura*), house finch (*Carpodacus mexicanus*), California ground squirrel (*Spermophilus beecheyi*), and Botta’s pocket gopher (*Thomomys bottae*) may forage within the proposed development lots.

Sensitive Habitats

Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species, areas of high biological diversity, areas supporting rare or special-status wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the California Department of Fish and Wildlife’s (“CDFW’s”) *California Natural Communities List* (i.e., those habitats that are Rare or Endangered within the borders of California; CDFW, 2023a), those designated as critical habitat in accordance with ESA, and those designated as Environmentally Sensitive Habitat Areas (“ESHA”) under the Coastal Act. Specific habitats may also be identified as sensitive in city or county general plans or ordinances. Sensitive habitats are regulated under federal regulations (such as the Clean Water Act and Executive Order 11990 – Protection of Wetlands), state regulations (such as CEQA and the CDFW Streambed Alteration Program), or local ordinances or policies (such as city or county tree ordinances and general plan policies).



Path: E:\GIS\GIS_Projects\2023-15 Comstock Road Subdivision\2023-15 Comstock Road Subdivision.aprx

Title: **Vegetation Types Map**

Date 1-23-2023
 Scale 1in=0.1mi
 Project 2023-15



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
7

No sensitive habitats were observed within the survey area during the reconnaissance survey. The National Wetlands Inventory identifies a 2.47-acre freshwater pond within the proposed development lots (U.S. Fish and Wildlife Service [“USFWS”], 2023b); however, no evidence of wetlands or other waters (i.e., no hydrologic indicators or hydrophytic vegetation) were observed during the survey and this feature is no longer present as a result of the active agricultural activities on the project site.

Special-Status Species

Special-status species are those plants and animals that have been formally listed or are Candidates for listing as Endangered or Threatened under the federal Endangered Species Act (“ESA”) or California Endangered Species Act (“CESA”), are CDFW “species of special concern,” are listed as rare under the California Native Plant Protection Act (CNPPA), are included in the California Native Plant Society’s (“CNPS’s”) California Rare Plant Ranks (CRPR) 1A, 1B, 2A, or 2B, or are California Fully Protected Species. In addition, raptors (e.g., eagles, hawks, and owls), migratory birds, and their nests are protected under California Fish and Game Code.

Appendix A includes a list of special-status plant and wildlife species known or with the potential to occur within the proposed development lots and vicinity, along with their legal status and habitat requirements. This information represents documented occurrences reported in the CDFW’s California Natural Diversity Database (“CNDDB”) occurrence reports from the United States Geological Survey (“USGS”) Three Sisters quadrangle and the nine (9) surrounding quadrangles (Hollister, Hot Springs, Mariposa Peak, Pacheco Pass, Pacheco Peak, Quien Sabe Valley, San Felipe, and Tres Pinos) (CDFW, 2023b), the CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2023), the USFWS Information for Planning and Consultation (“IPaC”) tool (USFWS, 2024), personal communication with relevant resources, agency staff, and local biologists, field observations, and review of other published literature. Species documented as known or with a moderate to high potential to occur within the survey area, based on comparing geographic ranges and habitat requirements of the species and habitat conditions within the development lots, are discussed further below. This analysis assumes that all other species are unlikely or have a low potential to occur based on the species-specific rationale provided in **Appendix A**.

Special-Status Plant Species

DD&A surveyed the site for botanical resources following the applicable guidelines outlined in the USFWS *Guidelines for Conducting and Reporting Botanical Inventories for Federally listed, Proposed and Candidate Plants* (USFWS, 2000), the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018), and the CNPS *Botanical Survey Guidelines* (CNPS, 2001). DD&A did not identify any special-status plant species during the reconnaissance survey effort. DD&A determined that all plant species were unlikely to occur or to have a low potential to occur within the proposed development lots, as identified in **Appendix A**.

Special-Status Wildlife Species

California Tiger Salamander

The USFWS listed the California tiger salamander (*Ambystoma californiense*, “CTS”) as a federally threatened species on August 4, 2004 (69 FR 47211-47248). USFWS designated critical habitat for CTS on August 23, 2005 (70 FR 49379-49458), and went into effect on September 22, 2005. Additionally, the CDFW listed CTS as a state threatened species on March 3, 2010.

The CTS is a large, stocky salamander most commonly found in annual grassland habitat, but also occurs in the grassy understory of valley-foothill hardwood habitats and uncommonly along stream courses in valley-foothill riparian habitats. Adults spend most of their lives underground, typically in burrows of ground squirrels and other animals (USFWS, 2004). The CTS persists in disjunct remnant vernal pool complexes in Sonoma and

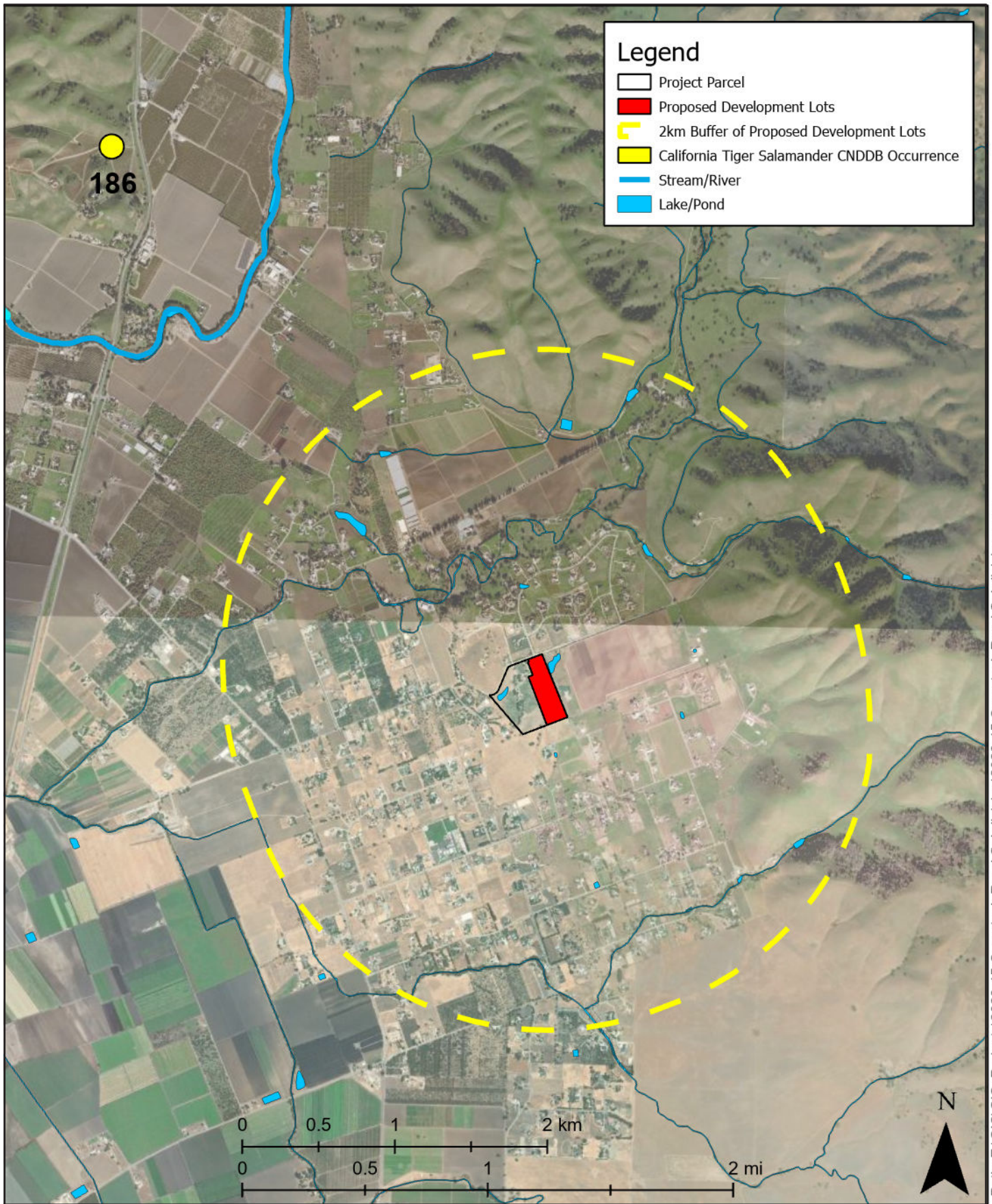
Santa Barbara Counties, in vernal pool complexes and isolated stock ponds scattered along a narrow strip of rangeland on the fringes of the Central Valley from southern Colusa County south to northern Kern County, and in sag ponds and human-maintained stock ponds in the coast ranges from the San Francisco Bay Area south to the Temblor Range. Adults emerge from underground retreats to breed during winter rains between November and February (Stebbins, 2003). Adults spend most of the year over-summering in subterranean refugia, especially burrows of California ground squirrels and occasionally man-made structures (Stebbins, 1972). Sub-adults may develop to sexual maturity in subterranean refugia (up to five [5] years) before surfacing to disperse to a breeding location (Trenham, 2000). Above-ground migratory and breeding activity may occur under suitable environmental conditions from mid-October through May. Adults may travel long distances between upland and breeding sites; adults have been found more than two (2) kilometers (1.24 miles) from breeding sites (USFWS, 2004). Individuals are sometimes found under surface objects such as rocks and logs during breeding migrations. The CTS breeds and lays eggs primarily in vernal pools and other temporary rainwater ponds following relatively warm rains in November to February (Stebbins, 1972; Jennings and Hayes, 1994). CTS sometimes utilize permanent human-made ponds if predatory fishes are absent; streams are rarely used for reproduction.

The proposed development lots are located within the historic range of CTS. No suitable breeding habitat is present within the proposed development lots; however, suitable upland habitat is present within all undeveloped areas, particularly the ruderal areas where small mammal burrows are present. The CNDDDB reports 63 occurrences of the CTS within the quadrangles evaluated, the nearest of which is reported within a stock pond approximately 2.6 miles (4.2 km) northwest of the survey area, outside of the known dispersal range for this species (**Figure 8**). However, an agricultural pond that may provide suitable breeding habitat is present in the western portion of proposed Lot 1, approximately 0.1 miles (0.2 km) from the proposed development lots. In addition, several other aquatic resources which may provide suitable breeding habitat for the species are present within the dispersal distance of CTS to the survey area. Therefore, there is a moderate potential for this species to occur within the proposed development lots.


Raptors and Other Nesting Birds

Raptors and other nesting birds are protected under the Migratory Bird Treaty Act of 1918 (“MBTA”) and Fish and Game Code Sections 3503 and 3503.5. While the life histories of these species vary, overlapping nesting similarities (approximately from mid-March to August 1) allow their concurrent discussion. Most raptors are breeding residents throughout most of the wooded portions of the state. Raptors can be found from sea level to above 9,000 feet. Stands of live oak, riparian deciduous, or other forest habitats, as well as open grasslands, are used most frequently. Nesting also occurs in isolated stands of trees adjacent to foraging habitat. Most species nest in tree crotches 10 to 80 feet, but usually 20 to 50 feet above ground. Breeding occurs between March and August, with peak activity occurring in May through July. Prey for these species include small birds (especially young during the nesting season), small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges and often in agricultural fields. Potential nesting trees appropriate for many raptor species and other protected avian species occur within and adjacent to the proposed development lots.

Raptor species that may occur within and immediately adjacent to the proposed development lots include but are not limited to, red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and turkey vulture (*Cathartes aura*). In addition, other avian species that may occur include hermit thrush (*Catharus guttatus*), western meadowlark (*Sturnella neglecta*), and black phoebe (*Sayornis nigricans*).



Path: E:\GIS\GIS_Projects\2023-15 Comstock Road Subdivision\2023-15 Comstock Road Subdivision.aprx

<p>Title: CTS CNDDDB Occurrences and Aquatic Resources</p>	<p>Date <u>1-24-2024</u> Scale <u>1in=1km</u> Project <u>2023-15</u></p>	<p>Monterey San Jose Denise Duffy and Associates, Inc. Environmental Consultants Resource Planners 947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341</p> 	<p>Figure 8</p>
---	--	---	-----------------------------

Regulatory Setting

Federal

Federal Endangered Species Act

Provisions of the ESA of 1973 (16 USC 1532 *et seq.*, as amended) protect federally listed threatened or endangered species and their habitats from unlawful take. Listed species include those for which proposed and final rules have been published in the Federal Register. The ESA is administered by the USFWS and the National Oceanic and Atmospheric Administration National Marine Service (“NMFS”). In general, NMFS is responsible for the protection of ESA listed marine and anadromous fish species, whereas other listed species are under USFWS jurisdiction.

Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered. Take, as defined by ESA, is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Harm is defined as “any act that kills or injures the fish or wildlife...including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” In addition, Section 9 prohibits removing, digging up, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites unless those sites are on federal land. If there is the potential for incidental take of a federally listed fish or wildlife species, take of listed species can be authorized through either the Section 7 consultation process for federal actions or a Section 10 incidental take permit process for non-federal actions. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits).

Migratory Bird Treaty Act

The MBTA of 1918 prohibits killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of the MBTA. The USFWS is responsible for overseeing compliance with the MBTA and implements Conventions (treaties) between the United States and four (4) countries for the protection of migratory birds – Canada, Mexico, Japan, and Russia. The USFWS maintains a list of migratory bird species that are protected under the MBTA, which was updated in 2023 (USFWS, 2023).

State

California Endangered Species Act

The CESA was enacted in 1984. The California Code of Regulations (Title 14, Section 670.5) lists animal species considered endangered or threatened by the state. Section 2090 of CESA requires state agencies to comply with endangered species protection and recovery and to promote conservation of these species. Section 2080 of the Fish and Game Code prohibits “take” of any species that the commission determines to be an endangered species or a threatened species. “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill.” Take does not include habitat destruction under this definition. A Section 2081 Incidental Take Permit from the CDFW is required to “take” any state listed species.

California Fish and Game Code

Birds. Section 3503 of the Fish and Game Code states that it is “unlawful to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Section 3503.5 prohibits the killing, possession, or destruction of any birds in the orders Falconiformes or Strigiformes (birds-of-prey). Section 3511 prohibits take or possession of fully protected birds. Section 3513

prohibits the take or possession of any migratory nongame birds designated under the MBTA. Section 3800 prohibits take of nongame birds.

Fully Protected Species. The classification of fully protected species was the state’s initial effort in the 1960’s to identify and provide additional protection to those animals that were rare or faced possible extinction. The state created lists for fish (§5515), mammals (§4700), amphibians and reptiles (§5050), and birds (§3511). Most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. However, Governor Newsom signed Senate Bill 147 (SB 147) on July 10, 2023, allowing for permits to take fully protected species for certain renewable energy and infrastructure projects, which took effect immediately. Eligible projects include maintenance, repair, or improvement projects to the State Water Project, including existing infrastructure, undertaken by the Department of Water Resources or to critical regional or local water agency infrastructure.

Species of Special Concern. The CDFW also maintains a list of wildlife “species of special concern.” Although these species have no legal status, the CDFW recommends considering these species during analysis of project impacts to protect declining populations and avoid the need to list them as endangered in the future.

Local

County of San Benito Code of Ordinance

The County of San Benito regulates the removal or significant trimming all trees greater than eight (8) inches in diameter measured at breast height (DBH) or a multi-trunked tree having an aggregate diameter of ten (10) inches or more in DBH, per the provisions in the County Code of Ordinances (County Code) Chapter 25.07 (Tree Protection) and 19.33 (Management and Conservation of Woodlands). The removal of a protected tree requires a tree removal permit from the County as defined in the County Code.

4.4.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.3 Explanation

- a) **Less-than-Significant Impact with Mitigation Incorporated.** CTS, raptors, and other protected bird species have the potential to occur within or immediately adjacent to the proposed development lots. These species are unlikely to be impacted by proposed subdivision of the lots; however, future construction activities within the lots may result in potentially significant impact to these species either directly or through habitat modification, as described below.

Future construction activities would occur within agricultural and ruderal areas, which may provide suitable dispersal and upland habitat for CTS. Future development facilitated by the proposed project is expected to include grading and vegetation removal to facilitate construction of access roads, private driveways, septic systems, residential buildings, a barn, and utilities within the identified building envelopes. These activities would result in temporary impacts to and permanent loss of upland habitat for CTS. Project-specific plans have not been developed for the proposed development lots and impacts to CTS habitat cannot be fully quantified at this time; therefore, the building envelopes identified on the tentative map are assumed to be fully developed. Grading, vegetation removal, and construction-related traffic may also result in mortality of CTS if they are present at the time of construction, and construction-related noise may result in disturbance to their movement. These are potentially significant impacts that can be reduced to less than significant with the implementation of **Mitigation Measures BIO-1** and **BIO-3**. (27, 34, 36, 37, 38, 39, 40)

Raptors and other nesting birds may nest in trees within and immediately adjacent to the proposed development lots. Future construction and construction-related disturbance during the avian nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the site and immediately adjacent areas. Vegetation removal, particularly removal of trees or limbing, may result in direct loss of nests and individual birds. These are potentially

significant impacts that can be reduced to less than significant with the implementation of **Mitigation Measures BIO-2** and **BIO-3**. (27, 42, 43, 44)

Mitigation

BIO-1 The project applicant or future property owner shall comply with ESA and CESA and will coordinate with USFWS and CDFW to determine whether incidental take authorization for CTS is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of this species is required, the project applicant or future property owner shall comply with ESA and/or CESA to obtain the required incidental take permits from USFWS and/or CDFW prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation, restoration, and/or purchase of conservation credits from an approved mitigation bank. The project applicant or future property owner would be required to retain a qualified biologist to prepare a mitigation plan, which shall include, but is not limited to, identifying avoidance and minimization measures, and identifying a mitigation strategy that includes a take assessment, avoidance and minimization measures, compensatory mitigation lands, success criteria, and funding assurances. The project applicant or future property owner shall be required to implement the approved plan and any additional permit requirements. Proof of consultation with USFWS and CDFW, as well as any required incidental take permits, shall be provided to the County prior to the issuance of a grading permit.

BIO-2 Construction activities that may affect nesting raptors and other protected avian species may be timed to avoid the avian nesting season (which occurs February 1 through September 15). Specifically, vegetation and/or tree removal can be scheduled between September 16 and January 31. If this is not possible, pre-construction surveys for protected avian species shall be conducted by a qualified biologist within 15 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary. If nesting birds are identified during pre-construction surveys, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, as determined by the qualified biologist, or until after September 1 (when young are assumed fledged). This determination shall be documented in a brief memorandum to be reviewed and approved by the County prior to the start of construction.

BIO-3 A qualified biologist shall conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist shall meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which shall ensure the safety of the monitor during such activities; 3) the identification of special-status species that may be present; 4) the specific mitigation measures that shall be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-

status species is encountered within the project site to avoid impacts. The qualified biologist shall provide the County with written documentation that the Employee Education Program was conducted prior to the start of construction.

- b) **No Impact.** There are no riparian areas or other sensitive natural communities present within the proposed development lots. Therefore, future construction facilitated by the proposed project would not result in impacts to riparian habitat or other sensitive natural communities identified in local or regional plans/policies, or regulations, or by the CDFW, and no mitigation is required. (26, 27, 28, 29, 43, 44)
- c) **No Impact.** Federally protected wetlands are not present within the proposed development lots. Therefore, the proposed project would not impact federally protected wetlands and no mitigation is required. (26, 27, 43, 44)
- d) **No Impact.** The California Department of Transportation (“Caltrans”) and CDFW’s California Essential Habitat Connectivity Project (Spencer et al., 2010) identifies large remaining blocks of intact habitat or natural landscape and models linkages between them to provide a basis for management of these important areas, particularly as corridors for wildlife. The California Essential Habitat Connectivity Project does not identify any natural landscape blocks or modeled essential connectivity areas in or near the proposed development lots. The project site is fenced off and is on agricultural and developed land. Therefore, the project site does not provide valuable migratory wildlife corridors or native wildlife nursery sites for native fish or wildlife species. The proposed project would not impede the use of any wildlife corridors or interfere with wildlife movement; therefore, there would be no impact and no mitigation is required. (26, 27, 35, 40)
- e) **Less-than-Significant Impact.** The proposed project does not include the removal of any trees; however, future development within the proposed development lots may impact trees. The species of trees identified throughout the project site include valley oak, coast redwood, and eucalyptus sp.. A tree inventory was not conducted during the reconnaissance survey therefore diameter at breast height (“DBH”) data was not collected. These trees appear to be planted; however, the County of San Benito regulates the removal of protected trees (i.e., all trees greater than eight [8] inches in DBH or a multi-trunked tree having an aggregate diameter of 10 inches or more in DBH, as defined in the County Code Chapter 25.07 [Tree Protection] and 19.33 [Management and Conservation of Woodlands]). If future development requires removal of these trees, a tree removal permit from the County may be required depending on the size of the trees. Therefore, the project would result in a less-than-significant impact related to conflicts with any local policies or ordinances protecting biological resources, and no mitigation is required. (26, 27, 32, 33)
- f) **No Impact.** The proposed development lots are located within the San Benito County Natural Community Conservation Plan and Habitat Conservation Plan area for which a Planning Agreement was signed by the County, CDFW, and USFWS in March 2023. However, these Plans have not yet been developed and are therefore not applicable to the proposed project. The project area is not located within an approved Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur and no mitigation is required. (26, 27, 29)

4.5 Cultural Resources

4.5.1 Environmental Setting

The County of San Benito General Plan notes that only three (3) percent of the land area of San Benito County has been surveyed for cultural resources, yet over 1,300 cultural sites have been documented, including over 500 prehistoric and historic archaeological sites and over 850 historic buildings. The 2035 County General Plan RDEIR identified that the majority of historic properties in the County are in the incorporated cities of Hollister and San Juan Bautista, with the exception of two (2) small historic communities, Paicines and Tres Pinos.

Albion Environmental, Inc. (“Albion”) prepared a Phase I Cultural Resource Inventory for the proposed project (Albion, 2023) summarizing the results of the records search and site survey conducted for the proposed project. This report is not included as an appendix to this document due to the potentially confidential nature of the results of the report. Qualified personnel may request to view a copy of this report at the County’s office at 2301 Technology Parkway, Hollister CA 95023. Albion’s report identified that the proposed project site is considered to be of high sensitivity for archaeological resources.

4.5.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.5.3 Explanation

- a) **No Impact.** CEQA Guidelines §15064.5 describes a historical resources as: 1) any resource that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; 2) a resource included in a local register of historical resources; and, 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant based on substantial evidence in light of the whole record. A substantial adverse change includes the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance would be materially impaired (CEQA Guidelines §15064.5(b)).

The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. The proposed project consists of the subdivision of an existing lot to create three (3) new five (5)-acre lots and the construction of a single-family residence,

accessory structures, septic system, and access driveway on each of the new lots. Implementation of the proposed project would not have an impact on a historical resource as defined in accordance with the requirements of CEQA. There would be no impact as a result of the proposed project. (1, 2, 3, 21)

- b) **Less than Significant Impact with Mitigation Incorporated.** Public Resources Code §21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource.

Albion prepared a Phase I Cultural Resource Inventory for the proposed project as discussed above. Albion performed a records search on April 13, 2023, at the Northwestern Information Center (“NWIC”) for cultural resources and cultural resources studies within one-quarter mile of the proposed project site. According to the results received from the NWIC search, one (1) cultural resource study was completed within the proposed project site and two (2) additional studies were conducted within one-quarter mile of the project site. No previously recorded cultural resources were identified within the proposed project site during the NWIC search. One (1) cultural resource was identified within one-quarter mile of the site.

Albion conducted a site reconnaissance pedestrian survey on April 26, 2023, which was limited to the portion of the site that is proposed to be subdivided and developed. Ground visibility during the survey was considered poor due to development, weeds, and grass cover. Albion’s pedestrian survey did not identify any previously recorded or new precolonial or historic resources.

While no archaeological resources have been documented on-site, the proposed project site is considered sensitive for precolonial archaeological resources. As a result, previously unknown or buried archaeological resources could be present at the proposed project site. Therefore, the project could result in a significant impact to unknown or buried resources during construction. Implementation of **Mitigation Measures CR-1** through **CR-3** would ensure that potential impacts would be less-than-significant. (1, 2, 3, 21)

Mitigation

CR-1 Prior to any ground disturbance requiring an encroachment, grading, or building permit, an extended Phase I study shall be conducted within the proposed project’s Area of Direct Impact (“ADI”) to determine the following:

- Whether the proposed project site contains subsurface archaeological deposits; and
- If subsurface archaeological deposits are present, assess whether these deposits (within the project alignment) constitute an archaeological site and retains sufficient integrity for the evaluation of eligibility for the California Register of Historical Resources (“CRHR”).

CR-2 The project applicant shall retain a qualified archaeologist (project archaeologist) to be present on the project site from the start of ground disturbing work for the planned construction. If potentially significant archaeological resources are discovered, the project archaeologist shall halt excavation until any finds are properly evaluated. If a find is determined to be significant, work shall remain halted near the find to permit development and implementation of the appropriate mitigations (including selective data recovery) with the concurrence of the CEQA Lead Agency (San Benito County). At the discretion of the

qualified archaeologist, monitoring could be discontinued if there is enough information collected from direct observation of the subsurface conditions to conclude that cultural resources do not exist. The qualified archaeologist shall provide either a monitoring report following the completion of construction or a written recommendation that monitoring is no longer necessary during construction for the County's review and approval.

CR-3 Prior to construction, the project applicant's project archeologist shall conduct a sensitivity training for cultural resources for all onsite personnel involved in ground disturbing activities. The qualified archaeologist shall provide the County with written documentation that the sensitivity training for cultural resources was conducted prior to the start of construction.

- c) **Less than Significant Impact with Mitigation Incorporated.** No human remains, including those interred outside of formal cemeteries, are known to occur within the project site. While the likelihood of human remains being discovered within the proposed project site is low, it is possible that previously unknown human remains may be present. Previously unknown human remains could be impacted during ground-disturbing construction and grading activities. Implementation of **Mitigation Measure CR-4** would ensure that any potential adverse impacts would be reduced to a less than significant level. (1, 2, 3)

Mitigation

CR-4 If human remains are found at any time on the project site, work shall be stopped by the construction manager, and the County Coroner shall be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)

Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:

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 (10) 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 Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The

Sheriff–Coroner shall be notified immediately of the discovery as noted above.

- 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]

4.6 Energy

4.6.1 Environmental Setting

Starting in 2018, all Pacific Gas & Electric (“PG&E”) customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy (3CE), formerly known as Monterey Bay Community Power. 3CE is a locally-controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE’s standard electricity offering is carbon free and is classified as 30 percent renewable (3CE, 2023).

4.6.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ENERGY. Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.6.3 Explanation

- a) **Less than Significant Impact.** The proposed project would result in the future construction of up to three (3) single-family residences, two (2) ADUs, and a barn, which is assumed to intensify energy use compared to the existing agricultural uses (i.e., grazing). Energy use consumed by the proposed project is expected to be low because the construction and operation of the proposed project would conform to state and local standards for energy efficiency.

Construction of the proposed project would consist of the construction of three new single-family residences, two (2) ADUs, a barn, three (3) septic systems, and three (3) access driveways. The length of the construction schedule is not known at this time; the lots created by the subdivision may be developed all at once or gradually over time. The construction phase would require energy for the

manufacture and transportation of building materials, preparation of the site, and the actual construction of the structures. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time. However, the project would not cause inefficient, wasteful, or unnecessary consumption of energy as the construction schedule and process is designed to be efficient to avoid excess monetary costs. Energy use required to complete construction would be limited and short-term.

Operation of the proposed project would consume energy primarily for the operation of the proposed single-family residences and ADUs. Energy would typically be consumed as a result of heating and cooling, lighting cooking, and water heating. Given the scale of the proposed project, operational activities are unlikely to result in a significant increase in energy use. Additionally, the proposed project would be required to comply with California Building Code Title 24 and the California Green Building Standards Code (“CalGreen”), which would ensure energy use related to project operation is not wasteful or inefficient. As a result, implementation of the proposed project would not result in a substantial environmental impact on energy resources.

Based on the discussion above, the proposed project would not result in potentially significant environmental impact, during operation or construction, due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use or energy resources during project operation or construction. This results in less-than-significant impact. (1, 2, 3, 4, 7, 8)

- b) **Less than Significant Impact.** As mentioned in discussion (a) above, construction and operation of the proposed project would have a less than significant impact due to energy usage and efficiency and, thus, would not conflict with local or state plans for energy efficiency. The proposed project would also be required to build to California Building Code standards, Title 24 energy efficiency standards (or subsequently adopted standards during the construction term), and CALGreen code, which includes design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. As a result, the project would comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (1, 2, 3, 4, 7, 8)

4.7 Geology and Soils

4.7.1 Environmental Setting

A Geotechnical Investigation Report was prepared for the proposed project by Butano Geotechnical Engineering, Inc. (January 2022) (**Appendix B**). The purpose of the investigation was to explore the surface and subsurface conditions at the project site and develop geotechnical criteria and recommendations for design and construction of the proposed project.

The investigation included site reconnaissance, subsurface exploration, soil sampling, laboratory testing, and engineering analysis. Based on the findings, geotechnical design criteria and recommendations were developed for building foundations, site clearing and preparation, and acceptable fill materials. Seismic design criteria based on the 2019 California Building Code was also presented.

Site Conditions. Site topography slopes gently to the south, with site elevations ranging between approximately 285-328 feet above sea level. The existing site is occupied by three (3) single-family residences, two (2) garages, and a shop building. These structures will remain on Lot 1 following implementation of the proposed project. The majority of the site has historically been used for agricultural production and is minimally vegetated, while the eastern portion of the parcel consists of grasslands sloping gently to the south.

General Subsurface Conditions. A total of six (6) borings were drilled as part of the geotechnical investigation, with depths ranging from 4.5 feet to 16.5 feet below existing grade. During subsurface explorations loose to stiff to hard lean to fat clay was encountered. Locally, the site geology is characterized by marine and nonmarine (continental) sedimentary rocks (Pleistocene) (Qoa), which is generally composed of older alluvium, lake, playa, and terrace deposits. Borings encountered similar materials consistent with the mapped deposit.

Groundwater Conditions: No groundwater was encountered during the field exploration. According to a review of local groundwater data, nearby groundwater wells located within approximately 1.5 miles of the site range from 30 to 70 feet below ground surface (California Department of Water Resources, 2023). It can be anticipated that groundwater levels will fluctuate due to variations in rainfall, irrigation practice, and other factors not evident at the time measurements were made.

Geologic and Geotechnical Feasibility. Based on the geotechnical report prepared for the project site, future development on the project site that would be facilitated by the proposed project is feasible from a geotechnical standpoint. Some of the geologic and geotechnical issues include:

Faulting and Ground Shaking

Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California (see **Figure 9 – Fault Map**). The California Earthquake Hazards Zone Application ("EQ Zapp") shows that the Quien Sabe Fault Line, a Holocene-age fault (activity within the last 11,000 years) runs through the western portion of the project site (Lot 1). As a result, the project site is located within an Alquist-Priolo earthquake fault zone. However, the three (3) new residential lots and the proposed single-family residences would be sited approximately 800 feet east of the known fault zone for the Quien Sabe Fault Line.

The project site is located in the seismically active Monterey Bay region. Beyond the Quien Sabe Fault, other earthquake faults in the vicinity of the proposed project include: the San Felipe Fault, located approximately four (4) miles southwest of the site; the Calaveras Fault, located approximately five (5) miles southwest of the site; the Paicines Fault, located approximately 9.5 miles south of the site; and the San Andreas Fault, located approximately 11.5 miles southwest of the site.

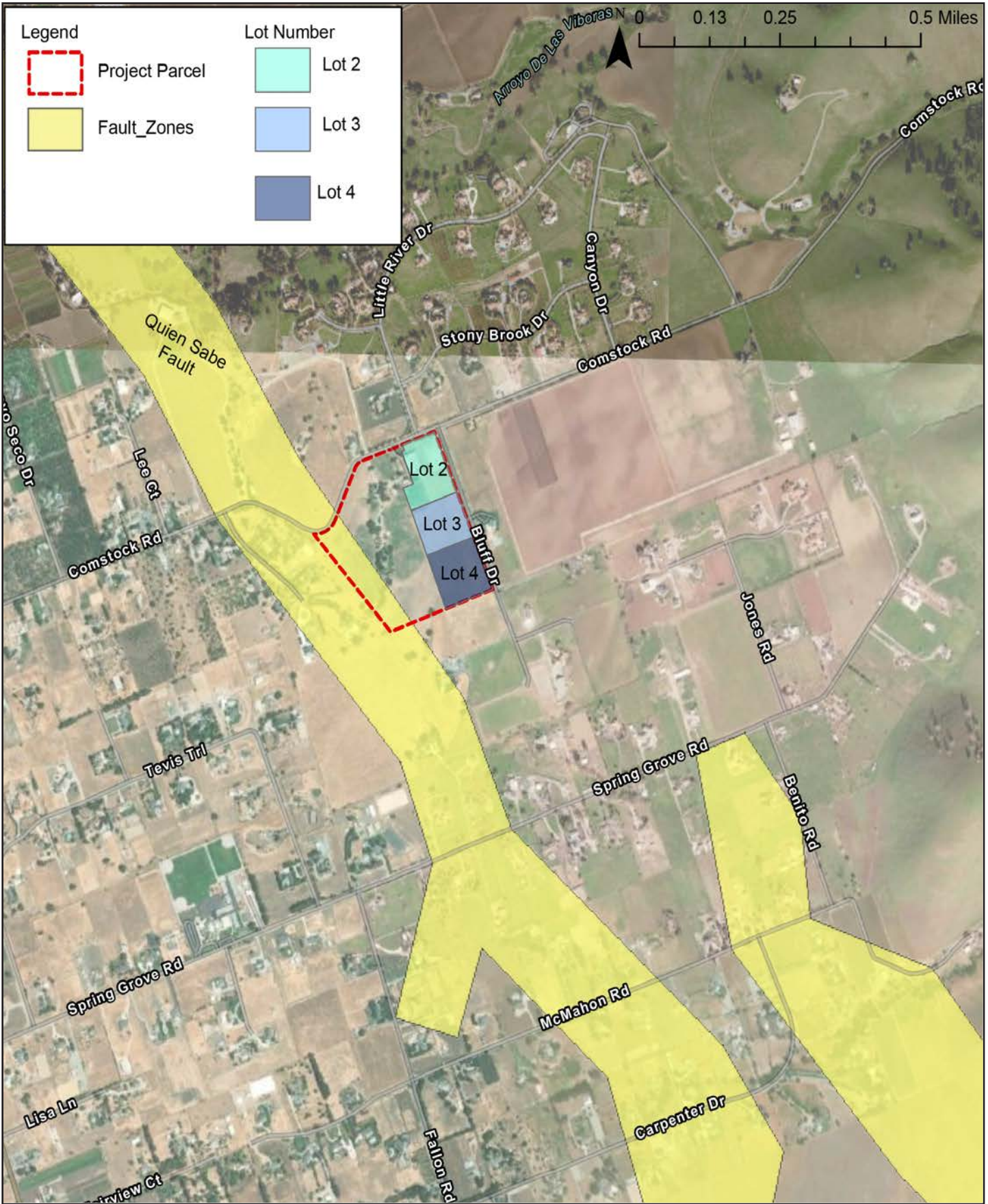
An earthquake of moderate to high magnitude generated within Northern California region could cause considerable ground shaking at the site. Potential seismic hazards include surface ground rupture, strong seismic shaking and potential liquefaction, and dynamic settlement. Since fault traces cross the property, the potential for surface ground rupture at the site exists. In addition, due to the proximity of the referenced nearby faults, there is potential for strong seismic shaking at the site during the design life of the proposed project.

Liquefaction, Lateral Spreading, and Seismic Induced Settlement

The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subject to cyclic strains, such as those generated during a seismic event. Liquefaction typically occurs due to a combination of low soil density, grain sizes within a certain range, and a sufficiently strong earthquake. The effects of liquefaction can include ground settlement, lateral soil spreading, and localized loss, of foundation support. Loose to stiff to hard lean to fat clay was encountered in test borings. No groundwater was encountered. The risk of liquefaction at the project site is considered low (**Appendix B**).

Slope Stability

According to EQ Zapp, the site is in an area that has not been mapped for landslide hazards. However, the project site is relatively flat, sloping gently to the south; therefore, the risk of slope failure is low.



<p>Title:</p> <h1 style="text-align: center;">Fault Map</h1>	<p>Date <u>11-17-2023</u></p> <p>Scale _____</p> <p>Project <u>2023-15</u></p>	<p style="text-align: right;">Monterey San Jose</p> <p style="text-align: center;">Denise Duffy and Associates, Inc.</p> <p style="text-align: center;">Environmental Consultants Resource Planners</p> <p style="text-align: center;">947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341</p>	<p style="text-align: center;">Figure 9</p>
--	--	---	--

4.7.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause 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 Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 direct or indirect 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.7.3 Explanation

- a.i) **Less than Significant Impact.** The western portion of the site is located within an Alquist-Priolo setback zone where traces of the Quien Sabe fault, oriented in the northwest-southeast direction, have been mapped. Earthquake fault zone boundaries are defined in **Figure 9**. The Quien Sabe fault is a Holocene-era fault, meaning that the fault is thought to have experienced displacement activity within the last 11,000 years. The Quien Sabe fault is considered an active fault and constitutes a potential

hazard to structures from surface faulting or creep. The fault occurs on the west side of the property on the developed portion of the site (Lot 1), whereas the new single-family residences, septic systems, and access driveways would be located away from the fault on the east side of the site. According to **Appendix B**, the site would be suitable for future residential development with adherence to the seismic design requirements of the California Building Code (“CBC”) and the recommendations of the Geotechnical Report. Adherence to **Mitigation Measure GEO-1**, below would further reduce this impact. This represents a less-than-significant impact. (1, 2, 8, 16, 22)

- a.ii) **Less than Significant Impact with Mitigation Incorporated.** Due to the project site’s location in a seismically active region, the proposed project could be subject to strong seismic ground shaking during its design life. Future buildout of the project site would be required to comply with the recommendations of a design-level geotechnical analysis consistent with Section 19.17.010 of the San Benito County Code, thereby ensuring impacts would be minimized Implementation of the **Mitigation Measure GEO-1**, as well as compliance with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code, would ensure that potential seismic-related hazards would be less-than-significant. (1, 2, 16, 22)

Mitigation

GEO-1 Prior to the issuance of any grading or building permit, the applicant shall submit evidence demonstrating that the design-plans (including grading plans, foundation plans, and design loads) have been reviewed by a qualified professional certifying that the design complies with the recommendations outlined in Butano Geotechnical Engineering’s geotechnical report (Project No. 21-293-SB). If additional testing is recommended by the qualified professional, the applicant shall provide the results of the additional testing to the County for review and approval.

- a.iii) **Less than Significant Impact.** EQ Zapp identifies that the project site has not been mapped for liquefaction hazards. However, based on the results of the Geotechnical Investigation Report (**Appendix B**), the potential for liquefaction at the site is low. In addition, future development facilitated by the proposed project would require a design-level geotechnical report to confirm site conditions related to liquefaction are suitable for development. This represents a less-than-significant impact. (1, 2, 16, 22)
- a.iv) **Less than Significant Impact.** As stated above, EQ Zapp identifies that the project site has not been mapped for landslide hazards. However, the project site slopes gently to the south and would not be subject to substantial downslope movement of soil movement that could result in landslides. Future development facilitated by the proposed project would require a design-level geotechnical report to confirm site conditions related to landsliding are suitable for development. This represents a less-than-significant impact. (1, 2, 16, 22)
- b) **Less than Significant Impact with Mitigation Incorporated.** Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion, and contains requirements regarding discharge and construction site stormwater runoff control. Grading associated with site preparation and construction activities on the project site would be minimal and is not expected to significantly disturb soil or increase its susceptibility to erosion. Construction contractors would be required to implement standard BMPs for avoiding erosion and sedimentation to protect water quality during construction. Any temporary erosion related to construction would be reduced to a less-than-significant level through the implementation **Mitigation Measure GEO-2**. (1, 2, 8, 16)

Mitigation

GEO-2 During construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:

- Stockpiling and disposing of demolition debris, concrete, and soil.
- Protecting existing storm drain inlets and stabilizing disturbed areas.
- Hydroseeding/re-vegetating disturbed areas.
- Minimizing areas of impervious surfaces.
- Implementing runoff controls (e.g., percolation basins and drainage facilities).
- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.
- Limiting grading to the minimum area necessary for construction and operation of the project.

County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.

- c) **Less than Significant Impact.** As described in aiii) and aiv) above, the potential for the project to result in liquefaction, on- or off-site landslides, lateral spreading, subsidence, or collapse is considered low. Future development facilitated by the proposed project would be subject to a design-level geotechnical analysis to confirm that the geologic unit on which the project is located would not become unstable because of the project. As such, this impact would be less-than-significant. (1, 2, 8, 16, 22)
- d) **Less than Significant Impact with Mitigation Incorporated.** According to the Geotechnical Investigation Report, the soils at the site have a plasticity index of 30 and therefore a moderate expansion potential. These soils are typical to the area. Development on expansive soils could result in a potentially significant impact. The implementation of the **Mitigation Measure GEO-1** would reduce potential impacts to the site to less-than-significant impact. (1, 2, 8, 16)
- e) **Less than Significant Impact.** The proposed project would include the installation of three (3) septic tanks. Each septic tank would serve one of the proposed new single-family residences (and ADU for Lots 2 and 4). The building envelopes for installation of the proposed septic tanks are shown on **Figure 5**. A memorandum consisting of a report of soil profile test pit and percolation testing (**Appendix C**) was prepared for the project site by Earth Systems Pacific (August 2008). Test pits were excavated to an approximate depth of 15-feet within the approximate location of each proposed septic system. Percolation test holes were subsequently drilled adjacent to the test pits at depths ranging from nine (9) to 11 feet. Four (4)-inch diameter perforated pipes were installed in the test holes and saturated water for a 24-hour period. No groundwater was detected in the percolation tests. As a result, the soils at the proposed project site are considered suitable for the proposed septic systems. This would be confirmed as part of the design level geotechnical report prepared as part of final design of any development facilitated by the proposed project. This represents a less-than-significant impact. (1, 2, 8, 16, 23)

- f) **No Impact.** Significant paleontological specimens have been found throughout the County.⁴ Specifically, fossils have been found in the Cantua Canyon, Los Gatos Creek Canyon, Coalinga and Pleasant Valley areas, Tumey Gulch, Griswold Hills, Larios Creek, San Carlos Creek, the Bolsa Valley, Tres Pinos Creek, and the San Benito River valley. There are no known paleontological resources or unique geologic features on the project site. The project site is not listed within an area identified as containing paleontological resources nor is it located in close proximity to any known paleontological resources. In addition, the project site is disturbed and there are no records of paleontological resources found on the site. For these reasons, the project would not impact any paleontological resources as none are known in the project area. (1, 2, 3, 4)

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

Various gases in the earth’s atmosphere, classified as atmospheric greenhouse gases (“GHGs”), play a critical role in determining the earth’s surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth’s surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (“CO₂”), methane (“CH₄”), O₃, water vapor, nitrous oxide (“N₂O”), and chlorofluorocarbons (“CFCs”). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

4.8.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴ Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent limited, non-renewable, sensitive scientific, and educational resources. The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations make it possible to predict where fossils will or will not be encountered.

4.8.3 Explanation

- a) **Less than Significant Impact.** The project is located in the NCCAB, where air quality is regulated by MBARD. Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. MBARD has determined that if a project emits less than 10,000 metric tons per year (“MT/yr”) of Carbon Dioxide equivalent (CO₂e), then its impact would be considered less than significant. This calculation is determined by combining the estimated greenhouse gas emissions generated by construction, amortized over a 30-year period, with the estimated annual GHG emissions resulting from the operation of the project.

Implementation of the proposed project would contribute GHG emissions that are associated with global climate change. GHG emissions attributable to future development would be primarily associated with increases of CO₂ and, to a lesser extent, other GHG pollutants, such as CH₄ and N₂O. Greenhouse gas emissions would be generated by the proposed project from sources that include vehicle trips, on-site electricity consumption, on-site natural gas combustion, and solid waste disposal (decomposition of solid waste disposed in a landfill).

The project would generate temporary and minor construction-related GHG emissions that would not exceed the MBARD thresholds. Any potential impacts from GHG generation during construction would be short-term and temporary. Once constructed, the proposed project would generate some additional operational trips associated with the new residential uses compared to the existing operation of the site (see **Section 4.17, Transportation/Traffic**). However, due to the overall scale of the proposed project (three [3] single-family residences, two [2] ADUs, and one [1] barn), the total trips generated would be minimal and would not generate GHG emissions in excess of the above threshold. As a result, the project is not anticipated to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, the project would have a less-than-significant impact. (1, 2, 6, 7)

- b) **Less than Significant Impact.** Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. As described above, the project would not exceed acceptable thresholds. Also, in accordance with the General Plan Goals and Policies, the project would be required to include energy and water-efficient appliances, fixtures, lighting, and windows that meet applicable State energy performance standards. Therefore, the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases as described above. This represents a less-than-significant impact. (1, 2, 6, 7)

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The State of California uses databases such as EnviroStor, GeoTracker, and the Cortese List to map the location of hazardous waste sites including sites that have been remediated, sites currently undergoing remediation, and sites that require cleanup. Based on a search of the above databases, no hazardous materials contamination has been documented within the project site.

To address airport safety hazards, San Benito County created an Airport Land Use Commission (“ALUC”) to provide orderly growth of San Benito’s two (2) public airports. The Commission ensures compatible land uses around the Hollister Municipal Airport and the Frazier Lake Airpark through the implementation of their respective Comprehensive Land Use Plans. The nearest airport to the project site is the Hollister Municipal Airport, located about three (3) miles southwest of the project site. The project site is located outside of the airport influence area as defined by the Hollister Municipal Airpark’s airport land use plan.

The California Department of Forestry and Fire Protection (“CalFire”) prepares maps of Fire Hazard Severity Zones (“FHSZ”), which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is not located in a moderate, high, or very high fire hazard severity zones, as delineated by CalFire. However, surrounding properties, including those directly across Comstock Road from the project site, are designated as “moderate” fire hazard severity zones by CalFire.

4.9.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.9.3 Explanation

- a) **Less than Significant Impact.** The proposed project consists of the subdivision of an existing lot and the construction of three (3) single-family residences, two (2) ADUs, and a barn. Construction and operation of the project would not create a significant impact due to routine transport, use, or disposal of hazardous materials. Construction activities would, however, require the temporary use of hazardous substances, such as fuel for construction equipment, oil, solvents, or paints. Removal and disposal of hazardous materials from the project site would be conducted by an appropriately licensed contractor. Any handling, transporting, use, or disposal would comply with manufacturer labels and applicable laws, regulations, policies, and programs set forth by various federal, state, and local agencies. Required compliance with applicable hazardous material laws and regulations would ensure that construction-related hazardous material use would not result in significant impacts. These construction impacts would be temporary in nature and would be considered less-than-significant.

In addition, because of the residential nature of the project, hazardous materials are not expected to be used or stored on site in significant quantities. Residential uses would involve the use of limited quantities of hazardous materials such as solvents, fertilizers, pesticides, and other materials used for regular maintenance of buildings and landscaping. On-site use of hazardous materials may vary, but would likely be limited to fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials are common for residential uses and represent a low risk to people and the environment when used as intended. Therefore, long-term operational impacts associated with hazardous materials would be less-than-significant with incorporation of standard County regulations and conditions of approval. (1, 2, 3, 4)

- b) **Less than Significant Impact.** Implementation of the proposed project is not anticipated to create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Construction and operation of the project could result in the accidental release of hazardous material resulting in a potential hazard to the public. Construction activities would require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). The potential for hazardous material impacts during operation would be minimal due to small quantities of hazardous materials (herbicides, fertilizer, pesticides, etc.) required for daily residential operations and maintenance activities. Hazardous materials used during construction and operation would be stored within the staging area in accordance with BMPs, manufacturer labels, and applicable regulations. Runoff controls would be implemented to prevent water quality impacts and a spill plan would be developed to address any

accidental spills. Any waste products resulting from construction and operations would be stored, handled, and recycled or disposed of in accordance with federal, state, and local laws. For these reasons, this is considered a less-than-significant impact. (1, 2, 3)

- c) **No Impact.** Spring Grove School, located about 0.5 miles southeast of the project site, is the closest school to the site. There are no schools within a one-quarter mile radius of the project boundaries. As a result, the project would not result in the generation of a hazardous emission within a one-quarter mile radius of a school. There would be no impact in connection with the proposed project. (1, 2, 4)
- d) **No Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project. (1, 2, 9, 10)
- e) **No Impact.** The project site is not located within an adopted airport land use plan or within two (2) miles of any public or public use airports. The nearest airport to the project site is the Hollister Municipal Airport, located about three (3) miles southwest of the project site. The proposed project would not result in safety hazards or excessive noise from aircraft, and no impact would occur. (1, 2, 3, 4, 15)
- f) **No Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (“LHMP”) with the cities of Hollister and San Juan Bautista, and with two (2) water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. The project site, located on Comstock Road and Bluff Drive, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the County Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. For these reasons, the project would not interfere with any emergency response or evacuation plans and there would be no impact in connection with the proposed project. (1, 2, 3, 4, 13)
- g) **Less than Significant Impact.** CalFire prepares maps of FHSZs, which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is not located within a fire hazard severity zone as delineated by CalFire. However, the parcels located north of the project site on the opposite side of Comstock Road, as well as land to the east of the project site, are designated as moderate fire hazard severity zones by CalFire. While the project is located in a rural area and wildfire could expose people or structures directly or indirectly, the proposed project would comply with the applicable fire safety provisions of the California Building Code as well as standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. This is a less-than-significant impact. (1, 2, 11)

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

San Benito County has a moderate California coastal climate with a hot and dry summer season lasting May through October. Average annual rainfall ranges from seven (7) inches in the drier eastern portion of the County, to 27 inches per year in high elevations to the south. Most of the annual rainfall occurs in the fall, winter, and to a lesser extent, spring, generally between November and April (San Benito County, 2015).

Groundwater is the major source of water supply in the County. Groundwater is generally available throughout the County. The project is located on the Bolsa sub-basin of the North San Benito Basin (San Benito County Water District, 2018). The North San Benito Basin is not critically over-drafted, as defined by the Sustainable Groundwater Management Act (“SGMA”) and has been marked as medium priority.

The existing site is currently and has historically been used for agricultural uses. The site drains to the southwest.

Through the Federal Emergency Management Agency’s (“FEMA’s”) flood hazard mapping program, FEMA identifies flood hazards, assesses flood risks, and partners with states and communities to provide accurate flood hazard and risk data to guide them to mitigation actions. Flood hazard mapping is an important part of the National Flood Insurance Program (“NFIP”). The NFIP consists of three (3) components: flood insurance, floodplain management, and flood hazard mapping. FEMA maintains and updates data through Flood Insurance Rate Maps (“FIRMs”), which are used in the NFIP. These maps identify the locations of special flood hazard areas, including the 100-year flood zone.

Flood hazard areas identified on the FIRMs are identified as a Special Flood Hazard Area (“SFHA”). SFHA are defined as the area that will be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. The 1% chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood zone hazard areas, labeled Zone B or Zone X (Shaded) are also shown on the FIRM, and are the areas between the limits of base flood and the 0.2% annual chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2% annual chance flood, are labeled Zone C or Zone X (Unshaded).

Per the FEMA FIRM for the project site the project site is located in Zone X (Unshaded), which is outside the 0.2% annual chance floodplain (see **Figure 10 – Floodplain Map**).

Tsunamis or “tidal waves” are seismic waves created when displacement of a large volume of seawater occurs as a result of movement on seafloor faults. A seiche is a standing wave in an enclosed or partially enclosed body of water. Seiches are triggered by earthquake waves and have been observed on lakes, reservoirs, swimming pools, bays, harbors, and seas. A mudflow is a form of mass wasting involving very rapid to extremely rapid surging flow of debris that has become partially or fully liquified by the addition of significant amounts of water.

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to landward of 0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 10. The horizontal datum was NAD 83. CRS200 spheroid. Differences in datum, spheroid, projection or UTM zones in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NCEM, NCEM12
National Geodetic Survey
2560 C, 60202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the USDA National Agriculture Imagery Program (NAIP). This information was photogrammetrically completed at a scale of 1:24,000 from aerial photography dated 2005.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://msc.fema.gov>.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-356-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood) shown on this map is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the region where the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AD Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depth determined. For areas of actual flat flooding, average depth also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently discontinued. Zone AR includes the area that flood control system was designed to provide protection from the 1% annual chance or greater flood.

ZONE AW Area to be protected from 1% annual chance flood by a federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

Areas determined to be outside the 0.2% annual chance floodplain.

Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area Zones and boundaries showing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities

Base Flood Elevation line and value, elevation in feet

(EL 513)

Base Flood Elevation value where uniform within zone, elevation in feet

(EL 987)

* Referenced to the North American Vertical Datum of 1988

○ — ○ Cross section line

○ — — — — ○ Truncated line

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

87°07'45" 32'22"30"

17°06'N

000000 FT

5000-foot grid scale; California State Plane coordinate system, zone 10 (NAD 83) (SPS2000 CH4), Lambert Conformal Conic projection

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M 1.5

Map Repository

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

September 27, 1991

April 18, 2009 - to update corporate limits to incorporate previously issued Letters of Map Revision

EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6020.

MAP SCALE 1" = 1000'

0 1000 2000 FEET

0 300 600 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0090D

FIRM

FLOOD INSURANCE RATE MAP

SAN BENITO COUNTY, CALIFORNIA AND INCORPORATED AREAS

PANEL 90 OF 955
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
SAN BENITO COUNTY	0090D	90B	D

MAP NUMBER 0606C0090D

MAP REVISED APRIL 16, 2009

Federal Emergency Management Agency

Title: **Floodplain Map**

Date 11-17-2023

Scale _____

Project 2023-15



Monterey | San Jose

Denise Duffy and Associates, Inc.

Environmental Consultants Resource Planners

947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure **10**

170

4.10.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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 through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.10.3 Explanation

a) **Less than Significant with Mitigation Incorporated.**

Construction

Temporary soil disturbance would occur during construction of the proposed project as a result of earth-moving activities, such as excavation and trenching for utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site. In addition, the proposed project would potentially disturb more than one (1) acre of soil, which can result in potentially significant impacts. As a result, construction of future development facilitated by the proposed project could result in a significant impact related to water quality standards. The implementation of mitigation identified below would ensure that impacts would be less than significant.

Operation

Moreover, the proposed project would result in a net increase in impervious surfaces on the site by 15,189 sf compared to existing conditions, thereby potentially generating additional sources of polluted runoff. The types of pollutants contained in runoff may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported to downstream drainages and ultimately into collecting waterways, contributing to degradation of water quality.

These construction and operational phase impacts would be reduced to a less than significant level with implementation of **Mitigation Measure HYD-1**.

Mitigation

HYD-1 Prior to the issuance of a grading or building permit, the applicant shall retain a certified Qualified SWPPP Practitioner (“QSP”) and/or Qualified SWPPP Developer (“QSD”) to prepare a SWPPP. The SWPPP shall be submitted to County Resource Management Agency for review and approval prior to the issuance of grading or building permit. A QSD/QSP should be retained for the duration of the construction and should be responsible to coordinate and comply with requirements by the RWQCB and to monitor the project as to compliance with requirements until its completion. BMPs that are typically specified within the SWPPP may include, but would not be limited to, the following:

- The use of sandbags, straw bales, and temporary de-silting basins during project grading and construction during the rainy season to prevent discharge of sediment-laden runoff into storm water facilities.
- Revegetation as soon as practicable after completion of grading to reduce sediment transport during storms.
- Installation of straw bales, wattles, or silt fencing at the base of bare slopes before the onset of the rainy season (October 15th through April 15th).
- Installation of straw bales, wattles, or silt fencing at the project perimeter and in front of storm drains before the onset of the rainy season (October 15th through April 15th).

The QSD/QSP shall provide written documentation of compliance with the requirements of these measures to the County for review and approval following the completion of construction.

In addition, the proposed project would be required to obtain coverage under the RWQCB NPDES General Storm Water Permit. Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion, and contains requirements regarding discharge and construction site stormwater runoff control. BMPs for construction and post construction runoff.

Compliance with **Mitigation Measure HYD-1**, implementation of standard BMPs, and compliance with County erosion control requirements would reduce temporary impacts to surface water quality. As such, construction of the proposed project would not violate water quality standards or contribute additional sources of polluted runoff. Therefore, project-related impacts to water quality would be less-than-significant with mitigation incorporated. (1, 2, 8, 12)

- b) **Less than Significant Impact.** The proposed project involves the subdivision of an existing lot and the future construction of three (3) single-family residential units, two (2) ADUs, and a barn. The new residential units would be served by new wells drilled on each of the proposed lots. The California Department of Water Resources estimates a water use rate of 55 gallons per person per day for indoor use (Department of Water Resources, 2021). The proposed project would add approximately 14 people based on California Department of Finance estimates (see **Section 4.13 Population and Housing**), which represents daily water consumption of 770 gallons per day and 281,050 gallons annually. This would represent a minor intensification of water use compared to the existing agricultural (grazing) use of the site. Permits would be required for each of the proposed wells and the project applicant would be required to complete a water quality analysis to prove that potable water is available for each proposed lot.

The project would potentially affect groundwater recharge by increasing impervious surface. The site is approximately 39 acres and is currently used for agricultural purposes, including animal grazing. The proposed project would result in approximately 69,216 sf of new buildings and other site improvements. However, the proposed project also includes the removal of 54,027 sf of existing impervious surfaces. The proposed project would result in a net increase of 15,189 sf compared to existing conditions.

The proposed project would not significantly decrease groundwater and would adhere to San Benito County Code Article I. Groundwater Aquifer Protections, which limits extraction of groundwater. Stormwater runoff from the site would be affected by the net increase in impervious surfaces. However, the majority of the area within each lot would remain undisturbed, which would allow for some groundwater recharge on the site. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level at the site. Therefore, impacts would be less-than-significant. (1, 2, 8, 12, 49)

- ci-ciii) **Less than Significant Impact.** The proposed project would introduce new impervious surfaces that could alter the existing drainage pattern of the site or result in substantial erosion or siltation or flooding on- or off-site. Site topography is relatively flat, sloping slightly to the south, with an average elevation of approximately 318 feet above sea level (Google Earth, March 2023). The site drains to the southwest. There are no drainages or waterways on the portion of the project parcel proposed for development. As described above, the proposed project would include a SWPPP to identify required stormwater improvements to ensure that the design of the proposed project is in accordance with applicable standards and requirements of the County ordinances and permit requirements. The proposed project would not alter the course of a stream or river since none exist on the site. The proposed project would be required to comply with standard BMPs, including standard County requirements related to erosion control. The project site is relatively flat, and only minimal grading would be required for the building envelopes and access driveways. As a result, the project would have a less-than-significant impact.

The proposed project could create or contribute runoff water during construction and operation of the project. The project would be required to comply with standard BMPs, including standard County requirements related to erosion control and stormwater runoff. More specifically, the Applicant would be required to submit detailed grading permits to the County for review and approval prior to the issuance of any grading permit demonstrating compliance with applicable County requirements to manage on-site drainage and erosion. Compliance with applicable regulations and implementation of the proposed project drainage features and BMPs would reduce impacts due to runoff and water quality to a less-than-significant level. (1, 2, 8, 12, 20)

- civ) **Less than Significant Impact.** The project site is located within FEMA Zone X (Unshaded), which indicates that it is outside of the FEMA designated 100-year flood hazard area. As a result, the proposed project would not redirect or impede flood flows, as the site is located outside of the flood hazard area. Therefore, impacts would be less-than-significant. (1, 2, 4, 12, 14)
- d) **No Impact.** The proposed project site is not located in an area subject to significant seiche, tsunami, or mudflow risk. There would be no impact in connection with the proposed project. (1, 2, 4)
- e) **No Impact.** The project site is not subject to any water quality control plans or sustainable groundwater management plans. The project is located on the North San Benito Basin, which is not critically over-drafted as defined by the SGMA and has been marked as medium priority. The project would have no impact with respect to conflicting with an adopted water quality control plan or sustainable groundwater management plan. (1, 2, 3, 4, 24)

4.11 Land Use and Planning

4.11.1 Environmental Setting

The project site is located in an agricultural, rural area of unincorporated San Benito County, California. The project site is composed of an approximately 39-acre parcel (APN 017-030-015) that contains three (3) single-family residences, two (2) garages, a shop building, two (2) paved driveways, and farmland. The portion of the project site that would be subdivided and developed is largely vacant. Surrounding land uses are primarily agricultural, with some rural residential uses in the vicinity.

The San Benito County 2035 General Plan is the planning document that guides development within the County. Surrounding lands are rural and consist primarily of agricultural uses. The project site is within the General Plan Agricultural (A) designation and Agricultural Productive (AP) Zoning District.

4.11.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.11.3 Explanation

- a) **No Impact.** The proposed project consists of the subdivision of an existing parcel and the construction of three (3) single-family residences, two (2) ADUs, and a barn on existing agricultural land and would not physically divide an established community. There would be no impact in connection with the proposed project. (1, 2)

- b) **Less than Significant Impact.** The proposed project would introduce new residential uses to an area designated for agricultural use. This introduction of new residential uses would not conflict with applicable land use plans and regulations adopted for the purpose of avoiding or mitigating an environmental effect as single-family residential uses are a permitted use under the Agricultural Productive (AP) Zoning District for lots a minimum of five (5) acres in size. Mitigation measures are identified throughout this document to ensure that potential adverse impacts associated with the proposed project would be minimized to a less than significant level. Thus, impacts would be less-than-significant. (1, 2, 3)

4.12 Noise

4.12.1 Environmental Setting

Noise is generally defined as unwanted sound that is disturbing or annoying. The policies in the County 2035 General Plan identify noise standards to avoid conflicts between noise-sensitive uses and noise source contributors. The project site is located in an agricultural area with a few residences located nearby. This includes the existing residences that would remain on the site on Lot 4, as well as additional, off-site residences located approximately 450 feet to the north, 400 feet to the southeast, 800 feet to the east, 500 feet to the south, and 870 feet to the west.

Health and Safety Policies under Goal HS-8 of the San Benito County 2035 General Plan identify noise and land use compatibility guidelines. San Benito County Code, Title 19, Chapter 19.39, Article IV, Sound Level Restrictions, limits received noise generated by any sources at any property line. The noise guidelines generally utilize an exterior noise limit of 70 decibels Ldn (day/night level)⁵ at residential properties. Existing noise levels on the site were not measured, but given the site's location in a rural area, they are expected to be low, in the range of 45 – 55 Ldn.

4.12.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁵ The Ldn represents the average sound level over a 24-hour period, accounting for greater noise sensitivity during night hours by adding five (5) decibels to noise between 7-10 p.m. and 10 decibels to noise between 10 p.m.-7 a.m.

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE. Would the project result in:				
c) For a project located within the vicinity of a private airstrip or 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"/>

4.12.3 Explanation

a) Less than Significant Impact.

Construction

Construction of the project would result in short-term noise increases in the project vicinity. Noise impacts from construction activities depend on the type of construction equipment used, the timing and length of activities, the distance between the noise generating construction activities and receptors and shielding. The length of the construction schedule is not known at this time; the lots created by the subdivision may be developed all at once or gradually over time. Construction equipment is expected to include, but not be limited to, a mini excavator, backhoe, water truck, and forklift. **Table 3** shows the typical construction equipment noise levels.

Equipment	Typical Noise Level (dBA) at 50 feet from Source	
	L _{Max}	L _{eq}
Compactor, Concrete Vibratory Mixer	80	73
Backhoe/Front-end Loader, Air Compressor	80	76
Generator	82	79
Crane, Mobile	85	77
Jack Hammer, Roller	85	78
Dozer, Excavator, Grader, Concrete Mixer Truck	85	81
Paver, Pneumatic Tools	85	82

According to the San Benito County 2035 General Plan, typical hourly average construction noise levels could be as loud as 75 - 80 decibels at a distance of ± 100 -feet from the construction area during active construction periods. The nearest sensitive receptors are residences located approximately 450 feet to the north, 400 feet to the southeast and 500 feet to the south of the site. Based on the average construction noise levels in **Table 3** and the distance to the nearest sensitive receptors, the proposed project would not exceed County noise standards.

Construction activities would be limited to weekdays between the hours of 8:00 AM and 5:00 PM; no night-time construction would be required. Additionally, the distance to the nearest receptor would limit noise impacts to neighboring residences. Construction noise would be temporary and would cease following completion of construction activities. Therefore, short-term construction noise impacts would be less-than-significant.

Operation

The proposed development is located in a rural agricultural setting and would introduce new residential land uses to the site. Residential land uses are permitted under the Agricultural Productive (AP) Zoning District for lots a minimum of five (5) acres in size. Section 19.39.030 of the San Benito County Code sets maximum sound level standards of 45 dBA during daytime and 35 dBA during nighttime for the Agricultural Productive Zoning District. The three (3) single-family residences introduced to the site as part of the proposed project would not be a major source of ambient noise during occupancy. Therefore, long-term operational noise impacts would be less-than-significant. (1, 2, 3, 4)

- b) **Less than Significant Impact.** Construction of the project would generate temporary groundborne vibration. **Table 4** shows typical vibration velocities for construction equipment.

Equipment	Approximate Velocity Level at 25 Feet (“VdB”)	Approximate Peak Particle Velocity at 25 Feet (“inches/second”)	Approximate Peak Particle Velocity at 50 feet (“inches/second”)	Approximate Peak Particle Velocity at 400 feet (“inches/second”)
Pile Driving (sonic)	104	0.644	N/A ¹	0.006
Pile Driver (impact)	112	1.518	N/A ¹	0.015
Large Bulldozers	87	0.089	0.031	0.001
Small Bulldozer	58	0.003	0.001	0.000
Loaded Trucks	86	0.076	0.027	0.001
Jackhammer	79	0.035	N/A ¹	0.000

Note: Data reflects typical vibration level. Source: (U.S. Department of Transportation, May 2006)

A vibration impact could occur where noise-sensitive land uses are exposed to excessive vibration levels. Residences, which are considered sensitive receptors, are not located within close proximity of the site, with the closest residences located approximately 400 feet to the southeast and 450 feet to the north of the project site.

Vibration levels from construction equipment attenuate as they radiate from the source. Sensitive receptors in the area could be exposed to groundborne vibrations of varying magnitudes depending on the type of equipment and proximity to construction activities. Ground-disturbing activities associated with project grading could involve the operation of construction equipment such as a mini-excavator and water truck. These activities would not impact sensitive receptors in the area due to the distance to the project construction site and limited construction equipment requirements. The vibration level associated with these types of equipment would attenuate to a maximum of approximately 0.003 inches per second at 25 feet, which would be well under the threshold of 0.2 inches per second. Vibration associated with the construction of the proposed project would be below levels that could cause damage to structures, would not result in prolonged interference for sensitive receptors, and would barely be perceptible. For these reasons, this represents a less-than-significant impact. (1, 2, 3, 4)

- c) **No Impact.** The project site is not located within the vicinity of a private airstrip or within the boundaries of any adopted airport land use plans. The project site is not located within two (2) miles of any airports. The nearest airport to the project site is the Hollister Municipal Airport, located about three (3) miles southwest of the project site. The proposed project would not be subject to excessive airport noise and no impact would occur. (1, 2, 4, 15)

4.13 Population and Housing

4.13.1 Environmental Setting

The most recent U.S. census population estimates for the County (2022) estimated a total population of 67,579 residents living in the County (US Census Bureau, 2022). The California Department of Finance’s E-5 Population and Housing Estimates for Cities, Counties, and the State for 2023 estimated that the total amount of housing units was 21,576 homes in the County (including the incorporated Cities of Hollister and San Juan Bautista) (California Department of Finance, 2023).

The County 2035 General Plan REIR notes that employment for 2010 in unincorporated areas of the County was approximately 4,530 jobs. The County 2035 General Plan REIR notes that there will be an increase at an estimated 6.44 percentage per year, and an estimated 94,731 total residents living in the County between 2010 and 2035. Concerning employment, a large number of San Benito County residents commute to other counties for work. Employment in the unincorporated areas of the County are projected to increase approximately 10 percent per year to an estimated 12,030 and 13,130 total jobs between 2010 and 2035. It is anticipated that there will be approximately 14,844 dwelling units located in unincorporated areas of the County, and 5,425 located within the City of Hollister’s sphere of influence, for a total of 20,269 homes. There is an estimated ratio of 2.85 persons per household in the unincorporated County, reflecting the past 50 years of declining persons per dwelling with a two (2)-percent decline from the 2010 ratio of persons per dwelling.

The County anticipates providing 182 new residential units for very low-income households, 282 residential units for low-income households, 331 new residential units for moderate income households, and 678 new residential units for above moderate households for a total of 1,655 new residential units located in the unincorporated County by the year 2035 (County of San Benito, 2015). Various General Plan goals and policies, including those listed in the Housing Element, and the County Code reflect the County’s planning vision to accommodate the future growth projections. The proposed project would provide additional housing by facilitating construction of three (3) single-family residences and two (2) ADUs, consistent with Goal HOU-2 of the Housing Element.

4.13.2 Environmental Impacts

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

4.13.3 Explanation

- a) **Less than Significant Impact.** The proposed project would add 14 residents, based on a factor of 2.87 residents per unit (inclusive of ADUs) (California Department of Finance, 2023). This increase in population represents a negligible amount in comparison with the 94,731 total residents accounted for

by the General Plan between 2010 and 2035 (0.0002%). As such, the population increase resulting from the project would not constitute substantial unplanned growth. Impacts would be less than significant. (1, 2, 3, 4, 18)

- b) **No Impact.** The proposed project would subdivide an existing lot to create three (3) new lots, each of which would be developed with a new single-family residence. In addition, ADUs may be constructed on Lots 2 and 4. The areas where the new lots will be sited are currently used for agricultural purposes and do not contain any housing units. Therefore, the proposed project would not displace existing people or require the construction of new, off-site housing. No impact would occur. (1, 2)

4.14 Public Services

4.14.1 Environmental Setting

Fire Protection: Fire protection services at the project site are provided to the project site by the San Benito County Fire Department. Hollister Fire Station 3 is the nearest fire station, located at Hollister Municipal Airport, Hollister, CA 95023, approximately four (4) miles southwest of the project site. Residential development in San Benito County is required to pay a fire protection impact fee to offset costs associated with increased demand for fire protection services. All fees for fire protection must be paid to the County prior to the issuance of permits. The County's fire protection impact fee for single-family residential is \$1,662 per structure (County of San Benito, 2018).

Police Protection: Police protection services are provided to the project site by the San Benito County Sheriff's Office. The County operates one (1) Sheriff's Office located at 2301 Technology Parkway in the City of Hollister, which is located approximately four (4) miles southwest of the project site. Residential development in San Benito County is required to pay a law enforcement impact fee to offset costs associated with increased demand for policing services. All fees for law enforcement must be paid to the County prior to the issuance of permits. The County's law enforcement impact fee for single-family residential is \$1,518 per structure (County of San Benito, 2018).

Schools: The project is located within the North County Joint Union Elementary District ("NCJUSD") and the San Benito High School District ("SBHSD"). The closest school to the proposed project is the North County Joint Union School, which is located approximately 0.68 miles southwest of the project site. Both NCJUSD and SBHSD charge developer impact fees to offset impacts from new residential and commercial development on existing schools. NCJUSD's development impact fee for residential development is currently \$2.63 per sf and SBHSD's development impact fee for residential development is currently \$1.68 per sf.

Parks: The closest park to the proposed project is Hollister Wayside Park, which is located approximately 3.5 miles southwest of the project site. The County charges parks and recreation impact fees for new residential structures. The County's impact fee for single-family residential structures is currently \$4,634 per structure (County of San Benito, 2018).

Other Public Facilities: The County assesses various other impact fees for residential development to offset impacts on public facilities. All fees must be paid to the County prior to the issuance of permits (County of San Benito, 2018).

4.14.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.14.3 Explanation

- a-b) **Less than Significant Impact.** Construction and implementation of the proposed project would require fire and police protection services. However, this increase in service would not require additional police staff and vehicles such that new or expanded fire or police facilities would need to be constructed. Future construction facilitated by the proposed project would result in approximately 14 new residents. The City of Hollister Fire Department and San Benito County Sheriff already serve adjacent properties, including the project site. In addition, the proposed project would be required to pay the current fire protection and law enforcement impact fees to the County prior to the issuance of permits. The proposed project would not include a substantial population increase that would trigger the need to construct new stations or expand existing services. This represents a less-than-significant impact. (1, 2, 3, 4, 47)
- c-e) **Less than Significant Impact.** The project does not include new or physically altered schools, parks or other public services or facilities. In addition, the proposed project would not require any additional public services such as new schools, parks or other facilities, as the population increase associated with the proposed project would be minimal (14 total residents) and would not put a significant burden on public services such as schools and parks. Future residential construction facilitated by the proposed project would be subject to the current developer fees imposed by the NCJUSD (NCJUSD, 2024) and the SBHSD (SBHSD, 2024) at the time of development. In addition, the proposed project would be required to pay the parks, library, drainage, and other applicable impact fees to the County prior to the issuance of permits. This represents a less than significant impact. (1, 2, 45, 46, 47)

4.15 Recreation

4.15.1 Environmental Setting

Please refer to the discussion under **Section 4.14, Public Services**, above.

4.15.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
RECREATION. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

4.15.2 Explanation

- a, b) **Less than Significant Impact.** The project consists of the construction of three (3) single-family residences, two (2) ADUs, and a barn and would result in population increase estimated at 14 total residents. These new residents would be expected to incrementally increase the use of existing neighborhood and regional parks. However, the increase in population of 14 total individuals would be accommodated by existing local and regional park facilities and would not result in substantial physical deterioration of these facilities. In addition, the proposed project would be required to pay the current parks and recreation impact fees to the County prior to the issuance of permits. The population increase associated with the proposed project would not require the construction of additional recreational facilities, and no new recreational facilities are included in the proposed project. This represents a less than significant impact. (1, 2, 47)

4.16 Transportation/Traffic

4.16.1 Environmental Setting

The existing project site is accessible via Comstock Road, located approximately two (2) miles east of SR 156. The existing site is accessed via two (2) driveways that connect to Comstock Road. Regional access to the project site is provided by SR 156. Other roadways in the study area include Bluff Drive to the east, Ausaymas Court (which bisects the western portion of the existing site), and Little River Drive to the north. There are no sidewalks or marked crosswalks within the project area. There are no bicycle facilities in the project area. There are no bus stops within the vicinity of the project site.

4.16.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (for example, 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"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.16.3 Explanation

- a) **Less than Significant Impact.** The Circulation Element of the 2035 General Plan includes policies directing the development of the County transportation network. The 2035 General Plan (Policy C-1.12) states the County shall endeavor to maintain a General Plan target goal on LOS D at all locations. The proposed project consists of three (3) new single-family units and two (2) ADUs with an estimated population increase of 14 people. The addition of 14 people resulting from the project would not substantially increase the number of trips during AM or PM peak hours at intersections near the project site compared to existing conditions. In addition, the proposed project includes a right-of-way dedication and improvements to Comstock Road. These improvements are anticipated to consist of the installation of 38 feet of AB along the site’s Comstock Road frontage and construction of half of a planned 28-foot improvement consisting of laying down AC surface on top of the AB. These improvements would be required prior to recordation of the final map and would be consistent with Policies C-1.5 and C-1.9 of the Circulation Element of the 2035 General Plan. As a result, the proposed project would not conflict with existing policies addressing circulation. This represents a less than significant impact. (1, 2, 3)
- b) **Less than Significant Impact.** Section 15064.3 (b)(1) of the CEQA Guidelines identifies that VMT exceeding an applicable threshold of significance may indicate that a project has a significant transportation related effect. Currently, the County of San Benito does not have adopted VMT thresholds. As a result, the analysis completed for the proposed project used state published guidance to determine the threshold for significance. Technical Advisory on Evaluating Transportation Impacts in CEQA (Page 12) provides “screening thresholds” for the project description that indicate whether a project may have a significant impact. It states that “[s]creening thresholds such as project size, maps, transit availability, and provision of affordable housing, quickly identify when a project is expected to cause a less-than-significant impact without conducting a detailed study. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (“SCS”) or general plan, projects that generate or attract fewer than

110 trips per day generally may be assumed to cause a less-than-significant transportation impact.” (Office of Planning and Research, 2018). The proposed project consists of the subdivision of an existing lot and the construction of three (3) single-family residences and two (2) ADUs, with a projected population increase of 14 people. Construction of the proposed project would generate vehicle trips associated with moving equipment on- and off-site as well as worker trips. However, construction phase trips would be temporary and would not represent a permanent increase in VMT. The proposed project would generate approximately 9.43 daily trips per residence, for a total of approximately 47 daily trips (inclusive of ADUs), based on trip generation rates provided by the Institute of Transportation Engineers (“ITE”) 2021 Trip Generation Manual (Institute of Transportation Engineers, 2021). Trips generated by the proposed project would be under the 110 trips per day threshold due to the limited size of the proposed development and number of proposed units. Therefore, the proposed project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2). This is a less-than-significant transportation impact under CEQA. (1, 2, 3, 25, 50)

- c) **Less than Significant Impact.** The proposed project includes new access driveways with a minimum width of 30 feet for each of the residential lots. This would be adequate for the minimal anticipated traffic demand to and from each single-family residence and ADU. The driveways would be designed to comply with all current design and safety criteria, as well as Policy C-1.14 of the Circulation Element of the 2035 General Plan. The proposed project would not increase hazards or introduce incompatible uses onto a public roadway. This represents a less-than-significant impact. (1, 2, 3, 4)
- d) **Less than Significant Impact.** San Benito County has prepared a Multi-Jurisdiction LHMP with the cities of Hollister and San Juan Bautista, and with two (2) water agencies. The LHMP designates certain roadways in the County for primary evacuation routes, as described in **Section 4.9, Hazards and Hazardous Materials**. Panoche Road is the primary evacuation roadway for the County. The proposed project, located on Comstock Road and Bluff Drive, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with County Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. Therefore, the proposed project would not interfere with any emergency response or evacuation plans. This represents a less-than-significant impact. (1, 2, 3, 4)

4.17 Tribal Cultural Resources

4.17.1 Environmental Settings

California Assembly Bill (“AB”) 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code §21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the CRHR or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

In compliance with AB 52, the County RMA sent notices to California Native American Tribes notifying the tribes of the proposed project and soliciting requests for consultation (see attached sample AB 52 Consultation letter sent by the County, **Appendix D**) on August 12, 2022. The County received a request for consultation from Valentin Lopez, Chairperson of the Amah Mutsun Tribal Band (“AMTB”). County staff conducted a site visit with AMTB representatives on November 2, 2022. AMTB did not identify any specific tribal cultural

resources concerns associated with the proposed project. The proposed project would not result in new or increased development in portions of Lot 1 which were previously assessed for cultural sensitivity. AMTB requested notification in the event that any future development or significant ground disturbance is proposed within the identified area of cultural sensitivity located on Lot 1.

4.17.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.17.3 Explanation

- a) **No Impact.** As described above in **Section 4.5 Cultural Resources**, the project site does not contain any resources that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There are no historical resources within the project area, and, as a result, there is no impact. (1, 2, 3)
- b) **Less than Significant Impact with Mitigation Incorporated.** No tribal cultural resources or Native American resources have been documented on the portion of the project site intended for future development under the proposed project. The County conducted a site visit with representatives of the AMTB on November 2, 2022. AMTB confirmed that the portion of the property previously assessed for cultural sensitivity is within Lot 1 and is not proposed for future development under the proposed project. However, as described above in **Section 4.5, Cultural Resources**, previously unknown or buried resources could be present within the areas of Lots 2, 3, and 4 proposed for future development under the proposed project. The implementation of **Mitigation Measures CR-1** and **CR-2** would ensure that potential impacts would be less-than-significant. (1, 2, 3)

4.18 Utilities and Service Systems

4.18.1 Environmental Setting

Water and Wastewater. The proposed project would be served by new groundwater wells drilled on each lot, as well as new septic systems installed on each lot.

Storm Drainage. The San Benito River, Pajaro River, and the Santa Ana Creek tributary are the three (3) natural channels that receive stormwater from the County. Stormwater drainage systems serve very few areas of the County. Water and/or wastewater service are provided by five (5) service providers and several CSAs. Most residents and businesses in the unincorporated County rely on individual drainage solutions or small-scale drainage systems. Impervious surfaces would be increased by approximately 17,760 sf for Lot 2, 19,305 sf for Lot 3, and 14,160 sf for Lot 4 (inclusive of driveways), for a total of 51,255 sf of impervious surfaces. The project also includes an additional 17,991 sf of impervious surfaces associated with the proposed improvements to Comstock Road. However, two (2) concrete pads would be removed from Lot 2, resulting in a reduction of 54,027 sf of impervious surfaces compared to existing conditions. Overall, the proposed project would result in a 15,189 sf net increase in impervious surfaces (see **Table 1**).

Solid Waste. The current solid waste disposal and recycling service provider for the City of Hollister, the City of San Juan Bautista, and most parts of unincorporated San Benito County is Recology. Recology transports solid waste to the John Smith Road Landfill (“JSRL”), which is owned by the San Benito County Integrated Waste Management Department (“IWMD”) and operated by Waste Connections, Inc. The JSRL is the only operating active solid waste landfill in the County and has a maximum permitted throughput of 1,000 tons per day. As of May 16, 2023, the JSRL has a remaining capacity of approximately 1,921,000 cubic yards (CalRecycle, 2023).⁶

Electric and Gas. Beginning in 2018, all PG&E customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy (3CE, originally called Monterey Bay Community Power). 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E who continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE’s standard electricity offering is carbon free and is classified as 31 percent renewable (3CE, 2023).

⁶ <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2151?siteID=2583>

4.18.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a 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"/>
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statuses and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.18.3 Explanation

- a) **Less than Significant Impact.** The proposed project would result in the creation of three (3) new lots and the future development of three (3) single-family residences, two (2) ADUs, and a barn. Each of the new lots would require a new on-site well to provide potable water for the new development. A well permit would be required for each new on-site well. Conformance with the terms and conditions of the well permits would ensure that the new wells are sited to avoid resulting in any additional environmental impacts. Construction of these well would not result in any additional impacts beyond those identified and mitigated in this document.

Septic systems would be installed for each of the three (3) new lots created by the proposed project. According to the geotechnical analysis conducted by Butano Geotechnical Engineering, Inc. (January 2022), on-site soils were determined to be suitable for installation of septic systems (see **Appendix B**). The locations of the septic systems are shown in **Figure 5**. The septic systems would be sized appropriately to serve the proposed development for each of the new lots. A sewage disposal system permit would be required for each new on-site septic system. Conformance with the requirements of the sewage disposal system permit would ensure that the proposed project would have a less than significant impact related to the expansion of wastewater systems.

The proposed project would result in a 15,189 sf net increase in impervious surfaces when accounting for the removal of two (2) existing concrete slabs, improvements to Comstock Road and the building envelopes for the structures and driveways for each of the three (3) new lots. Detailed drainage plans would need to be submitted to the County for review and approval prior to issuance of construction permits for development of each lot. The County will review drainage plans to ensure the stormwater facilities for the development is designed to detain the difference between a 10-year pre and 100-year post development, in accordance with County standards, and to detain flows in excess of this to release post-development flows at pre-development levels, satisfying post construction requirements, LID requirements, and County stormwater management requirements.

Electricity and natural gas services for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. The proposed project would likewise connect to existing telecommunications service infrastructure in the project vicinity. The proposed project would require additional electricity and natural gas consumption compared to what is currently used on-site. While additional electricity and natural gas would be consumed, the use would be accommodated by existing infrastructure and would not require relocation or expansion of existing infrastructure. Thus, the proposed project would have a less than significant impact related to expansion of existing or creation of new utility systems. (1, 2, 3, 8, 23)

- b) **Less than Significant Impact.** The California Department of Water Resources estimates a water use rate of 55 gallons per person per day for indoor use (Department of Water Resources, 2021). The proposed project would add approximately 14 people, which represents daily water consumption of 770 gallons per day and 281,050 gallons annually. The project is located on the North San Benito Basin, which is not critically over-drafted as defined by the SGMA and has been marked as medium priority. The proposed project includes the installation of three (3) new wells to serve the three (3) single-family residences, which would result in an increase in demand on available water supplies. Each of the proposed wells would require a permit from the County and completion of a Title 22 water quality analysis to prove that potable water is available for each proposed lot during normal, dry, and multiple dry years. This represents a less-than-significant impact. (1, 2, 14, 24)
- c) **Less than Significant Impact.** The proposed project includes the installation of new septic systems to serve each of the proposed three (3) new lots. The remainder of the site would continue to be connected to the existing septic system. The proposed project would not connect to an existing off-site wastewater treatment system and would not affect existing treatment capacity. This represents a less-than-significant impact. (1, 2)
- d-e) **Less Than Significant Impact.** The proposed project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, negatively impact solid waste services, impair the attainment of solid waste reduction goals. Additionally, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. General trash and recycling would be transported to the JSRL near Hollister. There would be a less-than-significant impact associated with solid waste generation. (1, 2, 19)

4.19 Wildfire

4.19.1 Environmental Setting

The project site is not located within moderate, high, or very high FHSZ, as designated by the California Department of Forestry and Fire Protection (CalFire, California Fire Hazard Severity Zone Viewer, 2020).

4.19.2 Environmental Impacts

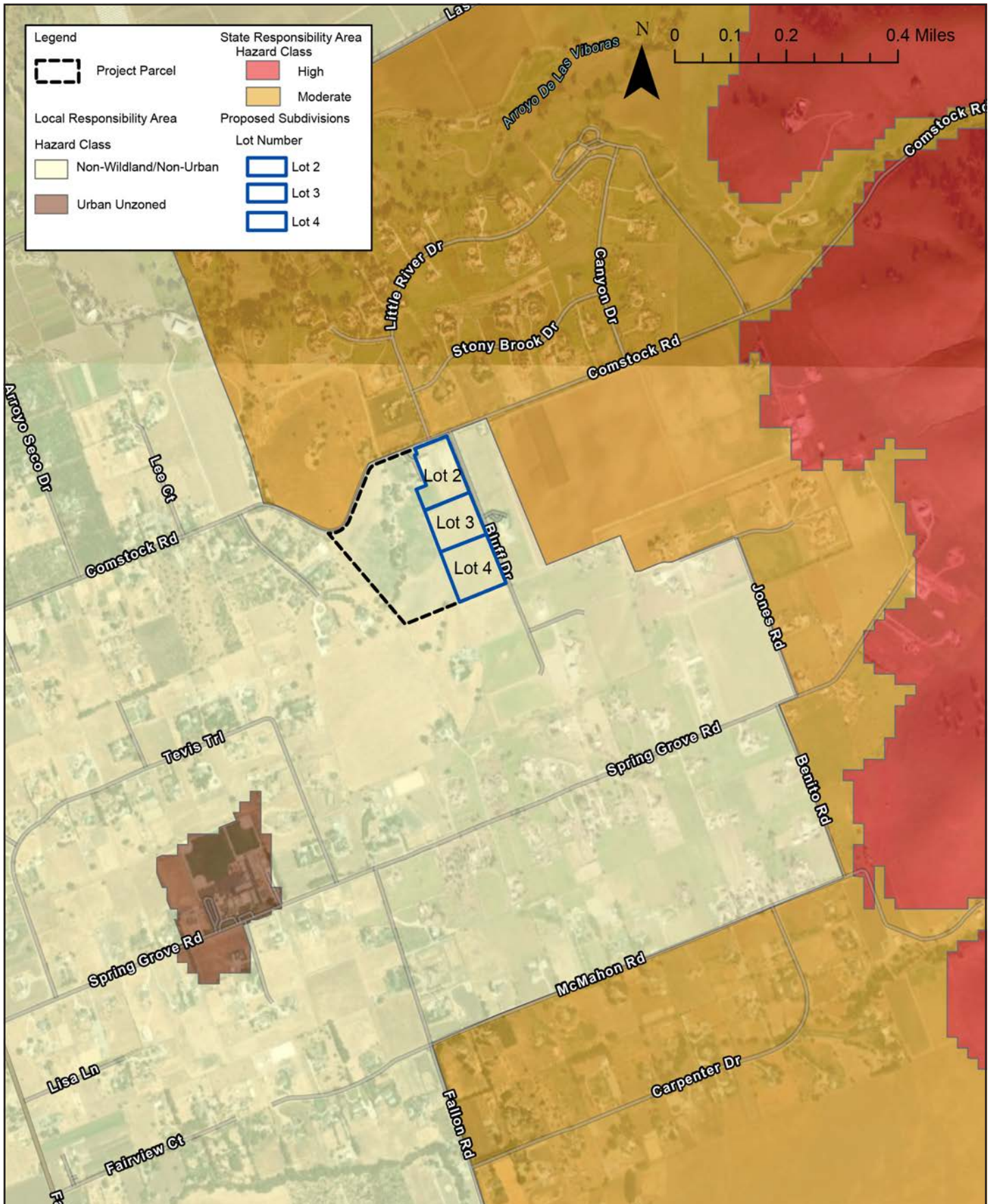
Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impact to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.3 Explanation

- a) **No Impact.** The proposed project is not located within a fire hazard severity zone as delineated by CalFire (see **Figure 11**). However, the parcels located north of the project site on the opposite side of Comstock Road, as well as land to the east of the project site, are designated as moderate fire hazard severity zones by CalFire. The proposed project would facilitate the future construction of three (3) single-family residences, two (2) ADUs, and a barn to the site. These new structures would be accessed via new paved driveways on Bluff Drive. The addition of this limited number of residential units would not substantially impair an adopted emergency response plan or evacuation plans. As a result, no impact would occur. (1, 2, 3, 4, 11)
- b) **Less Than Significant Impact.** The proposed project site slopes slightly to the south but is generally flat. The proposed project is not located within a fire hazard severity zone as delineated by CalFire. However, the parcels located north of the project site on the opposite side of Comstock Road, as well as land to the east of the project site, are designated as moderate fire hazard severity zones by CalFire. The proposed project does not interface directly with these parcels; therefore, the proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors. For these reasons, the proposed project would have a less-than-significant impact with respect to exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (1, 2, 3, 4, 11)
- c) **Less Than Significant Impact.** The proposed project includes the subdivision of three (3) lots and the future construction of up to three (3) single-family residences, two (2) ADUs, and a barn. The proposed project also includes three (3) new septic systems, three (3) new water wells, and three (3) new access driveways. The access driveways would be paved and would not result in increased fire risk

beyond existing conditions. Utility connections would be required to each of the new lots; however, all utilities, including powerlines, would be installed underground consistent with Section 23.17.003 of the San Benito County Code. Undergrounding of powerlines would reduce the risk of fire from utility malfunction compared to overhead powerlines. Therefore, the proposed project would have a less than significant impact related to exacerbating fire risk from installation or maintenance of infrastructure. (1, 2, 3, 4, 8)

- d) **Less Than Significant Impact.** The proposed project slopes slightly to the south as stated above, which could result in downslope flooding on the site under post-fire conditions. However, as discussed in **Section 4.10 Hydrology and Water Quality**, the proposed project would require drainage improvements to serve the proposed project, which would manage on-site drainage in the event of an on-site fire. In addition, the proposed project does not directly interface with any areas susceptible to wildfire. This represents a less than significant. (1, 2, 3, 4, 8)



<p>Title: Fire Hazard Sensitivity Map</p>	<p>Date <u>11-17-2023</u></p> <p>Scale _____</p> <p>Project <u>2023-15</u></p>	<p>Monterey San Jose</p> <p>Denise Duffy and Associates, Inc.</p> <p>Environmental Consultants Resource Planners</p> <p>947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341</p>	<p>Figure 11</p>
--	--	--	-----------------------------

4.20 Mandatory Findings of Significance

4.20.1 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) 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) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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"/>

4.20.2 Explanation

- a) **Less than Significant Impact with Mitigation.** The proposed project would not 1) degrade the quality of environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory. Future development facilitated by the proposed project could result in temporary and permanent impacts that would be mitigated to a less-than-significant level through the incorporation of mitigation measures identified in this IS/MND. Compliance with the mitigation measures contained in this document would ensure that all impacts are less-than-significant. Moreover, the proposed project would not adversely impact a cultural or historic resource that is an important example of a major period in California history with mitigation proposed in this IS/MND. Mitigation would reduce potential impacts to cultural resources resulting from ground-disturbing construction activities. With implementation of these measures (summarized in **Table 5**), the proposed project would not have the potential to significantly degrade the quality of the environment and impacts would be less-than-significant. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<u>Biological Resources</u>					
<p>BIO-1: The project applicant or future property owner will comply with ESA and CESA and will coordinate with USFWS and CDFW to determine whether incidental take authorization for CTS is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of this species is required, the project applicant or future property owner will comply with ESA and/or CESA to obtain the required incidental take permits from USFWS and/or CDFW prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation, restoration, and/or purchase of conservation credits from an approved mitigation bank. The project applicant or future property owner would be required to retain a qualified biologist to prepare a mitigation plan, which will include, but is not limited to, identifying avoidance and minimization measures, and identifying a mitigation strategy that includes a take assessment, avoidance and minimization measures, compensatory mitigation lands, success criteria, and funding assurances. The project applicant or future property owner would be required to implement the approved plan and any additional permit requirements. Proof of consultation with USFWS and CDFW, as well as any required incidental take permits, shall be provided to the County prior to the issuance of a grading permit.</p>	<p>Coordination with USFWS/CDFW, obtaining Incidental Take Permits, if required.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Project Applicant or future property owner, USFWS, CDFW</p>		
<p>BIO-2: Construction activities that may affect nesting raptors and other protected avian species may be timed to avoid the avian nesting season (which occurs February 1 through September 15). Specifically, vegetation and/or tree removal can be scheduled between September 16 and January 31. If this is not possible, pre-construction surveys for protected avian species shall be conducted by a qualified biologist within 15 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary. If nesting birds are identified during pre-construction surveys, an appropriate buffer shall be imposed within which no construction</p>	<p>Schedule construction outside of nesting season.</p> <p>If not feasible, conduct pre-construction surveys for protected avian species within 15 days in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary.</p>	<p>Prior to the commencement of construction activities.</p>	<p>Project Applicant, qualified biologist.</p>		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, as determined by the qualified biologist, or until after September 1 (when young are assumed fledged). This determination shall be documented in a brief memorandum to be reviewed and approved by the County prior to the start of construction,					
BIO-3: A qualified biologist will conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist will meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities, 3) the identification of special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-status species is encountered within the project site to avoid impacts. The qualified biologist shall provide the County with written documentation that the Employee Education Program was conducted prior to the start of construction.	Conduct an Employee Education Program for the construction crew	Prior to any construction activities.	Qualified biologist.		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<u>Cultural Resources</u>					
<p>CR-1: Prior to any ground disturbance requiring an encroachment, grading, or building permit, an extended Phase I study shall be conducted within the proposed project’s Area of Direct Impact (“ADI”) to determine the following:</p> <ul style="list-style-type: none"> • Whether the proposed project site contains subsurface archaeological deposits; and • If subsurface archaeological deposits are present, assess whether these deposits (within the project alignment) constitute an archaeological site and retains sufficient integrity for the evaluation of eligibility for the California Register of Historical Resources (“CRHR”). 	Phase I Archaeological Monitoring Report, Additional Mitigation Measures (if needed)	Prior to any ground disturbance requiring an encroachment, grading, or building permit.	County – RMA, Qualified Archaeologist, Construction Manager		
<p>CR-2: The project applicant shall retain a qualified archaeologist (project archaeologist) to be present on the project site from the start of ground disturbing work for the planned construction. If potentially significant archaeological resources are discovered, the project archaeologist shall halt excavation until any finds are properly evaluated. If a find is determined to be significant, work shall remain halted near the find to permit development and implementation of the appropriate mitigations (including selective data recovery) with the concurrence of the CEQA Lead Agency (San Benito County). At the discretion of the qualified archaeologist, monitoring could be discontinued if there is enough information collected from direct observation of the subsurface conditions to conclude that cultural resources do not exist. The qualified archaeologist shall provide either a monitoring report following the completion of construction or a written recommendation that monitoring is no longer necessary during construction for the County’s review and approval.</p>	Monitoring report or recommendation that ongoing monitoring is not required.	During construction and following completion of construction.	Qualified archaeologist, County- RMA		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<p>CR-3: Prior to construction, the project applicant’s project archeologist shall conduct a sensitivity training for cultural resources for all onsite personnel involved in ground disturbing activities. The qualified archaeologist shall provide the County with written documentation that the sensitivity training for cultural resources was conducted prior to the start of construction.</p>	Documentation proving sensitivity training occurred.	Prior to construction.	Qualified archaeologist, County -RMA		
<p>CR-4: If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)</p> <p>Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <p>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:</p> <ol style="list-style-type: none"> a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains. b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property 	Coordination with NAHC, adherence to MLD’s recommendations.	During construction activities	County – RMA, Qualified Archaeologist, Construction Manager, Native American Heritage Commission, County Coroner, Project Applicant		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<p>authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.</p> <p>c. Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.</p> <p>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]</p>					
<u>Geology and Soils</u>					
<p>GEO-1: Prior to the issuance of any grading or building permit, the applicant shall submit evidence demonstrating that the design-plans (including grading plans, foundation plans, and design loads) have been reviewed by a qualified professional certifying that the design complies with the recommendations outlined in Butano Geotechnical Engineering’s geotechnical report (Project No. 21-293-SB). If additional testing is recommended by the qualified professional, the applicant shall provide the results of the additional testing to the County for review and approval.</p>	Verification of design-plans.	Prior to issuance of grading or building permits	Project applicant, County RMA, Qualified Professional		
<p>GEO-2: During construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:</p> <ul style="list-style-type: none"> Stockpiling and disposing of demolition debris, concrete, and soil. 	Plan review by County.	<p>Prior to issuance of grading or building permits</p> <p>During construction</p>	Construction contractor, project applicant, County RMA		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<ul style="list-style-type: none"> Protecting existing storm drain inlets and stabilizing disturbed areas. Hydroseeding/re-vegetating disturbed areas. Minimizing areas of impervious surfaces. Implementing runoff controls (e.g., percolation basins and drainage facilities). Properly managing construction materials. Managing waste, aggressively controlling litter, and implementing sediment controls. Limiting grading to the minimum area necessary for construction and operation of the project. <p>County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.</p>		activities (implementation)			
<u>Hydrology and Water Quality</u>					
<p>HYD-1: Prior to the issuance of a grading or building permit, the applicant shall retain a certified Qualified SWPPP Practitioner (“QSP”) and/or Qualified SWPPP Developer (“QSD”) to prepare a SWPPP. The SWPPP shall be submitted to County Resource Management Agency for review and approval prior to the issuance of a grading or building permit. A QSD/QSP should be retained for the duration of the construction and should be responsible to coordinate and comply with requirements by the RWQCB and to monitor the project as to compliance with requirements until its completion. BMPs that are typically specified within the SWPPP may include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> The use of sandbags, straw bales, and temporary de-silting basins during project grading and construction during the rainy season to prevent discharge of sediment-laden runoff into storm water facilities. Revegetation as soon as practicable after completion of grading to reduce sediment transport during storms. 	<p>Prepare a SWPPP</p> <p>Retain QSD/QSP to coordinate and comply with RWQCB requirements.</p>	<p>Prior to start of grading/ construction activities</p> <p>Throughout the duration of construction.</p>	Project applicant, qualified QSP/QSD, County RMA		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<ul style="list-style-type: none"> Installation of straw bales, wattles, or silt fencing at the base of bare slopes before the onset of the rainy season (October 15th through April 15th). Installation of straw bales, wattles, or silt fencing at the project perimeter and in front of storm drains before the onset of the rainy season (October 15th through April 15th). <p>The QSD/QSP shall provide written documentation of compliance with the requirements of these measures to the County for review and approval following the completion of construction.</p>					
<u>Tribal Cultural Resources</u>					
<p>CR-1: Prior to any ground disturbance requiring an encroachment, grading, or building permit, an extended Phase I study shall be conducted within the proposed project’s Area of Direct Impact (“ADI”) in order to determine the following:</p> <ul style="list-style-type: none"> Whether the proposed project site contains subsurface archaeological deposits; and If subsurface archaeological deposits are present, assess whether these deposits (within the project alignment) constitute an archaeological site and retains sufficient integrity for the evaluation of eligibility for the California Register of Historical Resources (“CRHR”). 	Phase I Archaeological Monitoring Report, Additional Mitigation Measures (if needed)	Prior to any ground disturbance requiring an encroachment, grading, or building permit.	County – RMA, Qualified Archaeologist, Construction Manager		
<p>CR-2: The project applicant shall retain a qualified archaeologist (project archaeologist) to be present on the project site from the start of ground disturbing work for the planned construction. If potentially significant archaeological resources are discovered, the project archaeologist shall halt excavation until any finds are properly evaluated. If a find is determined to be significant, work shall remain halted near the find to permit development and implementation of the appropriate mitigations (including selective data recovery) with the concurrence of the CEQA</p>	Monitoring report or recommendation that ongoing monitoring is not required.	During construction and following completion of construction.	Qualified archaeologist, County- RMA		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
Lead Agency (San Benito County). At the discretion of the qualified archaeologist, monitoring could be discontinued if there is enough information collected from direct observation of the subsurface conditions to conclude that cultural resources do not exist. The qualified archaeologist shall provide either a monitoring report following the completion of construction or a written recommendation that monitoring is no longer necessary during construction for the County's review and approval.					
CR-3: Prior to construction, the project applicant's project archeologist shall conduct a sensitivity training for cultural resources for all onsite personnel involved in ground disturbing activities. The qualified archaeologist shall provide the County with written documentation that the sensitivity training for cultural resources was conducted prior to the start of construction.	Documentation proving sensitivity training occurred.	Prior to construction.	Qualified archaeologist, County -RMA		
CR-4: If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found: 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:	Coordination with NAHC, adherence to MLD's recommendations.	During construction activities	County – RMA, Qualified Archaeologist, Construction Manager, Native American Heritage Commission, County Coroner, Project Applicant		

Table 5
Summary of Mitigation Measures

<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<p>e. 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.</p> <p>f. 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.</p> <p>g. Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff-Coroner shall be notified immediately of the discovery as noted above.</p> <p>h. 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]</p>					

- b) **Less than Significant Impact.** Under CEQA “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. The proposed project would not result in a cumulatively considerable adverse environmental effect. This IS/MND contains mitigation to ensure that all impacts would be minimized to a less-than-significant level. The project would have temporary air quality impacts and GHG emissions that could contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the MBARD’s thresholds of significance. In addition, the proposed project would not induce potential population growth beyond existing levels; therefore, the project would not conflict with and/or obstruct the implementation of the MBARD 2012-2015 AQMP, or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a less-than-significant cumulative impact on the air quality and GHG. Overall, the project would have a less-than-significant cumulative impact.

Additionally, the RDEIR prepared for the County’s 2035 General Plan identified several significant unavoidable impacts that would potentially occur with buildout of the General Plan, including loss of prime farmland, light and glare, effects to sensitive species and habitats, exposure to flood hazards, noise, population growth, and transportation level of service impacts. This project is consistent with the General Plan land use designation; thus, the effects of the project were already considered programmatically as part of the General Plan RDEIR. As stated above and in topical sections of this IS/MND, in many cases, the proposed project would have no effect on impacts cited. For these reasons, the proposed project would not result in impacts that are individually limited, but cumulatively considerable.

- c) **Less than Significant Impact with Mitigation.** The proposed project would not cause any adverse effects on human beings with incorporation of mitigation. Specifically, potentially significant impacts from seismic hazards, including strong-seismic ground shaking, would be mitigated to a less than significant level with implementation of **Mitigation Measure GEO-1**. All potentially significant impacts associated with the proposed project can be mitigated to a less-than-significant level. Additionally, future construction-phase impacts facilitated by the proposed project would be temporary in nature and operation of future development facilitated by the proposed project would be required to comply with all federal, state, regional, and local regulations and all potentially significant impacts associated with project operations are mitigated to a less-than-significant level. Therefore, the proposed project would not have a substantial adverse effect on human beings, either directly or indirectly.

Chapter 5. References

LEAD AGENCY

San Benito County – Resource Management Agency

Arielle Goodspeed, Principal Planner

Jonathan Olivas, Assistant Planner

REPORT PREPARATION

Denise Duffy & Associates, Inc.

Denise Duffy, Principal

Tyler Potter, J.D., AICP, Senior Project Manager

Matthew Johnson, Senior Environmental Scientist

Jami Colley, Senior Environmental Scientist

Robyn Simpson, Deputy Project Manager/Associate Planner

Mikaela Bogdan, Assistant Planner

Luke Hiserman, Assistant Planner

Bibiana Carrazco, Assistant Environmental Scientist

BIBLIOGRAPHY

Albion Environmental, Inc. *Phase I Cultural Resource Inventory for the 1175 Comstock Road Subdivision Project, San Benito County, California*. May 2023.

Butano Geotechnical Engineering, Inc. 2022. *Geotechnical Investigation Design Phase for Proposed Residential Construction 1175 Comstock (APN 017-030-015), Hollister, San Benito County, California*. January 2022.

California Department of Conservation. 2023 Important Farmland Finder. Available online at <https://maps.conservation.ca.gov/dlrp/ciff/>

California Department of Conservation. 2023. California Earthquake Hazards Zone Application. Available online at: <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

California Department of Fish and Wildlife (CDFW). 2023a. California Natural Community List. Available online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398>

California Department of Fish and Wildlife (CDFW). 2023b. California Natural Diversity Database Rare Find 5 Report. Accessed November 2023.

California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

California Department of Fish and Wildlife. (CDFW). 2023c. San Benito County; Natural Community Conservation Plan. NCCP Planning Agreement No 2810-2022-001-04. Available at <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans/San-Benito>

California Native Plant Society (CNPS). 2001. Botanical Survey Guidelines. Available online at https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf

- California Native Plant Society (CNPS). 2023. Inventory of Rare and Endangered Plants of California (online edition, v9.5). Website <http://www.rareplants.cnps.org>
- CalRecycle. 2023. SWIS Facility/Site Summary Details: John Smith Road Landfill (35-AA-0001). Available online at: <https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/2583>.
- California Department of Conservation. 2024. SMARA Mineral Land Classification. Available online at: <https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification-smara>
- California Department of Finance, *E-5 Population Estimates for Cities, Counties and the State, 2020-2023*. Sacramento, California, May 2023. Available online at: <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
- California Department of Transportation. 2020. *Transportation and Construction Vibration Guidance Manual*. April 2020. Available online at: <https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals>
- California Department of Toxic Substance Control. 2023. Envirostor. Available online: <https://www.envirostor.dtsc.ca.gov/public/>
- California Department of Water Resources (“DWR”). 2023. SGMA Data Viewer. Available online at: <https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#gwlevels>
- California Department of Water Resources. 2021. State Agencies Recommend Indoor Residential Water Use Standard to Legislature. Available online at: <https://water.ca.gov/News/News-Releases/2021/Nov-21/State-Agencies-Recommend-Indoor-Residential-Water-Use-Standard>
- California State Water Resources Control Board. 2023. Geotracker. Available online: <https://geotracker.waterboards.ca.gov/>
- Central Coast Community Energy (3CE). 2023. About 3CE. Available at: <https://3cenergy.org/about-us/>.
- County of San Benito. 2023. Web GIS. Available online at: <https://www.cosb.us/departments/geographic-information-systems-gis>.
- County of San Benito County Code of Ordinances. Available Online At: <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>.
- County of San Benito. 2018. Building Impact Fee Summary. Available online at: <https://www.cosb.us/home/showpublisheddocument/1582/637205708444430000>
- County of San Benito. 2035 General Plan and Recirculated Environmental Impact Report, adopted by the Board of Supervisors July 21, 2015.
- County of San Benito. 2010. San Benito County General Plan Background Report.
- Earth Systems Pacific. 2008. *Report of Soil Profile Test Pits and Soil Percolation Testing, Russell Residential Development 1175 Comstock Road, Hollister, San Benito County, California*. August 17, 2008.
- EMC Planning Group. 2015. *San Benito County 2035 General Plan Updated Revised Draft Environmental Impact Report*.

Google. 2023. Google Earth. March 2023.

Hollister, San Benito County, CA. Code of Ordinance. Chapter 19.33: Management and Conservation of Woodlands. Available online at <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>

Hollister, San Benito County, CA. Code of Ordinance. Chapter 25.07: Tree Protection. Available online at <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>

Institute of Transportation Engineers. 2021. Trip Generation Manual.

Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final report to the California Department of Fish and Game, Inland Fisheries Division. 255 pp.

Kelley Engineering and Surveying. 2023. Impervious Area Estimate. October 2023.

Kelley Engineering and Surveying. 2023. Site Plan. October 2023.

Maggiora Bros. Drilling, Inc. 2022. Well Test Report. May 2, 2022.

Monterey Bay Air Resources District. 2008. CEQA Air Quality Guidelines, Revised February 2008.

Monterey Bay Air Resources District. 2017. 2012-2015 Air Quality Management Plan.

North County Joint Union School District. 2024. Developer Fee Information. Available online at: <https://www.ncjUSD.org/developer-fee-information/>

Office of Planning and Research. 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018. Available at: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

San Benito County Airport Land Use Commission. 2012. *Land Use Compatibility Plan, Hollister Municipal Airport*. Available online at: <http://www.sanbenitocog.org/pdf/ADOPTED%20%20ALUCP%20-June%202012.pdf>

San Benito County Water District. 2018. *Annual Groundwater Report 2018*. Available online at: <https://www.sbcwd.com/wp-content/uploads/2019/01/FINAL-Annual-Groundwater-Report-2018.pdf>

San Benito High School District. 2024. Finance and Operations. Available online at: <https://www.sbhsd.org/finance-and-operations/>

Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Available at <https://apps.wildlife.ca.gov/bios6/?bookmark=648>

Stebbins, R.C. 1972. California amphibians and reptiles. University of California Press, Berkeley, CA. 152 pp.

Stebbins, R.C. 2003. Western reptiles and amphibians, 3rd edition. Houghton Mifflin Company, New York, NY. 533 pp.

Trenham et al., 2000. Life History and Demographic Variation in California tiger salamander (*Ambystoma californiense*). Copeia, Vol. 200(2). pp 365-377.

United States Census Bureau. 2022. County Population Totals and Components of Change: 2020-2022. Available online at: <https://www.census.gov/data/tables/time-series/demo/popest/2020s-counties-total.html>

United States Environmental Protection Agency (“USEPA”). 2023. California Nonattainment/Maintenance Status for Each County by Year for all Criteria Pollutants. Available online at: https://www3.epa.gov/airquality/greenbook/anayo_ca.html

United States Fish and Wildlife Service (USFWS). 2004. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities; Final rule. Federal Register, Vol. 69(149). pp 47211-47248.

United States Fish and Wildlife Service (USFWS). 2005. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander; Central Population; Final Rule. Federal Register, Vol. 70(162). pp 49379-49458.

United States Fish and Wildlife Service (USFWS). 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally listed, Proposed and Candidate Plants. Available online at <https://www.fws.gov/ventura/docs/species/protocols/botanicalinventories.pdf>

United States Fish and Wildlife Service (USFWS). 2023a. General Provisions; Revised List of Migratory Birds; Final rule. Federal Register, Vol. 88(145). pp 49311-49355. Available online at: <https://www.federalregister.gov/documents/2023/07/31/2023-15551/general-provisions-revised-list-of-migratory-birds>

United States Fish and Wildlife Service. (USFWS). 2024. IPaC – Information for Planning and Consultation. Available online at <https://ecos.fws.gov/ipac/>

United States Fish and Wildlife Service (USFWS). 2023b. National Wetlands Inventory; Wetlands Mapper. Available at <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

CHECKLIST SOURCES

1. CEQA Guidelines and professional expertise of consultant.
2. Project Plans
3. County of San Benito 2035 General Plan and Recirculated Environmental Impact Report.
4. San Benito County WebGIS. Available online at: gis.cosb.us/gis.
5. California Department of Conservation. 2023. California Important Farmland Finder.
6. Monterey Bay Unified Air Pollution Control District CEQA Air Quality Guidelines, Revised February 2008.
7. Monterey Bay Air Resources District, 2012-2015 Air Quality Management Plan, adopted by the MBARD Board of Directors March 15, 2017.
8. San Benito County Code of Ordinances. Available Online at: <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>
9. California State Water Resources Control Board. 2023. Geotracker. Available online: <https://geotracker.waterboards.ca.gov/>
10. California Department of Toxic Substance Control, Envirostor.

11. Cal Fire, Fire Hazard Severity Map Viewer, 2023.
12. Federal Emergency Management Agency (“FEMA”) flood hazard mapping program, 2023.
13. San Benito County Operational Area Emergency Operations Plan. August 2015.
14. San Benito County Annual Groundwater Reports. Available online at <https://www.sbcwd.com/wp-content/uploads/2023/03/SGMA-Annual-Report-and-Appendices-WY22-FINAL-031623.pdf>
15. Land Use Compatibility Plan, Hollister Municipal Airport. Available online at: <http://www.sanbenitocog.org/pdf/ADOPTED%20%20ALUCP%20-June%202012.pdf>
16. Butano Geotechnical Engineering, Inc. 2022. Geotechnical Investigation.
17. Maggiora Bros. Drilling, Inc. 2022. Well Test Report.
18. California Department of Finance. 2023. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023.
19. CalRecycle. 2023. SWIS Facility/Site Summary Details: John Smith Road Landfill (35-AA-0001). Available online at: <https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/2583>.
20. Google. 2023. Google Earth.
21. Albion Environmental. 2023. Phase I Cultural Resources Inventory.
22. California Department of Conservation. 2023. EQ Zapp.
23. Earth Systems Pacific. 2008. Soil Profile Test Pits and Soil Percolation Testing.
24. San Benito County Water District. 2018. Annual Groundwater Report 2018.
25. Office of Planning and Research. 2018. VMT Technical Advisory.
26. California Department of Fish and Wildlife (CDFW). 2023a. California Natural Community List. Available online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398>
27. California Department of Fish and Wildlife (CDFW). 2023b. California Natural Diversity Database Rare Find 5 Report. Accessed November 2023.
28. California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
29. California Department of Fish and Wildlife. (CDFW). 2023c. San Benito County; Natural Community Conservation Plan. NCCP Planning Agreement No 2810-2022-001-04. Available at <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans/San-Benito>
30. California Native Plant Society (CNPS). 2001. Botanical Survey Guidelines. Available online at https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf
31. California Native Plant Society (CNPS). 2023. Inventory of Rare and Endangered Plants of California (online edition, v9.5). Website <http://www.rareplants.cnps.org>
32. Hollister, San Benito County, CA. Code of Ordinance. Chapter 19.33: Management and Conservation of Woodlands. Available online at <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>
33. Hollister, San Benito County, CA. Code of Ordinance. Chapter 25.07: Tree Protection. Available online at <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>
34. Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final report to the California Department of Fish and Game, Inland Fisheries Division. 255 pp.
35. Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Stritholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Available at <https://apps.wildlife.ca.gov/bios6/?bookmark=648>

36. Stebbins, R.C. 1972. California amphibians and reptiles. University of California Press, Berkeley, CA. 152 pp.
37. Stebbins, R.C. 2003. Western reptiles and amphibians, 3rd edition. Houghton Mifflin Company, New York, NY. 533 pp.
38. Trenham et al., 2000. Life History and Demographic Variation in California tiger salamander (*Ambystoma californiense*). *Copeia*, Vol. 200(2). pp 365-377.
39. United States Fish and Wildlife Service (USFWS). 2004. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities; Final rule. *Federal Register*, Vol. 69(149). pp 47211-47248.
40. United States Fish and Wildlife Service (USFWS). 2005. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander; Central Population; Final Rule. *Federal Register*, Vol. 70(162). pp 49379-49458.
41. United States Fish and Wildlife Service (USFWS). 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally listed, Proposed and Candidate Plants. Available online at <https://www.fws.gov/ventura/docs/species/protocols/botanicalinventories.pdf>
42. United States Fish and Wildlife Service (USFWS). 2023a. General Provisions; Revised List of Migratory Birds; Final rule. *Federal Register*, Vol. 88(145). pp 49311-49355. Available online at: <https://www.federalregister.gov/documents/2023/07/31/2023-15551/general-provisions-revised-list-of-migratory-birds>
43. United States Fish and Wildlife Service. (USFWS). 2024. IPaC – Information for Planning and Consultation. Available online at <https://ecos.fws.gov/ipac/>
44. United States Fish and Wildlife Service (USFWS). 2023b. National Wetlands Inventory; Wetlands Mapper. Available at <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
45. North County Joint Union School District. 2024. Developer Fee Information. Available online at: <https://www.ncjUSD.org/developer-fee-information/>
46. San Benito High School District. 2024. Finance and Operations. Available online at: <https://www.sbhsd.org/finance-and-operations/>
47. County of San Benito. 2018. Building Impact Fee Summary. Available online at: <https://www.cosb.us/home/showpublisheddocument/1582/637205708444430000>
48. California Department of Conservation. 2024. SMARA Mineral Land Classification. Available online at: <https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification-smara>
49. California Department of Water Resources. 2021. State Agencies Recommend Indoor Residential Water Use Standard to Legislature. Available online at: <https://water.ca.gov/News/News-Releases/2021/Nov-21/State-Agencies-Recommend-Indoor-Residential-Water-Use-Standard>
50. Institute of Transportation Engineers. 2021. Trip Generation Manual.

Appendix A
CNDDDB Database List

This Page Intentionally Left Blank

Special-Status Species Table

(Quadrangles: Hot Springs, Pacheco Pass, Pacheco Peak, San Felipe, Three Sisters, Mariposa Peak, Hollister, Tres Pinos, Quien Sabe Valley)

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
MAMMALS			
<i>Antrozous pallidus</i> Pallid bat	-- / CSC / --	Occurs in a wide variety of habitats including grasslands, shrublands, arid desert areas, oak savanna, coastal forested areas, and coniferous forests of the mountain regions of California. Most common in open, dry habitats with rocky areas for roosting. Day roosts include caves, crevices, mines, and occasionally hollow trees and buildings. Seems to prefer rocky outcrops, cliffs, and crevices with access to open habitats for foraging. Similar structures are used for night roosting and will also use more open sites such as eaves, awnings, and open areas under bridges for feeding roosts.	Unlikely No suitable habitat present within the survey area.
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	-- / CSC / --	Found primarily in rural settings from inland deserts to coastal redwoods, oak woodland of the inner Coast Ranges and Sierra foothills, and low to mid-elevation mixed coniferous-deciduous forests. Typically roost during the day in limestone caves, lava tubes, and mines, but can roost in buildings that offer suitable conditions. Night roosts are in more open settings and include bridges, rock crevices, and trees.	Low Trees within the survey area may provide suitable night roosts; however, no suitable day roost habitat is present within the survey area.
<i>Eumops perotis californicus</i> Western mastiff bat	-- / CSC / --	Many open habitats including conifer and deciduous woodlands, coastal scrub, grassland, and chaparral. Roost in crevices in cliff faces, high buildings, trees, and tunnels. Nursery roosts are tight rock crevices at least 35 inches deep and 2 inches wide, or crevices in buildings.	Not Present No suitable habitat present within the survey area.
<i>Lasiurus frantzii</i> Western red bat	-- / CSC / --	Roosting and nursery habitat include trees and sometimes shrubs in forests and woodlands from sea level up through mixed conifer forests. Roost sites are often in edge habitats adjacent to streams, fields, or urban areas. Preferred roost sites are protected from above, open below, and located above dark groundcover. Feeds over a wide variety of habitats, including grasslands, shrublands, open woodlands and forests, and croplands.	Unlikely No suitable habitat present within the survey area.

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
<i>Taxidea taxus</i> American badger	-- / CSC / --	Dry, open grasslands, fields, pastures savannas, and mountain meadows near timberline are preferred. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated grounds.	Unlikely Suitable habitat is not present within the survey area. Mammal burrows identified during project site survey however no sign of American badger activity and burrows were not of sufficient depth or diameter to support this species.
<i>Vulpes macrotis mutica</i> San Joaquin Kit fox	FE / ST / --	Open, level areas with loose-textured soils supporting scattered, shrubby vegetation with little human disturbance. Live in annual grasslands or grassy open stages dominated by scattered brush, shrubs, and scrub.	Unlikely The CNDDDB identifies a historic occurrence of this species within the survey area; however, due to the active agricultural activities, suitable habitat for this species is not present. In addition, no burrows of sufficient size to support this species were observed during the survey effort.
BIRDS			
<i>Agelaius tricolor</i> Tricolored blackbird (nesting colony)	-- / ST / --	Nest in colonies in dense riparian vegetation, along rivers, lagoons, lakes, and ponds. Forages over grassland or aquatic habitats.	Unlikely Suitable habitat is not present within the survey area.
<i>Aquila chrysaetos</i> Golden eagle (nesting & wintering)	-- / CFP / --	Use rolling foothills, mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes, cliffs, and rocky outcrops. Nest in secluded cliffs with overhanging ledges as well as large trees.	Unlikely Suitable nesting habitat is not present within the survey area.
<i>Athene cunicularia</i> Burrowing owl (burrow sites & some wintering sites)	-- / CSC / --	Year-round resident of open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats. Frequent open grasslands and shrublands with perches and burrows. Use rodent burrows (often California ground squirrel) for roosting and nesting cover. Pipes, culverts, and nest boxes may be substituted for burrows in areas where burrows are not available.	Unlikely Suitable habitat is not present within the survey area. Mammal burrows were identified during project site survey however no sign of burrowing owl activity was observed. Active agricultural practices preclude this species from nesting or overwintering.
<i>Buteo swainsoni</i> Swainson's hawk (nesting)	-- / ST / --	Generally found associated with plains, range, open hills, and sparse trees. Suitable nesting habitat includes trees within mature riparian forest or corridors, lone oak trees and oak groves, and mature roadside trees. Nest sites are generally adjacent to, or within easy flying distance to suitable foraging habitat that provides available prey resources. Within California, the majority of breeding for this species occurs within the Central Valley.	Low Trees present within the survey area may provide suitable nesting habitat; however most of the breeding for this species occurs within the Central Valley.

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
<i>Circus hudsonius</i> Northern harrier (nesting)	-- / CSC / --	Generally found in flat open areas with tall, dense grasses, shrubs, and edges for cover and breeding. Use tall grasses in wetlands or at wetland borders for nesting.	Unlikely No suitable nesting habitat within the survey area.
<i>Haliaeetus leucocephalus</i> Bald eagle	-- / SE / --	Perches high in large, stoutly limbed trees, on snags or broken-topped trees, or on rocks near waters. Roosts communally in winter in dense, sheltered, remote conifer stands. Nests in large, old-growth, or dominant live tree with open branchwork, especially ponderosa pine. Often chooses largest tree in a stand on which to build stick platform nest. Require large bodies of water, or free flowing rivers with abundant fish.	Unlikely No suitable habitat for nesting within the survey area.
<i>Riparia riparia</i> Bank swallow (nesting)	-- / ST / --	Nest colonially in steep sand, dirt, or gravel banks, in burrows dug near the top of the bank, along the edge of inland water, or along the coast, or in gravel pits, road embankments, etc. Found near water, fields, marshes, streams, and lakes.	Unlikely No suitable nesting habitat within the survey area.
REPTILES AND AMPHIBIANS			
<i>Ambystoma californiense</i> California tiger salamander	FT / ST / --	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need underground refuges and vernal pools or other seasonal water sources.	Moderate Ruderal habitat within the survey area may provide suitable upland habitat and small mammal burrows were documented within this area. Active agriculture areas may also provide marginal upland habitat. No breeding habitat is present within the survey area; however a pond is present approximately 0.1 mi (0.2 km) from the proposed development lots within proposed lot 1. The closest CNDDDB occurrence is approximately 2.6 (4.2 km) from the survey area. Several other aquatic resources that may provide breeding habitat are present within the dispersal distance to the survey area.
<i>Emys marmorata</i> Western pond turtle	-- / CSC / --	Associated with permanent or nearly permanent water in a wide variety of habitats including streams, lakes, ponds, irrigation ditches, etc. Require basking sites such as partially submerged logs, rocks, mats of vegetation, or open banks.	Unlikely No suitable habitat within the survey area. The agricultural pond located 0.1 mi west of the survey area within the proposed lot 1 is void of basking sites and dense vegetation and unlikely to support this species. In addition, the survey area is not within the distance that this species is known to move from ponds to nest (100 m).

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
<i>Masticophis flagellum ruddocki</i> San Joaquin whipsnake	-- / CSC / --	Variety of habitats-deserts, scrub land, juniper-grassland, woodland, thorn forest, and farmland. Usually avoids dense vegetation. Ranges from Arbuckle in the Sacramento Valley in Colusa County southward to the Grapevine in the Kern County portion of the San Joaquin Valley and westward into the inner South Coast Ranges. An isolated population also occurs in the Sutter Buttes.	Low Lack of or poor-quality habitat within the survey area.
<i>Phrynosoma blainvillii</i> Coast horned lizard	-- / CSC / --	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	Unlikely No suitable habitat present within the survey area.
<i>Rana boylei</i> Foothill yellow-legged frog (Central Coast DPS)	FT / SE / --	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats, including hardwood, pine, and riparian forests, scrub, chaparral, and wet meadows. Rarely encountered far from permanent water.	Unlikely No suitable habitat within the survey area.
<i>Rana draytonii</i> California red-legged frog	FT / CSC / --	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	Low Only poor-quality habitat is present within the survey area. The agricultural pond located approximately 0.1 mile from the survey area within proposed lot 1 generally lacks vegetation within and surrounding the pond to support this species and therefore has a low potential to support breeding. The closest CNDDDB occurrence is approximately 2 miles northwest from the survey area.
<i>Spea hammondi</i> Western spadefoot	-- / CSC / --	Grasslands with shallow temporary pools are optimal habitats for the western spadefoot. Occur primarily in grassland habitats but can be found in valley and foothill woodlands. Vernal pools are essential for breeding and egg laying.	Unlikely No suitable habitat within the survey area.
<i>Taricha torosa torosa</i> Coast Range newt (Monterey County south only)	-- / CSC / --	Occurs mainly in valley-foothill hardwood, valley-foothill hardwood-conifer, coastal scrub, and mixed chaparral but is known to occur in grasslands and mixed conifer types. Seek cover under rocks and logs, in mammal burrows, rock fissures, or man-made structures such as wells. Breed in intermittent ponds, streams, lakes, and reservoir.	Unlikely No suitable habitat within the survey area.
FISH			
<i>Lavinia exilicauda harengus</i> Monterey hitch	-- / CSC / --	Found only within the Pajaro and Salinas River systems. Can occupy a wide variety of habitats, however, they are most abundant in lowland areas with large pools or small reservoirs that mimic such conditions. May be found in brackish water conditions within the Salinas River lagoon during the early summer months when the sandbar forms at the mouth of the river.	Not Present Suitable habitat is not present within the survey area.

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
INVERTEBRATES			
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT / -- / --	Require ephemeral pools with no flow. Associated with vernal pool/grasslands from near Red Bluff (Shasta County), through the central valley, and into the South Coast Mountains Region. Require ephemeral pools with no flow.	Not Present Suitable habitat is not present within the survey area.
PLANTS			
<i>Arctostaphylos pajaroensis</i> Pajaro manzanita	-- / -- / 1B	Chaparral on sandy soils at elevations of 30-760 meters. Evergreen shrub in the Ericaceae family; blooms December-March.	Unlikely Suitable habitat is not present within the survey area.
<i>Astragalus tener</i> var. <i>tener</i> Alkali milk-vetch	-- / -- / 1B	Playas, valley and foothill grassland on adobe clay, and vernal pools on alkaline soils at elevations of 1-60 meters. Annual herb in the Fabaceae family; blooms March-June.	Unlikely Suitable habitat is not present within the survey area, and the survey area is not within the elevation tolerance range of the plant.
<i>Delphinium californicum</i> ssp. <i>interius</i> Hospital Canyon California larkspur	-- / -- / 1B	Openings in chaparral, coastal scrub, and mesic areas of cismontane woodland at elevations of 230-1095 meters. Perennial herb in the Ranunculaceae family; blooms April-June.	Unlikely Suitable habitat is not present within the survey area.
<i>Deinandra halliana</i> Hall's tarplant	-- / -- / 1B	Chenopod scrub, cismontane woodland, and valley and foothill grassland on clay soils at elevations of 260-950 meters. Annual herb in the Asteraceae family; blooms April-May.	Unlikely Suitable habitat is not present within the survey area.
<i>Dudleya abramsii</i> ssp. <i>setchellii</i> Santa Clara Valley dudleya	-- / -- / 1B	Cismontane woodland and valley and foothill grasslands on rocky serpentinite soils, at elevations of 60-455 meters. Perennial herb in the Crassulaceae family; blooms April-October.	Unlikely No suitable habitat within the survey area.
<i>Eriogonum heermannii</i> var. <i>occidentale</i> Western Heermann's buckwheat	-- / -- / 1B	Often serpentinite; usually roadsides or alluvium floodplains, rarely clay or shale slopes. Cismontane woodland (openings). 102-986 meters, blooms July-October.	Unlikely Suitable habitat is not present within the survey area.
<i>Eriogonum nortonii</i> Pinnacles buckwheat	-- / -- / 1B	Chaparral and valley and foothill grassland on sandy soils, often on recent burns, at elevations of 300-975 meters. Annual herb in the Polygonaceae family; blooms May-September.	Unlikely Suitable habitat is not present within the survey area.
<i>Eryngium aristulatum</i> var. <i>hooveri</i> Hoover's button-celery	-- / -- / 1B	Vernal pools at elevations of 3-45 meters. Annual/perennial herb in the Apiaceae family; blooms June-August.	Unlikely Suitable habitat is not present within the survey area. The survey area is not within the elevation tolerance range of the plant
<i>Eryngium spinosepalum</i> Spiny-sepaled button celery	-- / -- / 1B	Valley and foothill grassland and vernal pools at elevations of 80-975 meters. Annual/perennial herb in the Apiaceae family; blooms April-June. Loam soils with a pH 5.9-8.1.	Unlikely Suitable habitat is not present within the survey area.

Species	Status (USFWS/CDFW/ CNPS)	General Habitat	Potential Occurrence within Survey Area
<i>Extriplex joaquiniana</i> San Joaquin spearscale	-- / -- / 1B	Meadows and seeps, playas, chenopod scrub, and valley and foothill grassland on alkaline soils at elevations of 1-835 meters. Annual herb in the Chenopodiaceae family; blooms April-October.	Unlikely Suitable habitat is not present within the survey area.
<i>Lessingia micradenia</i> var. <i>glabrata</i> Smooth lessingia	-- / -- / 1B	Chaparral and cismontane woodlands on serpentinite soils, often on roadsides, at elevations of 120-420 meters. Annual herb in the Asteraceae family; blooms July-November.	Unlikely Suitable habitat is not present within the survey area.
<i>Malacothamnus aboriginum</i> Indian Valley bush-mallow	-- / -- / 1B	Chaparral and cismontane woodland on rocky or granitic soils, often in burned areas, at elevations of 150-1700. Deciduous shrub in the Malvaceae family; blooms April-October.	Unlikely Suitable habitat is not present on within the survey area.
<i>Malacothamnus hallii</i> Hall's bush mallow	-- / -- / 1B	Chaparral and coastal scrub at elevations of 10-760 meters. Perennial evergreen shrub in the Malvaceae family; blooms May-October.	Unlikely Suitable habitat is not present within the survey area.
<i>Monolopia gracilens</i> Woodland woollythreads	-- / -- / 1B	Openings of broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland on serpentinite soils at elevations of 100-1200 meters. Annual herb in the Asteraceae family; blooms February-July.	Unlikely Suitable habitat is not present on within the survey area.
<i>Navarretia nigelliformis</i> ssp. <i>radians</i> Shining navarretia	-- / -- / 1B	Cismontane woodland, valley and foothill grasslands, and vernal pools at elevations of 76-1000 meters. Annual herb in the Polemoniaceae family; blooms April-July.	Unlikely Suitable habitat is not present on within the survey area.
<i>Navarretia prostrata</i> Prostrate vernal pool navarretia	-- / -- / 1B	Meadows, seeps, vernal pools, and mesic areas of coastal scrub and valley and foothill grassland at elevations of 15-2110 meters. Annual herb in the Polemoniaceae family; blooms April-July.	Unlikely Suitable habitat is not present on within the survey area.
<i>Plagiobothrys glaber</i> Hairless popcorn-flower	-- / -- / 1A	Alkaline meadows and seeps, and coastal salt marshes and swamps at elevations of 15-180 meters. Annual herb in the Boraginaceae family; blooms March-May.	Unlikely Suitable habitat is not present within the survey area.
<i>Ravenelia exigua</i> Chaparral harebell	-- / -- / 1B	Thrives on the chaparral ecosystem on dry, fire-prone hillsides at elevations of 80-1300 meters. Serpentine, rocky and gravel soils. Annual herb in the Campanulaceae Family; blooms May-June	Unlikely Suitable habitat is not present within the survey area.
<i>Trifolium hydrophilum</i> Saline clover	-- / -- / 1B	Marshes and swamps, mesic and alkaline valley and foothill grassland, and vernal pools at elevations of 0-300 meters. Annual herb in the Fabaceae family; blooms April-June.	Unlikely Suitable habitat is not present within the survey area.

STATUS DEFINITIONS

Federal

- FE = listed as Endangered under the federal Endangered Species Act
FT = listed as Threatened under the federal Endangered Species Act
-- = no listing

California Native Plant Society

- 1A = California Rare Plant Rank 1A species; plants presumed extirpated in California and either rare or extinct elsewhere
1B = California Rare Plant Rank 1B species; plants rare, threatened, or endangered in California and elsewhere
-- = no listing

State

- SE = listed as Endangered under the California Endangered Species Act
ST = listed as Threatened under the California Endangered Species Act
SC = Candidate for listing under California Endangered Species Act
CFP = California Fully Protected Species
CSC = CDFW Species of Concern
-- = no listing

POTENTIAL TO OCCUR

- Present = known occurrence of species within the site; presence of suitable habitat conditions; or observed during field surveys
High = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of suitable habitat conditions
Moderate = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of marginal habitat conditions within the site
Low = species known to occur in the vicinity from the CNDDDB or other documentation; lack of suitable habitat or poor quality
Unlikely = species not known to occur in the vicinity from the CNDDDB or other documentation, no suitable habitat is present within the site
Not Present = species was not observed during surveys

This Page Intentionally Left Blank

Appendix B
Geotechnical Investigation Report

This Page Intentionally Left Blank

GEOTECHNICAL INVESTIGATION DESIGN PHASE

FOR
PROPOSED RESIDENTIAL CONSTRUCTION
1175 COMSTOCK (APN 017-030-015)
HOLLISTER, SAN BENITO COUNTY, CALIFORNIA

PREPARED FOR
FRANK RUSSELL
PROJECT NO. 21-293-SB



PREPARED BY
BUTANO GEOTECHNICAL ENGINEERING, INC.
JANUARY 2022



BUTANO GEOTECHNICAL ENGINEERING, INC.

231 GREEN VALLEY ROAD, SUITE E, FREEDOM, CALIFORNIA 95019

PHONE: 831.724.2612

WWW.BUTANOGEOTECH.COM

January 17, 2022
Project No. 21-220-SB

Frank Russell
1175 Comstock Lane
Hollister, CA 95023

SUBJECT: GEOTECHNICAL INVESTIGATION - DESIGN PHASE
Proposed Residential Construction
1175 Comstock Lane (APN 017-030-015)
Hollister, San Benito County, California

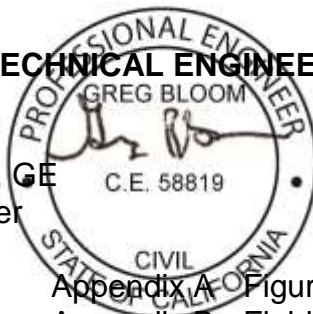
Dear Mr. Russell:

In accordance with your authorization, we have completed a geotechnical investigation for the subject project. This report summarizes the findings, conclusions, and recommendations from our field exploration, laboratory testing, and engineering analysis. It is a pleasure being associated with you on this project. If you have any questions, or if we may be of further assistance, please do not hesitate to contact our office.

Sincerely,

BUTANO GEOTECHNICAL ENGINEERING, INC.

Greg Bloom, PE, GE
Principal Engineer



Appendices Appendix A Figures and Standard Details
 Appendix B Field Exploration Program
 Appendix C Laboratory Testing Program

Distribution: (4) Addressee

1.0 INTRODUCTION

This report presents the results of our geotechnical investigation for the proposed residential construction at 1175 Comstock Lane (APN 017-030-015) in unincorporated Hollister, San Benito County, California.

The purpose of our investigation is to provide information regarding the surface and subsurface soil conditions and provide geotechnical recommendations for the design of the proposed construction. Conclusions and recommendations related to site grading, foundations, driveways and drainage are presented herein.

This work included site reconnaissance, subsurface exploration, soil sampling, laboratory testing, engineering analyses, and preparation of this report. The scope of services for this investigation is outlined in our agreement dated October 18, 2021.

The recommendations contained in this report are subject to the limitations presented in Section 8.0 of this report. The Association of Engineering Firms Practicing the Geosciences has produced a pamphlet for your information titled *Important Information About Your Geotechnical Report*. This pamphlet has been included with the copies of your report.

2.0 FIELD EXPLORATION AND LABORATORY TESTING PROGRAMS

Our field exploration program included drilling, logging, and interval sampling of 6 borings advanced on November 16, 2021 with truck mounted 6 inch solid stem augers. The borings were advanced to depths ranging from 4 ½ to 16 ½ feet below existing grade. Details of the field exploration program, including the Boring Logs, are presented in Appendix B.

Representative samples obtained during the field investigation were taken to the laboratory for testing to determine physical and engineering properties. Details of the laboratory testing program are outlined in Appendix C. Test results are presented on the Boring Logs and in Appendix C.

3.0 SITE DESCRIPTION

3.1 Location

The project site is located northeast of Highway 25 in unincorporated Hollister, San Benito County, California. The site location is shown on the Site Location Plan, Appendix B, Figure B-1.

3.2 Surface Conditions

The site is irregular in shape and located in a rural neighborhood. The lot is approximately 38 acres in size and slopes gently to the south. The parcel is improved with a single-family residence and multiple other structures in the north and west.

The eastern portion of the parcel consists of grassland that slopes gently to the south.

3.3 Subsurface Conditions

A total of six borings were advanced to depths ranging from 4 ½ to 16 ½ feet below existing grade. The site is mapped as being underlain by older alluvium (Qoa) which is consistent with our investigation.

The borings generally encountered stiff to hard lean to fat clay within the depths explored. Thin gravel lenses were encountered in borings B1 and B3.

Groundwater was not encountered in any of the borings. The depth to groundwater will vary seasonally.

4.0 PROJECT DESCRIPTION

Based on our discussions with the client the project will consist of subdividing the parcel. Three additional parcels (Lots 1 through 3) will be created along the eastern boundary adjacent to Bluff Drive. The parcels will be approximately 5 acres in size and single-family residences are proposed on each new site. The existing improvements will remain on Lot 4.

5.0 GEOTECHNICAL HAZARDS

5.1 General

In our opinion the geotechnical hazards that could potentially affect the proposed project are:

- Intense seismic shaking
- Collateral seismic hazards

5.2 Intense Seismic Shaking

Intense seismic shaking may occur at the site during the design lifetime of the proposed structure from an earthquake along one of the local fault systems. Generally, the intensity of shaking will increase the closer the site is to the epicenter of an earthquake, however, seismic shaking is a complex phenomenon and may be modified by local topography and soil conditions. The transmission of earthquake vibrations from the ground into the structure may cause structural damage.

San Benito County has adopted the seismic provisions set forth in the 2019 California Building Code to address seismic shaking. The seismic provisions in the 2019 CBC are minimum load requirements for the seismic design for the proposed structure. The provisions set forth in the 2016 CBC will not prevent structural and nonstructural damage from direct fault ground surface rupture, coseismic ground cracking, liquefaction and lateral spreading, seismically induced differential compaction, seismically induced landsliding, or seismically induced inundation.

Table 1 has been constructed based on the 2019 CBC requirements as adopted from the ASCE 7 provisions for the seismic design of the proposed structure. The Site Class has been determined based on our field investigation and laboratory testing.

Table 1. Seismic Design Parameters

S _s	S ₁	Site Class	F _a	F _v	S _{MS}	S _{M1}	S _{DS}	S _{D1}	Occupancy Category	Seismic Design Category
1.673	0.611	D	1.2	Null*	2.007	Null*	1.338	Null*	II	Null*

(Latitude: 36.9258649, Longitude: -121.3548681)

*Site specific analysis required for site class D and building structures having a period within the velocity domain of the design response spectrum ($T_s < T \leq T_L$).

5.4 Collateral Seismic Hazards

In addition to intense seismic shaking, other seismic hazards that may have an adverse affect to the site and/or the structure are: coseismic ground cracking, seismically induced liquefaction and lateral spreading, seismically induced differential compaction, seismically induced landsliding, and seismically induced inundation (tsunami and seiche). It is our opinion that these hazards are low.

6.0 DISCUSSIONS AND CONCLUSIONS

The foundation zone soils consists of moderately expansive soil. Two swell tests were performed on representative samples of the lean to fat clay. The result of the swell tests were between 1600 and 2000 psf. Based on these test results the foundation design will need to mitigate potential expansion.

In addition, the building sites have been farmed on a regular basis. This has disturbed the upper 18 to 24 inches of soil.

7.0 RECOMMENDATIONS

7.1 General

Based on the results of our field investigation, laboratory testing, and engineering analysis it is our opinion that from the geotechnical standpoint, the subject site will be suitable for the proposed construction.

The site is underlain by lean to fat clay which can exhibit moderate shrink/swell potential with variations in moisture content.

7.2 **Site Grading**

7.2.1 **Site Clearing**

The site should be cleared of loose soil, organics, and debris within the project limits.

7.2.2 **Preparation of On-Site Soils**

Site Grading-General

The upper 24 inches of soil should be over-excavated and replaced as an engineered fill.

All fill should be compacted to a minimum of 90 percent relative compaction based on the optimum moisture and density in accordance with ASTM D1557.

Engineered fill should be well mixed and homogenous, moisture conditioned to 1 to 3 percent over optimum moisture, placed in relatively thin lifts, and compacted using heavy vibratory equipment.

Areas to receive fill should be scarified, moisture conditioned to 1 to 3 percent over optimum moisture and compacted to a minimum of 90 percent relative compaction.

The on-site soil may be re-used as engineered fill if a structural slab-on-grade is designed. Conventional shallow foundations and non-structural slab-on-grades should be underlain by imported granular engineered fill.

Imported fill material should be approved by a representative of Butano Geotechnical Engineering, Inc. prior to importing. Imported fill should be primarily granular with no material greater than 2½ inches in diameter and no more than 20 percent of the material passing the #200 sieve. The fines fraction of the fill should not consist of expansive material. The Geotechnical Engineer should be notified not less than 5 working days in advance of placing any fill or base course material proposed for import. Each proposed source of import material should be sampled, tested, and approved by the

Geotechnical Engineer prior to delivery of any soils imported for use on the site.

Imported engineered fill should be compacted to a minimum of 90 percent relative compaction per ASTM1557.

Any surface or subsurface obstruction, or questionable material encountered during grading, should be brought immediately to the attention of the Geotechnical Engineer for proper processing as required.

Paved Areas

The upper 6 inches of subgrade should be scarified, moisture conditioned to 1 to 2 percent over optimum and compacted to a minimum of 93 percent relative compaction. All aggregate baserock should be compacted to a minimum of 95 percent relative compaction. A minimum of 10 inches of aggregate baserock is recommended under paved areas. This should extend a minimum of 2 feet laterally of all paved areas.

7.2.3 Cut and Fill Slopes

Cut and fill slopes are not planned for this project.

7.2.4 Excavating Conditions

The on-site soil may be excavated with standard earthwork equipment.

7.2.5 Surface Drainage

Positive drainage should be maintained away from the structures at a minimum gradient of 3 percent for 10 feet.

7.2.6 Utility Trenches

Bedding material should consist of sand with SE not less than 30 which may then be jetted.

The on-site native soils may be utilized for trench backfill in landscaped areas. Imported engineered fill should be utilized in areas to be paved. Imported fill should be free of organic material and rocks over 2.5 inches in diameter.

If sand is used, a 3 foot concrete plug should be placed in each trench where it passes under the exterior footings.

Backfill of all exterior and interior trenches should be placed in thin lifts not to exceed 8 inches and mechanically compacted to achieve a relative compaction of not less than 95 percent in paved areas and 90 percent in other areas per ASTM D1557. Care should be taken not to damage utility lines.

Utility trenches that are parallel to the sides of a building should be placed so that they do not extend below a line sloping down and away at an inclination of 1:2 H:V from the bottom outside edge of all footings.

Trenches should be capped with 1 1/2 feet of relatively impermeable material. Import material must be approved by the Geotechnical Engineer prior to its use.

Trenches must be shored as required by the local regulatory agency, the State of California Division of Industrial Safety Construction Safety Orders, and Federal OSHA requirements.

7.3 Foundations

We are providing two options for foundations: 1. a structural slab-on-grade and 2. a conventional shallow foundation.

7.3.1 Structural Slab-on-Grade

General

A structural slabs-on-grade may be designed to mitigate against potential heave. The client can expect some cracking of the slab with this design. The subgrade should consist of 24 inches of on-site or imported engineered fill per section 7.2.2.

This option consists of constructing a post- tensioned slab-on-grade or structural slab-on-grade that is designed to mitigate heave potential based on its rigidity. Slabs should be designed in accordance with the latest recommendations of the Post-Tensioning Institute using the following criteria.

- a. Depth to constant moisture= 6 feet from existing grade

- b. Effective Plasticity Index=30
- c. Allowable Bearing Capacity=2,000 psf
- d. $e_m=7.7$ for center lift and 3.7 for edge lift
- e. $y_m=0.497$ for center lift and 1.225 for edge lift

Capillary Break and Vapor Barrier

The following paragraph outlines the minimum capillary break and vapor barrier that shall be utilized for interior slab-on-grades, or slab-on-grades where moisture sensitive floor coverings are anticipated.

The vapor barrier shall consist of a waterproof membrane (**Stegowrap 15 Mil or equivalent**) placed directly below the floor slab and in direct contact with the concrete. Sheet overlap for the vapor barrier shall be a minimum of 6 inches. A 4-inch minimum layer of $\frac{3}{4}$ inch drainrock shall be placed below the waterproof membrane to act as a capillary break. Care must be taken to not rip the vapor barrier. A 6-inch layer of compacted Class II Baserock may be employed to prevent rips or tears in the vapor barrier if desired, and to keep the subgrade from becoming saturated prior to pouring concrete.

If the manufacturer's recommendations or the project requirements for the capillary break and vapor barrier are more stringent than the minimums outlined above, the designer should follow those recommendations and requirements. Recommendations by the manufacturer may include but is not limited to specifications for; concrete mix design, puncture resistance of vapor barrier, permeance of vapor barrier, soil flatness, capillary break section, structural section, and testing recommendations.

7.3.2 Conventional Shallow Foundations

General

The proposed improvements may be supported on conventional shallow foundations.

Foundations should bear on 24 inches of granular imported engineered fill per section 7.2.2.

Footing excavations for the new foundation must be checked by the Geotechnical Engineer before steel is placed and concrete is poured.

Conditions encountered under the existing residence may differ from those encountered in our geotechnical borings, any soft or unsuitable soil within the foundation zone will require mitigation during construction as directed by the geotechnical engineer.

Footing Dimensions

Footing widths should be based on the allowable bearing value but not less than 15 inches. The minimum recommended depth of embedment is 12 inches. Embedment depths should not be allowed to be affected adversely, such as through erosion, softening, digging, etc. Should local building codes require deeper embedment of the footings or wider footings, the local codes must apply.

Bearing Capacity

The allowable bearing capacity used should not exceed 2,000 psf for footings bearing on engineered fill. The allowable bearing capacity may be increased by one-third in the case of short duration loads, such as those induced by wind or seismic forces. In the event that footings are founded in structural fill consisting of imported materials, the allowable bearing capacities will depend on the type of these materials and should be re-evaluated.

Lateral Resistance

Friction coefficient - 0.30, between the engineered fill and rough concrete. A passive resistance of 300 pcf may be assumed below a depth of 12 inches for engineered fill. Where both friction and the passive resistance are utilized for sliding resistance, either of the values indicated should be reduced by one-third.

7.3.3 Non-structural Slabs-on-Grade

General

We recommend that non-structural concrete slabs-on-grade be founded on 24 inches of imported granular engineered fill per section 7.2.2. These slabs-on-grade should be physically separated from the house foundation.

The subgrade should be proof-rolled just prior to construction to provide a firm, relatively unyielding surface, especially if the surface has been loosened by the passage of construction traffic.

In areas where moisture sensitive floor covering are anticipated the recommendations in the capillary break and vapor barrier section under 7.3.1 should be incorporated into the design.

7.3.4 Settlements

Total and differential settlements beneath the proposed improvements are expected to be within tolerable limits. Vertical movements are not expected to exceed 1 inch. Differential movements are expected to be within the normal range ($\frac{1}{2}$ inch) for the anticipated loads.

7.4 Plan Review

The recommendations presented in this report are based on preliminary design information for the proposed project and on the findings of our geotechnical investigation. When completed, the Grading Plans, Foundation Plans and design loads should be reviewed by Butano Geotechnical Engineering, Inc. prior to submitting the plans and contract bidding. Additional field exploration and laboratory testing may be required upon review of the final project design plans.

7.5 Observation and Testing

Field observation and testing must be provided by a representative of Butano Geotechnical Engineering, Inc. to enable them to form an opinion regarding the adequacy of the site preparation, the adequacy of fill materials, and the extent to which the earthwork is performed in accordance with the geotechnical conditions present, the requirements of the regulating agencies, the project specifications, and the recommendations presented in this report. Any earthwork performed in connection with the subject project without the full knowledge of, and not under the direct observation of Butano Geotechnical Engineering, Inc., will render the recommendations of this report invalid.

Butano Geotechnical Engineering, Inc. should be notified at least 5 working days prior to any site clearing or other earthwork operations on the subject project in order to observe the stripping and disposal of unsuitable materials and to ensure coordination with the grading contractor. During this period, a preconstruction meeting should be held on the site to discuss project specifications, observation and testing requirements and responsibilities, and scheduling.

8.0 LIMITATIONS

The recommendations contained in this report are based on our field explorations, laboratory testing, and our understanding of the proposed construction. The subsurface data used in the preparation of this report was obtained from the borings drilled during our field investigation. Variation in soil, geologic, and groundwater conditions can vary significantly between sample locations. As in most projects, conditions revealed during construction excavation may be at variance with preliminary findings. If this occurs, the changed conditions must be evaluated by the Project Geotechnical Engineer and the Geologist, and revised recommendations be provided as required. In addition, if the scope of the proposed construction changes from the described in this report, our firm should also be notified.

Our investigation was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this report.

This report is issued with the understanding that it is the responsibility of the Owner, or of his Representative, to ensure that the information and recommendations contained herein are brought to the attention of the Architect and Engineer for the project and incorporated into the plans, and that it is ensured that the Contractor and Subcontractors implement such recommendations in the field. The use of information contained in this report for bidding purposes should be done at the Contractor's option and risk.

This firm does not practice or consult in the field of safety engineering. We do not direct the Contractor's operations, and we are not responsible for other than our own personnel on the site; therefore, the safety of others is the responsibility of the Contractor. The Contractor should notify the Owner if he considers any of the recommended actions presented herein to be unsafe.

The findings of this report are considered valid as of the present date. However, changes in the conditions of a site can occur with the passage of time, whether they be due to natural events or to human activities on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, this report may become invalidated wholly or partially by changes outside our control. Therefore, this report is subject to review and revision as changed conditions are identified.

The scope of our services mutually agreed upon did not include any environmental assessment or study for the presence of hazardous to toxic materials in the soil, surface water, or air, on or below or around the site. Butano Geotechnical Engineering, Inc. is not a mold prevention consultant; none of our services performed in connection with the proposed project are for the purpose of mold prevention. Proper implementation of the recommendations conveyed in our reports will not itself be sufficient to prevent mold from growing in or on the structures involved.

REFERENCES

ASTM International (2015). Annual Book of ASTM Standards, Section Four, Construction. Volume 4.08, Soil and Rock (I): D 430 - D 5611.

ASTM International (2016). Annual Book of ASTM Standards, Section Four, Construction. Volume 4.09, Soil and Rock (II): D 5714 - Latest.

California Building Code (2016).

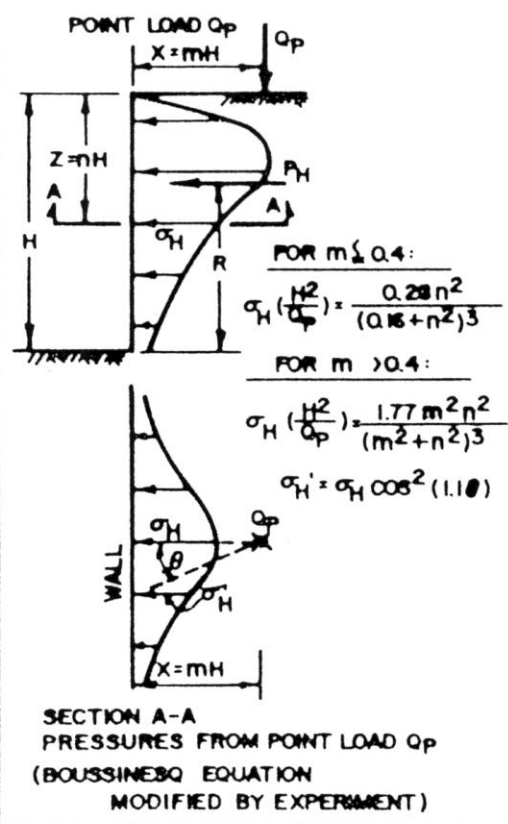
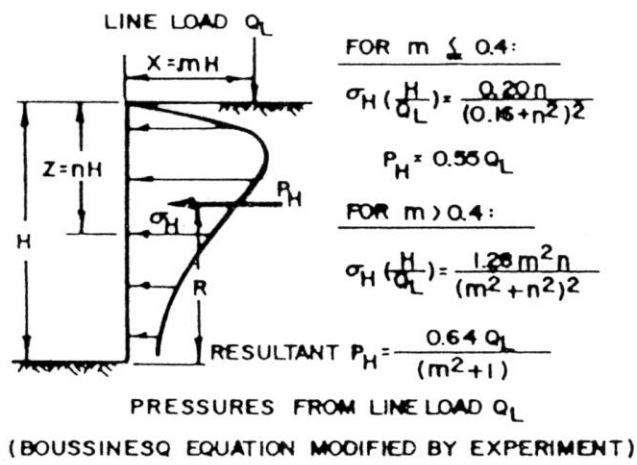
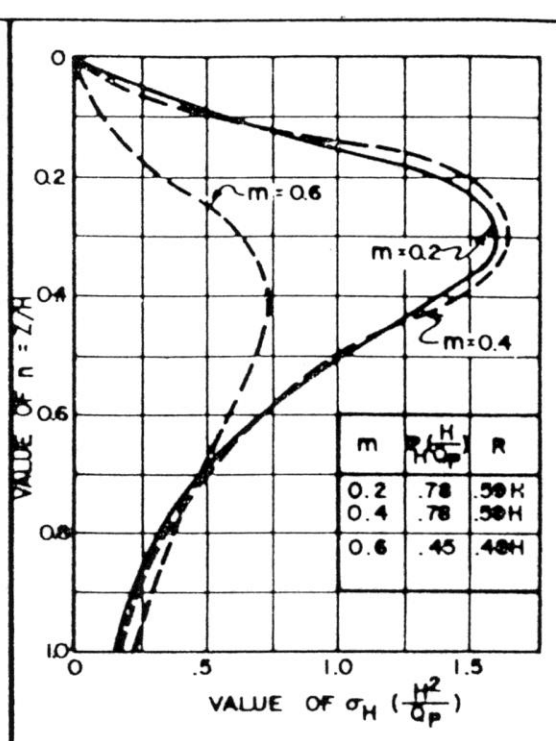
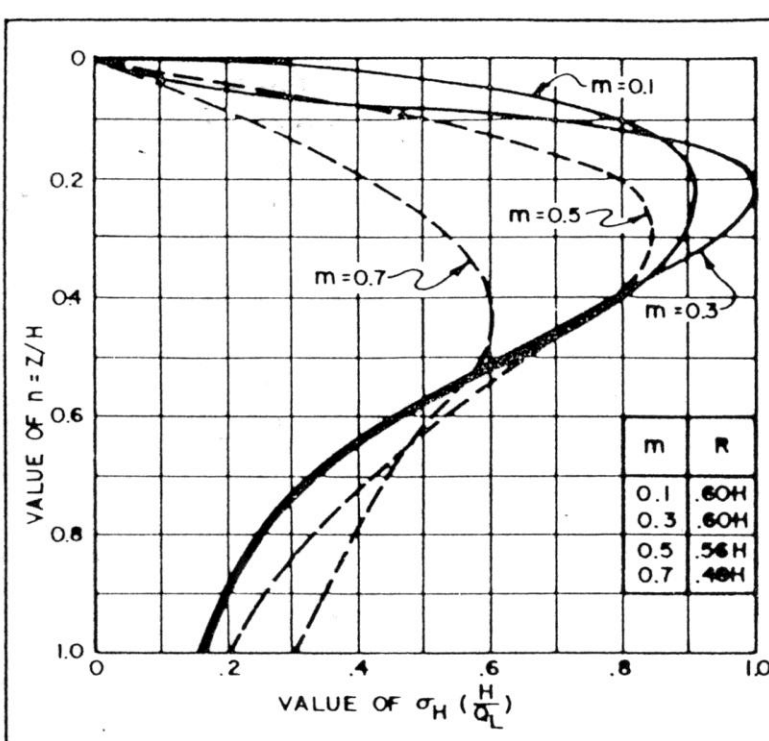
Dibblee, T.W., and Minch, J.A. (ed.), 2006, Geologic map of the Tres Pinos quadrangle, San Benito County, California: Dibblee Geological Foundation, Dibblee Foundation Map DF-232, scale 1:24,000.

APPENDIX A

FIGURES AND STANDARD DETAILS

Surcharge Pressure Diagram

FigureA-1



REFERENCE: NAVFAC Design Manual 7.2

Figure 11, Page 7.2-74

BUTANO
GEOTECHNICAL ENGINEERING, INC.

SURCHARGE PRESSURE DIAGRAM

FIGURE
A-1

APPENDIX B

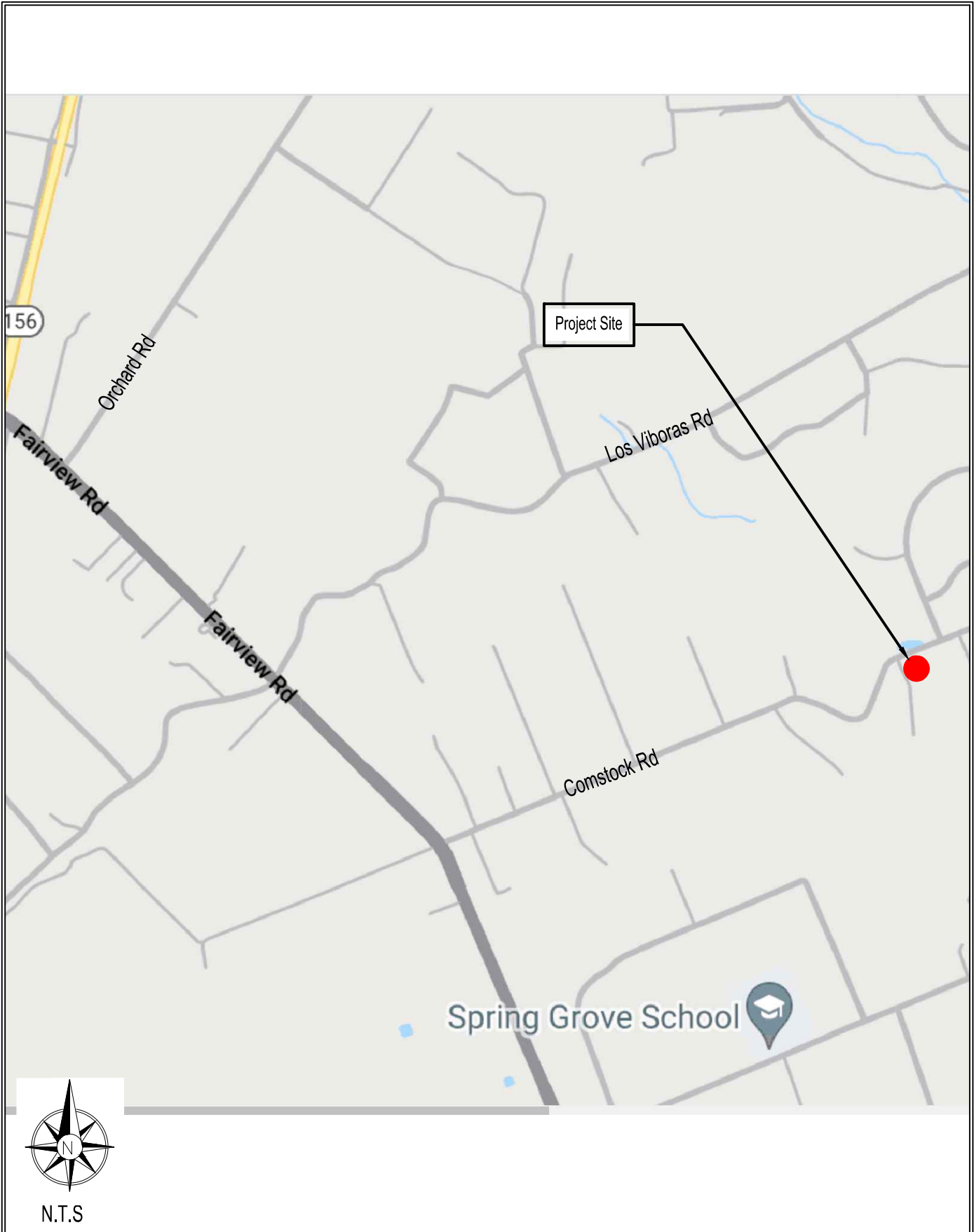
FIELD EXPLORATION PROGRAM

Field Exploration Procedures	Page B-1
Site Location Plan	Figure B-1
Boring Site Plan	Figure B-2
Key to the Logs	Figure B-3
Logs of the Borings	Figures B-4 through B-9

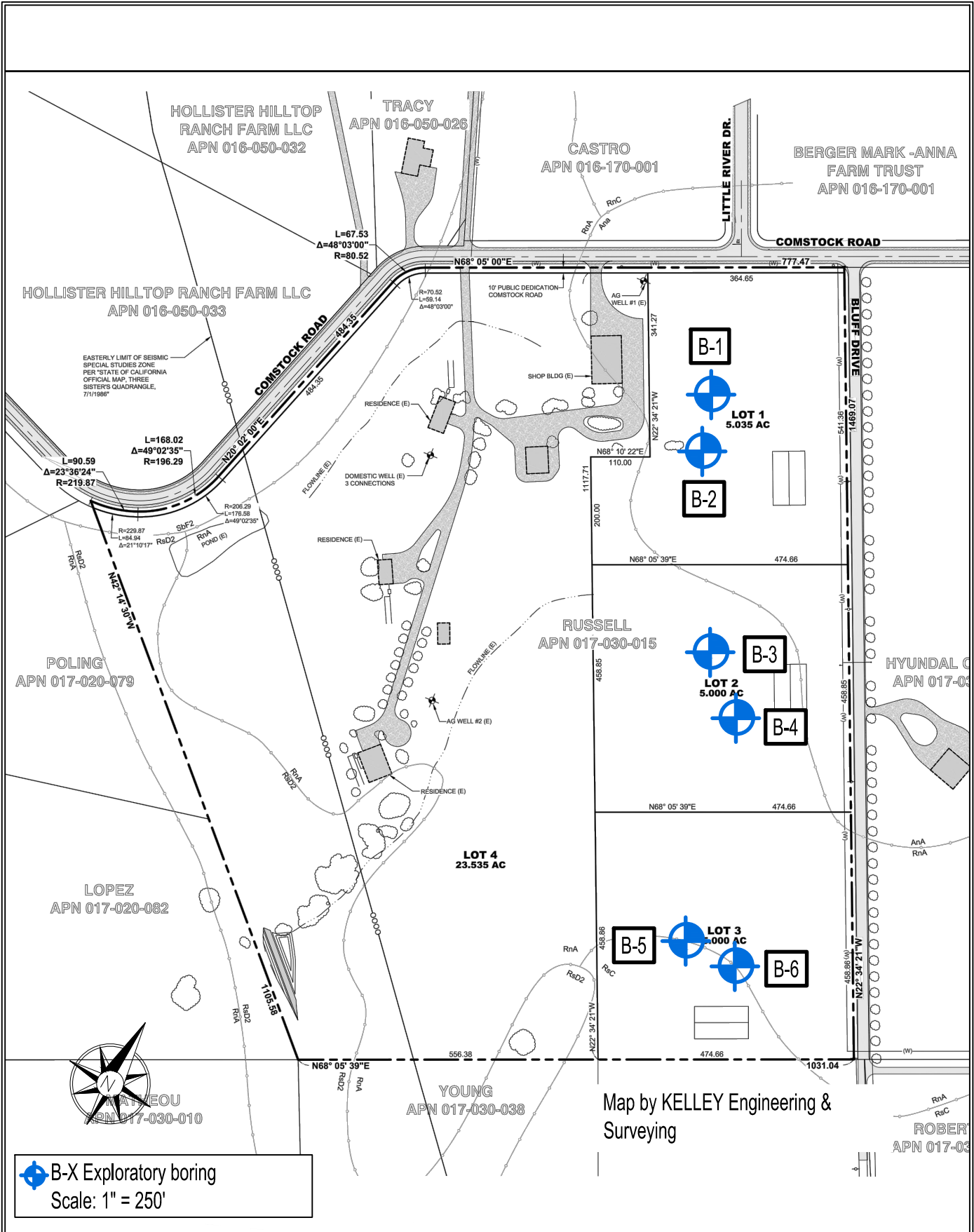
FIELD EXPLORATION PROCEDURES

Subsurface conditions were explored by advancing two borings below existing grade. The borings were advanced using a six-inch solid stem auger on a truck mounted drill rig. The Key to The Logs and the Logs of the Boring are included in Appendix B, Figures B-3 through B-9. The approximate locations of the borings are shown on the Boring Site Plan, Figure B-2. The borings were located in the field by tape measurements from known landmarks. Their locations as shown are therefore within the accuracy of such measurement.

The soils encountered in the borings were continuously logged in the field by a representative of Butano Geotechnical Engineering, Inc. Bulk and relatively undisturbed soil samples for identification and laboratory testing were obtained in the field. These soils were classified based on field observations and laboratory tests. The classifications are accordance with the Unified Soil Classification System (USCS: Figure B-3).



<p>BUTANO</p>	<p>SITE LOCATION PLAN</p>	<p>FIGURE</p>
<p>GEOTECHNICAL ENGINEERING, INC.</p>	<p>1175 Comstock Road</p>	<p>B-1</p>



<p>BUTANO GEOTECHNICAL ENGINEERING, INC.</p>	<p>BORING SITE PLAN 1175 Comstock Road</p>	<p>FIGURE B-2</p>
---	--	--------------------------------

KEY TO LOGS

UNIFIED SOIL CLASSIFICATION SYSTEM

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS More than half of the material is larger than the No. 200 sieve	GRAVELS More than half of the coarse fraction is larger than the No. 4 sieve	CLEAN GRAVELS (Less than 5% fines)	GW	Well graded gravels, gravel-sand mixtures, little or no fines
			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines
	SANDS More than half of the coarse fraction is smaller than the No. 4 sieve	CLEAN SANDS (Less than 5% fines)	SW	Well graded sands, gravelly sands, little or no fines
			SP	Poorly graded sands, gravelly sands, little or no fines
		SAND WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines
			SC	Clayey sands, sand-clay mixtures, plastic fines
FINE GRAINED SOILS More than half of the material is smaller than the No. 200 sieve	SILTS AND CLAYS Liquid limit less than 50		ML	Inorganic silts and very fine sands, silty or clayey fine sands or clayey silts with slight plasticity
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
			OL	Organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS Liquid limit greater than 50		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
			CH	Inorganic clays of high plasticity, fat clays
			OH	Organic clays of medium to high plasticity, organic silts
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils

GRAIN SIZE LIMITS

SILT AND CLAY	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		
	No. 200	No. 40	No. 10	No. 4	3/4 in.	3 in.	12 in.
	US STANDARD SIEVE SIZE						

RELATIVE DENSITY	
SAND AND GRAVEL	BLOWS/FT*
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

CONSISTENCY	
SILT AND CLAY	BLOWS/FT*
VERY SOFT	0 - 2
SOFT	2 - 4
FIRM	4 - 8
STIFF	8 - 16
VERY STIFF	16 - 32
HARD	OVER 32

MOISTURE CONDITION	
C L A Y	DRY
	MOIST
	SATURATED
S A N D	DRY
	DAMP
	WET
	SATURATED

* Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1 3/8 inch I.D.) split spoon (ASTM D-1586).

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-3

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB

Boring: B1

Project: 1175 Comstock

Location:

Elevation:

Date: November 16, 2021

Method of Drilling: 6 inch diameter solid stem auger,

Logged By: GB

truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	<div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="width: 20px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> 2" Ring Sample <div style="width: 20px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px);"></div> 2.5" Ring Sample <div style="width: 20px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(90deg, transparent, transparent 2px, black 2px, black 4px);"></div> Terzaghi Split Spoon Sample <div style="width: 20px; height: 20px; border: 1px solid black; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px;"></div> Bulk Sample </div>	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits		
				Perched Water Table								Static Water Table	Water Encountered During Drilling	Change in Soil Classification
43	CL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brown Lean CLAY, very stiff, slightly moist	43	21	99.9	10.6	31					
34		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		34	31		14.9						
51		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	hard	51	24	105.5	13.2						
10	CL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	hard	25	21		14.0						
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	lense of fine gravel										
15	CL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	hard	24	20		19.2						
20		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Boring terminated at a depth of 16 1/2 feet. No groundwater encountered during drilling.										

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-4

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB	Boring: B2
Project: 1175 Comstock	Location:
Date: November 16, 2021	Elevation:
Logged By: GB	Method of Drilling: 6 inch diameter solid stem auger, truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	2" Ring Sample 2.5" Ring Sample Terzaghi Split Spoon Sample Bulk Sample	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits	
				Perched Water Table Static Water Table Water Encountered During Drilling								Change in Soil Classification _____ Gradation or Minor Change in Classification - - - - -	L.L.
-	CL			Brown Lean CLAY, very stiff, moist	65	30	93.2	16.6					
-					25	21		16.5					
5				Boring terminated at a depth of 4 1/2 feet. No groundwater encountered during drilling.									
10													
15													
20													
25													
30													
35													

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-5

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB	Boring: B3
Project: 1175 Comstock	Location:
Date: November 16, 2021	Elevation:
Logged By: GB	Method of Drilling: 6 inch diameter solid stem auger, truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	<div style="display: flex; justify-content: space-between; font-size: small;"> 2" Ring Sample 2.5" Ring Sample Terzaghi Split Spoon Sample Bulk Sample </div>	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits		
				<div style="display: flex; justify-content: space-between; font-size: x-small;"> Perched Water Table Static Water Table Water Encountered During Drilling </div>								Change in Soil Classification _____	Gradation or Minor Change in Classification - - - - - Description	L.L.
0	CL				35	17	110.2	12.3						
1				Brown Lean CLAY, very stiff, slightly moist hard, trace sand	50/6"	N/A		8.7						
5				hard	36	33		11.4						
10				very stiff	20	16		21.5						
15				Boring terminated at a depth of 11 1/2 feet. No groundwater encountered during drilling.										
20														
25														
30														
35														

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-6

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB	Boring: B4
Project: 1175 Comstock	Location:
Date: November 16, 2021	Elevation:
Logged By: GB	Method of Drilling: 6 inch diameter solid stem auger, truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	<input type="checkbox"/> 2" Ring Sample <input type="checkbox"/> 2.5" Ring Sample <input type="checkbox"/> Terzaghi Split Spoon Sample <input type="checkbox"/> Bulk Sample	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits			
				Perched Water Table Static Water Table Water Encountered During Drilling								Change in Soil Classification	Gradation or Minor Change in Classification Description	L.L.	P.I.
0	CL/CH				45	22	100.4	14.8							
5					20	16	13.6								
10															
15															
20															
25															
30															
35															

Brown Lean to Fat CLAY, very stiff, slightly moist

Boring terminated at a depth of 4 1/2 feet.
No groundwater encountered during drilling.

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB	Boring: B5
Project: 1175 Comstock	Location:
Date: November 16, 2021	Elevation:
Logged By: GB	Method of Drilling: 6 inch diameter solid stem auger, truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	<div style="font-size: small;"> 2" Ring Sample 2.5" Ring Sample Terzaghi Split Spoon Sample X Bulk Sample </div>	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits	
												Perched Water Table	Static Water Table
				Change in Soil Classification _____ Gradation or Minor Change in Classification - - - - -									
				Description									
0	CL/CH	X	X	Dark brown Lean to Fat CLAY, very stiff, moist	45	22		14.9					
5				very stiff	14	11		14.3	40				
				very stiff	25	21		13.0					
				lens of gravel									
10				very stiff	33	30		10.6					
15	Boring terminated at a depth of 11 1/2 feet. No groundwater encountered during drilling.												
20													
25													
30													
35													

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-8

LOG OF EXPLORATORY BORING

Project No.: 21-293-SB	Boring: B6
Project: 1175 Comstock	Location:
Date: November 16, 2021	Elevation:
Logged By: GB	Method of Drilling: 6 inch diameter solid stem auger, truck mounted

Depth (ft.)	Soil Type	Undisturbed	Bulk	<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> 2" Ring Sample 2.5" Ring Sample Terzaghi Split Spoon Sample Bulk Sample </div>	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index	Particle Size (% fines)	Unconfined - q _u (psf)	Atterberg Limits		
				<div style="display: flex; justify-content: space-between;"> Perched Water Table Static Water Table Water Encountered During Drilling </div>								<div style="display: flex; justify-content: space-between;"> Change in Soil Classification Gradation or Minor Change in Classification Description </div>	L.L.	P.I.
-	CL/CH													
				Dark brown Lean to Fat CLAY, very stiff, moist	30	15		14.6						
					27	23		14.7						
5				Boring terminated at a depth of 21 1/2 feet. No groundwater encountered during drilling.										
10														
15														
20														
25														
30														
35														

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-9

APPENDIX C

LABORATORY TESTING PROGRAM

Laboratory Testing Procedures

Page C-1

Swell Pressure

Figures C-1 and C-2

LABORATORY TESTING PROCEDURES

Classification

Soils were classified according to the Unified Soil Classification System in accordance with ASTM D 2487 and D 2488. Moisture content and density determinations were made for representative samples in accordance with ASTM D 2216. Results of moisture density determinations, together with classifications, are shown on the Boring Logs, Figures B-4 through B-9.

Swell Test

Two one-dimensional swell tests were performed on a representative relatively undisturbed sample in accordance with ASTM D-4546. The result is presented in Figure C-1 and C-2 and shown on the Boring Logs.

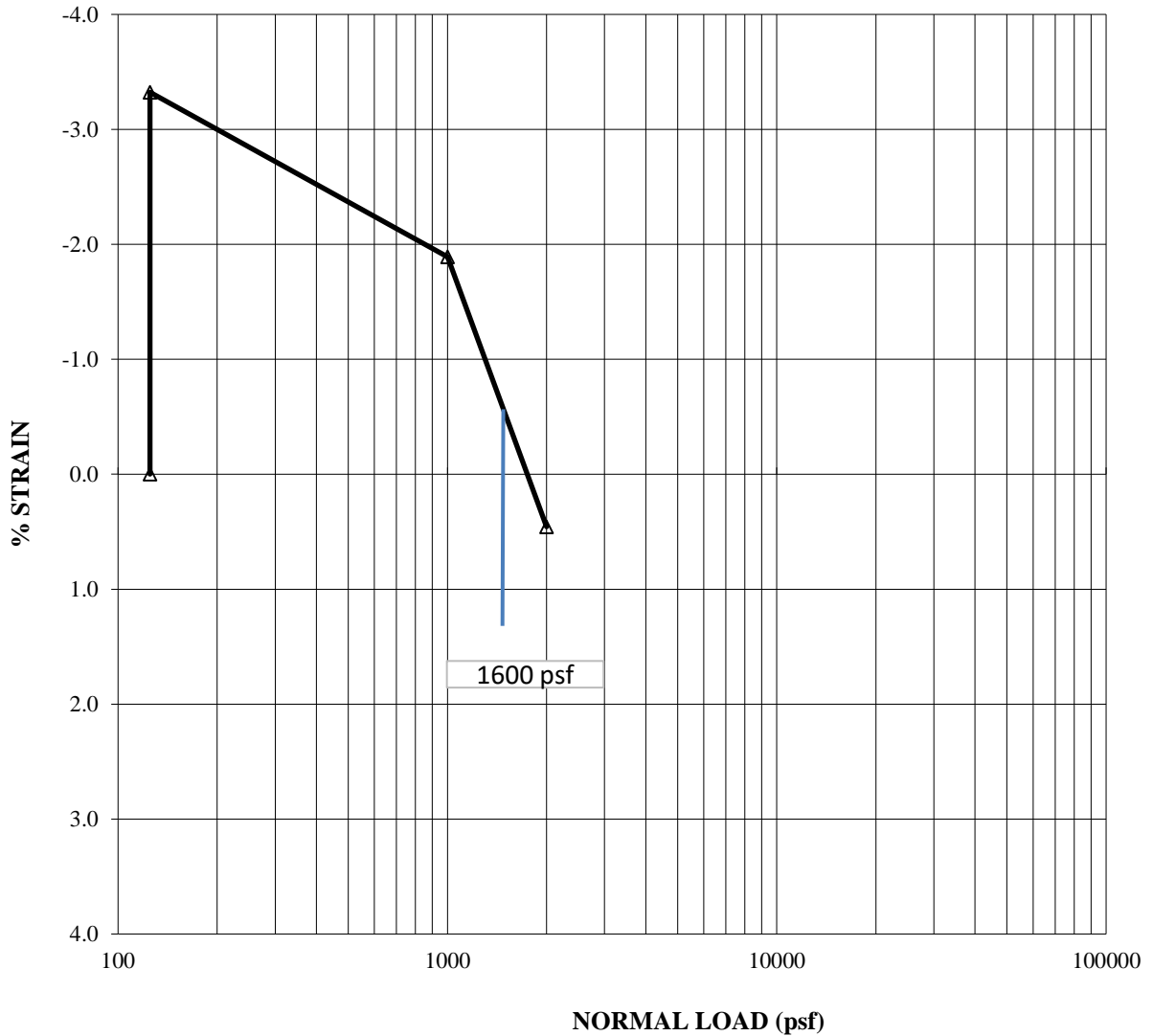
Expansion Index

Two expansion index test was performed on a representative bulk sample of the foundation zone soil in accordance with ASTM D 4829-03. The result is shown on the Boring Logs.

Unconfined Compression

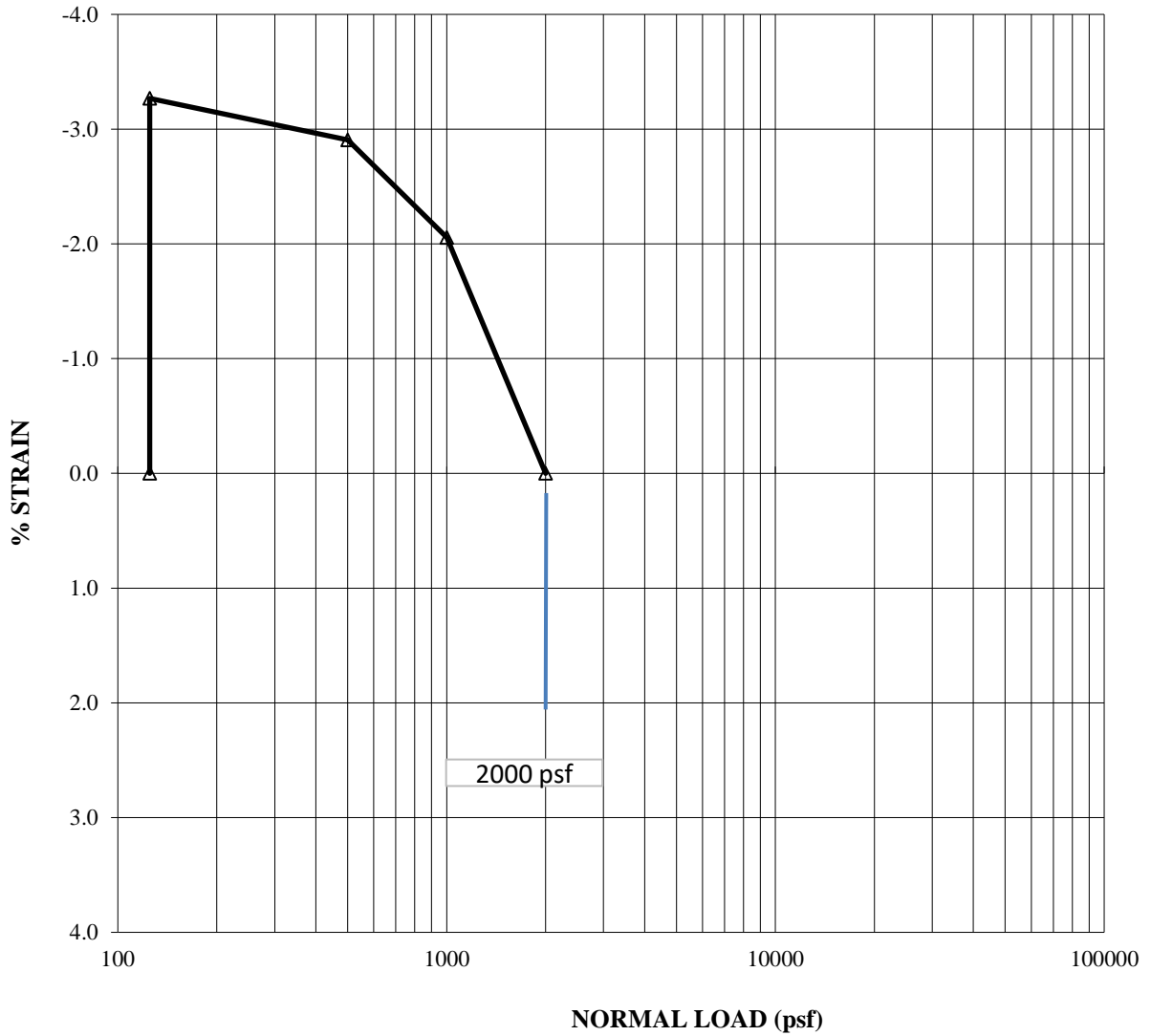
One unconfined compression tests were performed in accordance with ASTM D 2166. The result is shown on the boring logs.

BORING:	B5-1	ASTM D 4546-03	
DEPTH (ft):	2.0		
SOIL TYPE (USCS):	CL/CH	FIELD MOISTURE:	14.9%
		FINAL MOISTURE:	24.3%



BUTANO GEOTECHNICAL ENGINEERING, INC.	SWELL TEST RESULTS	FIGURE C-1
	1175 Comstock Lane	

BORING:	B6-1	ASTM D 4546-03	
DEPTH (ft):	2.5		
SOIL TYPE (USCS):	CL/CH	FIELD MOISTURE:	14.6%
		FINAL MOISTURE:	22.2%



BUTANO GEOTECHNICAL ENGINEERING, INC.	SWELL TEST RESULTS	FIGURE C-2
	1175 Comstock Lane	

Important Information about Your Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply the report for any purpose or project except the one originally contemplated.*

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that

have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; ***none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.***

Rely, on Your ASFE-Member Geotechnical Engineer for Additional Assistance

Membership in ASFE/THE BEST PEOPLE ON EARTH exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.



8811 Colesville Road/Suite G106, Silver Spring, MD 20910
Telephone: 301/565-2733 Facsimile: 301/589-2017
e-mail: info@asfe.org www.asfe.org

Copyright 2004 by ASFE, Inc. Duplication, reproduction, or copying of this document, in whole or in part, by any means whatsoever, is strictly prohibited, except with ASFE's specific written permission. Excerpting, quoting, or otherwise extracting wording from this document is permitted only with the express written permission of ASFE, and only for purposes of scholarly research or book review. Only members of ASFE may use this document as a complement to or as an element of a geotechnical engineering report. Any other firm, individual, or other entity that so uses this document without being an ASFE member could be committing negligent or intentional (fraudulent) misrepresentation.

This Page Intentionally Left Blank

Appendix C
Soil Profile and Percolation Testing

This Page Intentionally Left Blank

**REPORT OF SOIL PROFILE TEST PITS
AND SOIL PERCOLATION TESTING
RUSSELL RESIDENTIAL DEVELOPMENT
1175 COMSTOCK ROAD, HOLLISTER
SAN BENITO COUNTY, CALIFORNIA**

August 17, 2008

Prepared for

Mr. Frank Russell

Prepared by

Earth Systems Pacific
400 Park Center Drive, Suite 1
Hollister, CA 95023

Copyright © 2008



August 17, 2008

File No.: SH-10966-SA

Mr. Frank Russell
1175 Comstock Road
Hollister, CA 95023

PROJECT: RUSSELL RESIDENTIAL DEVELOPMENT
1175 COMSTOCK ROAD, HOLLISTER
SAN BENITO COUNTY, CALIFORNIA

SUBJECT: **Report of Soil Profile Test Pit and Percolation Testing**

REFERENCE: Proposal for a Geotechnical Engineering Investigation and Soil Percolation Testing, Russell Residential Development, 1175 Comstock Road, San Benito County, California, by Earth Systems Pacific, dated June 13, 2008

Dear Mr. Russell:

In accordance with your authorization of the above-referenced proposal, Earth Systems Pacific logged conditions in a profile test pits and performed soil percolation tests for your proposed 4-lot residential development at 1175 Comstock Road in the Hollister area of San Benito County, California.

On July 15, 2008, soil profile test pits were excavated near the site of the planned septic system leach field identified by the client's representative. The test pits were excavated to approximate depths of 15 feet using a Fermec TLK 760 backhoe equipped with a 24-inch wide bucket. The soils encountered in the test pits were classified and logged in general accordance with the Unified Soil Classification System.

Following excavation of the test pits, percolation test holes were drilled adjacent to the test pits using a 12-inch diameter auger attachment to the backhoe. The test holes were drilled to depths ranging from approximately 9 to 11 feet. Four-inch diameter perforated pipes, surrounded at the base by a small amount of free-draining gravel, were installed in the holes. The holes were pre-saturated with water for an approximate period of 24 hours prior to recording the test readings. The percolation tests were conducted in general accordance with the County of San Benito Division of Environmental Health guidelines.

The approximate locations of the test pits and percolation test holes are indicated on the Percolation Test Location Map in Appendix A. Copies of the test pit logs are included in Appendix B. Copies of the percolation test readings are included in Appendix C. Four copies of this report are being furnished for your use.



Closure

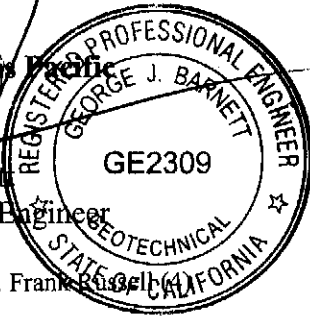
Our intent was to perform the percolation testing in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the locality of this project under similar conditions. No representation, warranty, or guarantee is either expressed or implied.

We appreciate the opportunity to have provided services for this project and look forward to working with you again in the future. Please do not hesitate to contact this office if you have any questions regarding this report.

Sincerely,

Earth Systems Pacific

George Barnett
Geotechnical Engineer

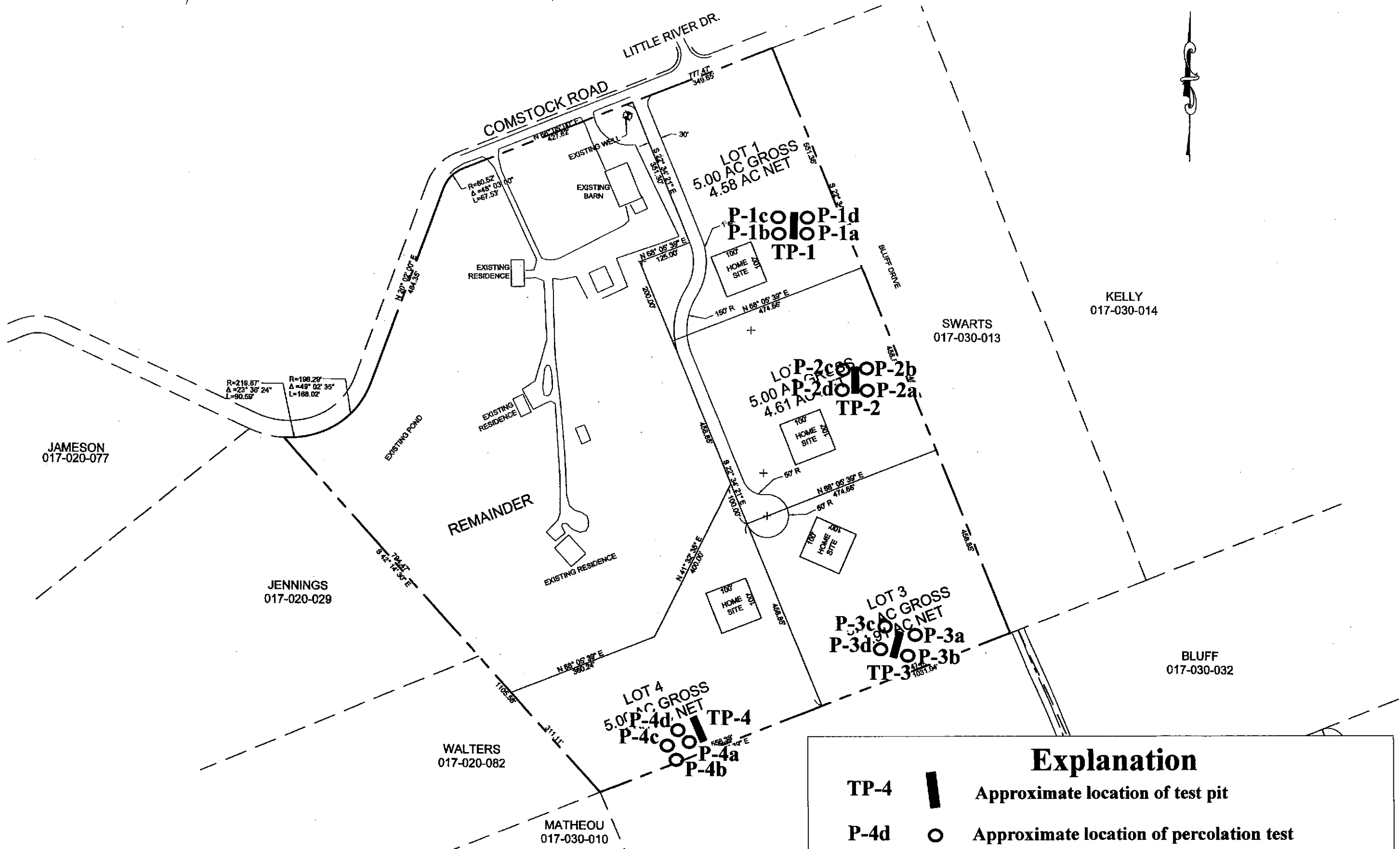


Distribution: Mr. Frank Russell

Doc. No.: 0808-531.RPT

APPENDIX A

Percolation Test Location Map



Base Map: Site Plan, Sheet 1, prepared by Kelley Engineering & Surveying, dated December, 2007



Earth Systems Pacific

Russell Residential Development
 1175 Comstock Road
 Hollister, California

Test Pit and Percolation Test Location Map

August, 2008

Not to scale

SH-10966-SA

APPENDIX B

Soil Profile Test Pit Logs



Earth Systems Pacific

Test Pit No. 1

LOGGED BY: B. Faust
 DRILL RIG: FERMEC TLK 760 Backhoe
 AUGER TYPE: 24" Bucket

PAGE 1 OF 1
 JOB NO.: SH-10966-SA
 DATE: 07/15/08

DEPTH (feet)	USCS CLASS	SYMBOL	RUSSELL RESIDENTIAL DEVELOPMENT 1175 Comstock Road Hollister, California	SAMPLE DATA				
				INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
			SOIL DESCRIPTION					
0 - 1 - 2	SC		Yellow brown CLAYEY SAND, moist, medium dense, fine to medium sand					
2 - 3 - 4 - 5 - 6	CL		Dark yellow brown SANDY LEAN CLAY, moist, medium stiff, fine to medium sand					
7 - 8 - 9 - 10 - 11 - 12 - 13	SC		Yellow brown CLAYEY SAND, moist, medium dense, fine to medium sand, some clay films -locally a silty sand, some fine gravel					
14 - 15	CL		Yellow brown SANDY LEAN CLAY, moist, medium stiff, fine sand					
15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26			End of Test Pit @ 15.0' No subsurface water encountered					

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Test Pit No. 2

LOGGED BY: B. Faust
 DRILL RIG: FERMEC TLK 760 Backhoe
 AUGER TYPE: 24" Bucket

PAGE 1 OF 1
 JOB NO.: SH-10966-SA
 DATE: 07/15/08

DEPTH (feet)	USCS CLASS	SYMBOL	RUSSELL RESIDENTIAL DEVELOPMENT 1175 Comstock Road Hollister, California	SAMPLE DATA				
				INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
SOIL DESCRIPTION								
0 - 1 - 2 - 3 - 4	CL		Gray brown SANDY LEAN CLAY, slightly moist, stiff, dessicated -becomes yellow brown					
4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12	SM		Yellow brown SILTY SAND, moist, dense, fine to medium sand, well developed clay films -moderately developed clay films, some coarse sand -local zones of sandy lean clay, fewer clay films -porous					
13 - 14	GM		Dark red brown SILTY GRAVEL with sand, moist, medium dense, fine gravel					
14 - 15	SM		Yellow brown SILTY SAND, moist, medium dense, fine to medium sand					
15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26			End of Test Pit @ 15.0' No subsurface water encountered					

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Test Pit No. 3

LOGGED BY: B. Faust
 DRILL RIG: FERMEC TLK 760 Backhoe
 AUGER TYPE: 24" Bucket

PAGE 1 OF 1
 JOB NO.: SH-10966-SA
 DATE: 07/15/08

DEPTH (feet)	USCS CLASS	SYMBOL	RUSSELL RESIDENTIAL DEVELOPMENT 1175 Comstock Road Hollister, California	SAMPLE DATA						
				INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.		
			SOIL DESCRIPTION							
0	CH		Gray brown sandy FAT CLAY, slightly moist, stiff, severely dessicated							
1										
2										
3										
4	SC		-becomes lean clay							
5			Yellow brown CLAYEY SAND, moist, medium dense, fine to medium sand, clay films							
6	SM		Yellow brown SILTY SAND, moist, dense, mostly fine sand, some well developed clay films, semi-consolidated							
7										
8										
9										
10										
11										
12					-some coarse gravel, fewer clay films					
13										
14										
15										
16			End of Test Pit @ 15.0' No subsurface water encountered							
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Test Pit No. 4

LOGGED BY: B. Faust
 DRILL RIG: FERMEC TLK 760 Backhoe
 AUGER TYPE: 24" Bucket

PAGE 1 OF 1
 JOB NO.: SH-10966-SA
 DATE: 07/15/08

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
RUSSELL RESIDENTIAL DEVELOPMENT 1175 Comstock Road Hollister, California								
SOIL DESCRIPTION								
0 - 1 - 2	CL							
Gray brown SANDY LEAN CLAY, slightly moist, medium stiff, desiccated								
2 - 3 - 4 - 5	GC							
Yellow brown CLAYEY GRAVEL with sand, moist, dense, some cobbles								
5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15	SC							
Yellow brown CLAYEY SAND, moist, medium dense, fine to medium sand, moderately to well developed clay films, some fine gravel								
-fewer clay films, locally a sandy lean clay								
-zone of silty fine gravel								
15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26								
End of Test Pit @ 15.0' No subsurface water encountered								

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

APPENDIX C

Percolation Test Readings



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-1A**
Date Drilled: 7/16/2008
Date Presaturated: 8/6/2008
Date Tested: 8/7/2008
Technician: JB
Percolation Test Hole Depth: 115"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
7:40 AM	*****	103.8	*****	*****
7:50 AM	10	104.3	0.5	20
8:00 AM	10	104.9	0.6	17
8:07 AM	Refill	104.4	*****	*****
8:17 AM	10	104.8	0.4	25
8:27 AM	10	105.1	0.3	33
8:57 AM	30	105.7	0.6	50
9:27 AM	30	106.2	0.5	60
9:57 AM	30	106.8	0.6	50
10:27 AM	30	107.3	0.5	60
10:57 AM	30	107.8	0.5	60

0
V



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-1B**
Date Drilled: 7/16/2008
Date Presaturated: 8/6/2008
Date Tested: 8/7/2008
Technician: JB
Percolation Test Hole Depth: 119"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
7:43 AM	*****	106.0	*****	*****
7:53 AM	10	106.6	0.6	17
8:03 AM	10	107.1	0.5	20
8:13 AM	10	107.4	0.3	33
8:23 AM	10	107.7	0.3	33
8:53 AM	30	108.5	0.8	38
9:23 AM	30	109.0	0.5	60
9:53 AM	30	109.6	0.6	50
10:23 AM	30	110.2	0.6	50
10:53 AM	30	110.8	0.6	50



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-1C**
Date Drilled: 7/16/2008
Date Presaturated: 8/6/2008
Date Tested: 8/7/2008
Technician: JB
Percolation Test Hole Depth: 112"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:46 AM	*****	100.0	*****	*****
8:56 AM	10	102.1	2.1	4.8
9:06 AM	10	103.3	1.2	8.3
9:16 AM	10	104.3	1.0	10
9:26 AM	10	105.0	0.7	14
9:36 AM	10	105.6	0.6	17
9:46 AM	10	106.3	0.7	14
9:48 AM	Refill	99.7	*****	*****
9:58 AM	10	100.7	1.0	10
10:08 AM	10	101.6	0.9	11
10:18 AM	10	102.3	0.7	14
10:28 AM	10	102.9	0.6	17
10:38 AM	10	103.3	0.4	25
10:48 AM	10	103.8	0.5	20
10:58 AM	10	104.2	0.4	25
11:08 AM	10	104.6	0.4	25



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-1D**
Date Drilled: 7/16/2008
Date Presaturated: 8/6/2008
Date Tested: 8/7/2008
Technician: JB
Percolation Test Hole Depth: 120"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:02 AM	*****	107.6	*****	*****
9:12 AM	10	107.9	0.3	33
9:22 AM	10	108.1	0.2	50
9:52 AM	30	108.8	0.7	43
10:22 AM	30	109.3	0.5	60
10:52 AM	30	110.0	0.7	43
11:22 AM	30	110.5	0.5	60
11:52 AM	30	111.1	0.6	50



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-2A**
Date Drilled: 7/16/2008
Date Presaturated: 8/5/2008
Date Tested: 8/6/2008
Technician: JB
Percolation Test Hole Depth: 116"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
7:48 AM	*****	105.0	*****	*****
7:58 AM	10	107.4	2.4	4.2
8:08 AM	10	109.4	2.0	5.0
8:10 AM	Refill	104.0	*****	*****
8:20 AM	10	105.5	1.5	6.7
8:30 AM	10	107.0	1.5	6.7
8:40 AM	10	108.6	1.6	6.3
8:50 AM	10	109.9	1.3	7.7
9:00 AM	10	111.0	1.1	9.1
9:02 AM	Refill	105.6	*****	*****
9:12 AM	10	106.6	1.0	10
9:22 AM	10	107.7	1.1	9.1



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-2B**
Date Drilled: 7/16/2008
Date Presaturated: 8/5/2008
Date Tested: 8/6/2008
Technician: JB
Percolation Test Hole Depth: 115"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:06 AM	*****	103.2	*****	*****
8:16 AM	10	111.2	8.0	1.3
8:19 AM	Refill	102.7	*****	*****
8:29 AM	10	110.0	7.3	1.4
8:33 AM	Refill	102.1	*****	*****
8:43 AM	10	109.6	7.5	1.3
8:45 AM	Refill	101.6	*****	*****
8:55 AM	10	108.8	7.2	1.4
8:59 AM	Refill	102.2	*****	*****
9:09 AM	10	109.6	7.4	1.4
9:15 AM	Refill	101.5	*****	*****
9:25 AM	10	108.6	7.1	1.4



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-2C**
Date Drilled: 7/16/2008
Date Presaturated: 8/5/2008
Date Tested: 8/6/2008
Technician: JB
Percolation Test Hole Depth: 116"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:30 AM	*****	103.6	*****	*****
9:40 AM	10	109.9	6.3	1.6
9:46 AM	Refill	102.5	*****	*****
9:56 AM	10	106.8	4.3	2.3
10:06 AM	10	109.9	3.1	3.2
10:08 AM	Refill	102.6	*****	*****
10:18 AM	10	106.1	3.5	2.9
10:28 AM	10	109.0	2.9	3.4
10:31 AM	Refill	103.2	*****	*****
10:41 AM	10	106.2	3.0	3.3
10:51 AM	10	109.1	2.9	3.4



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-2D**
Date Drilled: 7/16/2008
Date Presaturated: 8/5/2008
Date Tested: 8/6/2008
Technician: JB
Percolation Test Hole Depth: 118"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:33 AM	*****	106.6	*****	*****
9:43 AM	10	109.8	3.2	3.1
9:53 AM	10	111.8	2.0	5.0
9:55 AM	Refill	105.5	*****	*****
10:05 AM	10	108.6	3.1	3.2
10:15 AM	10	110.6	2.0	5.0
10:25 AM	10	112.3	1.7	5.9
10:27 AM	Refill	105.6	*****	*****
10:37 AM	10	108.1	2.5	4.0
10:47 AM	10	110.0	1.9	5.3
10:57 AM	10	112.2	2.2	4.5
10:59 AM	Refill	105.1	*****	*****
11:09 AM	10	107.4	2.3	4.3
11:19 AM	10	109.6	2.2	4.5



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-3A**
Date Drilled: 7/16/2008
Date Presaturated: 7/29/2008
Date Tested: 7/30/2008
Technician: JB
Percolation Test Hole Depth: 122"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:05 AM	*****	112.2	*****	*****
8:15 AM	10	112.7	0.5	20
8:25 AM	10	113.2	0.5	20
8:35 AM	10	113.6	0.4	25
8:45 AM	10	113.9	0.3	33
8:55 AM	10	114.4	0.5	20
9:05 AM	10	114.7	0.3	33
9:15 AM	10	115.1	0.4	25
9:25 AM	10	115.4	0.3	33



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-3B**
Date Drilled: 7/16/2008
Date Presaturated: 7/29/2008
Date Tested: 7/30/2008
Technician: JB
Percolation Test Hole Depth: 127"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:32 AM	*****	116.5	*****	*****
9:42 AM	10	117.8	1.3	7.7
9:52 AM	10	118.9	1.1	9.1
10:02 AM	10	119.9	1.0	10
10:12 AM	10	120.7	0.8	13
10:22 AM	10	121.6	0.9	11
10:32 AM	10	122.3	0.7	14
10:42 AM	10	123.0	0.7	14
10:52 AM	10	123.6	0.6	17
11:02 AM	10	124.2	0.6	17



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-3C**
Date Drilled: 7/16/2008
Date Presaturated: 7/29/2008
Date Tested: 7/30/2008
Technician: JB
Percolation Test Hole Depth: 128"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:36 AM	*****	116.6	*****	*****
9:46 AM	10	117.1	0.5	20
9:56 AM	10	117.5	0.4	25
10:06 AM	10	117.7	0.2	50
10:16 AM	10	118.0	0.3	33
10:26 AM	10	118.2	0.2	50
10:36 AM	10	118.4	0.2	50
10:46 AM	10	118.7	0.3	33
10:56 AM	10	118.9	0.2	50



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-3D**
Date Drilled: 7/16/2008
Date Presaturated: 7/29/2008
Date Tested: 7/30/2008
Technician: JB
Percolation Test Hole Depth: 130"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:12 AM	*****	116.5	*****	*****
8:22 AM	10	118.4	1.9	5.3
8:29 AM	Refill	116.6	*****	*****
8:39 AM	10	118.8	2.2	4.5
8:49 AM	10	120.5	1.7	5.9
8:59 AM	10	122.2	1.7	5.9
9:09 AM	10	123.5	1.3	7.7
9:19 AM	10	124.7	1.2	8.3
9:29 AM	10	125.9	1.2	8.3
9:39 AM	10	127.1	1.2	8.3



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-4A**
Date Drilled: 7/16/2008
Date Presaturated: 7/23/2008
Date Tested: 7/24/2008
Technician: JB
Percolation Test Hole Depth: 127"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:22 AM	*****	115.9	*****	*****
8:32 AM	10	117.4	1.5	6.7
8:42 AM	10	118.8	1.4	7.1
8:45 AM	Refill	116.3	*****	*****
8:55 AM	10	117.4	1.1	9.1
9:05 AM	10	118.5	1.1	9.1
9:15 AM	10	119.5	1.0	10
9:25 AM	10	120.4	0.9	11
9:35 AM	10	121.3	0.9	11
9:45 AM	10	122.3	1.0	10
9:55 AM	10	123.2	0.9	11



SH-10966-SA

August, 2008

Russell Residential Development

Percolation Test No.: **P-4B**
Date Drilled: 7/16/2008
Date Presaturated: 7/23/2008
Date Tested: 7/24/2008
Technician: JB
Percolation Test Hole Depth: 126"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
8:25 AM	*****	113.5	*****	*****
8:35 AM	10	114.5	1.0	10
8:45 AM	10	115.3	0.8	13
8:48 AM	Refill	114.6	*****	*****
8:58 AM	10	115.3	0.7	14
9:08 AM	10	116.0	0.7	14
9:18 AM	10	116.6	0.6	17
9:28 AM	10	117.2	0.6	17
9:38 AM	10	117.9	0.7	14
9:48 AM	10	118.5	0.6	17



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-4C**
Date Drilled: 7/16/2008
Date Presaturated: 7/23/2008
Date Tested: 7/24/2008
Technician: JB
Percolation Test Hole Depth: 126"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
9:53 AM	*****	111.1	*****	*****
10:23 AM	30	111.5	0.4	75
10:53 AM	30	111.9	0.4	75
11:23 AM	30	112.2	0.3	100
11:53 AM	30	112.5	0.3	100
12:23 PM	30	112.9	0.4	75
12:53 PM	30	113.3	0.4	75
1:23 PM	30	113.6	0.3	100



SH-10966-SA
Russell Residential Development

August, 2008

Percolation Test No.: **P-4D**
Date Drilled: 7/16/2008
Date Presaturated: 7/23/2008
Date Tested: 7/24/2008
Technician: JB
Percolation Test Hole Depth: 131"
Boring Diameter: 12"

Time	Interval	Reading	Fall	Percolation Rate
	minutes	inches	inches	minutes/inch
10:37 AM	*****	121.6	*****	*****
10:47 AM	10	122.3	0.7	14
10:57 AM	10	122.9	0.6	17
11:07 AM	10	123.6	0.7	14
11:09 AM	Refill	120.0	*****	*****
11:19 AM	10	120.9	0.9	11
11:29 AM	10	121.7	0.8	13
11:39 AM	10	122.6	0.9	11
11:49 AM	10	123.4	0.8	13
11:59 AM	10	124.2	0.8	13

This Page Intentionally Left Blank

Appendix D
Assembly Bill 52 Consultation

This Page Intentionally Left Blank



San Benito County Resource Management Agency

Public Works / Planning & Building / Parks / Integrated Waste

August 12, 2022

[REDACTED]

**RE: Assembly Bill 52 Consultation for County Planning File PLN220004
1175 Comstock Road for a Minor Subdivision
Unincorporated San Benito County, California**

The San Benito County Resource Management Agency (SBC RMA) is preparing an Initial Study (IS) that would likely result in a Mitigated Negative Declaration (MND) for a minor subdivision. This project will consist of a total of four lots being created, with three of the lots containing 5 acres, and the fourth lot will be 23.54 acres. The property is located on a 23.93-acre parcel located along Comstock Road and Bluff Drive near Little River Drive, one mile east of the Comstock Road–Fairview Road intersection.

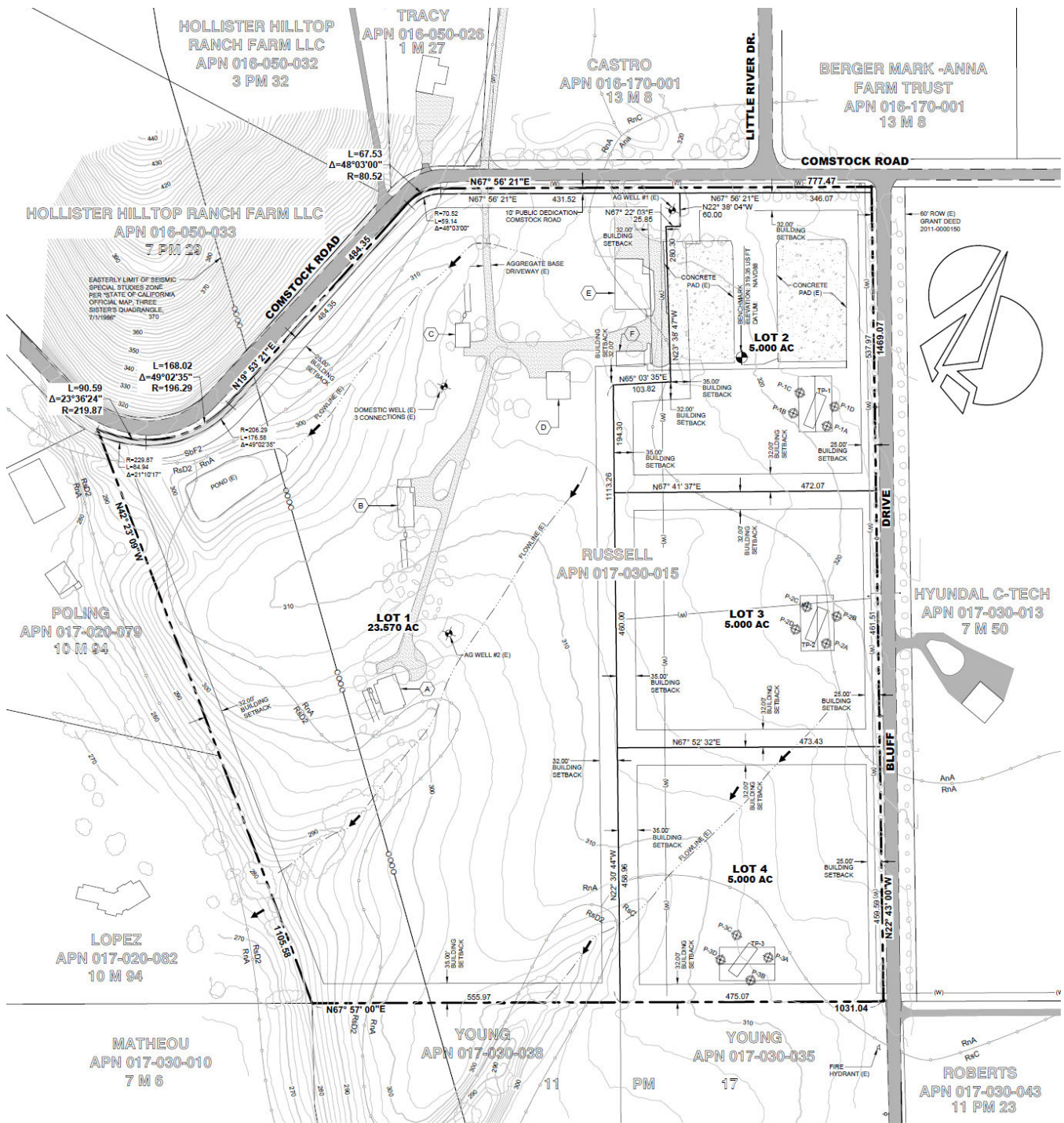
The project as submitted proposes no construction of any new buildings. The project scope is to subdivide the 38.93-Acre parcel into four parcels (23.54, 5-acres, 5-acres, and 5-acres) and continue with the existing main dwelling unit, two accessory dwelling units, two garages, and existing shop. The project location has as areas of concerns archaeological sensitivity, mapped wetland features, Grade-1 soil overlapping with Prime Farmland, a known occurrence of the San Joaquin kit fox, and a portion of Alquist–Priolo earthquake fault zone.

The proposed project must comply with California Public Resources Code §21080.3.1 (Assembly Bill [AB] 52 of 2014), which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

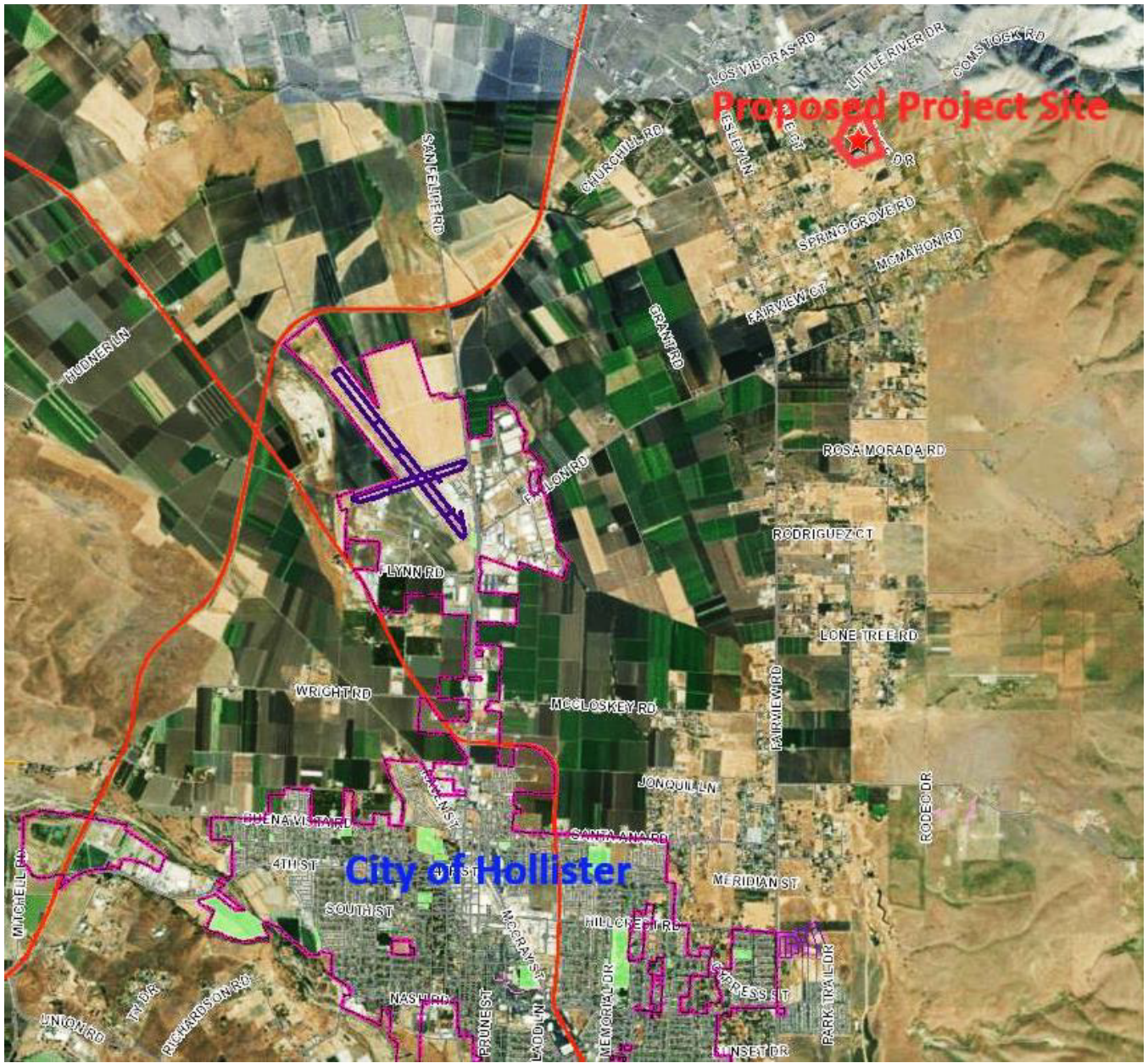
Your input is important to the SBC RMA planning process. We request that you advise us as early as possible if you wish to consult on the proposed project. Under AB 52, you have 30 days from the date of receipt of this notice to advise the SBC RMA if you are interested in further consultation. If you require any additional information or have any questions, please contact me at 831 902-9857 or at jolivas@cosb.us. Thank you for your assistance.

Jonathan Olivas

Jonathan Olivas
Assistant Planner
County of San Benito Resource Management Agency



The image above is of the proposed project showing scope of the project with wells and existing structures.



This image shows the proposed project in proximity to the city of Hollister.

This Page Intentionally Left Blank

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

**MEETING OF AUGUST 21ST,
2024, at 6:00 p.m.**

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, August 21st, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers: +1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose). To access the meeting, please enter the Webinar ID **842 6449 5650** AND Webinar Password **928233**.

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN220004 (Minor Subdivision at 1175 Comstock Road):

OWNER: Frank Edwin Russell Trust. APPLICANT: Kelley Engineering & Surveying. LOCATION: 1175 Comstock Road (7 miles from downtown Hollister) in unincorporated San Benito County. APN: 017-030-015. REQUEST: To subdivide an existing 38.93-acre parcel into four parcels: one of 23.57 acres and three of 5.00 acres each. The 23.57-acre lot would contain the existing three dwellings, driveways, a septic system, and two wells. The proposed plan includes building envelopes for each of the 5.00-acre lots, each of which being proposed to have a new residence and potential accessory dwelling unit. The new residential units will connect to new wells and new septic systems when developed. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

PLN240016 (Minor Subdivision at Shore and Lake Roads):

OWNER: Brigantino D&D Family Ltd Partnership. APPLICANT: Kelley Engineering & Surveying. LOCATION: South of Shore Road between its Frazer Lake Road intersection and Tequisquita Slough (9 miles northwest of Downtown Hollister) in unincorporated San Benito County. APN: 013-060-018. REQUEST: To subdivide an existing 251.94-acre parcel into two separate parcels, each measuring 228.48 acres and 20.00 acres respectively with a 3.46-acre road dedication. The two parcels are undeveloped agricultural land. This project proposes no construction. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b) (3)) and §15301 (Existing Facilities, subparagraph c). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov)

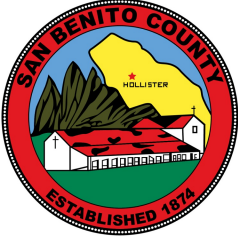
PLN240013 (Botelho Conditional Use Permit):

OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (at State Route 156 intersection, 2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: To operate a woodworking shop that provides custom woodworking and small-scale cabinetry services, as well as an agricultural equipment repair service business. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303(C) (New Construction or Conversion of Small Structures), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vtafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: August 2nd, 2024
PUBLISHED: Friday, August 9th, 2024~ Hollister Free Lance (Pub HF 8/9)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 8.1

MEETING DATE: 08/21/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -
Receive presentation from RWE Clean Energy on the Panoche Valley Solar Plant
Decommissioning Fund Discussion and provide direction on on request for the second
decommissioning deposit waiver.
SBC FILE NUMBER: 790**

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Under section 3.6 Decommissioning Agreement within the First Amended Development Agreement by and Between the County of San Benito and Panoche Valley Solar, LLC it is the intent of this Section 3.6 that the Decommission Fund along with the residual value of installed improvements will provide sufficient financial assurances for County to decommission the Project and fully restore the Property. Each payment to the Decommission Fund is due and payable on August 31st of the applicable year to the County Auditor. In conformity with the PG&E study set forth above, a sum of \$26,500 per MW installed shall be paid (adjusted in accordance with the Consumer Price Index ("CPI") as set forth below) into the Decommission Fund, which amount shall be fully adjusted for inflation. Every five years, Owner will provide an updated cost estimate of decommissioning costs, which estimate shall be prepared by a firm approved by the Planning Director. The reasonable and actual costs of the cost estimate may be reimbursed to Owner from the Decommission Fund. Upon receipt of the cost estimate showing the need for increased contribution, including but not limited to the need to increase the Decommission Fund due to inflation greater than 2% per year, the Owner shall immediately increase annual contributions by 1/5 of the deficit amount so that the Decommission Fund is fully funded according to cost estimate received within five years. If Owner disagrees with the cost estimate, Owner may obtain its own cost estimate, and the parties shall submit the issue of the amount needed for the Decommission Fund for resolution in accordance with the provisions of Section 9 of this Agreement. However, in no event may the Decommission Fund be

adjusted to less than \$26,500 per MW, adjusted for inflation at 2% per year.

RWE deposited the decommissioning fund, \$2.67 million for Block3, 4 to the county on 9/26/2023 as required per the development agreement.

Westwood Professional Services was selected by the County and paid for by RWE to prepare a Decommissioning Plan to prepare a cost estimate of the decommissioning costs as required by the Development Agreement.

The Westwood report shows that the salvage (residual) value of the project is higher than the decommissioning cost by \$2.25 million.

RWE is seeking a waiver from the 2nd decommissioning deposit of \$3.08 million for Blocks 1, 2, and 9 (totaling 104.1 MWdc, commissioned in December 2018) under the Decommissioning Agreement. In the event the next 5-year annual decommissioning cost estimate review demonstrates a need for additional funds to be deposited in the Decommissioning Fund to protect the county, RWE is fully committed to providing such protection.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

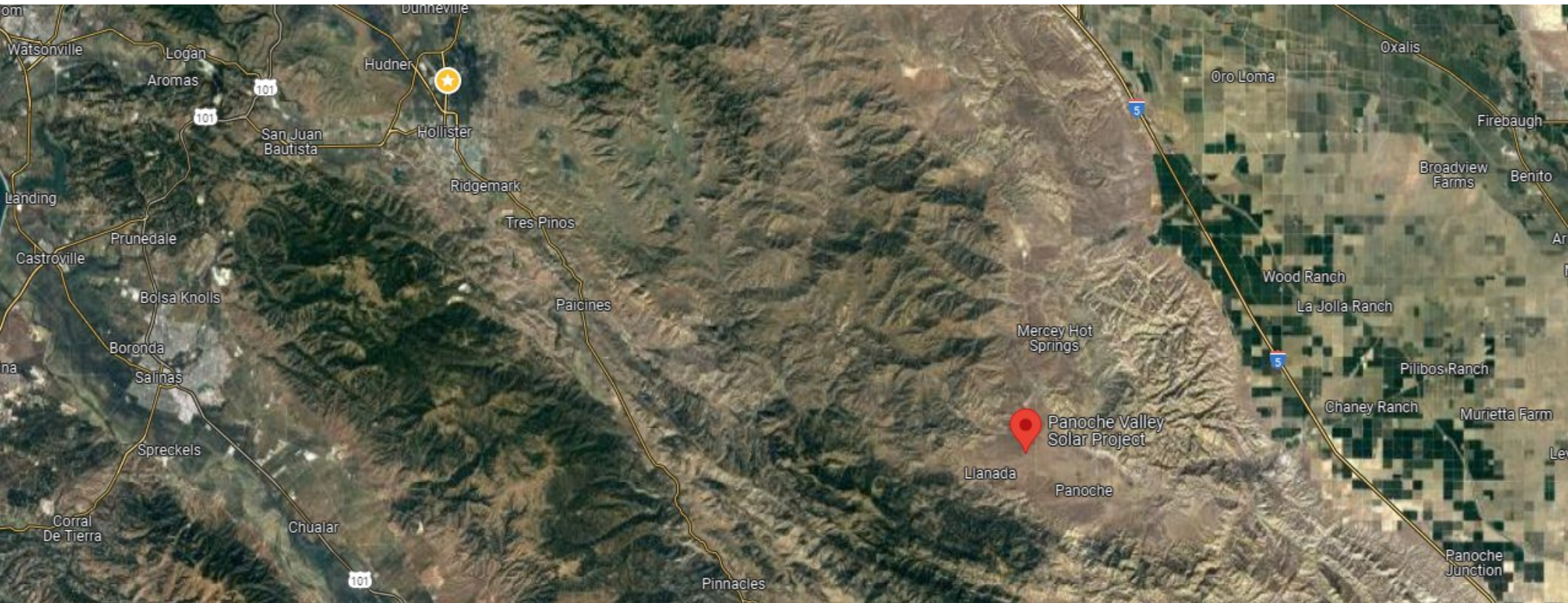
Staff recommends that the Planning Commission review the request and provide staff direction on request for the second decommissioning deposit waiver.

ATTACHMENTS:

[Panoche Decommissioning Fund Discussion 081424.pptx](#)

[PVS - 1stAm Dev Agr - RECORDED.pdf](#)

[2024-06-03_Panoche Valley Solar_Decom Cost Estimate.pdf](#)



Panoche Valley Solar Plant Decommissioning Fund Discussion

Agendas

1. RWE Introduction
2. Panoche Valley Solar Plant
3. Decommissioning Cost Analysis by Westwood
4. Decommissioning Agreement
5. Requesting 2nd Decommissioning Fund Waiver

Panoche Valley Solar, 140MWac in San Benito County



Energising the future. For 125 years. Now, RWE is shaping the new energy era.



1898
The future starts today – 125 years ago.



Commissioning of RWE's first hydropower plant.
1905



Lignite is the key to affordable electricity.
1914



Powering the economic miracle.
1950s



RWE commissions North Hoyle in the UK – one of the world's first commercial offshore wind farms.
2004



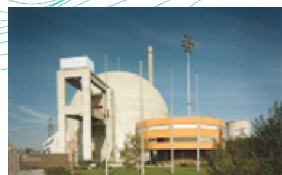
2019
Transaction with E.ON.

RWE becomes one of the world's leading generators of renewable electricity.

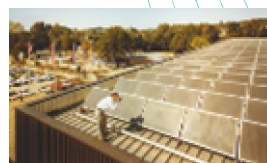
2023
RWE Renewables Americas and Con Edison CEB combine to become RWE Clean Energy.



1928
RWE builds the first cross-regional high-voltage transmission line.




1970s
Security of supply thanks to nuclear power.



1976
RWE researches, develops and tests renewables.

2016
Stock market launch for retail and grid business and foundation as generation-only company.

 **125 years RWE**

RWE is one of the world's leading renewable energy companies.

2
No

Global Offshore

3
No

US Solar

3
No

US Wind & Solar

3
No

UK Wind & Solar

4
No

Europe Wind & Solar

Track record
20+ years in
renewables

Note: Offshore market excluding China.

Our core business is leading the way to a green energy world.



Offshore wind

Continued strong growth in European markets as well as globally



Onshore wind/solar

Decarbonisation pledges accelerate growth momentum in US and Europe



Battery storage & flexible generation

RWE's European core markets require new, low-carbon flexible capacity



Hydrogen

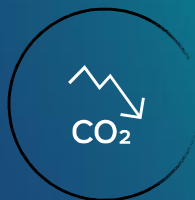
Hydrogen is quickly gaining traction with Europe at the forefront



Energy trading & customer solutions

Decarbonisation of industry drives demand for tailored solutions

We are leading the way to a sustainable future.



Society

We are shaping the energy transition and will be net zero by 2040.



Customers

We supply green energy solutions and support the decarbonization of industry.



Employees

We offer a highly attractive & international working environment, with significant growth in green technologies. We also stand by our employees who are impacted by the energy transition.



Shareholders

We create shareholder value by delivering profitable green growth.

Our integrated business along the entire project value chain allows maximum value to be captured



Origination & Development

Proven greenfield and brownfield project development capability



Engineering & Procurement

Global engineering backbone with strong LCOE* optimization and innovation focus



Construction

Management and delivery of complex projects on time and within budget



Commercialisation

Ability to ensure long-term income stability via a broad range of tailor-made offtake solutions



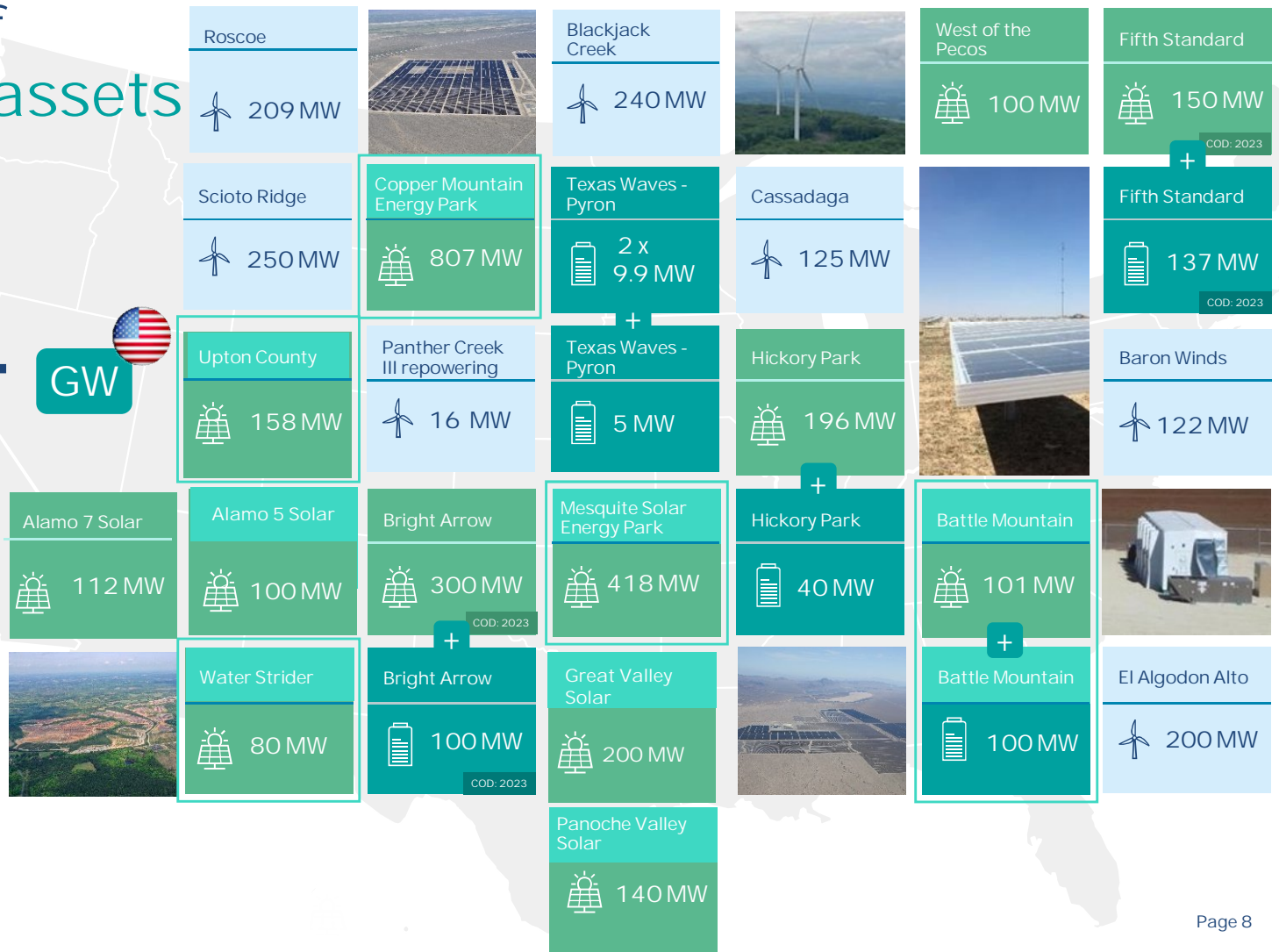
Operation

Experienced self-performing operator

*Levelized Cost of Energy

Highlights of operational assets

9 +  GW



RWE Clean Energy Vision

Preeminent clean energy player

We are striving to become a top-3 developer and operator of onshore wind, solar and battery storage in the U.S. and a preferred partner for communities, offtakers and suppliers.

Employer of choice

We are one of the best places to work, boasting an entrepreneurial spirit, opportunities for career advancement and a collaborative learning culture.

Strong growth ambition

We intend to take a leadership position in the U.S. clean energy market, with strong ambitions to further grow our portfolio.

Panoche Valley Solar Introduction

Site Specifics

- Generation Capacity: 188 MW DC / 140 MW AC
- Number of Solar Panels: 576,080
- System Footprint: 1,688.2 Acres
- Commercial Operation Initiated: 1Q 2019
- Independent System Operators (ISO): CAISO
- Interconnect: PG&E
- Voltage: 230 kV
- Annual Production: 350,000 MWh which can be used for 33,000 house holders annually.
- 4 RWE employees working at the site daily

Note:

1. RWE donated 26,500 acres to San Benito county
2. \$87k property tax annually
3. \$384k Pay In Lieu of Taxes (PILOT) payment annually

Solar Plant Equipment

1. Solar Photovoltaic (PV) Modules
2. Inverters
3. Tracking System
4. Transformers
5. Switchgear and Protection Devices
6. Cabling and Wiring
7. Monitoring and Control Systems
8. Substation Equipment
9. Weather Stations
10. Operations and Maintenance (O&M) Facilities



Westwood Decommissioning Report

Category	Blocks 1/2/9	Blocks 3/4
Total Decommissioning Cost	\$8,735,584	\$8,929,528
- Mobilization and Permitting	\$580,800	\$593,500
- Civil and Structural Infrastructure Removal	\$3.125 million	\$3.224 million
- Electrical Collection System Removal	\$3.75 million	\$3.5 million
- Substation & Switchyard and O&M Building	\$323,000 (split between blocks)	\$323,000 (split between blocks)
- Project Management	\$150,420	\$150,420
- Site Restoration	\$773,464	\$1,102,646
Salvage Value	\$10,419,481	\$9,491,147
Difference Bet. Salvage value and Decommissioning cost	\$1,683,897	\$561,619

1. San Benito County and RWE agreed to use Westwood to analyze the decommissioning cost and salvage value.
2. The salvage (residual) value of the project is higher than the decommissioning cost by \$2.25 million.

Decommissioning Agreement between the county and RWE

3.6 Decommissioning Agreement.

County wishes to protect itself and its citizens in the event Owner, or its successors or assigns, cannot complete the expected twenty (20) year Project life span, cease on-going business operations, or abandon the Project and/or the Property for whatever reason. Owner agrees to establish, and make payments into, a Decommission Fund. Payments will be based on the number of megawatts installed and the dates those megawatts are installed. For each phase, payments to the Decommission Fund shall commence five years after that phase's completion, except if a later scheduled phase of the project has not been completed within two years from the completion of the phase which immediately precedes it. In this case, payment to the Decommission Fund shall be immediately commenced and shall be due the next August 31st.

It is the intent of this Section 3.6 that the Decommission Fund along with the residual value of installed improvements will provide sufficient financial assurances for County to decommission the Project and fully restore the Property. If Owner, its successors or assigns, do not properly decommission the Project or restore the Property to its original condition within a reasonable time following the cessation of business operations or the abandonment of the Project or Property for whatever reason, then the County may use the Decommission Fund to perform the decommission and/or restoration. If the Decommission Fund is not adequate to fully decommission the Project or restore the Property, the Owner, its successors, or assigns shall be liable for any amount expended by the County over the Decommission Fund balance. The term "reasonable time" as used herein shall mean no more than six (6) months after the County notifies the Owner, its successors, or assigns in

1. The Westwood report shows there is enough residual value than the decommissioning cost by \$2.25 million.
2. RWE deposited the decommissioning fund, \$2.67 million for Block 3, 4 to the county on 9/26/2023.
3. RWE owns the site land, 2500 acres.

Page 18 of Decommissioning Agreement

In conformity with the PG&E study set forth above, a sum of \$26,500 per MW installed shall be paid (adjusted in accordance with the Consumer Price Index ("CPI") as set forth below) into the Decommission Fund, which amount shall be fully adjusted for inflation. Every five years, Owner will provide an updated cost estimate of decommissioning costs, which estimate shall be prepared by a firm approved by the Planning Director. The reasonable and actual costs of the cost estimate may be reimbursed to Owner from the Decommission Fund. Upon receipt of the cost estimate showing the need for increased contribution, including but not limited to the need to increase the Decommission Fund due to inflation greater than 2% per year, the Owner shall immediately increase annual contributions by 1/5 of the deficit amount so that the Decommission Fund is fully funded according to cost estimate received within five years. If Owner disagrees with the cost estimate, Owner may obtain its own cost estimate, and the parties shall submit the issue of the amount needed for the Decommission Fund for resolution in accordance with the provisions of Section 9 of this Agreement. However, in no event may the Decommission Fund be adjusted to less than \$26,500 per MW, adjusted for inflation at 2% per year.

The Decommission Fund shall be held in the County Treasury, in an account dedicated only for the purposes set forth in this Agreement. All interest earned by deposits within the Decommission Fund shall accrue to the Decommission Fund and be used only for the purposes set forth in this Agreement.

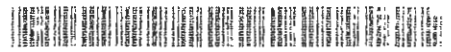
Should the Project be repowered or continue to exist on the property after termination of this Agreement, the Decommission Fund shall continue to be held in the County Treasury for the purposes set forth in this Agreement until the Property is fully restored to its natural and existing condition, and the remediation has been approved in writing by the County.

The obligations under this Section 3.6, including but not limited to 5 year annual reviews for adequacy of the Decommission Fund, shall survive the termination of this Agreement, and shall cease only upon full decommissioning of the project and restoration of the Property to its original condition, which restoration shall be approved by the County.

1. There is a paragraph addressing the minimum fund requirement.

2nd Decommissioning Deposit Waiver Request

1. RWE is seeking a waiver from the 2nd decommissioning deposit of \$3.08 million for Blocks 1, 2, and 9 (totaling 104.1 MWdc, commissioned in December 2018) under the Decommissioning Agreement.
2. The project already provides more than sufficient financial assurance for the county to decommission and restore the property based on the recent Westwood Decommissioning Report – residual/salvage value exceeds decommissioning costs by \$2.25 million for the entire project and exceeds the decommissioning cost for Blocks 1, 2 and 9 by \$1.68 million.
3. RWE would utilize the fund for further green energy development to reduce carbon emissions.
4. In the event the next 5-year annual decommissioning cost estimate review demonstrates a need for additional funds to be deposited in the Decommissioning Fund to protect the county, RWE is fully committed to providing such protection.



2018-0000274

Recorded
Official Records
County of
San Benito
JOE PAUL GONZALEZ
Clerk-Auditor-Recorder

REC FEE 0.00

10:00AM 12-Jan-2018

15
Page 1 of 97

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
San Benito County
Attn: San Benito County Clerk
440 Fifth St., Room 206
County Courthouse
Hollister, CA
95023

With a Copy to:
Office of the County Counsel
481 Fourth St., 2nd Floor
Hollister, CA 95023

Baker Botts LLP
101 California, Suite 3600
San Francisco, CA 94111

RECORDING FEE EXEMPT
PURSUANT TO GOVERNMENT CODE
SECTION 27383

(Space Above Line For Recorder's Use)

**FIRST AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN
THE COUNTY OF SAN BENITO AND
PANOCH VALLEY SOLAR, LLC**

This is a true and correct copy of the records in this office.

ATTEST Date: 1/12/2018
Joe Paul Gonzalez, County Clerk in and for the County of San Benito, State of California.

BY _____
Deputy

JENN SCHULTZ



TABLE OF CONTENTS

	<u>Page</u>
SECTION 1. DEFINITION OF TERMS	5
SECTION 2. OWNER'S OBLIGATIONS	8
2.1 Development of the Project.....	8
2.2 County's Reliance on Owner's Provision of, or Contribution Towards, Project Infrastructure.....	9
2.3 Provision of Open Space and Public Benefit.....	9
2.4 Design of Project Infrastructure	9
2.5 Provision of Permanent Employment; and Best Efforts to Employ Local Workers.....	9
2.6 Habitat Conservation	11
2.7 Mitigation and Reporting Expenses	11
2.8 Additional Public Benefit Compensation.....	11
SECTION 3. OWNER'S VESTED RIGHTS	15
3.1 Vested Right to Develop the Project.....	15
3.2 Development Impact Fees and Regulatory Processing Fees.....	16
3.3 Application of Subsequently Enacted Rules, Regulations and Official Policies	16
3.4 Modification or Suspension by State or Federal Law	17
3.5 CEQA.....	17
3.6 Decommissioning Agreement.....	17
3.7 Timing of Development.....	19
3.8 Regulation by Other Public Agencies	19
SECTION 4. COOPERATION.....	19
4.1 Owner's Application for Subsequent Approvals.....	19
4.2 County's Processing of Subsequent Approvals.....	20
SECTION 5. EFFECTIVE DATE OF DEVELOPMENT AGREEMENT.....	20
SECTION 6. TERM OF THIS AGREEMENT	20
6.1 Duration of Agreement.....	20
6.2 Extension by Agreement.....	20
SECTION 7. PERIODIC COMPLIANCE REVIEW; DEFAULT	21
7.1 Periodic Compliance Review	21
7.2 Default.....	21
SECTION 8. TERMINATION.....	22
8.1 Termination upon Completion of Project or Expiration of Term.....	22
8.2 Termination by Mutual Consent.....	23

SECTION 9. DISPUTE RESOLUTION 23

 9.1 Informal Resolution of Disputes; Mediation 23

 9.2 Arbitration..... 23

 9.3 Attorneys' Fees and Dispute Resolution Costs 24

SECTION 10. ASSIGNMENT AND ASSUMPTION OF OBLIGATIONS..... 24

 10.1 Assignment of Rights, Interests and Obligations 24

 10.2 Assumption of Rights, Interests and Obligations in Writing Only..... 24

SECTION 11. GENERAL PROVISIONS..... 25

 11.1 Independent Contractors 25

 11.2 Invalidity of Agreement and Severability of Provisions 25

 11.3 Further Documents 26

 11.4 Time of Essence 26

 11.5 Modifications 26

 11.6 Subsequent Approvals Do Not Require Amendment 26

 11.7 Project is a Private Undertaking..... 26

 11.8 No Discrimination Permitted 26

 11.9 Covenants Running with the Land 26

 11.10 Recordation of Agreement 27

 11.11 Notices 27

 11.12 Prevailing Wage 28

 11.13 Applicable Law 28

 11.14 Venue..... 28

 11.15 Cooperation in the Event of Legal Challenge; Indemnification 28

 11.16 No Waiver 29

 11.17 Construction 29

 11.18 Entire Agreement 29

 11.19 Estoppel Certificate 29

 11.20 No Third-Party Beneficiaries 29

 11.21 Counterparts 30

 11.22 Authority to Execute 30

 11.23 Captions 30

 11.24 Listing and Incorporation of Exhibits 30

FIRST AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF SAN BENITO AND PANOCH VALLEY SOLAR, LLC (PANOCH VALLEY SOLAR FARM PROJECT)

THIS FIRST AMENDED DEVELOPMENT AGREEMENT ("**Agreement**") is made and entered into on January 11, 2018, by and between the County of San Benito, a political subdivision of the State of California ("**County**") and PANOCH VALLEY SOLAR, LLC ("**Owner**"). County and Owner are sometimes herein referred to individually as a "**party**" and collectively as "**parties.**"

RECITALS

This Agreement is predicated on the following facts, which are incorporated into and made a part of this Agreement.

A. Capitalized Terms.

This Agreement uses certain terms with initial capital letters that are defined in Section 1 below. County and Owner intend to refer to those definitions when the capitalized terms are used in this Agreement.

B. Nature and Purpose of Development Agreements.

The Legislature enacted Government Code section 65864 *et seq.* ("**Development Agreement Statute**") in response to the lack of certainty in the approval of development projects, which can result in a waste of resources, escalate the cost of development, and discourage investment in and commitment to planning that would maximize the efficient utilization of resources. The Development Agreement Statute is designed to strengthen the public planning process, to encourage private participation in comprehensive, long-range planning, and to reduce the economic costs of development. It authorizes a county to enter into a binding agreement with any person(s) having a legal or equitable interest in real property located in the county regarding the development of that property.

C. County's Development Agreement Procedures.

Pursuant to the Development Agreement Statute, County adopted San Benito County Code Chapter 19.11, which sets forth procedures and requirements for the consideration of development agreements ("**County Development Agreement Procedures**"). This chapter enables County and a developer seeking County approval of a project to enter into a development agreement that vests certain rights and that requires a developer to provide certain public benefits beyond those that could otherwise be imposed as conditions of development.

D. Owner's Interest in the Property.

The land and development governed by this Agreement consists of an up-to 247 MW (Megawatt), or such smaller project as Owner chooses to develop on the property, solar power electric generation facility located on a footprint of up to approximately 1,888 acres (including underground electrical conduits) ("**Facility**") of an approximate total 2,506-

acre project site ("**Property**"). In addition, up to approximately 26,118 acres located outside the boundaries of the Property ("**Potential Mitigation Lands**") are also subject to the provisions of this Agreement. The Property and is described in Exhibit "A" and depicted in the map at Exhibit "B". Exhibit "C" and Exhibit "D" are hereby reserved. Owner has a legal interest in the Property and the Potential Mitigation Lands. The Property has been designated by the San Benito County Board of Supervisors ("**Board**") to be Agriculture Rangeland, which is a designation that provides for a solar power electric generation facility as a conditional use per San Benito County Code sections 25.07.005 and 25.29.106.

E. Development of the Property.

The County has prepared the Environmental Impact Report (State Clearinghouse No. 2010031008) related to the Project ("**Project EIR**" or "**EIR**"). Subsequently, the County has prepared the Supplemental Environmental Impact Report (State Clearinghouse No. 2010031008) related to the Project ("**Project SEIR**" or "**SEIR**"), which relates to the development of the Property with a solar farm as described more fully therein. Specifically, this Agreement relates to the development of an up-to 247-MW project, referred to as the "Revised Project" in the Project SEIR, which would be located on approximately 1,888 acres within a fenced portion of the Property, and would involve the development of the following components:

- Installation of approximately one million PV panels
- PV module steel structural supports
- Electrical inverters and transformers
- Electrical substation with switching station
- Buried electrical collection conduit
- Operation and maintenance (O&M) building
- Septic system and leach field
- On-site access roads
- Security fencing
- Transmission support towers and lines to interconnect with a PG&E transmission line
- Potential upgrades to PG&E's transmission system

Collectively, such development shall be known as the "**Project.**" Development of the Project would result in open space and undeveloped habitat area on the remaining portion of the Property. In addition, in connection with the Project, provisions for mitigation lands for three key species, the Blunt Nose Leopard Lizard ("**BNLL**"), San Joaquin Kit Fox ("**SJKF**"), and Giant Kangaroo Rat ("**GKR**") have been made.

F. Initial Project Approvals.

County has taken or intends to take various planning, land use entitlement and environmental review actions relating to the Project ("**Initial Approvals**") including, without limitation, the following:

1. Environmental Impact Report (Resolution No. 2010-18). On October 12, 2010, pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*), the CEQA Guidelines (14 Cal. Regs. § 15000 *et seq.*), and County's local

Implementing Procedures for CEQA (collectively, "**CEQA**"), the Board took the following actions: (a) certified the Project EIR ("**EIR Certification**"); (b) adopted written findings relating to significant environmental impacts; (c) adopted a Statement of Overriding Considerations; and (d) adopted a mitigation monitoring and reporting plan.

2. Williamson Act cancellation (Resolution No. 2010-19). On October 12, 2010, after a duly noticed public hearing, the Board approved Owner's application to cancel the Williamson Act contracts affected by Project development.

3. County Conditional Use Permit. On October 20, 2010, the San Benito County Planning Commission ("**Planning Commission**"), after a duly noticed public hearing, approved and adopted Conditional Use Permit No. 1023-09. Thereafter, the matter was appealed to Board, which reviewed the Planning Commission record, received public comment at a duly noticed public hearing and upheld the actions of the Planning Commission approving Conditional Use Permit No. 1023-09 on November 10, 2010.

4. Development Agreement (Ordinance No. 862). On November 10, 2010, following review and recommendation by the Planning Commission and after a duly noticed public hearing, the Board made the following findings with respect to the Agreement:

(a) It was processed in accordance with the Development Agreement Statute.

(b) It is consistent with the San Benito County General Plan, the EIR, any area plans and other applicable Rules, Regulations and Official Policies.

(c) It is compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning of the Property.

(d) It will not adversely affect the orderly development of the surrounding community.

(e) It is fair, just, and reasonable.

(f) It is consistent with and best serves the public health, safety and general welfare of the County's citizens and good land use practice because, among other things, it provides for public benefits beyond those benefits that would be forthcoming through conditions of development project approvals as set forth herein.

(g) It should be encouraged in order to meet important economic, social, environmental and planning goals of the County.

(h) It is consistent with the County's Development Agreement Procedures reflected in San Benito County Code, title 19, chapter 19.11, including, without limitation, procedures relating to the Agreement's duration. In summary, the Agreement provides for additional employment sites and opportunities within County, increases dedication of Open Space, conserves lands within County, and provides additional public benefit compensation in lieu of a dedication of land or construction of County infrastructure as specified in the County Development Agreement Procedures.

On this basis, on November 10, 2010, the Board adopted Ordinance No. 862, approving and enacting the original Development Agreement ("**County DA Ordinance**").

The original Development Agreement became effective on December 10, 2010 ("**Effective Date**").

5. County Conditional Use Permit (Resolution No. 2015-42). The Planning Commission, after a duly noticed public hearing, approved and adopted Conditional Use Permit No. 1023-09-A. Thereafter, the matter was appealed to the Board, which reviewed the Planning Commission record, received public comment at a duly noticed public hearing and upheld the actions of the Planning Commission approving Conditional Use Permit No. 1023-09-A on May 19, 2015.

6. Supplemental Environmental Impact Report (Resolution No. 2015-41). On May 19, 2015, pursuant to CEQA, the Board took the following actions: (a) certified the Project SEIR; (b) adopted written findings related to significant environmental impacts; (c) adopted a Statement of Overriding Considerations; and (d) adopted a mitigation monitoring and reporting plan ("**MMRP**").

G. Intent of Parties.

County and Owner have, in good faith, negotiated the terms and conditions of this Agreement, and have determined that use of a development agreement is appropriate for development of the Project in accordance with the Project Approvals. County desires to enter into this Agreement because it will eliminate uncertainty in planning and provide for the orderly development of the Property; it will ensure the maximum efficient utilization of resources within the County; it will provide for public benefits beyond those that otherwise could be imposed as conditions of approval; and it will otherwise achieve the goals and purposes of the Development Agreement Statute and the County's Development Agreement Procedures. In exchange for these benefits to County, together with the other public benefits derived from development of the Project, Owner desires to enter into this Agreement to receive the assurance that it may proceed with development of the Project in accordance with the Project Approvals, as set forth more fully below.

Additionally, this First Amendment Development Agreement is intended to resolve the parties' dispute over the County's receipt of sales and use tax revenue as provided by the original Development Agreement.

H. First Amendment to this Agreement.

This Agreement was first amended to, among other things, change the name of the Owner from Solargen Energy, Inc. to Panoche Valley Solar, LLC, which is the assignee of Solargen Energy, Inc.

I. Project Approvals as of Date of Execution.

The parties acknowledge that, as of the date of execution by each party of this First Amended Development Agreement, Owner has obtained and maintains all Project Approvals.

NOW, THEREFORE, with reference to the foregoing recitals and in consideration of the mutual promises, obligations and covenants contained herein, Owner and County agree as follows:

AGREEMENT

Section 1. Definition of Terms.

The following defined terms are used in this Agreement:

- 1.1 **“Agreement”** means this First Amended Development Agreement between County and Owner. This Agreement also is sometimes referred to herein as “DA.”
- 1.2 **“Board”** means the San Benito County Board of Supervisors.
- 1.3 **“Building Permit”** refers to a document authorizing the holder to construct a building, as provided for in the San Benito County Code.
- 1.4 **“CEQA”** has the meaning set forth in Recital F(1).
- 1.5 **“Certificate of Occupancy”** means a final certificate of occupancy issued by County’s Building Official or, if County’s Building Code does not provide for the issuance of a certificate of occupancy for a particular structure, the functional equivalent thereto.
- 1.6 **“Conditional Use Permit”** has the meaning set forth in Recitals F(3) and F(5).
- 1.7 **“County”** means the County of San Benito, a political subdivision of the State of California.
- 1.8 **“County Development Agreement Procedures”** has the meaning set forth in Recital C.
- 1.9 **“County DA Ordinance”** has the meaning set forth in Recital F(4).
- 1.10 **“Days”** means calendar days. If the last day to perform an act under this Agreement is a Saturday, Sunday or legal holiday in the State of California, said act may be performed on the next succeeding calendar day that is not a Saturday, Sunday or legal holiday in the State of California and in which the County offices are open to the public for business.
- 1.11 **“Decommission Fund”** is a fund to be established in the County Treasury to meet the obligations set forth in Section 3.6.
- 1.12 **“Development Agreement Statute”** has the meaning set forth in Recital B.
- 1.13 **“Development Impact Fee”** means any requirement of County in connection with a Project Approval for the dedication of land, the construction of public

improvements, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment; facilities, services and infrastructure; or other public interests.

- 1.14** “**Dispute**” has the meaning set forth in Section 9.1.
- 1.15** “**EIR**” or “**Project EIR**” means the Panoche Valley Solar Farm Project EIR certified by the Board on October 12, 2010 by Resolution No. 2010-118, as set forth in Recital E. “**SEIR**” or “**Project SEIR**” means the Panoche Valley Solar Farm Project Supplemental EIR as set forth in Recitals E and F(6).
- 1.16** “**EIR Certification**” has the meaning set forth in Recital F(1).
- 1.17** “**Effective Date**” has the meaning set forth in Recital F(4).
- 1.18** “**Enforced Delay**” has the meaning set forth in Section 7.2(d).
- 1.19** “**Existing Rules**” means the Rules, Regulations and Official Policies in effect on the Effective Date.
- 1.20** “**Facility**” has the meaning set forth in Recital D.
- 1.21** “**Initial Approvals**” has the meaning set forth in Recital F.
- 1.22** “**JAMS**” has the meaning set forth in Section 9.1.
- 1.23** “**Legal Challenge**” has the meaning set forth in Section 11.15.
- 1.25** “**Local Contractor**” or “**Local Construction Worker**” means those contractors or construction workers having their primary place of business or permanent residence in San Benito County.
- 1.26** “**MMRP**” has the meaning set forth in Recital F(6).
- 1.27** “**New Rules**” has the meaning set forth in Section 3.3.
- 1.29** “**Notice of Default**” has the meaning set forth in Section 7.2(a).
- 1.30** “**Owner**” means PANOCHÉ VALLEY SOLAR, LLC and all of its successors and assigns.
- 1.31** “**Periodic Review**” has the meaning set forth in Section 7.1.
- 1.32** “**PILOT**” has the meaning set forth in Section 2.8.2.
- 1.33** “**Planning Commission**” means the San Benito County Planning Commission.
- 1.34** “**Planning Director**” means the head of the Planning and Building Departments and the Chief Planning Officer of San Benito County.

- 1.35 **“Potential Mitigation Lands”** has the meaning set forth in Recital D.
- 1.36 **“Project”** has the meaning set forth in Recital E.
- 1.37 **“Project Approvals”** means the Initial Approvals and Subsequent Approvals, collectively.
- 1.38 **“Project Infrastructure”** has the meaning set forth in Section 2.2.
- 1.39 **“Project Land Use Plan”** denotes the location of Project components
- 1.40 **“Project Revenues”** mean any and all revenues generated in connection with the Project, whether by property taxes, sales taxes, special taxes, special assessments or otherwise.
- 1.41 **“Property”** has the meaning set forth in Recital D.
- 1.42 **“Recorder”** means the San Benito County Recorder, which is responsible, in part, for recording legal documents that determine ownership of real property and other agreements related to real property.
- 1.43 **“Regulatory Processing Fees”** means fees and charges adopted by County for the purpose of defraying County’s actual costs incurred or to be incurred in the processing and administration of any form of regulatory permit, license, land use entitlement, financing district or mechanism, permit or approval, or imposed by County to defray the costs of periodically updating its plans, policies, and procedures, including, without limitation, the fees and charges referred to in Government Code section 66014.
- 1.44 **“Reimbursement Agreement”** means that agreement entered into between the parties with the effective date of February 23, 2010, which governs the reimbursement and payment of costs and expenses associated with the Project.
- 1.45 **“Rules, Regulations and Official Policies”** means the County rules, regulations, ordinances, laws, EIRs, zoning and official policies governing development, including, without limitation, density and intensity of use; permitted uses; the maximum height and size of proposed buildings; the provisions for the reservation or dedication of land for public purposes or payment of fees in lieu thereof; the construction, installation and extension of public improvements; growth management; environmental review; and other criteria relating to development or use of real property and applicable to the Property.
- 1.46 **“Subsequent Approvals”** means any and all land use, environmental, building and development approvals, entitlements and permits required subsequent to the Effective Date in connection with development of the Project on the Property, including, without limitation, tentative and final subdivision maps, parcel maps and lot line adjustments; conditional use permits; design review approvals; building permits; grading permits;

certificates of occupancy; approvals of financing districts or other financing mechanisms; and any amendments thereto.

1.47 “**Subsequent Landowner**” is a party who has acquired all or a portion of the Property from Owner. “**Subsequent Landowner**” shall not include a holder of a duly noticed security interest in Property or Project. Any Subsequent Landowner shall enter into an agreement with the County formally accepting assignment of this Development Agreement, including full performance of all obligations set forth herein, as set forth in Section 10 below.

1.48 “**Term**” has the meaning set forth in Section 6.1.

Section 2. Owner’s Obligations.

2.1 Development of the Project.

Development of the Project shall be consistent with: (a) this Agreement; (b) the San Benito County General Plan as it existed on the Effective Date; (c) the San Benito County Code as it existed on the Effective Date; (d) the Initial Approvals, including, without limitation, the SEIR and all conditions of approval (see Exhibit H and I); (e) the Subsequent Approvals, as and when they are issued, approved, or adopted, including all conditions of approval; and (f) all other applicable Existing Rules. Notwithstanding the foregoing, in the event of a conflict between any provision of this Agreement and any Project Conditional Use Permit, this Agreement shall control.

By May 31, 2018, Owner shall: (a) reconstruct one (1) contiguous mile of Little Panoche Road at the location and to the specifications as may be directed by the County Resource Management Agency (not to exceed the specifications for a traffic index of 7); and (b) will pulverize the existing asphalt surface to a depth of two to four inches (based on the depth of the existing road surface) and compact such surface to provide the base for a two-inch overlay on Little Panoche Road from its intersection with Panoche Road to the Fresno County line (excluding the section reconstructed per provision (a) above). A consultant mutually agreeable to the parties will monitor this work and prepare a report of the work upon its completion. Not later than six (6) months after completion of construction of the Project, Owner will patch any potholes on Little Panoche Road from its intersection with Panoche Road to the Fresno County line, in accordance with the California Department of Transportation’s “Guidelines for Identifying and Repairing Localized Areas of Distress in AC Pavements Prior to Capital Preventive Maintenance or Rehabilitation Repairs,” attached as Exhibit K, but will not be required to perform any other work on Little Panoche Road. At decommissioning, County will evaluate the condition of Little Panoche Road to determine whether any work is needed to comply with Mitigation Measure TR-1.2 of the SEIR. County’s discretion shall be based on the reasonable recommendations by a neutral engineer, retained by County, the costs for which shall be reimbursed by Owner. Performance and completion of the work set forth in this paragraph implements and satisfies in toto the requirements of the first three bullet points and the last bullet point of Mitigation Measure TR-1.2 of the SEIR.

Nothing in this provision is in derogation of CEQA mitigation measures and other conditions of approval of the Project with respect to the portion of Little Panoche Road in the County of Fresno.

2.2 County's Reliance on Owner's Provision of, or Contribution Towards, Project Infrastructure.

The parties acknowledge and agree that County's approval of the Project is, in part, in reliance upon and in consideration of Owner's payment of additional public benefit compensation and its contribution towards infrastructure, facilities, improvements, and services and amenities (including construction, operation (including personnel) and maintenance thereof) necessary to serve the Project, as described more fully in the SEIR and other Project Approvals (collectively, "**Project Infrastructure**") in accordance with Owner's obligations set forth herein.

2.3 Provision of Open Space and Public Benefit.

(a) Owner shall conserve the "Potential Mitigation Lands", defined in Recital D, which shall maintain the environmental quality and suitability of natural drainages, species habitat, including forage and range areas, and shall do so in the manner described more fully in the SEIR and Subsequent Approvals. The open space shall be located generally in accordance with the SEIR and any applicable Subsequent Approvals.

(b) County and Owner acknowledge and agree that the amount of required open space acreage under this Section 2.3 represents more than a 9:1 mitigation ratio for land which will be within the Project footprint, an amount that greatly exceeds the mitigation required by the FEIR.

2.4 Design of Project Infrastructure.

Development of the Property, including, without limitation, the Project Infrastructure, shall be subject to final design review by County in accordance with the SEIR, Conditions of Approval, MMRP, and the San Benito County Code, as applicable. The Project Approvals, and all required improvement plans prepared in connection with the Project Approvals and in accordance with the SEIR, shall govern the design and scope of all Project Infrastructure to be constructed on or benefiting the Property.

2.5 Provision of Permanent Employment; and Best Efforts to Employ Local Workers.

Owner understands and mutually supports the County's goal to increase available employment opportunities for permanent San Benito County residents. Owner shall use its best efforts to include in its construction and support services contracts a requirement that each contractor hiring employees for the Project include provisions that will require that they acknowledge the County's goal and give preference to hiring permanent San Benito County residents while still providing the contractor with the ability to hire as employees the job applicants with the most experience and best qualifications. To meet this goal Owner desires and will require its Engineering, Procurement, Construction Contractor (hereinafter

EPC contractor) to use its best efforts to negotiate with the IBEW Local 234 and IBEW Local 332 (the "Unions") an agreement that includes the following local hire language:

1. Local hiring requirements that have the capacity to provide significant community benefits including possibly facilitating the financing and construction of the Panoche Valley Solar Farm Project ("Project"), creating significant construction job opportunities for residents of San Benito County and generate local tax revenue and other income to the County's residents.
2. A Policy to promote the betterment of the electrical industry in the San Benito County by creating opportunities for residents to participate in the jobs of the future in renewable energy and green technologies through targeted local hiring and training requirements applicable on the Project, is deemed by the Unions and the Owner, contractors or subcontractors to be needed and appropriate.
3. The goal of 100% local residents (living within the zip codes of San Benito County) working on the Project, subject to the skills and expertise needed to construct the Project in a manner that can achieve the ultimate financing of the Project by independent financial institutions.
4. The goal of generating significant local construction and related jobs from the Project, that includes (1) the creation of preferred hire zip code requirements; (2) the development of applicable job training programs; (3) the modification, if needed and as appropriate, of the dispatch procedures applicable to this Project; and (4) to provide for this Project these job classifications and applicable ratios to support the Project: Journey-Level Electrician, Apprentice, and Solar Material Handler.
5. The following approach for purposes of staffing the construction of the Project:
 - Journey-Level Electrician and Apprentices. First priority shall be given to residents of San Benito County who are current members of the Unions. In the event there are not sufficient number of Journey-Level Electricians and Apprentices in the Unions living in San Benito County, the second priority shall be given to residents of adjoining counties.
 - Solar Material Handler. Solar Material Handlers shall be hired primarily from a qualified pool of residents living in San Benito County, subject to the appropriate training by the Unions and the contractors and subcontractors, in conjunction with community partners such as Gavilan College and related institutions.
6. The "scope of services" for a Solar Material Handler shall be the following:

Installs racks and modules, and the handling of all of the material involved with the panels, trackers, modules, supports, and the mounds of cardboard that are generated during the installation.

7. For the use of Union labor on entire Project, the ratio of Solar Material Handlers to Journey-Level Electricians and Apprentices shall be not less than 1:1.
8. Any labor contracts reached by the EPC contractor or any subcontractors shall be enforceable under the terms of the labor contracts, and not under this Agreement.
9. If there is any conflict between provisions of the labor contracts applicable to the Project and the provisions of this Agreement, the terms of the labor contracts will govern.

Owner also agrees to sponsor, in an effort to increase awareness of available job opportunities related to the Project and meets its obligations hereunder, two (2) job fairs in San Benito County to be conducted by the County through the One Stop Career Center to inform and educate local citizens about employment opportunities and training available through the Project. Owner shall use its best efforts to require in the aforesaid contracts a provision requiring the contractors to collaborate with the County in the job fairs to accomplish the County's goal of increasing employment opportunities for permanent residents of San Benito County.

2.6 Habitat Conservation.

Owner shall provide offsite mitigation for habitat conservation in the manner set forth in the Project SEIR's Mitigation Measures. County agrees that provision of this offsite mitigation shall be in lieu of payment otherwise due by Owner under the County's Habitat Conservation Mitigation Fee (Chapter 19.19 of Title 19 of the San Benito Code).

2.7 Mitigation and Reporting Expenses.

The cost for all staff time required to fulfill the County's responsibilities under the MMRP, and to monitor Property Owner's compliance with the MMRP shall be reimbursed by Owner within 30 days of the issuance of a written invoice. Staff performing all monitoring, or other work, required by the FEIR shall be approved by the County Planning Director. Monitoring may be performed by a qualified County employee, by a County-retained consultant, and/or a County-approved consultant as may be determined in the sole discretion of the County Planning Director after consultation with Owner.

2.8 Additional Public Benefit Compensation.

In lieu of a dedication of land and/or construction of County infrastructure such as fire stations, libraries, police facilities and other similar infrastructure contemplated in San Benito County Ordinance Section 19.11.003(B)(5) as additional public benefits, Owner shall provide the following additional public benefit compensation to the County. This Agreement recognizes that the Project ultimately developed may be less than 247 MW, but will be at least 123 MW. The parties agree that the additional public benefit compensation provided in this Section 2.8 reflects the level of public benefit compensation commensurate with the development of the Project to 247 MW, despite the project potentially being built at less than a full 247 MW on-site.

2.8.1 Owner shall exert in good faith its best efforts to have all sales and use tax occur in the County, and also use its best efforts to direct its contractors and subcontractors to have sales and use tax occur in the unincorporated area of the County. Owner and its general contractor shall establish a business location or locations and sales tax permits, and take other reasonable steps, in an effort to maximize receipt of sales and use tax revenues for County. Notwithstanding the specific requirements of this Section 2.8.1, Owner may exercise its good-faith judgement to structure its contracts and purchasing arrangements to effectuate the intent of this section, and any deviation from the requirements of this section as a result thereof shall not constitute a breach of this Agreement, provided such deviations do not materially reduce the amount of local sales and use tax revenue that County would otherwise receive. Owner shall provide written notice and an opportunity to comment to the County Counsel and shall consider any comments of the County Counsel in good faith before deviating from the requirements of this section as provided in the previous sentence.

Owner shall include in its master contract and any other contract for construction, entered into after the effective date of this First Amended Development Agreement, language ensuring that County will receive the benefit of any sales or use tax generated by the Project to the fullest extent legally permitted.

Jobsite shall be stated in the master contract and all subcontracts entered into after the effective date of this First Amended Development Agreement as Panoche Valley, San Benito County, California.

Owner shall direct its general contractor to establish a place of business within the unincorporated area of the County and to obtain a sales tax construction sub-permit for the project site. Owner, which may enter into joint venture, or other relationship with contractor, supplier, or designer, will establish a place of business and sales tax permit within the unincorporated area of San Benito County and shall take first possession there of any goods on which sales or use taxes are applicable that are not transferred to it under the master contract with its general contractor.

After the effective date of this First Amended Development Agreement, all requests for bids, procurement contracts, bid documents, and any other agreement whereby California sales or use tax may be incurred shall state that sales or resale occurs in Panoche Valley, San Benito County, California. The principal negotiations for resales of such goods are to be carried on in San Benito County.

Alternately, any entity which may sell goods on which sales taxes are applicable may establish its own place of business within unincorporated San Benito County where delivery is ultimately made to Owner. The principal negotiations for all such sales to Owner are to be carried on in San Benito County.

Owner shall self-assess use tax on all items purchased for the Project from out of state suppliers that are subject to use tax.

2.8.1.1. Owner guarantees that it and its vendors, contractors, and subcontractors shall collectively remit a minimum of four million two hundred fifty thousand dollars (\$4,250,000) of sales and use tax to the California Department of Tax and

Fee Administration ("DTFA") attributable to the following components of the State-wide sales and use tax rate imposed with respect to construction of the Project: 1% county operations fund, 0.25% county transportation fund, 1.0625% 2011 local revenue fund, 0.5% 1991 local revenue fund, and 0.5% local public safety fund (the "**Guaranteed Tax Amount**"). Owner shall remit, or cause to be remitted, the Guaranteed Tax Amount to the DTFA on or before June 30, 2018.

The Guaranteed Tax Amount shall only include amounts that Owner and its vendors, contractors, and subcontractors properly source or otherwise attribute to County on applicable California sales and use tax returns filed with the DTFA. The parties recognize that for various reasons County may not receive taxes reported and remitted in this manner. The Guaranteed Tax Amount shall not include taxes that the County fails to receive because the DTFA reallocates the taxes to another jurisdiction (e.g., due to a petition for reallocation by another local jurisdiction or a sourcing correction made on audit). The Guaranteed Tax Amount shall include those taxes that the County fails to receive for any other reason outside of Owner's (including its contractors', subcontractors', and vendors') control, including by way of example: administrative charges by the DTFA, offset by the State of California for County debts, changes in state law or policy, changes in tax rates or state funding from sales tax revenue, and appropriation of local tax revenue by the State of California.

If County does not receive the full Guaranteed Tax Amount by September 30, 2018, Owner shall make a payment-in-lieu-of tax to County in an amount equal to the difference between the Guaranteed Tax Amount and total sales and use tax revenue County has received through September 30, 2018 with respect to construction of the Project (the "**Tax Shortfall Payment**"). The Tax Shortfall Payment shall be deposited in the County's general fund to be used as the County may determine. Owner shall make the Tax Shortfall Payment within 30 days of receipt for demand thereof, subject to the limitations and dispute resolution provisions set forth in the remainder of this section.

If during the four quarters subsequent to September 30, 2018, DTFA reallocates any part of the Guaranteed Tax Amount to another jurisdiction, the Tax Shortfall Payment shall be recalculated taking into account the tax reallocation. If the recalculation increases the amount of the Tax Shortfall Payment, Owner shall make a subsequent payment-in-lieu-of tax to County in an amount equal to such increase (the "**Subsequent Tax Shortfall Payment**"). The Subsequent Tax Shortfall Payment shall be deposited in the County's general fund to be used as the County may determine. Owner shall make the Subsequent Tax Shortfall Payment within 30 days of receipt for demand thereof, subject to the limitations and dispute resolution provisions set forth in this section.

If after September 30, 2018, County believes, on the basis of its review of official records received from DTFA, that it has not received the full Guaranteed Tax Amount and is therefore entitled to a Tax Shortfall Payment, County shall provide all such records (which it is lawfully able to produce) to Owner and meet and confer with Owner about its concerns for at least 30 days before sending a demand to Owner or taking any public action with respect to those concerns. In the course of these discussions, Owner shall bear the burden of establishing that the amounts in issue were remitted to the DTFA and that County was designated as the applicable local jurisdiction, by providing (i) its sales tax returns, (ii) third-party sales tax returns, and, to the extent third-party tax returns

are unavailable, (iii) a schedule of such contractors, subcontractors, and vendors listing the tax amounts purported to have been remitted and allocated to County. County shall be responsible for obtaining taxpayer-specific records from the DTFA to enable it to verify receipt of amounts listed on the schedule provided by Owner.

In addition, County, as a party to tax reallocation petition proceedings, shall bear the burden of establishing that amounts it failed to receive were the result of a reallocation of taxes by the DTFA to another local jurisdiction due to a petition for reallocation by another local jurisdiction or a sourcing correction made on audit.

If County demands a Tax Shortfall Payment from Owner, and Owner disagrees with the amount of or the necessity for a Tax Shortfall Payment, County and Owner shall jointly select and retain a neutral nationally known accounting firm (such as Deloitte & Touche, Ernst & Young, etc.) ("Outside Auditor"), to determine whether a Tax Shortfall Payment is required under the standards of this First Amended Development Agreement, and if so, the amount thereof. The parties shall be bound by the decision of the Outside Auditor. If the Outside Auditor determines that Owner is required to make an increased Tax Shortfall Payment, Owner shall make such payment within 30 days of receiving the Outside Auditor's report. The parties shall each directly pay one half of all costs and fees invoiced by the Outside Auditor, but Owner shall reimburse County for its one-half share of such costs and fees.

Owner shall reimburse County for the reasonable expenses County incurs in obtaining a quarterly report by HdL Companies as to the amount of sales tax received each quarter, until September 30, 2018 within 30 days of an invoice for those costs, documenting the amount to be reimbursed.

2.8.1.2. Owner shall also pay County two million five hundred thousand dollars (\$2,500,000) to compensate County for any sales and use tax revenue that may be foregone as a result of Owner constructing a Project of less than 247 MW. Owner shall pay this amount to the County Auditor no later than five (5) business days after this First Amended Development Agreement is recorded. This amount shall be separate and not included in the Guaranteed Tax Amount specified above.

2.8.2 During Project construction in property tax years 2017 and 2018 and for a term of twenty (20) years thereafter (commencing with the 2019 property tax year), Owner shall remit an annual payment-in-lieu-of tax ("PILOT") to the County Auditor. The PILOT amount for each year of construction and the twenty-year term is provided in the schedule attached to this Agreement as Exhibit J. The PILOT amounts reflect the parties' estimate of the amount of ad valorem tax revenue that would have been imposed on fixtures and equipment incorporated into a 247 MW Project but for the exclusion for solar energy systems provided in California Revenue and Taxation Code Section 73, and the parties acknowledge and agree that such PILOT amounts shall be in full satisfaction of all PILOT obligations due for the Project, as initially constructed and/or revised in the future, up to and including 247 MW. The amount of each annual PILOT shall be reduced by the amount of ad valorem property tax, if any, assessed by the County for such tax year on Project fixtures and equipment (excluding land and Project fixtures and equipment that did not qualify for the exclusion for solar energy systems under California Revenue and Taxation Code Section 73 as in effect on the date of the execution of this First Amended

Development Agreement). In each year of the term, Owner shall remit the PILOT by August 31. Payments received after August 31 shall be charged a late payment penalty equal to ten percent (10%) of the amount due and owing and shall accrue interest at the rate of ten percent (10%) per annum or at the legal rate of interest, whichever is less. The obligations of this Section 2.8.2 shall survive termination of the Agreement and shall continue in full force and effect.

During the term of this Agreement, (i) Owner and any Subsequent Landowner shall remain subject to property tax laws with respect to the Project, including obligations to pay property taxes imposed on the Project under applicable law and to file property tax statements, and (ii) County shall retain all of its statutory rights to administer property taxes with respect to the Project. This Agreement shall not be construed as a present or future exemption or abatement of property taxes on the Project.

2.8.3 Additionally, Owner agrees to pay an amount determined by the County, which amount shall not exceed fifty thousand dollars (\$50,000) to be used at County's discretion for solar energy demonstration and improvements to a County-owned facility or facilities or for other uses as determined by the County ("Additional Community Benefit Payment"). The Additional Community Benefit Payment shall be due and payable within 30 days of the effective date of this First Amended Development Agreement, if not already paid.

2.8.4 Property Owner will develop a program after completion of phase 1 of the project, which shall include, but not be limited to, designating a liaison to facilitate and coordinate college/university level students or faculty to visit the Project site for educational and/or research purposes. Property Owner shall allow students and researchers reasonable access to project site to perform research on the Project site, subject to appropriate indemnification from the visiting entity/individual/groups, and subject to such reasonable rules and restrictions as Property Owner may establish to ensure visitor safety and protection from interference with Project Operations. Any disputes about implementation of this provision shall be subject to the dispute resolution procedures established by this Agreement. The intent of this section is to ensure that college and universities will be allowed reasonable access to the Project site for educational and research purposes. Owner will also make Project reasonably available for elementary, middle and high school educational field trips subject to above-listed qualifications. Property Owner shall not be responsible for funding such programs.

Section 3. Owner's Vested Rights.

3.1 Vested Right to Develop the Project.

Owner shall have the right to develop the Property with the Project in accordance with this Agreement and other Project Approvals. The parties acknowledge and agree that Subsequent Approvals will be required to fully implement the Project. County shall process and consider any application for a Subsequent Approval related to the Project in accordance with the Existing Rules. The permitted uses of the Property; the density and intensity of such uses; the maximum height and size of proposed buildings; the provisions for the reservation or dedication of land for public purposes or payment of fees in lieu

thereof; the construction, installation and extension of public improvements; and the development standards and design guidelines shall be as set forth in the Project Approvals.

3.2 Development Impact Fees and Regulatory Processing Fees.

(a) Owner shall pay all Development Impact Fees, as identified below ("**Development Impact Fees**") and in the amount in effect on the Effective Date, and shall also pay any indexed increases of those identified fees; provided, however, that Owner shall not be required to pay any Development Impact Fees newly established after the Effective Date.

(b) County agrees that Owner's payment of all Development Impact Fees due in accordance with this Section 3.2 shall be due and payable at issuance of the Certificates of Occupancy rather than at issuance of the Building Permit. The parties further agree that the amount of said fees owed shall be calculated as of the date of issuance of any Building Permit.

The County has identified the following Development Impact Fees as the fees applicable to the Project and that shall be paid in accordance with this Section 3.2:

- Fire Equipment: \$0.25 / SF of all Covered Space
- Public Works Equipment: \$0.38 / SF of all Covered Space (Non-Residential)

(c) Owner shall pay all Regulatory Processing Fees and any fees or required Project permits approved by the Planning Commission and/or the Board that are made part of the Project's conditions of approval in accordance with Section 5 of the Reimbursement Agreement between the parties, the terms of which are incorporated herein by this reference and in accordance with Section 3.3 below.

3.3 Application of Subsequently Enacted Rules, Regulations and Official Policies.

County may adopt new or modified Rules, Regulations and Official Policies after the Effective Date ("**New Rules**"); provided, however, such New Rules shall be applicable to the Project or the Property only to the extent that such application will not modify, prevent or impede development of the Project on the Property or conflict with any of the vested rights granted to Owner under this Agreement. Any New Rules shall be deemed to conflict with Owner's vested rights if they seek to limit or reduce the density or intensity of development of the Project; or to limit the timing of the development of the Project, either with specific reference to the Property or as part of a general enactment that applies to the Property. Notwithstanding the foregoing, County shall not be precluded from applying any New Rules to the Project or Property under the following circumstances, where the New Rules are: (i) specifically mandated by changes in state or federal laws or regulations adopted after the Effective Date as provided in Government Code section 65869.5; (ii) specifically mandated by a court of competent jurisdiction; (iii) changes to the Uniform Building Code or similar uniform construction codes, or to County's local construction standards for public improvements so long as such code or standard has been adopted by County and is in effect on a County-wide basis; (iv) required as a result of facts, events or circumstances presently unknown or unforeseeable that would otherwise have an immediate adverse risk

on the health or safety of the surrounding community; or (v) new or increased Regulatory Processing Fees so long as such fees are applied to all development projects on a County-wide basis.

3.4 Modification or Suspension by State or Federal Law.

In the event that state or federal laws or regulations enacted after the Effective Date prevent or preclude compliance with one or more provisions of this Agreement, such provision(s) of this Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations. Notwithstanding the foregoing, the remainder of this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.5 CEQA.

Owner acknowledges that implementation of the Project will require County's consideration and approval of applications for Subsequent Approvals and that County will complete environmental review in connection with those Subsequent Approvals as required by CEQA and other applicable federal, state and local laws and regulations. County's environmental review of the Subsequent Approvals pursuant to CEQA shall utilize the Project SEIR to the fullest extent permitted by law; provided, however, nothing in this Agreement shall be deemed to limit the legal authority of County to conduct any environmental review required under CEQA or other applicable laws and regulations.

3.6 Decommissioning Agreement.

County wishes to protect itself and its citizens in the event Owner, or its successors or assigns, cannot complete the expected twenty (20) year Project life span, cease on-going business operations, or abandon the Project and/or the Property for whatever reason. Owner agrees to establish, and make payments into, a Decommission Fund. Payments will be based on the number of megawatts installed and the dates those megawatts are installed. For each phase, payments to the Decommission Fund shall commence five years after that phase's completion, except if a later scheduled phase of the project has not been completed within two years from the completion of the phase which immediately precedes it. In this case, payment to the Decommission Fund shall be immediately commenced and shall be due the next August 31st.

It is the intent of this Section 3.6 that the Decommission Fund along with the residual value of installed improvements will provide sufficient financial assurances for County to decommission the Project and fully restore the Property. If Owner, its successors or assigns, do not properly decommission the Project or restore the Property to its original condition within a reasonable time following the cessation of business operations or the abandonment of the Project or Property for whatever reason, then the County may use the Decommission Fund to perform the decommission and/or restoration. If the Decommission Fund is not adequate to fully decommission the Project or restore the Property, the Owner, its successors, or assigns shall be liable for any amount expended by the County over the Decommission Fund balance. The term "reasonable time" as used herein shall mean no more than six (6) months after the County notifies the Owner, its successors, or assigns in

writing that decommission of the Project and/or restoration of the Property is required. The funds shall be held in a sequestered account and shall be used by the County only for the decommissioning of the Project or the restoration of the Property. To the extent that the Owner, its successors, or assigns decommission the Project and/or restore the Property to the County's satisfaction, which shall not be unreasonably withheld, the sequestered funds, or any unused portion thereof, shall be returned to the current Owner or its designee. The Decommission Fund recommendations have been based on a study conducted by Pacific Gas and Electric for California Public Utilities Commission, as set forth in the Supplemental Testimony presented July 15, 2009, pursuant to the July 1, 2009 AC and ALJ Ruling, in reference to Application 09-02-019, identified as Exhibit No. PG&E-3, relevant portions of which are attached as Exhibit F.

Each payment to the Decommission Fund is due and payable on August 31st of the applicable year to the County Auditor. Payment received after August 31st will be charged a late payment penalty equal to ten percent (10%) of the amount due and owing and will accrue interest at the rate of 1.5 percent (1.5%) per month or at the legal rate of interest, whichever is less.

In conformity with the PG&E study set forth above, a sum of \$26,500 per MW installed shall be paid (adjusted in accordance with the Consumer Price Index ("CPI") as set forth below) into the Decommission Fund, which amount shall be fully adjusted for inflation. Every five years, Owner will provide an updated cost estimate of decommissioning costs, which estimate shall be prepared by a firm approved by the Planning Director. The reasonable and actual costs of the cost estimate may be reimbursed to Owner from the Decommission Fund. Upon receipt of the cost estimate showing the need for increased contribution, including but not limited to the need to increase the Decommission Fund due to inflation greater than 2% per year, the Owner shall immediately increase annual contributions by 1/5 of the deficit amount so that the Decommission Fund is fully funded according to cost estimate received within five years. If Owner disagrees with the cost estimate, Owner may obtain its own cost estimate, and the parties shall submit the issue of the amount needed for the Decommission Fund for resolution in accordance with the provisions of Section 9 of this Agreement. However, in no event may the Decommission Fund be adjusted to less than \$26,500 per MW, adjusted for inflation at 2% per year.

The Decommission Fund shall be held in the County Treasury, in an account dedicated only for the purposes set forth in this Agreement. All interest earned by deposits within the Decommission Fund shall accrue to the Decommission Fund and be used only for the purposes set forth in this Agreement.

Should the Project be repowered or continue to exist on the property after termination of this Agreement, the Decommission Fund shall continue to be held in the County Treasury for the purposes set forth in this Agreement until the Property is fully restored to its natural and existing condition, and the remediation has been approved in writing by the County.

The obligations under this Section 3.6, including but not limited to 5 year annual reviews for adequacy of the Decommission Fund, shall survive the termination of this Agreement, and shall cease only upon full decommissioning of the project and restoration of the Property to its original condition, which restoration shall be approved by the County.

3.7 Timing of Development.

The parties acknowledge that Owner cannot at this time predict when, or at what rate the Project will be developed. Such decisions depend upon numerous factors that may not be within Owner's control, such as market demand, interest rates, absorption, transmission capacity, completion and other similar factors. Owner and County agree that Owner shall have the right to develop the Project in such order, at such rate, and at such times as Owner deems appropriate within its exercise of subjective business judgment, subject only to any timing or phasing requirements set forth in the SEIR, this Agreement, and Subsequent Approvals.

3.7.1 Phasing of Mitigation with Project.

Mitigation may be phased with Project construction as set forth in the SEIR with the ratios set forth as required in the SEIR. To the extent that this Section 3.7.1 does not conflict with any portion of the SEIR, mitigation lands may be established by conservation easement in the same percentage of the Project under development in each phase of the Project. For example, if development of 247 MW proceeds in five phases of 20 MW, 50MW, 50MW, 50MW, and 77 MW, the total number of acres of mitigation lands may be established at 8.1 percent for the first phase, and 20.2% for phases two through four, and 31.3% for phase 5.

If the size of the Project is reduced, the timing to provide the required percentage of mitigation land shall be adjusted to reflect the amount of MW developed during each phase of the Project. However the Project modifications may only occur after all necessary approvals are obtained and compliance with CEQA occurs, if additional CEQA compliance is triggered by the modifications sought. County may require greater amounts of mitigation lands for any individual phase (up to the total established in the SEIR) upon a finding that the additional lands are needed to mitigate the effects of the Project. In no event shall the phasing plan described by this Section 3.7.1 result in less mitigation lands being established for each phase as required by the SEIR and as necessary to mitigate specific impacts of the development as determined by on-going pre-construction surveys and on-going mitigation monitoring.

3.8 Regulation by Other Public Agencies.

It is acknowledged by the parties that other public agencies not within County's control may possess authority to regulate aspects of the development of the Property, and this Agreement does not limit such authority of other public agencies.

Section 4. Cooperation.

4.1 Owner's Application for Subsequent Approvals.

Owner shall be obligated to obtain any and all required Subsequent Approvals to develop the Project. Owner shall apply for such approvals in a timely manner. Owner's obligations under this Section 4.1 apply to those approvals that are under County's jurisdiction and also to those approvals that may be required by other governmental or quasi-governmental agencies having jurisdiction over the implementation of any aspect of

the Project (including, without limitation, the Department of Transportation; agencies having jurisdiction over boundary changes or district formation, flood control, sewer service, water service or fire protection; and agencies having jurisdiction over air quality, biological resources, solid wastes and hazardous wastes and materials).

4.2 County’s Processing of Subsequent Approvals.

County shall cooperate and diligently work to promptly process and consider all applications for Subsequent Approvals, provided they are in a proper form and include payment of any applicable fees and provided that Owner is in compliance with this Agreement. In the event that County and Owner mutually determine that additional personnel or outside consultants need to be retained to assist County to expeditiously process any Subsequent Approval, the cost of any such personnel or consultants shall be paid by Owner but shall be under the direction of County. County shall retain its discretion in its consideration of any and all Subsequent Approvals but shall exercise that discretion in a manner consistent with the SEIR and this Agreement.

County agrees that reduction of the Project to less than 247 MWs shall not require a revised conditional use permit, or any revisions to, or amendments of, any other County Subsequent Approval, or County reviews (including any California Environmental Quality Act reviews).

Section 5. Effective Date of Development Agreement.

The effective date of the original Development Agreement is the Effective Date specified in Section 1.17. This First Amended Development Agreement shall be in effect upon the effective date of the ordinance approving this First Amended Development Agreement.

Section 6. Term of This Agreement.

6.1 Duration of Agreement.

The term of this Agreement shall commence on the Effective Date and shall continue for a period of twenty (20) years (“*Term*”) unless extended or sooner terminated as provided herein in accordance with County’s Development Agreement Procedures. Following the expiration of the Term, this Agreement shall be deemed terminated and of no further force and effect except as otherwise provided in this Agreement. Termination shall not affect any right or obligation arising from the Project Approvals.

6.2 Extension by Agreement.

The Term may be extended at any time before its termination date by the mutual agreement of the parties in writing and in accordance with County’s Development Agreement Procedures.

Section 7. Periodic Compliance Review; Default.

7.1 Periodic Compliance Review.

County shall review Owner's good faith compliance with the terms of this Agreement on an annual basis ("**Periodic Review**"). This Periodic Review shall be conducted in accordance with the Development Agreement Statute and the County's Development Agreement Procedures, and shall address all items set forth therein as well as specifically demonstrate Owner's compliance with its obligations under Section 2.5 and 2.8.1 above, this Agreement as a whole, any conditions of approval, and the MMRP. Owner shall reimburse County for the actual costs of preparing for and conducting the Periodic Review within thirty (30) days of written demand from County.

In the event County elects to terminate this Agreement pursuant to the provisions of Section 7.2(b) below, Owner, in accordance with Section 9 below, may challenge such termination. If arbitration proceedings are initiated pursuant to Section 9, the arbitrator shall exercise his or her review based on substantial evidence as to the existence of cause for termination.

7.2 Default.

(a) **Notice of Default.** Failure or unreasonable delay by County or Owner to perform any material provision herein shall constitute a default under this Agreement. In the event of a default, the party alleging such default shall give the defaulting party not less than thirty (30) days' written notice of default ("**Notice of Default**"), unless the parties extend such time by mutual written consent or except in cases where Owner's default presents a threat of imminent harm to the public; provided, however, failure or delay in giving a Notice of Default shall not waive a party's right to give future notice of the same or any other default. The Notice of Default shall specify the nature of the alleged default and the manner and period of time in which said default may be satisfactorily cured. The time of the Notice of Default shall be measured from the date actually delivered in accordance with Section 11.11 below.

(b) **Cure Period; Right to Terminate or Initiate Arbitration Proceedings.** The defaulting party shall provide evidence establishing it was never, in fact, in default or shall cure the default within thirty (30) days; provided, however, that if the nature of the alleged default is such that it cannot be reasonably cured within such 30-day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period. During any period of curing, the party charged shall not be considered in default for purposes of terminating this Agreement or instituting arbitration proceedings. If the default is cured, then no default shall exist or be deemed to have existed and the noticing party shall take no further action. After proper notice and the expiration of such 30-day cure period without cure the Dispute Resolution procedures set forth in Section 9 below shall apply to determine whether a breach has occurred sufficient to warrant termination of this Agreement.

(c) **Remedies Generally.** The parties agree that remedies to enforce the terms of this Agreement shall be limited to actions for mandamus, specific performance, injunctive relief, declaratory relief, or other equitable relief, and that neither party shall be liable for

monetary damages. Either party may seek equitable relief prior to resorting to the Dispute Resolution procedures set forth in Section 9 below to preserve the status quo pending the completion of the Dispute Resolution process. Notwithstanding the foregoing, County reserves the right to seek payment from Owner in any arbitration proceedings initiated in conformity with Section 9.2 below for any fees, charges, costs or other monies, including, but not limited to the payment of the Additional Public Benefit Compensation owed under this Agreement, and to obtain recovery thereof. It is the intent of the parties to this Agreement that any disputes arising out of this Agreement be resolved in conformity with the terms and condition of Section 9 below. Therefore, to that end, the parties agree to waive the application of San Benito County Code section 19.11.011 (B) to any dispute arising over the modification or termination of this Agreement for non-compliance with its terms and conditions. The ordinance approving this Agreement shall reflect the parties' intentions contained in this Section and shall waive the applicability of San Benito County Code Section 19.11.011(B) to this Agreement.

The parties agree that if a default by Owner of its obligations under this Agreement is found to exist by an arbitrator pursuant to the provisions of Section 9.2 below the County may begin proceedings to revoke the Project's Conditional Use Permit due to Owner's failure to comply with the conditions of approval if Owner does not remedy the default within thirty (30) days of the issuance of the written decision by the arbitrator, or within the number of days that the arbitrator may determine reasonable to cure the default.

(d) **Enforced Delay; Extension of Time of Performance.** No party shall be deemed in default of its obligations under this Agreement where a delay or default is due to an act of God, natural disaster, accident, breakage or failure of equipment, enactment of conflicting federal or state laws or regulations, third-party litigation, strikes, lockouts or other labor disturbances or disputes of any character, interruption of services by suppliers thereof, unavailability of materials or labor, rationing or restrictions on the use of utilities or public transportation whether due to energy shortages or other causes, war, civil disturbance, riot, or by any other severe and unforeseeable occurrence that is beyond the control of that party (collectively, "**Enforced Delay**"); provided, however, the parties agree a delay that results solely from unforeseen economic circumstances shall not constitute an Enforced Delay for purposes of this Section 7.2(d). Performance by a party of its obligations under this agreement shall be excused during, and extended for a period of time equal to, the period (on a day-for-day basis) for which the cause of such Enforced Delay is in effect.

Section 8. Termination.

8.1 Termination Upon Completion of Project or Expiration of Term.

This Agreement shall terminate upon the expiration of the Term (plus any extensions mutually agreed upon in accordance with Section 6.2 above). Upon termination of this Agreement, the County Recorder may cause a notice of such termination in a form satisfactory to County Counsel to be duly recorded in the official records of San Benito County.

8.2 Termination by Mutual Consent.

This Agreement may be terminated by mutual consent of the parties in the manner provided in the County Development Agreement Procedures under section 19.11.011 (A).

Section 9. Dispute Resolution.

9.1 Informal Resolution of Disputes; Mediation.

If a dispute arises related to the interpretation or enforcement of, or compliance with, the provisions of this Agreement ("**Dispute**"), County and Owner shall first attempt to resolve it through informal discussions. In the event a Dispute cannot be resolved in this manner within twenty one (21) days, County and Owner shall endeavor to settle the Dispute by mediation. The Dispute shall be submitted to the San Jose, California office of Judicial Arbitration and Mediation Services, Inc. ("**JAMS**") for mediation, and if the matter is not resolved through mediation, then it shall be submitted to JAMS for final binding arbitration pursuant to Section 9.2 below. Either County or Owner may commence mediation by providing to JAMS and the other party a written request for mediation setting forth the subject of the Dispute and the relief requested. County and Owner shall cooperate with JAMS and with one another in selecting a mediator from JAMS' panel of neutrals and in scheduling the mediation proceedings. If the parties cannot agree on the appointment of the mediator or the date of the mediation within thirty (30) days after the written request for mediation has been received, then JAMS shall appoint the mediator at its discretion and/or set a mediation date. County and Owner agree to participate in any such mediation in good faith, and shall share equally in its costs. All offers, promises, conduct, and statements, whether oral or written, made in the course of the mediation by either of the parties, their agents, employees, experts and attorneys, and by the mediator and any JAMS employees, are confidential, privileged, and inadmissible for any purpose, including impeachment, in any arbitration or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Either party may seek equitable relief prior to the mediation to preserve the status quo pending the completion of that process.

9.2 Arbitration.

(a) Either County or Owner may initiate arbitration with respect to a Dispute by filing a written demand for arbitration at any time following completion of the informal dispute resolution and mediation processes described above; provided however, that mediation may continue after the commencement of arbitration, if County and Owner so desire. Unless otherwise agreed to by County and Owner, the mediator shall be disqualified from serving as the arbitrator in the case. The provisions of this Section 9.2 may be enforced by any court of competent jurisdiction, and the prevailing party shall be entitled to an award of all costs, fees, and expenses, including attorneys' fees, to be paid by the non-prevailing party. Any Dispute arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this Agreement to arbitrate, not resolved by the mediation process set forth above, shall be determined by arbitration to be held in San Benito County before one arbitrator. Neither party may request an arbitration hearing in conformity with this Section 9.2 until after the completion of informal dispute resolution and mediation processes under

Section 9.1 are complete; provided, however, that mediation may continue after the commencement of arbitration if County and Owner so mutually desire. The arbitration shall be administered by JAMS pursuant to its Streamlined Arbitration Rules and Procedures, which rules shall govern the commencement of arbitration and the selection of the arbitrator among other things. Judgment on the arbitration award may be entered in the San Benito County Superior Court or any court having jurisdiction. This Section 9.2 shall not preclude County or Owner from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction. The costs and fees of arbitration (including those fees and expenses set forth in JAMS' fee schedule in effect at the time of commencement of the arbitration) shall be borne equally by County and Owner, and each side shall be responsible for its own attorney(s) and expert(s) witness fees.

(b) The dispute resolution process described under Sections 9.1 and 9.2(a) above shall be undertaken in good faith. A mediator or arbitrator other than JAMS may be mutually agreed upon by County and Owner in writing. By agreeing to this dispute resolution process, neither County nor Owner hereby loses or waives its right to assert the operation of any applicable statute of limitations as an affirmative defense. Any arbitration award shall be final and binding upon County and Owner and each shall accept such decision and award as binding and conclusive and shall abide thereby and neither party may commence civil litigation as a means of resolving a Dispute except for an action to obtain equitable relief.

9.3 Attorneys' Fees and Dispute Resolution Costs.

Subject to Sections 9.1 and 9.2 above, in which each side shall be responsible for paying its own attorney's fees and costs for mediation or arbitration proceedings, in any further action or proceeding brought by any party to enforce or interpret a provision of this Agreement, or to seek injunctive relief or declaratory relief against any other party to this Agreement, the prevailing party is entitled to recover reasonable attorneys' fees and any other costs incurred in the action or proceeding in addition to any other relief to which it is entitled.

Section 10. Assignment and Assumption of Obligations.

10.1 Assignment of Rights, Interests and Obligations.

Owner may sell, assign, or transfer in whole or in part the Property to any Subsequent Landowner at any time during the Term of this Agreement without County's consent so long as the Subsequent Landowner executes an Assignment and Assumption Agreement in accordance with Section 10.2 below. Upon any public notification of the sale, transfer, or assignment of the Property, Owner shall provide concurrent notice to the County.

10.2 Assumption of Rights, Interests and Obligations in Writing Only.

Express written assumption by a Subsequent Landowner of the obligations, responsibilities and duties of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred, in accordance with the provisions of this Section 10.2, shall relieve Owner of such obligations so expressly assumed. The Subsequent Landowner

shall execute an Assignment and Assumption Agreement in a recordable form, in which it assumes all obligations, responsibilities and duties of Owner with respect to this Development Agreement as it relates to the Subsequent Landowner's acquisition of all or a portion of the Property. The parties agree that if the Subsequent Landowner executes an agreement in substantially the same form as attached Exhibit G, this shall be sufficient to satisfy the obligations in this Section 10. This Assignment and Assumption Agreement shall take effect upon Subsequent Landowner's acquisition of all or a portion of the Property. In the event the Subsequent Landowner executes an Assignment and Assumption Agreement that is not in substantially the same form as Exhibit G, then any such agreement shall be in a recordable form and shall be approved as to form by County Counsel prior to any such agreement taking effect.

The County Recorder shall duly record any such Assignment and Assumption Agreement in the official records of San Benito County within ten (10) days of receipt. Upon recordation of said assumption agreement, Owner shall automatically be released from those obligations assumed by the Subsequent Landowner.

Section 11. General Provisions.

11.1 Independent Contractors.

Each party is an independent contractor and shall be solely responsible for the employment, acts, omissions, control and directing of its employees. All persons employed or utilized by Owner in connection with this Agreement and the Project shall not be considered employees of County in any respect. Except as expressly set forth herein, nothing contained in this Agreement shall authorize or empower any party to assume or create any obligation whatsoever, express or implied, on behalf of any other party or to bind any other party or to make any representation, warranty or commitment on behalf of any other party.

11.2 Invalidity of Agreement and Severability of Provisions.

If this Agreement in its entirety is determined by a court or arbitrator to be invalid or unenforceable under State law, this Agreement shall automatically terminate as of the date of final entry of judgment or the arbitrator's written decision, including any appeals. In this event, the parties agree to negotiate in good faith and to enter into a new Development Agreement which would most closely match the expressed intent of this Agreement without the portion(s) of this Agreement that was determined by the court or arbitrator to cause the Agreement to be invalid or unenforceable. If any provision of this Agreement shall be determined by a court to be invalid and unenforceable, the remaining provisions shall continue in full force and effect.

To the extent that any provision of this Development Agreement differs or conflicts with Chapter 19.11 of the San Benito County Code, this Development Agreement which shall be adopted by ordinance shall control, and shall not be invalidated by any such conflict.

11.3 Further Documents.

Each party shall execute and deliver to the other party all other instruments and documents as may be reasonably necessary to carry out the purpose of this Agreement in order to provide or secure to the other party the rights and privileges granted by this Agreement.

11.4 Time of Essence.

Time is of the essence in the performance of each and every covenant and obligation to be performed by the parties hereunder.

11.5 Modifications.

This Agreement may be modified from time to time by mutual consent of the parties, in accordance with the County Development Procedures contained in San Benito County Code Section 19.11.011 (A). In the event the parties modify this Agreement, the County Recorder shall cause notice of such action to be duly recorded in the official records of San Benito County within ten (10) days of such action.

11.6 Subsequent Approvals Do Not Require Amendment.

County's approval of any Subsequent Approval shall not require an amendment to this Agreement except in the event and to the extent Owner expressly seeks and County approves such amendment in connection with Subsequent Approval(s). Upon County's approval of any Subsequent Approval, it shall become part of the Project Approvals governing development of the Project covered by this Agreement.

11.7 Project is a Private Undertaking.

The parties agree that: (a) any development by Owner of the Property shall be a private development; (b) County has no interest in or responsibilities for or duty to third parties concerning any improvements constructed in connection with the Property; (c) the contractual relationship between County and Owner is such that Owner is an independent contractor and not an agent of County; and (d) nothing in this Agreement is intended or shall be construed to create or reflect any form of partnership or joint venture between the parties.

11.8 No Discrimination Permitted.

Owner shall not discriminate in any way against any person on the basis of race, color, national origin, sex, marital status, sexual orientation, age, creed, religion, or condition of physical disability in connection with or related to the performance of this Agreement.

11.9 Covenants Running with the Land.

Subject to Section 10 above, all of the provisions contained in this Agreement are binding upon and benefit the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or any portion of the Property,

whether by operation of law or in any manner whatsoever, during their ownership of the Property, or any portion thereof. All of the provisions of this Agreement constitute covenants running with land pursuant to California law, including, without limitation, Civil Code section 1468.

11.10 Recordation of Agreement.

Within ten (10) days of the Effective Date, the County Recorder shall cause this Agreement to be duly recorded in the official records of San Benito County.

11.11 Notices.

Any notice required under this Agreement shall be in writing and personally delivered, or sent by certified mail (return receipt requested and postage prepaid), overnight delivery, or facsimile to the following:

County: San Benito County Resource Management Agency
Attn: Director
2301 Technology Parkway
Hollister, CA 95023
Telephone: (831) 637-5313
Fax: (831) 637-5334

Copy to: County Counsel's Office
Attn: County Counsel
481 4th Street, 2nd Floor
Hollister, CA 95023
Telephone: (831) 636-4040
Fax: (831) 636-4044

Copy to: County Administrative Office
Attn: County Administrative Officer
481 Fourth St.,
Hollister, CA 95023
(831) 636-4000, ext. 10

Owner: PANOCHE VALLEY SOLAR, LLC
Attn: James J. Dixon
c/o ConEdison Development
100 Summit Lake Drive, Suite 210
Valhalla, NY 10595

Copy to: BAKER BOTTS LLP
Attn: Chris Carr
101 California Street, Suite 3600
San Francisco, CA 94111
Telephone: (415) 291-6208
Fax: (415) 373-2720

Notices to Subsequent Landowners shall be given by County as required above only for those Subsequent Landowners who have given County written notice of their addresses for the purpose of receiving such notices. Any party may change its mailing address/facsimile at any time by giving written notice of such change to the other party in the manner provided herein at least ten (10) days prior to the date such change is effected. All notices under this Agreement shall be deemed given, received, made or communicated on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt, air bill or facsimile.

11.12 Prevailing Wage.

Owner shall be solely responsible for determining whether construction of any or all of the improvements required in connection with the Project trigger the obligation to pay prevailing wages under California or federal law. In the event and to the extent that payment of prevailing wages is required, Owner shall comply with those requirements. Owner shall defend, indemnify and hold harmless County, its agents, employees, officers and officials from any claims, injury, liability, loss, costs or damages sought by a third party for a failure to pay prevailing wages in connection with the Project. The indemnification obligation set forth in this Section 11.12 shall survive the termination of this Agreement.

11.13 Applicable Law.

This Agreement shall be construed and enforced in accordance with the laws of the State of California.

11.14 Venue.

Any action brought relating to this Agreement shall be held exclusively in a state court in the County of San Benito.

11.15 Cooperation in the Event of Legal Challenge; Indemnification.

Owner shall defend, indemnify, and hold harmless the County, its agents, employees, officers, and officials from any claims, injury, liability, loss, costs or damages sought by a third party against the County challenging the validity of this Agreement, any provision hereof, or any Project Approval, or relating to any personal injury, death, or property damage, arising from Owner's operations or those of its employees, officers, agents, contractors or subcontractors, which relate to the Project (collectively referred to as "**Legal Challenge**"). It is understood that Owner's duty to indemnify and hold harmless includes the duty to defend as set forth in California Civil Code Section 2778. The provisions of Section 4 of the Reimbursement Agreement between the parties, which are incorporated herein by this reference, shall govern the defense of any Legal Challenge as defined herein. Acceptance by County of insurance certificates and endorsements required under this Agreement does not relieve Owner from liability hereunder. The provisions of this Section 11.15 shall survive the termination of this Agreement.

11.16 No Waiver.

No waiver by any party of any provision of this Agreement shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision, including the time for performance of any such provision. The exercise by a party of any right or remedy provided in this Agreement or provided by law shall not prevent the exercise by that party of any other remedy provided in this Agreement or under the law.

11.17 Construction.

This Agreement has been reviewed and revised by legal counsel for both County and Owner, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. The provisions of this Agreement and the attached exhibits shall be construed as a whole according to their common meaning and not strictly for or against any party, and in a manner that shall achieve the purposes of this Agreement. Wherever required by the context, the masculine gender shall include the feminine or neuter genders, or vice versa.

11.18 Entire Agreement.

This Agreement and all exhibits hereto constitute the entire agreement between the parties and supersede all prior discussions, negotiations, and agreements whether oral or written. Any oral representations or modifications concerning this instrument shall be of no force or effect unless contained in a subsequent written modification signed by both parties.

11.19 Estoppel Certificate.

Any party from time to time may deliver written notice to the other party requesting written confirmation that, to the knowledge of the certifying party: (a) this Agreement is in full force and effect and constitutes a binding obligation of the parties; (b) this Agreement has not been amended either orally or in writing, or if it has been amended, specifying the nature of the amendment(s); and (c) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, describing therein the nature of the default. A party receiving a request shall execute and return the certificate within thirty (30) days after receipt thereof. The Planning Director shall have the right to execute any certificate requested by Owner. At the request of Owner, the certificate provided by County establishing the status of this Agreement with respect to any lot or parcel shall be in recordable form and Owner shall have the right to record the certificate for the affected portion of the Property at its cost.

11.20 No Third-Party Beneficiaries.

The terms and provisions of this Development Agreement shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns, and is made solely and specifically for their benefit. No other person or entity shall have any rights, interest or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third-party beneficiary or otherwise.

11.21 Counterparts.

This Agreement and any and all amendments thereto may be executed in counterparts, and all counterparts together shall be construed as one document.

11.22 Authority to Execute.

Each party hereto expressly warrants and represents that it has the authority to execute this Agreement on behalf of its entity and warrants and represents that it has the authority to bind its entity to the performance of its obligations hereunder.

11.23 Captions.

The caption headings provided herein are for convenience only and shall not affect the construction of this Agreement.

11.24 Listing and Incorporation of Exhibits.

The exhibits to this Agreement, each of which is hereby incorporated herein by reference, are as follows:

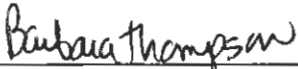
- Exhibit A: Legal Description of Property
- Exhibit B: Map of Property
- Exhibit C: Reserved
- Exhibit D: Reserved
- Exhibit E: Reserved
- Exhibit F: PG&E Decommissioning Planned Costs
- Exhibit G: Form of Assignment and Assumption Agreement
- Exhibit H: Conditions of Approval
- Exhibit I: Mitigation Measures (MMRP)
- Exhibit J: Schedule of PILOT Payments
- Exhibit K: California Department of Transportation Guidelines for Identifying and Repairing Localized Areas of Distress in AC Pavements Prior to Capital Preventive Maintenance or Rehabilitation Repairs

COUNTY OF SAN BENITO



John Guertin,
Director of Resource Management Agency
Date:

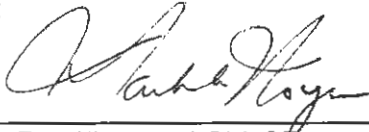
APPROVED AS TO FORM:
San Benito County Counsel's Office



Barbara Thompson
Acting Assistant County Counsel
Date: 1/10/18

PANOCHÉ VALLEY SOLAR, LLC

By:



Its: President and Chief Executive Officer
Date: January 10, 2018

**JOE PAUL GONZALEZ
CLERK, AUDITOR & RECORDER
REGISTRAR OF VOTERS**

Telephone:
Co. Clerk: (831) 636-4029
Elections: (831) 636-4016
Recorder: (831) 636-4046
Facsimile: (831) 636-2939



**OFFICE OF THE COUNTY CLERK, RECORDER &
REGISTRAR OF VOTERS**
440 Fifth Street, Room 206
Hollister, California 95023
www.sbcvofc.ca.gov

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

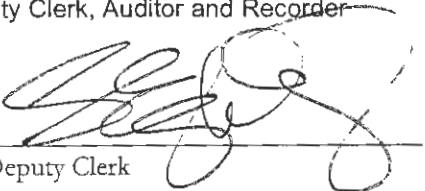
County of San Benito)

On 1/12/2018, before me, **JOE PAUL GONZALEZ**, County Clerk, Auditor and Recorder in and for said County, personally appeared John Guertin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and the Seal of the Clerk's Office

JOE PAUL GONZALEZ,
County Clerk, Auditor and Recorder

By: 
Deputy Clerk

JENN SCHULTZ



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of New York

County of Westchester

On January 10, 2018 before me, Paul Farrell Mapelli
(insert name and title of the officer)

personally appeared Mark Noyes,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Paul Farrell Mapelli (Seal)

PAUL FARRELL MAPELLI
Notary Public, State of New York
No. 02MA4967056
Qualified in Rockland County
Commission Expires May 21, 2018

Exhibit A

Legal Description of Property

EXHIBIT A

ALL OF THAT certain Parcel 1 as is found shown on Parcel Map No. 1238-16, recorded October 20, 2016, in Book 11 of Parcel Maps, page 48, San Benito County Records.

(A portion of APN'S 027-026-004, 027-026-005, 027-260-008, 027-260-011, 027-260-012, 270-270-001, 027-270-002, 027-270-004, 027-270-007, 027-270-008, 027-270-009, 027-270-012, 027-280-004, 027-290-001, and 027-290-004.

Exhibit B
Map of Property

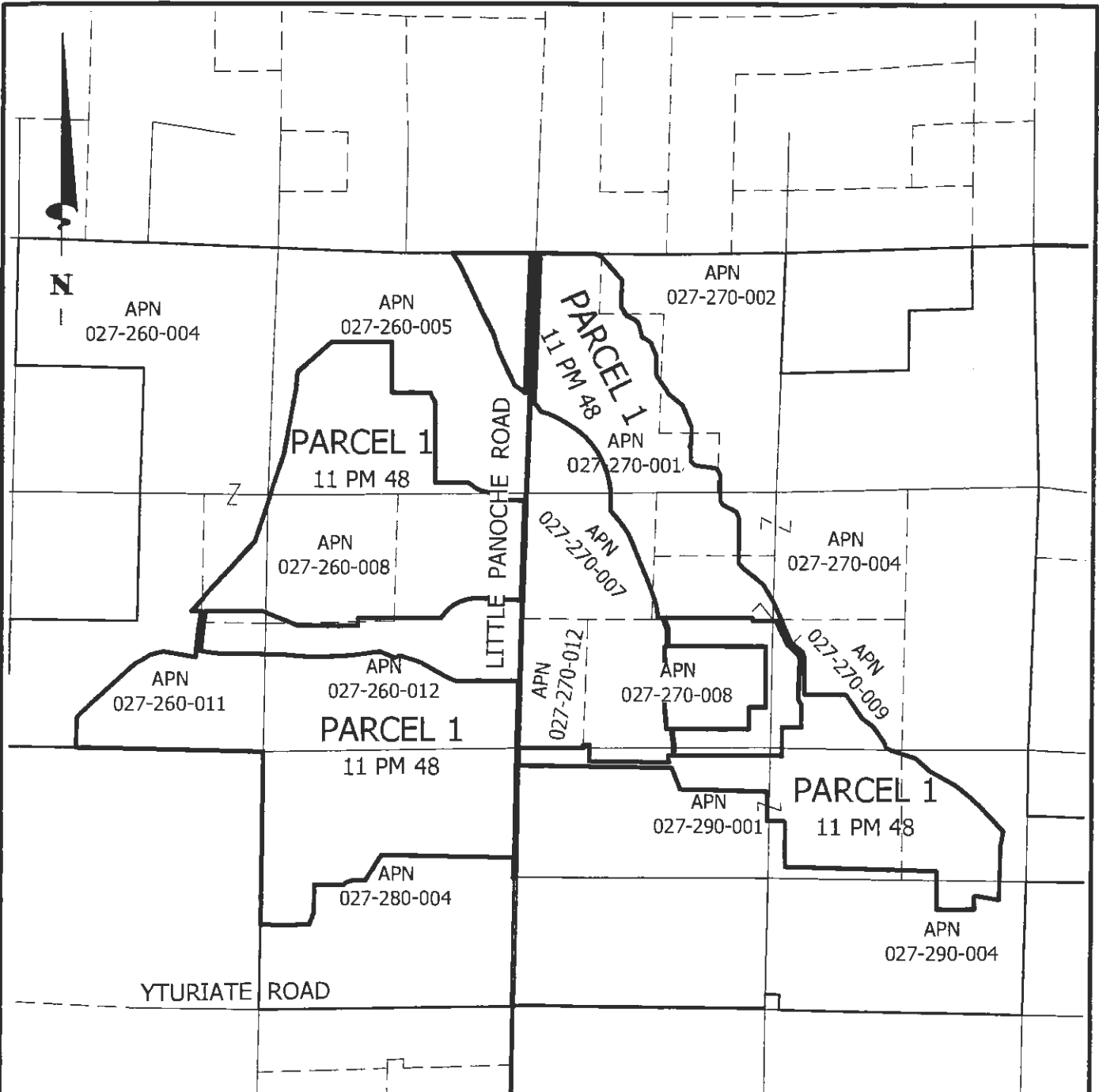


EXHIBIT B

PARCEL 1

11 PM 48

NOVEMBER 2017 SCALE 1" = 3000'
 SAN BENITO ENGINEERING & SURVEYING, INC.
 502 MONTEREY STREET
 HOLLISTER, CA 95023
 831-637-2763

Exhibit C

RESERVED

Exhibit D

RESERVED

Exhibit E

RESERVED

Exhibit F

PG&E Decommissioning Planned Costs

Application: 09-02-019

(U 39 E)

Exhibit No.: (PG&E-3)

Date: July 15, 2009

Witnesses: Garrett P. Jeung
 Brian M. McDonald
 Joseph F. O'Flanagan

**PACIFIC GAS AND ELECTRIC COMPANY
PG&E'S PHOTOVOLTAIC PROGRAM**

**SUPPLEMENTAL TESTIMONY
PURSUANT TO JULY 1, 2009 AC AND ALJ RULING**

PUBLIC VERSION



1 Once an agreement has been reached, an initial contingent payment will be
 2 made. PG&E will then file an interconnection application and proceed with site
 3 due diligence activities, including verification that no protected plant or animal
 4 species would be threatened or otherwise significantly impacted by the project.
 5 Once all contingencies are met, including approval of the PV Program
 6 Application by the CPUC, and positive findings from the interconnection
 7 application studies and other due diligence activities, PG&E will make a final
 8 payment for the parcel.

9 Given the extensive due diligence PG&E has and will conduct on all project
 10 lands, PG&E does not anticipate any installation, operation, or viability issues for
 11 these plants. California has ample land for the types of projects proposed. The
 12 utility-owned portion of the PV Program is anticipated to utilize approximately
 13 2,500 acres for the full 250 MW build-out, which is less than 0.01 percent^[9] of
 14 all existing California farm land, even if it were assumed that all land used for the
 15 utility-owned projects would be converted from agricultural uses. Given this
 16 abundance of land, PG&E anticipates it will have enough possible sites to select
 17 project sites carefully to minimize any installation, operation, or viability issues
 18 with these plants.

19 **G. Disposal Costs of Photovoltaic Utility-Owned Generation**
 20 **Program**

21 PG&E did not include any costs in the PV Program for decommissioning the
 22 250 MW of the PV UOG Program since it is not certain that it will in fact remove
 23 the facilities after the 25-year estimated life of the facilities. It may be more
 24 economical at the end of the life of the facilities to replace the PV panels and
 25 continue to generate at the PV site. However, if PG&E were to decommission
 26 the sites, it estimates that it would cost \$26,500 per MW, or \$6.6 million for the
 27 250 MW program (2009 dollars). Activities included in the cost estimate are
 28 crew mobilization, panel removal and recycling, balance of plant removal, and
 29 piling removal. It is assumed that the cost of transporting material off site will be
 30 offset by scrap value of the material. If it becomes more certain that the sites

[9] 25.4 million acres of farmland as quoted in 2008 State Agriculture Overview for California, by the National Agricultural Statistics Service: http://www.nass.usda.gov/Statistics_by_State/Aq_Overview/AqOverview_CA.pdf

- 1 are going to be decommissioned at the end of the life of the facilities, PG&E will
- 2 include the expected decommissioning costs in a future General Rate Case.

47

Exhibit G

Form of Assignment and Assumption Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
San Benito County
Attn: San Benito County Clerk
440 Fifth St., Room 206
County Courthouse
Hollister, CA
95023

RECORDING FEE EXEMPT
PURSUANT TO GOVERNMENT CODE
SECTION 27383

(Space Above Line For Recorder's Use)

FORM OF:

**OWNER AND SUBSEQUENT LANDOWNER
ASSIGNMENT AND ASSUMPTION AGREEMENT**

This ASSIGNMENT AND ASSUMPTION AGREEMENT ("**Agreement**") is made and entered into on this day of _____, 20__, by and between [OWNER] ("**Owner**") and _____ ("**Subsequent Landowner**").

RECITALS

A. Owner entered into a First Amended Development Agreement with the County of San Benito on _____, 2017 ("**FADA**"), which was recorded on _____, _____, as Document No. _____ in Book _____, Page _____ of the Official Records of San Benito County, California pursuant to which Owner agreed to develop certain property more particularly described in said FADA as the "**Property**" in exchange for certain vested rights and subject to certain covenants, terms and conditions set forth in the FADA.

B. Owner and Subsequent Landowner have agreed to assign Owner's interest in all or a portion of the Property by a deed or other written instrument, which will be recorded on _____, _____, as Document No. _____ in Book _____, Page _____ of the Official Records of San Benito County, California concurrently with the recordation of this instrument ("**Assigned Property**").

C. Subsequent Landowner desires to assume all of Owner's rights, duties and obligations under the FADA with respect to the Assigned Property and to relieve Owner of all of said assigned rights, duties and obligations with respect to the Assigned Property.

NOW, THEREFORE, Owner and Subsequent Landowner hereby agree as follows:

1. Owner hereby assigns, effective as of Owner's conveyance of the Assigned Property to Subsequent Landowner, all of the vested rights, title and interest of Owner under the FADA with respect to the Assigned Property. Owner retains all of the vested rights, title and interests under the FADA with respect to all other lands within the Property owned thereby.

2. Subsequent Landowner hereby contractually assumes all of the rights, duties and obligations of Owner under the FADA with respect to the Assigned Property, and agrees to observe and fully perform all of said duties and obligations and to be subject to all covenants, terms and conditions thereof with respect to the Assigned Property, it being the express intention of both Owner and Subsequent Landowner that, upon execution of this Agreement, Subsequent Landowner shall become substituted for Owner as "Owner" under the FADA with respect to the Assigned Property.

3. All of the covenants, terms, and conditions of the FADA and set forth herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

4. Any notice required under the FADA shall be made in accordance with Section 11.12 of the FADA, except notice to Subsequent Landowner with respect to the Assigned Property shall be made to:

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

OWNER:

SUBSEQUENT LANDOWNER:

Exhibit H
Conditions of Approval

CONDITIONS OF APPROVAL

Standard Conditions:

1. **Indemnification.** Applicant shall defend, indemnify, and hold harmless San Benito County, its agents, officers, and/or employees (hereinafter "County") 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 will consult with Applicant on whether to defend, settle, appeal, or take other action regarding any legal action. However, County retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. Condition of Approval No. 1 shall survive any setting aside of the approval by any Court.
2. **Conformity to Plan:** 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]
3. **Compliance Documentation:** The Applicant shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
4. **Encroachment Permit:** Pursuant to Section 14-3 of the San Benito County Code, prior to commencement of any improvements associated with this project, the Applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County right of way.
5. **Fire:** The project shall meet the standards set forth in the latest adopted editions of the 2013 California Fire Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes, as they apply to a project of this type and size.
6. **Lighting Plan:** Prior to operation and as part of the building permit submittal, the Applicant shall submit for the County's review and approval an exterior/security and safety lighting mitigation plan consistent with the requirements of Mitigation Measure MM AE-1.1 to reduce lighting impacts. 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 to minimize stray light trespassing across property boundaries in accordance with County Code Chapter 19.31. All fixtures shall comply with County Code Chapter 19.31 (along with the requirements of Zone III regulations set within Chapter 19.31.009 of the County Code). The exterior lighting plan shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture. [Planning]

- 7. **Yearly Permit Compliance Review:** Each year, Planning Staff and other County staff (as necessary) shall conduct yearly site visits, or more frequent as necessary to ensure that all Conditions of Approval are being met and all approved plans and programs are being enforced. Site visits are subject to a fee per Ordinance 833.
- 8. **Sign Ordinance:** Prior to operation, any signs used shall be required to meet the County's Sign Ordinance.
- 9. **Mitigation Monitoring:** All mitigation monitoring shall be funded by the applicant. All mitigation monitoring shall be performed by either County Staff or other qualified personnel who is solely responsible to the County of San Benito. The cost for all staff time required to fulfill the County's responsibilities under the Mitigation Monitoring and Reporting Program ("MMRP"), and to monitor Applicant's compliance with the MMRP and Applicant Proposed Measures ("APMs") shall be reimbursed by Applicant within 30 days of the issuance of a written invoice. Staff performing all monitoring, or other work, required by the FEIR shall be approved by the County Planning Director.
- 10. **Mitigation Measures:** All Mitigation Measures are hereby established as Conditions of Approval, found in Exhibit "B" to the Board of Supervisors' Resolution Certifying the Final SEIR, and Adopting Findings, a MMRP, and Statement of Overriding Considerations, and are incorporated hereby by this reference. All APM's contained in the FSEIR are also hereby established as Conditions of Approval, and are found in Exhibit "C" to the Board of Supervisors' Resolution Certifying the Final SEIR, and Adopting Findings, a MMRP, and Statement of Overriding Considerations, and incorporated hereby by this reference. Any mitigation measure or APM inadvertently deleted from Exhibits "B" or "C" but discussed in the FSEIR are also established as conditions of approval.
- 11. **Development Agreement.** This approval shall be considered a "Subsequent Approval" as contemplated by the 2010 Development Agreement. The 2010 Development Agreement and full compliance in all material respects with the terms thereof, in addition the requirements established by this conditional use permit, shall be an express condition of approval of this conditional use permit.
- 12. **Successors in Interest.** The Conditions of Approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit.
- 13. **Revocation of Use Permit.** The use permit may be modified or revoked in its entirety if Applicant fails to comply with all Conditions of Approval.
- 14. **Reimbursement Agreement.** Applicant agrees that this project (Use Permit 1023-09-A) is subject to the 2010 Reimbursement Agreement and is included in the "project" defined therein, and further that Project Applicant shall reimburse the County for all costs incurred in processing and defending approval of this Project. Condition of Approval No. 14 shall survive any setting aside of Project Approval by any Court.
- 15. **Agreement with all conditions of approval:** Prior to or upon approval by the Board of Supervisors, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval.

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 *John Pimentel* JOHN PIMENTEL
Date: 5/13/2015

Exhibit I

Mitigation Measures (MMRP)

56

I. Mitigation Monitoring and Reporting Plan

This section presents the Revised Project mitigation measures, monitoring and reporting actions, and agency and applicant responsibilities. Applicant Proposed Measures (APMs) are presented in Table B-9 (Section B.10). Mitigation measures are listed only under the discipline where they were initially proposed.

The measures presented in this Mitigation Monitoring and Reporting Plan are shown in their final form. Changes to mitigation measures that have occurred since the 2010 Final EIR are shown in the Section C of the Draft SEIR for each discipline, and changes to mitigation measures between the Draft SEIR and the Final SEIR are shown in Section C of this SEIR.

~~Measures that were adopted in 2010 and have not changed are presented here for completeness, but these measures are not available for comment.~~

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Mitigation Measures Modified After 2010 Final EIR					
Monitoring Process					
EM-2	Provide documentation for monitoring.	<ul style="list-style-type: none"> Confirm qualifications of monitor Prepare monitoring report annually for each calendar year in which construction occurs, and annually thereafter until monitor/County determine annual reports are no longer needed Verify completion of remedial measures. 	<ul style="list-style-type: none"> Throughout construction Annually post-construction until the monitor and the County determine that all measures have been successfully established 	<ul style="list-style-type: none"> County verifies qualifications of monitor. County confirms receiving annual report of mitigation monitoring. County confirms remedial measures are implemented, if required. 	<ul style="list-style-type: none"> Retain a qualified individual to verify that all adopted measures have been successfully implemented. Prepare monitoring reports on an annual basis Agree to complete any necessary remedial measures identified in the reports.
Air Quality					
AQ-1.1	Reduce fugitive dust.	<ul style="list-style-type: none"> Implement all components of mitigation measure. 	<ul style="list-style-type: none"> During construction, operation, and decommissioning. 	N/A	<ul style="list-style-type: none"> Implement measures to reduce fugitive dust and ensure all measures are shown on grading and building plans.
AQ-1.2	Designate a dust complaint monitor.	<ul style="list-style-type: none"> Designate a fugitive dust monitor to ensure fugitive dust emission mitigation is observed and impacts from fugitive dust do not exceed standards. Post publicly visible sign with contact information to report dust complaints. 	<ul style="list-style-type: none"> Prior to any grading, earthwork, or demolition and during construction 	<ul style="list-style-type: none"> Monterey Bay Unified APCD will confirm receiving contact information of monitoring personnel. 	<ul style="list-style-type: none"> Designate fugitive dust monitor. Provide name of monitor to Monterey Bay Unified APCD Compliance Division. Provide and post a sign with contact information.

¹ The full text of all modified mitigation measures is presented in each part of Section C (Sections C.1 through C.15). Measures that have not changed since the 2010 Final EIR are identified below under the heading "Mitigation Measures Unchanged since 2010 Final EIR" and the full text of those measures is presented in Appendix 3.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Biological Resources					
BR-G.2	Implement Best Management Practices (BMPs).	<ul style="list-style-type: none"> Implement BMPs. Provide annual documentation of BMPs. 	<ul style="list-style-type: none"> During all ground disturbance and construction-related activities. 	<ul style="list-style-type: none"> County will review annual written report. County will verify qualifications of the environmental monitor. 	<ul style="list-style-type: none"> Implement BMPs. Submit written report annually documenting compliance with BMPs. Retain an environmental monitor to ensure compliance with BMPs.
BR-G.3	Develop and implement a Habitat Restoration and Revegetation Plan (HRRP).	<ul style="list-style-type: none"> Prepare HRRP. Restore disturbed areas to pre-construction conditions or better via implementation of a HRRP. The HRRP shall include a Soil Restoration Plan, Plant Restoration and Revegetation Plan, Monitoring Plan, and Final Closure Plan. 	<ul style="list-style-type: none"> Prior to issuance of the building permit, prepare HRRP. Prior to the final project inspection, review plan compliance. At least one year prior to planned closure and decommissioning, submit and review Final Closure Plan 	<ul style="list-style-type: none"> County will verify qualifications of the biologist and agricultural soil expert. County will review and approve HRRP. County will review plan compliance. County will review Final Closure Plan. 	<ul style="list-style-type: none"> Retain a qualified biologist, knowledgeable in the area of annual grassland habitat restoration and a qualified agricultural soil expert to prepare a HRRP and monitor the initial implementation and attainment of established success criteria. Retain a qualified biologist, knowledgeable in the area of annual grassland habitat restoration and a qualified agricultural soil expert to prepare and implement the Final Closure Plan. Prepare and implement HRRP and Final Closure Plan.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-G.5	Purchase credits from a CDFW-approved mitigation bank, create a permanent conservation easement(s), in favor of CDFW or a CDFW-approved conservation holder for the management of the land pursuant to the approved HMMP, or transfer land in fee to a CDFW approved conservation holder with a deed restriction for the management of the land pursuant to the approved HMMP.	<ul style="list-style-type: none"> • Preserve habitat according to requirements found in the mitigation measure. • Monitor and maintain mitigation land per the requirements set forth in the Wetland Mitigation Monitoring Plan and the Habitat Mitigation and Monitoring Plan (HMMP). • Prepare annual report. 	<ul style="list-style-type: none"> • Prior to the disturbance of vegetation, the Applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements or other appropriate agreement as described in the mitigation measure, and the restrictions contained in the conservation easement(s) created for the permanent protection of these lands. 	<ul style="list-style-type: none"> • County will review and determine whether proposed conservation easement holder meets requirements specified in the mitigation measure. • County will verify and approve attainment of habitat mitigation requirements prior to construction of each project phase. 	<ul style="list-style-type: none"> • Provide funds for a "qualified land trust" or other appropriate fee holder as described in the mitigation measure to acquire appropriate conservation easement(s) or donate appropriate conservation easement(s) to a qualified land trust or to an appropriate mitigation bank. • Submit annual report to the County.
BR-G.6	Develop and implement Wetland Mitigation and Monitoring Plan and Habitat Management Plan for mitigation lands.	<ul style="list-style-type: none"> • Prepare and implement WMMP and HMP per the requirements set forth in the mitigation measure. 	<ul style="list-style-type: none"> • Prior to start of construction, submit WMMP and HMP. • Prior to final County inspection, initial and estimated final impact acreages must be presented to the County and acquisition of off-site lands must be verified. 	<ul style="list-style-type: none"> • County will review and approve WMMP and HMP. • County will verify acquisition of off-site lands. 	<ul style="list-style-type: none"> • Retain a qualified biologist to prepare and implement WMMP and HMP.
BR-1.1	Prepare and implement a Weed Control Plan (WCP).	<ul style="list-style-type: none"> • Prepare WCP with 6 elements outlined in the mitigation measure. • Retain an environmental monitor to ensure compliance with measures set forth in WCP. 	<ul style="list-style-type: none"> • Prior to the issuance of a building permit or ground disturbance, prepare and approve WCP. • WCP will be implemented prior to and during construction 	<ul style="list-style-type: none"> • County will verify qualifications of biologist or restoration ecologist responsible for preparing WCP. • County will review and approve WCP. 	<ul style="list-style-type: none"> • Prepare and implement a WCP. • Retain an environmental monitor to ensure the compliance with construction measures. • Prepare and submit to the County reports and logs, as required by the WCP.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-3.1	Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implement avoidance measures.	<ul style="list-style-type: none"> Retain a qualified plant ecologist/ Conduct pre-construction surveys for special-status plants. Document special-status plants found. Establish buffers based on survey results. 	<ul style="list-style-type: none"> Prior to new ground disturbance throughout construction, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify the qualifications of plant ecologist or biologist. County, USFWS, and CDFG approval will be required to reduce buffer zone for special-status species. 	<ul style="list-style-type: none"> Retain a qualified plant ecologist/. Conduct pre-construction surveys and prepare report on special-status species to submit to the County. Document yearly survey events and update WEEP with information from data collected.
BR-6.1	Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys for nesting birds during breeding season. Establish a 300-foot buffer around active nests, 500-foot buffer around active raptor nests, or 0.5-mile buffer around active golden eagle nests. Report California condor sightings to USFWS 	<ul style="list-style-type: none"> Prior to any on-site disturbance during breeding season, conduct pre-construction surveys for nesting birds. During the recognized breeding season for most birds biological monitors will routinely inspect for active nests. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Conduct pre-construction surveys and for birds. Set up appropriate buffer zones for active nests. Obtain written documentation providing concurrence from the USFWS and CDFG authorizing the nest relocation and prepare a written report documenting the relocation efforts.
BR-9.1	Conduct pre-construction surveys for California tiger salamander and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction California tiger salamander surveys. Restrict grading and subsurface disturbing activities to daylight hours. Inspect pipes and similar structures. Avoid disturbance to all ponds and in-stream pools. Scope burrows proximal to known breeding pools. 	<ul style="list-style-type: none"> Prior to project construction, complete surveys and provide documentation demonstrating completion. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for California tiger salamanders. Implement avoidance measures in the mitigation measure.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-10.1	Conduct pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys within 30 days prior to construction for blunt-nosed leopard lizard, establish buffers and exclusion areas for all observed blunt-nosed leopard lizards. Record the geographic coordinates of each blunt-nosed leopard lizard individual detected. Implement protective procedures if a blunt-nosed leopard lizard is detected on the project site. Establish movement corridors to allow movement of isolated blunt-nosed leopard lizards to and from areas of greater population density. Avoid use of plastic monofilament netting. 	<ul style="list-style-type: none"> Prior to all construction activities that will result in permanent or temporary ground disturbance within 30 days of construction. Prior to issuance of grading permits, mitigation for impacts must be completed. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for blunt-nosed leopard lizards. Implement avoidance measures found in the mitigation measure. Implement monitoring as prescribed in the HMMP. Inform the USFWS and CDFG immediately upon discovery of dead or injured blunt-nosed leopard lizard.
BR-13.1	Focused pre-construction burrowing owl surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Create appropriate buffer zone around observed burrows. Passively relocate birds, if necessary, and place one-way doors on evicted burrows. 	<ul style="list-style-type: none"> No more than 30 days and no less than 14 days prior to the commencement of initial ground disturbing activities, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist(s) with experience surveying for burrowing owls to conduct pre-construction surveys in conformance with CDFG protocols. Implement avoidance measures and ensure buffer delineations are kept in good working order.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-14.2	Prepare and Implement an Avian Conservation Strategy and Eagle Conservation Plan	<ul style="list-style-type: none"> Prepare and implement an Avian Conservation Strategy and Eagle Conservation Plan that includes a bird mortality study, polarized light and insectivorous bird study, thresholds, and implementation measures. 	<ul style="list-style-type: none"> Prior to issuance of construction permit, submit an Avian Conservation Strategy and Eagle Conservation Plan. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will consult with CDFG and USFWS on the proposed program to determine thresholds prior to approval. County will verify submittal of two studies to scientific-journals. County will verify submittal of quarterly and annual reporting and consultation with USFWS and CDFG to determine if subsequent years of reporting are necessary. 	<ul style="list-style-type: none"> Retain a qualified biologist to prepare an Avian Conservation Strategy and Eagle Conservation Plan in consultation with CDFG and USFWS and monitor impacts to birds during construction and one year after completion of construction. Install additional bird flight diverters, alter project components that have been identified as key mortality features, or implement other appropriate actions approved by the County and regulatory agencies based on the findings of the Avian Conservation Strategy and Eagle Conservation Plan. Prepare papers that describe the design and monitoring results of the two studies to be submitted to peer-reviewed scientific journals. Submit annual reports to the County during construction and one year post-construction (additional reporting if mitigation actions continue to be required).
BR-15.1	Survey pre-construction maternity colony or hibernaculum for sensitive bats.	<ul style="list-style-type: none"> Conduct pre-construction and post-construction surveys as defined in the mitigation measure. Conduct surveys preferably during the maternity season as defined in the mitigation measure. Avoid active maternity roosts or hibernacula if feasible. Survey for alternative maternity roosts if avoidance is not feasible. 	<ul style="list-style-type: none"> Prior to the commencement of construction activities and preferably within the maternity season, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys and surveys for maternity roosts. 	<ul style="list-style-type: none"> Retain a biologist, holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats, to conduct pre-construction surveys and surveys during maternity season for sensitive bats. Routinely inspect known maternity roosts or hibernacula.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-15.2	Provide substitute roosting habitat.	<ul style="list-style-type: none"> Provide substitute roosting habitat for the maternity colony as defined in the mitigation measure and the HMP. 	<ul style="list-style-type: none"> Conduct pre-construction and post-construction surveys as defined in the mitigation measure. Submit HMP for County approval prior to commencement of construction activities. 	<ul style="list-style-type: none"> County will approve HMP prior to commencement of construction activities. 	<ul style="list-style-type: none"> Protect and/or provide suitable roosting opportunities as defined in the mitigation measure and the HMP.
BR-15.3	Exclude bats prior to eviction from roosts.	<ul style="list-style-type: none"> Safely evict bats from non-breeding bat hibernacula. Demolition of maternity roost sites must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 August). 	<ul style="list-style-type: none"> A minimum of one week prior to intended eviction date, implement methods to evict bats. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will ensure evictions are done according to mitigation measure standards. 	<ul style="list-style-type: none"> Retain a biologist, holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats, to direct eviction of roosting areas.
BR-15.4	Implement management recommendations at known roosts.	<ul style="list-style-type: none"> Implement protective measures for identified maternity roosts as defined in the mitigation measure and the Habitat Management Plan. 	<ul style="list-style-type: none"> Submit HMP to County for approval prior to commencement of construction activities. 	<ul style="list-style-type: none"> County will review and approve HMP. 	<ul style="list-style-type: none"> Retain a qualified biologist to prepare and implement HMP.
BR-16.1	Conduct focused pre-construction giant kangaroo rat burrow/precinct surveys and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish buffer around active giant kangaroo rat burrows/. Map all active burrows/precincts and incorporate them into a GIS based figure for use by on-site monitors and construction crews. Live-trap and relocate giant kangaroo rats present in impact areas as described in an approved Giant Kangaroo Rat Relocation Plan 	<ul style="list-style-type: none"> No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. Prior to final County inspection, review submitted documentation of burrows/precincts abandoned or destroyed. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for giant kangaroo rat. Create GIS figure of all active burrows/and give to Document all giant kangaroo rat burrows/precincts abandoned or destroyed and provide a written report to the County of San Benito. Periodically field check the mapped burrows/precincts to buffer delineation and flagging are all in good working order.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-16.3	Preserve, manage, and maintain giant kangaroo rat habitat corridors across the project footprint.	<ul style="list-style-type: none"> Construction monitoring shall occur for the duration of construction, and if the biologist determines that the corridors are not functional, adaptive management measures shall be implemented in consultation with USFWS and CDFG. 	<ul style="list-style-type: none"> Conservation easement on habitat corridors shall be recorded prior to commencement of construction. 	<ul style="list-style-type: none"> County will ensure construction monitoring. 	<ul style="list-style-type: none"> Preserve, manage, and maintain the ongoing functionality of the proposed giant kangaroo rat corridors on the project site. No driving on the side of any panel block adjacent to a designated habitat corridor. No new construction of buildings, ornamental tree plantings, or other features not already identified in the EIR that would reduce available habitat and may provide perching opportunities for predatory birds permitted within or directly adjacent to the habitat corridors.
BR-17.1	Conduct pre-construction San Joaquin antelope squirrel surveys and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish buffer around active San Joaquin antelope squirrel burrows. Implement sequential steps to evict San Joaquin antelope squirrels if avoidance is infeasible. 	<ul style="list-style-type: none"> No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. Prior to final County inspection, review submitted documentation of burrows/precincts abandoned or destroyed. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. County will review document listing all abandoned or destroyed burrows. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for San Joaquin antelope squirrels. Document all San Joaquin antelope squirrel burrows abandoned or destroyed and, provide a written report to the County of San Benito, CDFG and USFWS Periodically survey for potential burrows requiring the avoidance measures.

off

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-19.1	Conduct focused pre-construction San Joaquin kit fox surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish appropriate buffer around active San Joaquin kit fox surveys. Stop work within a 200-foot radius of an occupied natal den and contact USFWS if active dens are found within 1,000 feet of project activities; work may resume after pups have left the den. Implement sequential steps to evict San Joaquin kit fox if avoidance is infeasible. Natal dens shall not be disturbed at any time 	<ul style="list-style-type: none"> Prior to commencement of construction activities, conduct pre-construction surveys. Prior to the final County inspection, review compliance with measures and documentation of mitigation. Prior to the final County inspection or occupancy, submit report to the County. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. County will review location and design of the artificial dens prior to installation. County will review document listing all abandoned or destroyed dens. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for San Joaquin kit fox. Routinely inspect protected dens and ensure that delineation methods are in good working order. Replace all excavated kit fox dens with artificial dens on a 2:1 basis Prepare and submit a written report documenting all kit fox dens abandoned, destroyed or avoided/protected for County review and approval.
BR-22.1	Fence temporary pond to exclude wildlife.	<ul style="list-style-type: none"> Fence the perimeter of the temporary ponds. Report any bird or other wildlife deaths as defined in the mitigation measure to the CDFW and USFWS 	<ul style="list-style-type: none"> Monthly monitoring starting with the first month of construction. No less than 30 days prior to operation of the ponds, provide as-built drawings of the ponds. No later than January 30, submit annual report for the life of the project. 	<ul style="list-style-type: none"> County will review as-built drawings of the ponds. County will review annual monitoring reports. 	<ul style="list-style-type: none"> Retain a designated biologist to regularly survey the ponds at least once per month starting with the first month of construction of the ponds. Submit annual monitoring reports to the County, CDFG, and USFWS describing the dates, durations, and results of site visits conducted at the ponds.

55

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Cultural and Paleontological Resources					
CR-2.1	Conduct cultural resource monitoring during construction.	<ul style="list-style-type: none"> Conduct cultural resources monitoring. 	<ul style="list-style-type: none"> During construction, conduct monitoring. 	<ul style="list-style-type: none"> County will verify qualifications of the archaeologist. County will ensure compliance with and effectiveness of the cultural resources monitoring program. 	<ul style="list-style-type: none"> Fully fund all monitoring and documentation activities. Retain a professional archaeologist to monitor subsurface construction disturbance. Retain a Native American monitor at locations sensitive for Native American remains. Document any unanticipated discovery on a Department of Parks and Recreation Primary Record and Archaeological Site Record (DPR 523)
Geology, Mineral Resources, and Soils					
GE-4.1	Implement Geotechnical Report recommendations.	<ul style="list-style-type: none"> Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report. 	<ul style="list-style-type: none"> During construction. 	<ul style="list-style-type: none"> County will verify all earth operations are performed according to specifications found in the Geotechnical Report. 	<ul style="list-style-type: none"> Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report.
Hazards and Hazardous Materials					
HZ-7.1	Prohibit standing water.	<ul style="list-style-type: none"> Ensure that open containers be inverted and construction ditches not be allowed to accumulate water. Construction and maintenance operations shall not generate standing water, except for water storage and stormwater management ponds. Consult appropriate agencies and obtain permits before filling naturally occurring depressions, drainages, and pools at the site appropriate permits. 	<ul style="list-style-type: none"> During construction and operation. 	<ul style="list-style-type: none"> County will verify that construction and operation activities do not result in standing water. County will verify that the appropriate agencies were consulted prior to draining and filling natural depressions. 	<ul style="list-style-type: none"> Ensure construction and operation workers do not allow water to accumulate. Consult the appropriate resource agency (San Benito County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game) and obtaining a permit prior to draining and fill a natural depression.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
HZ-7.2	Protect workers and public from Valley Fever	<ul style="list-style-type: none"> • Prepare detailed Valley Fever informational brochure • Provide breathing protection gear upon request 	<ul style="list-style-type: none"> • Submit Valley Fever informational brochure to Department of Public Health 30 days prior to commencement of construction activities 	<ul style="list-style-type: none"> • DPH will approve Valley Fever brochure 	<ul style="list-style-type: none"> • Prepare Valley Fever brochure and provide to all workers entering construction site • Provide breathing protection gear upon request
Noise					
NS-1.3	Provide advance notice of construction.	<ul style="list-style-type: none"> • Provide advance notice of construction between 2 and 4 weeks prior to commencement of construction. • Address any complaints received related to noise and prepare a report indicating how noise complaints are handled. • County's Environmental Monitor shall verify implementation of agreed upon strategy. 	<ul style="list-style-type: none"> • Within 2 to 4 weeks prior to construction or decommissioning activities, provide notice of activities. • Within 48 hours, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints. 	<ul style="list-style-type: none"> • County will verify implementation of noise-reduction strategy through an environmental monitor. • County will review report documenting complaints. 	<ul style="list-style-type: none"> • Provide advance notice of construction and decommissioning. • Address any complaints received related to noise and prepare a report indicating how noise complaints are handled.
NS-4.1	Locate PV inverters and transformers away from the project's property line.	<ul style="list-style-type: none"> • Place inverters/transformers the appropriate distance from the project property line and each other to ensure compliance with the County's daytime hourly noise level standard. • Enclose inverters/transformers or implement other noise attenuation measures as necessary to meet County daytime hourly noise level standards • Should hourly noise level standards be exceeded, stop operations of offending inverters and transformers until adequate noise attenuation measures are installed to meet these standards. 	<ul style="list-style-type: none"> • During construction and operation. • Throughout duration of the noise-making activity, ensure measures installed remain in good working order. 	<ul style="list-style-type: none"> • County will verify implementation of noise-reduction strategy through an environmental monitor. 	<ul style="list-style-type: none"> • Place inverters/transformers the appropriate distance from the project property line and each other. • Enclose inverters/transformers or implement other noise attenuation measures as necessary • Stop operations of offending inverters and transformers until adequate noise attenuation measures are installed to meet these standards

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Public Services, Utilities, and Service Systems					
PS-1.1	Develop and implement service agreement with firefighting entities	<ul style="list-style-type: none"> Establish an agreement with a qualified firefighting entity and the Applicant. Provide qualified entity an agreed upon fee based on actual costs to fund additional personnel. Provide fire protection training to its permanent employees. 	<ul style="list-style-type: none"> Prior to issuance of building permits, submit fully executed agreement between qualified firefighting entity and the Applicant. Yearly, provide funding to qualified entity. 	<ul style="list-style-type: none"> County will verify funds provided to qualified entity. County will verify fire protection training is provided to permanent project employees. 	<ul style="list-style-type: none"> Establish an agreement with a qualified firefighting entity and the Applicant. Provide a qualified firefighting entity an agreed upon amount based on actual costs to fund additional personnel. Provide fire protection training to its permanent employees.
Transportation and Circulation					
TR-1.2	Rehabilitate, protect and monitor roadway pavement, bridges and culverts.	<ul style="list-style-type: none"> Implement repairs along roads specified in the mitigation measure prior to construction and decommissioning. Monitor road conditions every three months during construction and implement local and State requirements relating to oversized loads and all elements specified in the mitigation measure. 	<ul style="list-style-type: none"> Prior to the start of construction (and every three months thereafter) and during decommissioning, repair and improve roadway pavements. During construction, the project contractor will monitor road conditions every three months. Submit pavement condition report to County within 30 days of each monitoring and repair cycle. 	<ul style="list-style-type: none"> County will verify road conditions are repaired prior to start of construction (and every three months thereafter) and during decommissioning. County will verify monitoring of roadways. 	<ul style="list-style-type: none"> Implement repairs along roads specified in the mitigation measure during construction and decommissioning. Monitor road conditions during construction and implement local and State requirements relating to oversized loads and all elements specified in the mitigation measure.
TR-1.4	Ensure Traffic Safety	<ul style="list-style-type: none"> Develop Traffic Safety Plan. Implement one or more traffic safety measures. 	<ul style="list-style-type: none"> Develop Traffic Safety Plan prior to commencement of construction activities. 	<ul style="list-style-type: none"> County Building and Planning Department and Sheriff's Office to coordinate development of the Traffic Safety Plan. 	<ul style="list-style-type: none"> Develop Traffic Safety Plan in coordination with the County Building and Planning Department and the Sheriff's Office. Implement one or more traffic safety measures.



Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Water Resources					
WR-1.1	Groundwater Monitoring and Reporting Plan.	<ul style="list-style-type: none"> • Prepare and submit a Groundwater Monitoring and Reporting Plan. • Prepare and submit monthly summary reports during construction, annual reports for 3 years following completion of construction. • Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly. 	<ul style="list-style-type: none"> • 60 days prior to commencing project-related pumping activities, approve submitted Groundwater Monitoring and Reporting Plan. • Submit summary reports monthly during construction and annually for the three years following construction. • After construction, evaluate the Groundwater Monitoring and Reporting Plan. 	<ul style="list-style-type: none"> • County will review and approve the Groundwater Monitoring and Reporting Plan. • County will review monthly and annual summary reports. • County will coordinate with the Applicant to review the effectiveness of the Groundwater Monitoring and Reporting Plan. 	<ul style="list-style-type: none"> • Prepare and submit a Groundwater Monitoring and Reporting Plan. • Prepare and submit monthly and annual summary reports. • Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
WR-1.2	Aquifer Testing and Well Interference Analysis.	<ul style="list-style-type: none"> • Prepare and submit an Aquifer Testing and Well Interference Analysis Plan. • Video surveys shall be performed on all existing wells lacking available well construction records (well depth and screen intervals). • Aquifer test shall be performed at a pumping rate that will "stress" the aquifer and result in measurable drawdown at the nearest observation well after two to four hours. • Results of the aquifer test and well interference analysis shall be submitted to San Benito County for review and approval of the proposed well for project water supply 15 days prior to the onset of sustained pumping for the project. • Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use. 	<ul style="list-style-type: none"> • 14 days prior to commencing the aquifer testing and prior to pumping or making operational any existing wells or construction of any new wells south of Well #19, approve submitted an Aquifer Testing and Well Interference Analysis Plan. • 72-hour minimum test duration for the aquifer drawdown test. 	<ul style="list-style-type: none"> • County will review and approve an Aquifer Testing and Well Interference Analysis Plan. • County will review aquifer test results to determine approval of use of a new well. 	<ul style="list-style-type: none"> • Prepare and submit an Aquifer Testing and Well Interference Analysis Plan. • Conduct video surveys. • Perform aquifer stress tests. • Submit aquifer test results to the County 15 days prior to the onset of sustained pumping for the project. • Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Mitigation Measures Unchanged Since 2010 Final EIR					
Monitoring Process					
EM-1	Provide funding for environmental monitoring.	<ul style="list-style-type: none"> Verify provision of funding from the Applicant to County Confirm that the mitigation monitoring program is in compliance with County Conditions of Approval. 	<ul style="list-style-type: none"> Prior to issuance of building or grading permits. Monitoring will occur throughout construction, operation, and decommissioning. 	<ul style="list-style-type: none"> County shall approve environmental mitigation measures and any other conditions of approval. 	<ul style="list-style-type: none"> Provide funding to County of San Benito support monitoring for all measures requiring environmental mitigation. Provide funding for work necessitated by mitigation measures that requires use of individuals with special expertise (e.g., botanist, wildlife biologist). Develop mitigation monitoring plan
Aesthetics					
AE-1.1	Reduce night lighting impacts.	<ul style="list-style-type: none"> Design and install temporary construction and decommissioning lights according to standards stated in measure. Design and implement a lighting mitigation plan Review the lighting plan Address lighting infractions. 	<ul style="list-style-type: none"> 60 days prior to installation of lighting the Applicant will contact the County to discuss documentation defined in the lighting mitigation plan. 30 days prior to installation of lighting, the Applicant will submit the lighting mitigation plan to the County for review and approval. Prior to commercial operation, the Applicant shall notify the County when the operational lighting installation is ready for inspection. 	<ul style="list-style-type: none"> County coordinates with the Applicant to develop lighting mitigation plan. County reviews lighting mitigation plan. County inspects operational lighting installation. County ensures complaints are addressed sufficiently. 	<ul style="list-style-type: none"> Implement modifications specified by the County within 30 days and notify the County that they have been completed and are ready for inspection. Resolve lighting complaints within 48 hours and inform the County of complaint resolution within 48 hours. Submit a formal complaint resolution report to the County within 30 days thereafter.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
AE-3.1	Treat surfaces of project structures and buildings.	<ul style="list-style-type: none"> Develop Surface Treatment Plan Treat buildings and project structures visible to the public to reduce visual contrast with surrounding landscape. Prepare and submit status report regarding surface treatment maintenance. 	<ul style="list-style-type: none"> 60 days prior to physical construction, submit Surface Treatment Plan for review Prior to the start of commercial operation, notify the County of completion of surface treatment. 	<ul style="list-style-type: none"> County reviews and approves Surface Treatment Plan. 	<ul style="list-style-type: none"> Develop and submit Surface Treatment Plan to the County Notify the County after treatment is completed; provide the County with color photographs from KVP used for project analysis. Provide the County with a status report regarding surface treatment maintenance in the Annual Compliance Report.
Agriculture					
AG-2.1	Create agricultural conservation easement/s.	<ul style="list-style-type: none"> Create conservation easement(s) or provide adequate funds to create easement(s) to a qualified land trust. Present documentation of conservation easement(s) creation or funding for conservation easement(s) with the County Department of Planning and Building and the County Recorder. Prepare annual monitoring reports for the conservation easement(s) 	<ul style="list-style-type: none"> Prior to issuance of building permits, create conservation easement(s). Within 6 months of the start of construction, create additional conservation easement(s) to offset loss Williamson Act Lands (if required). 	<ul style="list-style-type: none"> County verifies qualifications of land trust. County determines fees for conservation easement creation and oversight with qualified land trust. County reviews annual monitoring reports of the conservation easement(s) prepared by the land trust. 	<ul style="list-style-type: none"> Fund the creation of either a conservation easement(s). Create additional conservation easements for Williamson Act Lands proposed for cancellation if such lands are not encumbered by conservation easements created for biological resources mitigation. Present the County with record of conservation easement(s) creation or proof of funds provided for conservation easement(s) creation.

Climate Change/Greenhouse Gas

There were no mitigation measures for Climate Change/Greenhouse Gas in the 2010 Final EIR.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Biological Resources					
BR-G.1	Implement a Worker Environmental Education Program (WEEP).	<ul style="list-style-type: none"> Develop and implement WEEP with all elements defined in the mitigation measure. 	<ul style="list-style-type: none"> Prior to the issuance of a building permit or site mobilization, prepare WEEP. Prior to any construction activities on-site (including surveying) and throughout construction, implement WEEP. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist preparing WEEP and the environmental monitor implementing WEEP. County will review and approve WEEP. 	<ul style="list-style-type: none"> Retain qualified biologist(s) to prepare WEEP. Prepare and implement WEEP. Retain qualified environmental monitor to implement and enforce WEEP and maintain log of all personnel who have completed WEEP training.
BR-G.4	Implement biological monitoring of construction activities.	<ul style="list-style-type: none"> Monitor all ground-disturbing construction activities immediately adjacent to, or within, habitat that supports populations of the listed or special-status species. Contact the USFWS, CDFG, and County and provide a written report if dead or injured special-status species are encountered. Environmental monitor will assist on-site biological monitor(s). 	<ul style="list-style-type: none"> Prior to the commencement of ground disturbance or site mobilization activities, retain a First day of work through the duration of construction activities, monitor activities. Contact agencies and the County by end of day if dead/injured special-species are found; provide written report within 5 days of sighting. 	<ul style="list-style-type: none"> County will verify qualifications of biologist and environmental monitor. County will review reports submitted by biological monitor. 	<ul style="list-style-type: none"> Retain qualified biologist(s) with demonstrated expertise with listed and/or special-status plants, terrestrial mammals, and reptiles to monitor all construction activities on a daily basis. Report any dead or injured special-status species.
BR-1.2	Develop and implement a Grazing Plan for the project site.	<ul style="list-style-type: none"> Prepare the Grazing Plan with 6 elements outlined in the mitigation measure. 	<ul style="list-style-type: none"> Prior to the issuance of a construction permit, prepare and approve Grazing Plan. Grazing Plan will be implemented during construction and operation. 	<ul style="list-style-type: none"> County will verify qualifications of biologist or restoration ecologist responsible for preparing the Grazing Plan. County will review and approve the Grazing Plan. 	<ul style="list-style-type: none"> Prepare and implement the Grazing Plan. Prepare and submit alterations to the Grazing Plan to the County.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-7a.1	Impacts to all potential breeding habitat for western spadefoot toad shall be avoided to the extent feasible.	<ul style="list-style-type: none"> Conduct pre-construction surveys for western spadefoot toad if work must be conducted during the wet season. Implementation of avoidance measures and ensure buffer delineations are kept in good working order 	<ul style="list-style-type: none"> Prior to the commencement of construction activities implement avoidance and minimization measures. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Conduct pre-construction surveys for western spadefoot toad. Identify candidate locations for species relocation prior construction Prepare a written report documenting the survey results, when necessary, and compliance with avoidance measures for County review and approval. Copies of this report shall also be provided to the CDFG.
BR-7a.2	Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizard and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. Re-locate San Joaquin coachwhip and coast horned lizards when identified. 	<ul style="list-style-type: none"> Prior to the disturbance of habitat, conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. Identify candidate locations for species relocation prior construction Prepare a written report documenting the relocation efforts and mortality and submit to the County on a monthly basis.
BR-7b.1	Conduct pre-construction surveys for non-breeding birds designated as California Species of Special Concern.	<ul style="list-style-type: none"> Conduct pre-construction surveys for birds designated as California Species of Special Concern (CSSC) in areas proposed for ground disturbance. 	<ul style="list-style-type: none"> Prior to ground-disturbing activities. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Conduct pre-construction surveys for birds designated as CSSC. Consult with the CDFG to determine timing of surveys.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-7c.1	Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse. Flag occupied areas and relocate when identified. 	<ul style="list-style-type: none"> 30 days prior to commencement of ground disturbing activities, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Identify candidate locations for species relocation prior construction. Relocate individuals found within an area of proposed disturbance to a pre-approved area outside the project area. Prepare a written report documenting the relocation efforts and mortality and submit to the County on a monthly basis.
BR-8.2	Avoid disturbance to ephemeral pools occupied by vernal pool fairy shrimp to the maximum extent practicable, and mitigate for any unavoidable impacts.	<ul style="list-style-type: none"> Avoid disturbing vernal pool fairy shrimp habitat. Compensate for the loss of vernal pool fairy shrimp habitat. 	<ul style="list-style-type: none"> During construction. 	<ul style="list-style-type: none"> County will verify ephemeral pool avoidance and appropriate compensation, when required. 	<ul style="list-style-type: none"> Avoid filling or disturbing such pools to the maximum extent practicable. Compensate unavoidable loss of ephemeral pools through the preservation and management of 2 acres of occupied vernal pool fairy shrimp habitat (2:1 preservation ratio) and the creation, management, and preservation of 1 acre of vernal pool habitat (1:1 creation ratio) at a location approved and pursuant to authorization received from the USFWS or through the purchase of credits at a USFWS-approved mitigation bank.
BR-8.3	Avoid seasonal depressions and known waterbodies.	<ul style="list-style-type: none"> Avoid seasonal depressions known to support listed fairy shrimp. Place buffers around seasonal depressions. Delineate buffers on construction plans. Environmental monitor will periodically check to ensure that the on-site delineation method is working and observed. 	<ul style="list-style-type: none"> Prior to commencement of construction activities, place on-site delineations of buffers. 	<ul style="list-style-type: none"> County will verify avoidance of seasonal depressions and application of appropriate buffers. 	<ul style="list-style-type: none"> Avoid seasonal depressions known to support listed fairy shrimp.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-12.2	Avoid and report California condors.	<ul style="list-style-type: none"> Stop work within 500 feet of a California condor found in the project area. Report all California condor sightings to the USFWS and CDFG. 	<ul style="list-style-type: none"> Report sightings of California condor within 24 hours. 	<ul style="list-style-type: none"> County will verify that work stops upon sighting of a California condor. 	<ul style="list-style-type: none"> Ensure work stops upon sighting of a California condor. Report all California condor sightings to the USFWS and CDFG; if injured condors are observed, receive instruction from the agencies.
BR-14.1	Implement Avian Power Line Interaction Committee guidelines (APLIC).	<ul style="list-style-type: none"> Construct all transmission facilities, towers, poles and lines in accordance with APLIC guidelines. Include details of design components on all construction plans. Prepare separate document with all measures to be implemented to ensure compliance with APLIC policies and guidelines. 	<ul style="list-style-type: none"> Submit designs and documentation of compliance with the construction permit application. Prior to final inspection, review submitted designs and documents. 	<ul style="list-style-type: none"> County will review and approve submitted designs and documents. 	<ul style="list-style-type: none"> Ensure all transmission facilities, towers, poles and lines are constructed in accordance with APLIC guidelines. Include design components reflecting APLIC guidelines in all construction plans and prepare document listing measures implemented to ensure compliance with APLIC guidelines. Monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during project construction
BR-16.2	Minimize impacts of foundation support installations.	<ul style="list-style-type: none"> Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> County will verify installation of noise and vibration minimizing foundations. 	<ul style="list-style-type: none"> Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife.
BR-18.1	Conduct focused pre-construction surveys for American badger surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish appropriate buffer around active American badger dens. Evict unavoidable badger dens by slowly excavating the burrow before or after the rearing season (15 February through 1 July). 	<ul style="list-style-type: none"> No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. Prior to the final County inspection or occupancy, submit report to the County and CDFG. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. County will review document listing all badger-related activities. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for American badgers. Routinely inspect protected dens and ensure that delineation methods are in good working order. Prepare and submit a written report documenting all badger-related activities (e.g. den flagging, monitoring, badger removal, etc.) to the County of San Benito and the CDFG.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-23-1	Create conservation easement on all project areas retired from the development footprint.	<ul style="list-style-type: none"> Documentation of recorded conservation easement shall be submitted to the San Benito County Department of Planning and Building. 	<ul style="list-style-type: none"> Conservation easement on approved project footprint shall be recorded prior to commencement of construction. Retired portions of the site shall be put under restricted use for biological resources upon the retirement of portions of the project site. 	<ul style="list-style-type: none"> County will verify receipt of recorded conservation easement. 	<ul style="list-style-type: none"> Provide funds for a qualified land trust to acquire appropriate conservation easement(s) for retired portions of the proposed project site, or donate appropriate conservation easement(s) to a qualified land trust or to an appropriate mitigation bank.
Cultural and Paleontological Resources					
CR-2.2	Treat previously unidentified archaeological resources discovered during construction.	<ul style="list-style-type: none"> Upon discovery of archaeological remains, cease all work activities within 100 feet of the discovery and notify the County. Inspection of remains by a Registered Professional Archaeologist is required to evaluate significance. Develop and implement a data recovery plan if the site meets California Register of Historic Resources significance criteria. 	<ul style="list-style-type: none"> Immediately cease work and notify the County within 24 hours upon discovery of archaeological remains. Prior to implementation, review data recovery plan. 	<ul style="list-style-type: none"> County will verify qualifications of the archaeologist. County will review and approve data recovery plan. 	<ul style="list-style-type: none"> Fully fund all work related to the identification and treatment previously unidentified archaeological resources discovered during construction. Upon discovery of archaeological remains, cease all work activities Develop and implement a data recovery plan if the site meets California Register of Historic Resources significance criteria.
CR-2.3	Inadvertent discovery of human remains.	<ul style="list-style-type: none"> Upon discovery, contact County coroner immediately and cease all work within 300 feet of the discovery immediately. If remains are identified as Native American, the coroner will notify the NAHC within 24 hours of discovery. NAHC will then identify the Most Likely Descendent, who will determine the manner in which the remains are treated 	<ul style="list-style-type: none"> Immediately cease work and contact the County coroner upon discovery of human remains. Within 24 hours, notify the NAHC of discovery of Native American remains. 	<ul style="list-style-type: none"> County will provide a coroner upon discovery of human remains. 	<ul style="list-style-type: none"> Cease work and implement buffer zone around human remains. Contact County coroner.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
CR-2.4	Implement workers environmental awareness program.	<ul style="list-style-type: none"> Implement a workers environmental awareness program to train all construction personnel to recognize possible buried cultural remains and resources. No construction worker may work in the field without first participating in the training program. 	<ul style="list-style-type: none"> Prior to working, all construction workers must participate in workers environmental awareness program. 	<ul style="list-style-type: none"> County will review and approve workers environmental awareness program. County will review list of construction personnel. 	<ul style="list-style-type: none"> Prepare and implement a workers environmental awareness program. Provide to the County a list of construction personnel who have completed the cultural resources identification training prior to start of construction, and this list shall be updated as required when new personnel start work.
PA-1.1	Implement site-specific paleontological recovery.	<ul style="list-style-type: none"> Prepare a Paleontologic Monitoring and Recovery Plan following the guidelines of the Society for Vertebrate Paleontology (1995). Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils within the paleontologically sensitive areas on site. Prepare report on paleontological discoveries. Implement mitigation pursuant to a Paleontologic Monitoring and Recovery Plan prepared prior to construction by a qualified Principal Paleontologist, 	<ul style="list-style-type: none"> Prior to construction, review submitted Paleontologic Monitoring and Recovery Plan. Upon discovery of paleontological materials, implement procedures outlined in the Paleontologic Monitoring and Recovery Plan and prepare and submit report. 	<ul style="list-style-type: none"> County will verify qualifications of the Principal Paleontologist. County will review and approve a Paleontologic Monitoring and Recovery Plan. County will review report on paleontological discoveries. 	<ul style="list-style-type: none"> Retain a qualified Principal Paleontologist to prepare Paleontologic Monitoring and Recovery Plan. Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils. Prepare report on paleontological discoveries and submit to the County and the curation facility.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
PA-1.2	Monitor grading and excavation for unknown and accidentally discovered paleontological resources.	<ul style="list-style-type: none"> Monitor grading, trenching, and other earth disturbance that may affect the Pleistocene Older Alluvium, mapped in a small segment within the western portion of the project area. Implement measures in Paleontologic Monitoring and Recovery Plan upon discovery of resources. Prepare report on paleontological discoveries. 	<ul style="list-style-type: none"> Upon discovery of paleontological materials, implement procedures outlined in the Paleontologic Monitoring and Recovery Plan and prepare and submit report. 	<ul style="list-style-type: none"> County will verify qualifications of the paleontological monitor. County will review report on paleontological discoveries. 	<ul style="list-style-type: none"> Retain a qualified paleontological monitor under the supervision of a Registered Professional Geologist. Monitor earth in a small segment within the western portion of the project area. Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils. Prepare report on paleontological discoveries and submit to the County and the curation facility
Hazards and Hazardous Materials					
HZ-5.1	Cease work during Red Flag Warning.	<ul style="list-style-type: none"> Cease all grading, welding, soldering, and smoking on the project. Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation. 	<ul style="list-style-type: none"> During a Red Flag Warning issued for the zone encompassing the proposed project site, cease work. 	<ul style="list-style-type: none"> County will verify a work-stop is implemented on 	<ul style="list-style-type: none"> Cease all grading, welding, soldering, and smoking on the project. Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Land Use and Recreation					
LU-1.1	Establish construction liaison.	<ul style="list-style-type: none"> • Provide a toll-free general phone number and the name and contact information for a local public liaison to all property owners within a one-mile radius of the project's boundaries. • Ensure public liaison addresses questions or concerns related to the project. • Provide summary documentation of all comments and concerns communicated to the liaison monthly for the duration of construction and for one year following the completion of construction 	<ul style="list-style-type: none"> • 30 days prior to the start of any construction-related activities and for up to one year following construction, local public liaison will be available to the public. • Within 72 hours, during construction, liaison will respond to all construction-related questions and concerns. • Quarterly during construction and one year following the completion of construction, submit compliance documentation. 	<ul style="list-style-type: none"> • County will verify the provision of a public liaison. • County will review the quarter compliance reports. 	<ul style="list-style-type: none"> • Provide a toll-free general phone number and the name and contact information for a local public liaison. • Ensure public liaison addresses questions or concerns related to the project. • Prepare and submit to the County quarterly summary documentation of all comments and concerns communicated.
LU-1.2	Provide advance notice of construction.	<ul style="list-style-type: none"> • Provide 30 days' notice to all residents within 5 miles of the project boundary, the Principal of Panoche Elementary School, and the BLM Hollister Field Office. • If complaints are received, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints 	<ul style="list-style-type: none"> • Prior to and during construction, give at least 30 days advance notice of the start of any construction-related activities. • Within 72 hours of receiving a complaint, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints 	<ul style="list-style-type: none"> • County will verify distribution of notice. • County will review report documenting complaints. 	<ul style="list-style-type: none"> • Provide 30 days notice to all residents within 5 miles of the project boundary, the Principal of Panoche Elementary School, and the BLM Hollister Field Office. • Provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
LU-1.3	Provide quarterly construction updates.	<ul style="list-style-type: none"> Provide all property owners within a one-mile radius of the project site's boundaries with updates and changes to all of the information provided in the pre-construction notification. Ensure public liaison responds to all questions and complaints. 	<ul style="list-style-type: none"> During construction, provide quarterly updates on project. Within 72 hours of receiving a complaint during construction and within 1 week post-construction, respond to all questions and complaints. 	<ul style="list-style-type: none"> County will verify distribution of quarterly updates. 	<ul style="list-style-type: none"> Provide all property owners within a one-mile radius of the project site's boundaries with updates and changes to all of the information provided in the pre-construction notification. Ensure public liaison responds to all questions and complaints.
Noise					
NS-1.1	Shield construction staging areas.	<ul style="list-style-type: none"> Install adequate temporary noise barriers around the construction staging areas to reduce noise levels associated with deliveries and construction equipment staging. Monitor noise levels during construction at the project's property line closest to the construction staging areas. Should hourly noise level standards be exceeded as a result of work occurring at a staging area, stop all noise-related work at that staging area until adequate noise attenuation measures are installed to meet these standards. 	<ul style="list-style-type: none"> Prior to the use of noisy equipment during construction, install noise barriers. Throughout duration of the noise-making activity, ensure any measures installed remain in good working order. 	<ul style="list-style-type: none"> County will verify that noise barriers are in place and that noise level standards are not exceeded. 	<ul style="list-style-type: none"> Install adequate temporary noise barriers. Monitor noise levels during construction. Stop all noise-related work at that staging area until adequate noise attenuation measures are installed to meet noise level standards.
NS-1.2	Implement noise-reducing features and practices for construction noise.	<ul style="list-style-type: none"> Employ and clearly state in the contractors' specifications the noise-suppression techniques listed in the mitigation measure. 	<ul style="list-style-type: none"> Prior to construction and decommissioning work commencing, employ noise-suppression techniques to minimize the impact of temporary noise. 	<ul style="list-style-type: none"> County will verify that noise-suppression techniques are implemented. 	<ul style="list-style-type: none"> Employ and clearly state in the contractors' specifications the noise-suppression techniques.
NS-1.4	Limit pile driving activities.	<ul style="list-style-type: none"> Implement limitations on pile driving activities to reduce noise levels. 	<ul style="list-style-type: none"> During pile driving activities. 	<ul style="list-style-type: none"> County will verify appropriate limitations are implemented during pile driving activities. 	<ul style="list-style-type: none"> Implement limitations on pile driving activities to reduce noise levels.

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
NS-2.1	Limit decommissioning activities to daytime.	<ul style="list-style-type: none"> Construction-related activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. such that these activities are exempted from Section 25.37.035(E)(2) of the San Benito County Code. 	<ul style="list-style-type: none"> During decommissioning, limit hours of construction-related activities to between 7:00 am and 7:00 pm. 	<ul style="list-style-type: none"> County will verify construction-related activities occur during the appropriate hours. 	<ul style="list-style-type: none"> Ensure construction-related activities occur only during the hours of 7:00 a.m. to 7:00 p.m.
NS-5.1	Limit panel washing activities.	<ul style="list-style-type: none"> Limit panel washing to the appropriate time and day. Should hourly noise level standards be exceeded, stop work in the area. Panel washing can resume during an exempted time period. 	<ul style="list-style-type: none"> Monday through Saturday 7:00 a.m. to 7:00 p.m. excluding federal holidays, panel washing activities are allowable when occurring within 1,900 feet of the project's property line. Any time during daylight hours, panel washing activities are allowable on panels farther than 1,900 feet of the property line. 	<ul style="list-style-type: none"> County will monitor noise levels at the project's property line if noise complaints are received during panel washing activities occurring outside of the exempted times. 	<ul style="list-style-type: none"> Limit panel washing to the appropriate time and day. Should hourly noise level standards be exceeded, stop work in the area. Panel washing can resume during an exempted time period.

Population and Housing

There were no mitigation measures for Population and Housing in the 2010 Final EIR.

Transportation and Circulation

TR-1.1	Prepare and implement Traffic Control Plan (TCP).	<ul style="list-style-type: none"> Prepare and implement a TCP including the components listed in the mitigation measure, including a Vehicle Safety Plan. 	<ul style="list-style-type: none"> Prior to the start of construction and decommissioning, submit a TCP. 	<ul style="list-style-type: none"> County will review and approve TCP. County will verify the implementation of measures listed in the TCP. 	<ul style="list-style-type: none"> Submit a TCP to the County for its review and approval and to Caltrans. Implement measures listed in the TCP.
--------	---	---	---	---	--

Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
TR-1.3	Repair roadway damage.	<ul style="list-style-type: none"> Repair all roads prior to the start of construction. Document status of roads prior to commencement of construction or decommissioning. Restore all public roads, easements, rights-of-way and infrastructure to roadway conditions that existed prior to commencement of construction or decommissioning in a timely manner. Prepare a letter indicating status of roads and receive approval from appropriate agencies. 	<ul style="list-style-type: none"> At least 30 days prior to construction or decommissioning, photograph or video record all construction routes. Within 60 days of completion of construction or decommissioning, identify sections of public right-of-way to be repaired Following completion of any public right-of-way repairs, have agencies sign letter indicating approval of repairs. 	<ul style="list-style-type: none"> San Benito County, Caltrans, and Fresno County will consult with the Applicant to determine standards of repair prior to and post construction and decommissioning. San Benito County, Caltrans, and Fresno County will sign letter indicating approval of repairs. 	<ul style="list-style-type: none"> Restore all public roads to preexisting conditions as determined in consultation with San Benito County, Caltrans, and Fresno County. Pre-construction and decommissioning, provide photographs or video records of all public construction routes to San Benito County, Caltrans, and Fresno County. Post-construction, meet with San Benito County, Caltrans, and Fresno County to identify public roadways that need repair. Establish a schedule to complete the repairs and to receive approval for the action(s). Upon completion of repairs, prepare and submit letter to agencies to indicate approval of repairs.
Water Resources					
WR-6.1	Accidental spill control and environmental training.	<ul style="list-style-type: none"> Prepare and implement the Stormwater Pollution Prevention Plan (SWPPP). Establish an environmental training program for field personnel to communicate appropriate work practices, including SWPPP measures. Implement a monitoring program to ensure plans are followed. 	<ul style="list-style-type: none"> Prior to construction, review submitted SWPPP and environmental training program. During all construction, operation, and maintenance activities, monitor for compliance with plans. 	<ul style="list-style-type: none"> County will review and approve SWPPP and the environmental training program. The County's environmental monitor will ensure all plans are followed. 	<ul style="list-style-type: none"> Prepare and implement the Stormwater Pollution Prevention Plan (SWPPP). Establish an environmental training program. Implement a monitoring program to ensure plans are followed.
WR-6.2	Store fuels and hazardous materials away from sensitive water resources.	<ul style="list-style-type: none"> Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells. 	<ul style="list-style-type: none"> During construction, operation, and decommissioning. 	<ul style="list-style-type: none"> County will verify that fuel is stored at the appropriate distance from wells. 	<ul style="list-style-type: none"> Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells.



Table I-1. Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
WR-6.3	Maintain vehicles and equipment.	<ul style="list-style-type: none"> • Maintain all vehicles to ensure they are free of leaks. • Maintain a vehicle and equipment maintenance log. 	<ul style="list-style-type: none"> • During construction, operation, and decommissioning, maintain vehicles. • Monthly, during construction, submit vehicle and equipment maintenance log. 	<ul style="list-style-type: none"> • County will monitor vehicles and equipment to ensure no leakage occurs. • County will review monthly log. 	<ul style="list-style-type: none"> • Maintain all vehicles to ensure they are free of any and all leaks. • Maintain a vehicle and equipment maintenance log to the County.

Exhibit J

Schedule of PILOT Payments

PILOT Schedule

	Date	Year	PILOT
Construction	August 31,	2017	\$ 100,472.03
Construction	August 31,	2018	\$ 200,944.06
1	August 31,	2019	\$ 217,717.50
2	August 31,	2020	\$ 418,017.60
3	August 31,	2021	\$ 400,600.20
4	August 31,	2022	\$ 383,182.80
5	August 31,	2023	\$ 365,765.40
6	August 31,	2024	\$ 348,348.00
7	August 31,	2025	\$ 330,930.60
8	August 31,	2026	\$ 313,513.20
9	August 31,	2027	\$ 296,095.80
10	August 31,	2028	\$ 278,678.40
11	August 31,	2029	\$ 261,261.00
12	August 31,	2030	\$ 243,843.60
13	August 31,	2031	\$ 226,426.20
14	August 31,	2032	\$ 209,008.80
15	August 31,	2033	\$ 191,591.40
16	August 31,	2034	\$ 174,174.00
17	August 31,	2035	\$ 156,756.60
18	August 31,	2036	\$ 139,339.20
19	August 31,	2037	\$ 121,921.80
20	August 31,	2038	\$ 104,504.40

81

Exhibit K

California Department of Transportation
Guidelines for Identifying and Repairing Localized Areas of Distress in
AC Pavements Prior to Capital Preventive Maintenance or Rehabilitation Repairs

**GUIDELINES FOR IDENTIFYING AND REPAIRING
LOCALIZED AREAS OF DISTRESS IN AC PAVEMENTS
PRIOR TO CAPITAL PREVENTIVE MAINTENANCE OR REHABILITATION REPAIRS**

I. Background Information

A. AC Pavement Distress Terminology and Definitions

1) AC Pavement Cracks

a) Alligator Cracks

Alligator cracking is characterized by interconnected or interlaced cracks in the wheel path, forming a series of small polygons, (generally less than 1 foot on each side). The cracking resembles the appearance of alligator skin, thus the term alligator cracking. Alligator cracking is a load-related distress and occurs when the wheel loads exceed the design of the roadbed.



b) Longitudinal Cracks

[Shrinkage Cracks, Reflection Cracks, Joint Cracks, Edge Cracks and Slippage Cracks]

Longitudinal cracks are non-load-associated cracks. Longitudinal cracks are single cracks approximately parallel to the centerline. These cracks are primarily due to the contraction and shrinkage of the surface course, reflection from underlying pavement joints, poorly constructed paving joints, or roadbed settlement.



c) Transverse Cracks

Transverse cracks are non-load-associated cracks. Transverse cracks appear approximately at right angles to the centerline. These cracks are primarily due to the contraction and shrinkage of the surface course or reflection from underlying pavement joints.



2) AC Surface Distortions

a) Rutting

Rutting is a longitudinal surface depression in the wheel path caused by the consolidation in the asphalt surface layer or lateral movement in one or more of the layers of roadbed material under heavy loads.

b) Shoving

Shoving is localized displacement or bulging of pavement material in the direction of loading pressure. Shoving is often associated with bleeding or over rich asphalt mix.

c) Settlement

Settlement is a noticeable or abrupt vertical distortion from the original pavement profile or cross-slope. Settlement is often associated with fill areas. This condition may also have associated cracking, Settlement Cracking.



3) Asphalt Disintegration

a) Pot Holes

Potholes are isolated, bowl-shaped holes in the pavement of various sizes. Generally, potholes are a result of the loss of alligatored pavement and, if so, they can be irregular in shape due the adjacent alligatored pavement. They frequently appear when maintenance is not promptly applied once the distress that is causing them appears.



b) Raveling

Raveling is caused by the action of traffic on a weak surface. Raveling of a weak surface course is generally due to insufficient binder in the mix. Raveling is different than weathering, which is caused by climatic conditions that result in a drying out of the pavement surface. "Coarse Ravel" is the wearing away of the pavement surface, resulting in an extremely roughened surface texture. This rough surface texture is due to the dislodging of coarse aggregate and loss of the asphalt binder. "Fine Ravel" is the wearing away of the pavement surface asphalt and fines, resulting in a moderately roughened surface texture. This roughened surface texture is due to the wearing away of fine aggregate and asphalt binder. Coarse Ravel is characterized by an extremely rough and pitted surface. Fine Ravel is characterized by a moderately rough surface.

B. Patching Repairs

1) Types of AC Distress that Require Patching Repair

- Potholes
- Alligator cracking
- Pavement depressions (settlement)
- Wheel track rutting
- Pavement slippage cracks
- Corrugations

2) Types of Patching Repairs

In general, the repairs required to fix the distressed AC area(s), as listed in B.1, consists of removing the existing asphalt concrete surfacing and underlying base, subbase and native material, as necessary. Then, replacing the removed layers with either full-depth asphalt concrete or a combination of asphalt concrete and aggregate base.

There are two types of patches used to repair asphalt pavements:

- Partial Depth (patching less than 4 inches thick and contained within the asphalt surface); and,
- Full Depth or Deep Patching ("dig outs" at least four inches thick and, as necessary, removal of additional material beneath the asphalt surfacing).

Dig outs require more time and effort and are more expensive than surface patching. However, it is important to remember that if a patch is to solve the problem, it must be done properly with the proper techniques and materials.

II. Field Identification Procedures and Analysis of Localized Areas of Distress

A. Determining the Location(s) Needing Repair and the Extent of the Repair

A field review of the project site needs to be conducted to locate the specific areas of severe distress. These locations can be identified by loose or spalling pavement and/or rutting greater than 0.05 ft (15 mm). If the failed areas that require to be dug-out are close together, then the adjacent areas to "good" pavement should also be considered for removal and replacement; to combine the failed areas into a larger area to be replaced for constructibility reasons.

B. Analyzing the Distressed Location and Determining the Depth of the Repair

The depth of the repair required depends on several factors:

- **The severity of the failure.**
For example - Usually, the more severe the pavement surface failure is, the deeper the removal of materials.
- **The type and depth of the existing base.**
For example - If a portion of a thin bound base is removed, the remainder will provide little support. Therefore, the entire treated base should be removed.
- **The compaction of the underlying material.**
For example - One indication of weak subsoil is commingling, which is the migration of the base rock down and the fines of the soil up. If the probe penetrates more than about 0.20 feet into the subsoil, then increase the depth of the dig out an additional 0.25 feet.

(dig and probe to investigate) If the evidence indicates that there is a base failure, then both the AC pavement and base should be removed until firm or compacted material is reached. Probing the base with a conical-shaped pointed metal rod (soil probe) should be done. The probe should not penetrate more than about 0.10 ft. In cases where an existing "dig out" area has lost its integrity, it may be necessary to design the replacement as new construction, i.e., based upon the appropriate R-value. Examination of the base and subbase as the material is removed is necessary to determine the required depth of removal.

C. Assessing the Cause(s) for the Distress and Recommending a Repair Technique

The cause of the distress at each distressed area must be determined before a correct remedy can be applied. In general, the cause of the distress will determine the extent of the repair procedure. After removing the pavement surface, the appearance of the base should not show any deformation or evidence of fine materials loss. If the pavement surface is broken and water has entered the subgrade, a larger failure most likely has resulted. Typical causes for the various types of AC distress are as follows:

1. Potholes
Potholes typically are the result of localized asphalt disintegration under traffic. A pothole is usually caused by weakness in the pavement resulting from too little asphalt, too thin an asphalt surface, too many fines, too few fines, or poor drainage. Potholes frequently appear when it is difficult, because of inclement weather, to make permanent repairs. Temporary repairs usually involve cleaning out the hole and filling it with a premixed asphalt patching material.

Recommended Repair: Permanent repair is made by constructing a partial depth or deep patch that completely removes the affected area and replaces it with new AC and base materials, as necessary.

2. Alligator Cracking
Alligator cracking is probably caused by a saturated base or subgrade. Therefore, correction should include removal of the wet material and installation of needed drainage. When water is a factor in the cracking, drainage should first be corrected.

Recommended Repair: Permanent repair is made by constructing a deep patch that completely removes the affected area and replaces it with new

AC and base materials, as necessary. Hot mix asphalt placed full-depth provides a strong patch and can be done expeditiously. If hot mix asphalt is unavailable or is not needed to quickly complete the repair or not needed for constructibility purposes, new aggregate base material compacted in layers and capped with AC pavement may be used.

3. Pavement Depressions (Settlement)

Settlement in localized areas of limited size is sometimes accompanied by cracking. When water collects in these depressions, they become not only a source of pavement deterioration but also a hazard to motorists.

Depressions are caused by traffic loads heavier than that for which the pavement was designed, by poor construction methods, or by consolidation deep within the subgrade. Edge cracks and depressions can also be caused by the lack of lateral or shoulder support for the asphalt pavement.

Shoulder edge cracking typically occurs when the natural or imported shoulder backing material is eroded away from the edge of pavement. Traffic, water, wind, or settlement of the underlying material may cause this erosion. Edge cracking usually happens as a drop-off condition develops and is characterized by crescent-shaped cracks or fairly continuous cracks parallel to, and usually within 1" to 2" of, the outer edge of pavement.

Asphalt without proper lateral support will eventually break away, resulting in higher maintenance costs and loss of the facility. Shoulder edge loss occurs when the lateral support is not sufficient to protect the edge of pavement and repeated wheel loads chip the unbacked asphalt away.

Recommended Repair: When water is a factor in causing the depression, drainage should first be corrected. The depressions should then be removed, repaired by constructing a deep patch that completely removes the affected area and replaces it with new AC and base materials, as necessary, and then compacted to restore the area to the same grade as the surrounding pavement. Hot mix asphalt placed full-depth provides a strong patch and can be done expeditiously. If hot mix asphalt is unavailable or is not needed to quickly complete the repair or not needed for constructibility purposes, new aggregate base material compacted in layers and capped with AC pavement may be used.

4. Wheel Track Rutting

Instability within the AC pavement without a base failure will cause wheel path rutting and adjacent ridges to be shoved up. Such things as too little compaction of the pavement, too many fines or round or smooth textured coarse aggregates in the mix, too much asphalt in the mix can cause a lack of stability and this distress in the asphalt surface. The surface probably will not show any pumping of fines from the base layer, but the excess asphalt tends to migrate to the surface of the pavement with high temperatures. Alligator cracking may be present but the cracks will be hairline in width.

Rutting can also be caused by problems in the lower layers of the structural section. Rutting can also be caused by traffic loads heavier than that for which the pavement was

designed, by poor construction methods, by swelling of the underlying courses, or by consolidation deep within the subgrade.

Recommended Repair: If the cause of the rutting is determined to be located in the AC surfacing,

If the cause of the rutting is below the AC surfacing, complete removal of the affected area and replacement of it with new material.

5. Pavement Slippage

Slippage cracks are usually crescent shaped cracks resulting from horizontal forces induced by traffic. They are caused by a lack of bond between the surface layer and the course beneath. The lack of bonding may have occurred because of the presence of dust, dirt, oil, or even to the absence of a tack coat.

Recommended Repair: The cracked areas should be removed and patched. The proper way to repair a slippage crack is to remove the surface layer from around the crack to the point where there is good bond between the layers. Then patch the area with hot mix asphalt.

6. Corrugations

Transverse undulations appear at regular intervals due to the unstable surface course caused by stop-and-go traffic. Corrugations are often associated with shoving and/or delamination. Note the size of the area.

Recommended Repair: If the AC surfacing is more than 2" thick, shallow corrugations can be removed by milling. The milled area then needs to be given a seal coat or a new AC surface.

In rural areas or if the AC surfacing is thicker than 2" and if the corrugated pavement has an aggregate base, the surface can be scarified (rubblized), mixed with the existing, in-place aggregate base, and then recompacted before placing an AC surfacing.

III. Detailed Patching Procedures for Repairing a Distressed Location

A. Partial Depth Repairs (Surface Patches)

If the distress is judged to be only within the pavement surface, the base should remain in place and its integrity preserved. The area to be removed should extend at least a foot into the "good" pavement surrounding the distressed area and should be outlined on the pavement with paint. The existing AC pavement shall then be cold planed at the locations identified. Cold planing machines shall be equipped with a cutter head not less than 2.5 ft (750 mm) in width and shall be operated so as not to produce fumes or smoke. The outside lines of the planed area shall be neat and uniform. Planing asphalt concrete pavement operations shall be performed without damage to the surfacing that remains in place (see Standard Special Provision Number 15-660 or 15-670).

B. Full Depth Repairs ("Dig Outs")

The material in the area needs to be repaired and removed to a depth as deep as necessary to reach firm support (by definition typically a minimum of 4 inches). This may mean removing some of the subgrade. The excavation should also extend at least a foot into the "good" pavement surrounding the area to be patched. The area to be removed should be

outlined on the pavement with paint. A pavement saw shall be used to make neat rectangular cuts. The outlined area of the asphalt surfacing to be removed shall be saw cut to a depth of not less than 0.15 ft (45 mm) before removal.

The surface and base materials shall then be removed, as necessary, and shall be removed without damage to the materials that are to remain in place. The hole should be square edged. No loose material should remain. If the existing AC pavement surface is on an aggregate base, care must be taken to prevent the aggregate material from collapsing from under the edge of the remaining pavement. If the edge support is damaged, the pavement surrounding the patch may cause future failures.

After removing the AC surfacing and [chose one of the following scenarios]- -

- the underlying base is cement treated base in “good” condition [no visible cracking], the base should remain in place and its integrity preserved (no additional compaction is required).
- the underlying base is an unbound aggregate in “good” condition [no signs of deformation or evidence of migration of the fine materials or when probing with a soil’s probe - - a 3/8-inch metal conical-shaped pointed rod - - the rod should not penetrate firm material by more than 0.10 foot], the base should remain in place and its integrity preserved.
- the base material(s) is in need of removal [there are signs of deformation or evidence of migration of the fine materials or when probing with a soil’s probe - - a 3/8-inch metal conical-shaped pointed rod - - the rod penetrates the base material by more than 0.20 feet], the base material(s) is to be removed down to firm compacted material. A depth of 0.25 feet should then be removed and the remaining material investigated again to see if it is firm/compacted through the use of the soil’s probe. Continue to probe and examine the base, subbase and native material in 0.25 feet depth intervals until firm/compacted material is reached. Once the depth of removal has been determined, the material remaining in place shall be graded to a plane, moisture added, and compacted. Any locations where the base material is low, as a result of over excavation, shall be filled at the time of paving with asphalt concrete.

Next, the bottom and sides of the cut sections shall be primed using either liquid or emulsified asphalt. If the “dig out” is more than six inches deep, the backfill should be placed in layers (aggregate base and AC) and each layer compacted thoroughly [As an alternative, primarily because of constructibility reasons, the “dig out” can be backfilled with a dense graded hot asphalt plant mix.]. A vibratory plate compactor is excellent for small patches. A roller may be more practical for large areas. The repair is complete when the AC surface layer is placed and compacted flush with the surrounding pavement surface. Traffic must not be allowed on a patch repaired with only granular base material.

IV. “Dig Outs” on Capital Preventive Maintenance (CapM) and Rehabilitation Projects

A. Capital Preventive Maintenance (CapM) Projects

Dig outs, patching, and crack sealing of existing pavement prior to placement of CapM AC overlays should not exceed 20% of the project’s cost. The Region/District pavement managers have been instructed to accomplish any of these types of repairs using Maintenance resources, including State forces, to adhere to this limit.

B. Rehabilitation Projects

As instructed for CapM projects, the Region/District pavement managers have been told to continue use “dig outs”, patching, and crack sealing repairs to the existing pavement using Maintenance resources until the pavement rehabilitation project is awarded. This guidance has been given in an attempt to limit the amount of these types of repairs required during the rehabilitation project.

Generally, the existing AC surfacing at severely failed localized areas (loose or spalled pavement) is removed and replaced with new AC prior to placing an AC overlay. If there is a base failure (generically indicated by rutting ≥ 13 mm), the base, as well as the AC may need to be removed and replaced with either a full-depth AC structural section or a structural section consisting of a combination of AC and base material prior to placing an AC overlay.

When the distress is more regional than localized, a thicker asphalt concrete overlay may be more cost effective than the expense of dig-out repairs. If, particularly in rural areas, the AC surfacing is thicker than 2” and AC pavement has an aggregate base, the surface can be scarified (rubblelized), mixed with the existing, in-place aggregate base, and then recompacted before placing an AC surfacing.

Decommissioning Plan

Panoche Valley Solar Project
San Benito County, California

Prepared for:

Panoche Valley Solar, LLC
1401 East 6th Street, Suite 400
Austin, TX 78702

Prepared by:

Westwood Professional Services
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343
(952) 937-5150

Project Number: 0034706.00

Date: June 3, 2024

Panoche Valley Solar Project - Blocks 1/2/9

	Quantity	Unit	Unit Cost	Total Cost
Mobilization/Demobilization	1	Lump Sum	\$580,800.00	\$580,800

Mobilization was estimated to be approximately 7% of total cost of other items.

Permitting

County Permits	1	Lump Sum	\$10,000.00	\$10,000
State Permits	1	Lump Sum	\$20,000.00	\$20,000

Subtotal Permitting				\$30,000
----------------------------	--	--	--	-----------------

Decommissioning will require SWPPP and SPCC Plans. Cost is an estimate of the permit preparation cost.

Civil Infrastructure

Remove Gravel Surfacing from Road	4,004	Cubic Yards (BV)	\$2.90	\$11,612
Haul Gravel Removed from Road to Landfill (Hollister, CA)	5,005	Cubic Yards (LV)	\$7.39	\$36,987
Dispose of Gravel Removed from Road (Landfill uses as Daily Cover)	6,486	Tons	\$0.00	\$0
Remove Low Water Crossing from Access Road	2	Each	\$3,400.00	\$6,800
Haul Low Water Crossing Materials to Landfill (Hollister, CA)	80	Ton	\$20.51	\$1,641
Dispose of Low Water Crossing Materials	80	Ton	\$30.00	\$2,400
Grade Road Corridor (Re-spread Topsoil)	12,972	Linear Feet	\$1.92	\$24,906
Decompact Road Area	7.1	Acres	\$222.97	\$1,583
Remove Chainlink Fence (Substation, BESS, O&M, etc.)	24,432	Linear Feet	\$7.25	\$177,132
Haul Chainlink Fence to Metal Recycling (Los Banos, CA)	130	Tons	\$15.45	\$2,009

Subtotal Civil Infrastructure				\$265,069
--------------------------------------	--	--	--	------------------

Civil removal costs are a combination of MNDOT unit costs where applicable, RSMMeans cost for Fresno, CA, and industry standards provided to Westwood.

Structural Infrastructure

Remove Steel Foundation Posts (Arrays)	49,870	Each	\$16.60	\$827,842
Remove Steel Foundation Posts (Equipment Skids)	376	Each	\$16.60	\$6,242
Haul Steel Post to Metal Recycling (Los Banos, CA)	3,591	Tons	\$13.39	\$48,083
Remove Tracker Racking per String	14,087	Each	\$134.15	\$1,889,799
Haul Tracker Racking to Metal Recycling (Los Banos, CA)	6,551	Tons	\$13.39	\$87,718

Subtotal Structural Infrastructure				\$2,859,684
---	--	--	--	--------------------

Steel removal costs were calculated by using RSMMeans information for demolition of steel members.

Hauling calculations are based on the locations of metals recyclers.

Electrical Collection System

Remove PV Panels	78,208	Each	\$10.82	\$846,211
Haul PV 95% of Panels to Reseller (Phoenix, AZ)	2,170	Tons	\$176.28	\$382,528
Haul 5% of PV Panels to Landfill (Hollister, CA)	114	Tons	\$22.93	\$2,614
Dispose of PV Panels	114	Tons	\$62.75	\$7,154
Remove Combiner Boxes	47	Each	\$60.00	\$2,820
Remove Equipment Skids	47	Each	\$1,167.48	\$54,872
Remove Equipment Pad Frames and Foundations	47	Each	\$2,683.40	\$126,120
Haul Concrete Foundations	24	Tons	\$20.51	\$492
Dispose of Concrete from Foundations	24	Tons	\$28.00	\$672
Haul Equipment to Transformer Disposal (Buttonwillow, CA)	47	Each	\$768.53	\$36,121
Remove SCADA Equipment	1	Each	\$2,000.00	\$2,000
Remove DC Collector System Cables (copper)	104.12	Per MW	\$2,000.00	\$208,240
Remove Underground (AC) Collector System Cables	773,163	Linear Feet	\$2.63	\$2,033,419
Load and Haul Cables for Recycling	3,721	Tons	\$13.39	\$49,824

Subtotal Electrical Collection				\$3,753,085
---------------------------------------	--	--	--	--------------------

Electrical removal costs of PV Panels and Combiner Boxes were based industry standard installation rates. Equipment pads, MV Equipment, and SCADA Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a truck mounted crane and RSMMeans information on crew production rates.

Substation & Switchyard				
Disassemble and Remove Main Power Transformer(s)	2	Each	\$4,500.00	\$9,000
Haul Transformer(s) Offsite	209	Tons	\$30.74	\$6,425
Haul Transformer Oil Offsite	25,660	Gallons	\$0.09	\$2,309
Dispose of Transformer (Including Oil) (Salvage Value)	2	Each	\$0.00	\$0
Excavate Around Transformer Foundation(s)	2	Each	\$1,845.00	\$3,690
Remove Complete Transformer Foundation(s)	167	Cubic Yards	\$196.88	\$32,879
Backfill Excavation Area from Transformer Foundation Removal	169	Cubic Yards	\$42.90	\$7,250
Haul Concrete (Foundations Transformer, Switch Gear, etc.)	339	Tons	\$20.51	\$6,953
Dispose of Concrete from Transformer Foundation	339	Tons	\$28.00	\$9,492
Demolish Substation Site Improvements (fences, etc)	1	LS	\$3,500.00	\$3,500
Demolish Control Building and Foundation	1	LS	\$12,000.00	\$12,000
Remove Medium/High Voltage Equipment	1	LS	\$3,500.00	\$3,500
Remove Structural Steel Substation Frame	1	LS	\$3,500.00	\$3,500
Remove Copper Ground Grid	1	LS	\$27,896.96	\$27,897
Load Copper Wire	20,000	Feet	\$0.86	\$17,200
Haul Copper Wire to Recycling	6.5	Tons	\$13.39	\$87
Haul - Demolition Materials, Removed Equipment & Structural Steel	20	Tons	\$13.39	\$268
Dispose of Demolition Materials & Removed Equipment	20	Tons	\$28.00	\$560
Remove and Load Gravel Surfacing from Substation Site	9,840	Cubic Yards (BV)	\$2.90	\$28,536
Haul Gravel Removed from Substation Site	12,300	Cubic Yards (LV)	\$27.97	\$344,036
Dispose of Gravel from Substation Site (Use as Daily Cover)	15,941	Tons	\$0.00	\$0
Grade Substation Site	398,528	SF	\$0.07	\$27,897
Erosion and Sediment Control at Substation Site	1,764	LF	\$4.87	\$8,591
Decompact Substation Site (Subsoiling)	9.1	Acres	\$222.97	\$2,029
Permanent Seeding at Substation Site	9.1	Acres	\$5,824.13	\$53,000
Subtotal Substation				\$610,599
Subtotal Substation & Switchyard for Blocks 1-2-9 Estimate (Split with Blocks 3-4 Estimate)				\$305,300
O&M Building				
Demolish O&M Building	18,000	Cubic Feet	\$0.49	\$8,820
Demolish O&M Building Foundation	148	Cubic Yards	\$12.23	\$1,810
Haul Concrete (O&M Building Foundation)	148	Cubic Yards	\$27.97	\$4,140
Dispose of Concrete from O&M Building Foundation	300	Tons	\$28.00	\$8,400
Cap and Abandon Well	1	Lump Sum	\$1,000.00	\$1,000
Remove & Restore Septic and Drainfield area	1	Lump Sum	\$3,000.00	\$3,000
Dispose of O&M Building Demolition and Removed Site Improvements	1	Lump Sum	\$2,500.00	\$2,500
Remove and Load Gravel Surfacing of O&M Site	136	Cubic Yards (BV)	\$2.90	\$394
Haul Gravel Removed from O&M Site	170	Cubic Yards (LV)	\$7.39	\$1,256
Dispose of Gravel from O&M Site	220	Tons	\$0.00	\$0
Decompact O&M Building Site	0	Acres	\$222.97	\$67
Grade O&M Building Site	1	LS	\$1,368.88	\$1,369
Erosion and Sediment Control at O&M Building Site	210	Linear Feet	\$4.87	\$1,023
Permanent Seeding O&M Building Site	0	Acres	\$5,824.13	\$1,747
Subtotal O&M Building				\$35,526
Subtotal O&M Building Split for Blocks 1-2-9 Estimate (Split with Blocks 3-4 Estimate)				\$17,763
Site Restoration				
Stabilized Construction Entrance	1	Each	\$2,000.00	\$2,000
Perimeter Controls (Erosion and Sediment Control)	12,216	Linear Feet	\$4.87	\$59,492
Permanent Seeding on Roadway Areas	7.1	Acres	\$5,824.13	\$41,351
Aerial Seeding of Array Areas	438	Acres	\$1,530.31	\$670,620
Subtotal Site Restoration				\$773,463

Project Management				
Project Manager	20	Weeks	\$3,749.00	\$74,980
Superintendent (half-time)	20	Weeks	\$1,762.50	\$35,250
Field Engineer (half-time)	20	Weeks	\$1,634.50	\$32,690
Clerk (half-time)	20	Weeks	\$375.00	\$7,500
Subtotal Project Management				\$150,420

Standard industry weekly rates from RSMeans.

Subtotal Demolition/Removals				\$8,735,584
------------------------------	--	--	--	-------------

Salvage				
Fencing (Chain Link)	130	Tons	\$248.34	\$32,284
Steel Posts	3,591	Tons	\$248.34	\$891,789
Module Racking	6,551	Tons	\$248.34	\$1,626,875
PV Modules	74,298	Each	\$24.36	\$1,809,714
Transformers and Inverters	266,731	Pounds	\$0.29	\$77,352
Substation Transformers (Core and Coils)	124,848	Pounds	\$0.29	\$36,206
Substation Transformers (Tanks and Fittings)	42	Tons	\$248.34	\$10,430
Transformers (Oil)	22,583	Gallons	\$0.70	\$15,808
Substation Ground Grid (Copper)	6,500	Pounds	\$2.81	\$18,265
DC Collection Lines (Copper)	1,642,554	Pounds	\$0.98	\$1,609,703
AC Collection Lines (Aluminum)	5,798,723	Pounds	\$0.74	\$4,291,055
Subtotal Salvage				\$10,419,481

Salvage values are a combination of the following factors; current market metal salvage prices, current secondary market for solar panel

Total Demolition Minus Salvage				(\$1,683,900)
--------------------------------	--	--	--	---------------

Notes:

1. Prices used in analysis are estimated based on research of current average costs and salvage values.
2. Prices provided are estimates and may fluctuate over the life of the project.
3. Contractor means and methods may vary and price will be affected by these.

Panoche Valley Solar Project - Blocks 3/4

	Quantity	Unit	Unit Cost	Total Cost
Mobilization/Demobilization	1	Lump Sum	\$593,500.00	\$593,500

Mobilization was estimated to be approximately 7% of total cost of other items.

Permitting

County Permits	1	Lump Sum	\$10,000.00	\$10,000
State Permits	1	Lump Sum	\$20,000.00	\$20,000
Subtotal Permitting				\$30,000

Decommissioning will require SWPPP and SPCC Plans. Cost is an estimate of the permit preparation cost.

Civil Infrastructure

Remove Gravel Surfacing from Road	7,331	Cubic Yards (BV)	\$2.90	\$21,260
Haul Gravel Removed from Road to Landfill (Hollister, CA)	9,164	Cubic Yards (LV)	\$7.39	\$67,722
Dispose of Gravel Removed from Road (Landfill uses as Daily Cover)	11,877	Tons	\$0.00	\$0
Remove Low Water Crossing from Access Road	3	Each	\$3,400.00	\$10,200
Haul Low Water Crossing Materials to Landfill (Hollister, CA)	120	Ton	\$20.51	\$2,461
Dispose of Low Water Crossing Materials	120	Ton	\$30.00	\$3,600
Grade Road Corridor (Re-spread Topsoil)	23,751	Linear Feet	\$1.92	\$45,602
Decompact Road Area	13.1	Acres	\$222.97	\$2,921
Remove Chainlink Fence (Substation, BESS, O&M, etc.)	27,624	Linear Feet	\$7.25	\$200,274
Haul Chainlink Fence to Metal Recycling (Los Banos, CA)	147	Tons	\$15.45	\$2,271
Subtotal Civil Infrastructure				\$357,180

Civil removal costs are a combination of MNDOT unit costs where applicable, RSMMeans cost for Fresno, CA, and industry standards provided to Westwood.

Structural Infrastructure

Remove Steel Foundation Posts (Arrays)	50,033	Each	\$16.60	\$830,548
Remove Steel Foundation Posts (Equipment Skids)	296	Each	\$16.60	\$4,914
Haul Steel Post to Metal Recycling (Los Banos, CA)	3,602	Tons	\$13.39	\$48,231
Remove Tracker Racking per String	14,129	Each	\$134.15	\$1,895,405
Haul Tracker Racking to Metal Recycling (Los Banos, CA)	6,570	Tons	\$13.39	\$87,972
Subtotal Structural Infrastructure				\$2,867,070

Steel removal costs were calculated by using RSMMeans information for demolition of steel members.

Hauling calculations are based on the locations of metals recyclers.

Electrical Collection System

Remove PV Panels	131,670	Each	\$10.82	\$1,424,669
Haul PV 95% of Panels to Reseller (Phoenix, AZ)	3,654	Tons	\$175.62	\$641,715
Haul 5% of PV Panels to Landfill (Hollister, CA)	192	Tons	\$22.84	\$4,385
Dispose of PV Panels	192	Tons	\$62.75	\$12,048
Remove Combiner Boxes	37	Each	\$60.00	\$2,220
Remove Equipment Skids	37	Each	\$1,167.48	\$43,197
Remove Equipment Pad Frames and Foundations	37	Each	\$2,683.40	\$99,286
Haul Concrete Foundations	24	Tons	\$20.51	\$492
Dispose of Concrete from Foundations	24	Tons	\$28.00	\$672
Haul Equipment to Transformer Disposal (Buttonwillow, CA)	37	Each	\$768.53	\$28,436
Remove SCADA Equipment	1	Each	\$2,000.00	\$2,000
Remove DC Collector System Cables (copper)	104.12	Per MW	\$2,000.00	\$208,240
Remove Underground (AC) Collector System Cables	383,275	Linear Feet	\$2.63	\$1,008,013
Load and Haul Cables for Recycling	2,261	Tons	\$13.39	\$30,275
Subtotal Electrical Collection				\$3,505,649

Electrical removal costs of PV Panels and Combiner Boxes were based industry standard installation rates. Equipment pads, MV Equipment, and SCADA Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a truck mounted crane and RSMMeans information on crew production rates.

Substation & Switchyard				
Disassemble and Remove Main Power Transformer(s)	2	Each	\$4,500.00	\$9,000
Haul Transformer(s) Offsite	209	Tons	\$30.74	\$6,425
Haul Transformer Oil Offsite	25,660	Gallons	\$0.09	\$2,309
Dispose of Transformer (Including Oil) (Salvage Value)	2	Each	\$0.00	\$0
Excavate Around Transformer Foundation(s)	2	Each	\$1,845.00	\$3,690
Remove Complete Transformer Foundation(s)	167	Cubic Yards	\$196.88	\$32,879
Backfill Excavation Area from Transformer Foundation Removal	169	Cubic Yards	\$42.90	\$7,250
Haul Concrete (Foundations Transformer, Switch Gear, etc.)	339	Tons	\$20.51	\$6,953
Dispose of Concrete from Transformer Foundation	339	Tons	\$28.00	\$9,492
Demolish Substation Site Improvements (fences, etc)	1	LS	\$3,500.00	\$3,500
Demolish Control Building and Foundation	1	LS	\$12,000.00	\$12,000
Remove Medium/High Voltage Equipment	1	LS	\$3,500.00	\$3,500
Remove Structural Steel Substation Frame	1	LS	\$3,500.00	\$3,500
Remove Copper Ground Grid	1	LS	\$27,896.96	\$27,897
Load Copper Wire	20,000	Feet	\$0.86	\$17,200
Haul Copper Wire to Recycling	6.5	Tons	\$13.39	\$87
Haul - Demolition Materials, Removed Equipment & Structural Steel	20	Tons	\$13.39	\$268
Dispose of Demolition Materials & Removed Equipment	20	Tons	\$28.00	\$560
Remove and Load Gravel Surfacing from Substation Site	9,840	Cubic Yards (BV)	\$2.90	\$28,536
Haul Gravel Removed from Substation Site	12,300	Cubic Yards (LV)	\$27.97	\$344,036
Dispose of Gravel from Substation Site (Use as Daily Cover)	15,941	Tons	\$0.00	\$0
Grade Substation Site	398,528	SF	\$0.07	\$27,897
Erosion and Sediment Control at Substation Site	1,764	LF	\$4.87	\$8,591
Decompact Substation Site (Subsoiling)	9.1	Acres	\$222.97	\$2,029
Permanent Seeding at Substation Site	9.1	Acres	\$5,824.13	\$53,000
Subtotal Substation				\$610,599
Subtotal Substation & Switchyard for Blocks 3-4 Estimate (Split with Blocks 1-2-9 Estimate)				\$305,300
O&M Building				
Demolish O&M Building	18,000	Cubic Feet	\$0.49	\$8,820
Demolish O&M Building Foundation	148	Cubic Yards	\$12.23	\$1,810
Haul Concrete (O&M Building Foundation)	148	Cubic Yards	\$27.97	\$4,140
Dispose of Concrete from O&M Building Foundation	300	Tons	\$28.00	\$8,400
Cap and Abandon Well	1	Lump Sum	\$1,000.00	\$1,000
Remove & Restore Septic and Drainfield area	1	Lump Sum	\$3,000.00	\$3,000
Dispose of O&M Building Demolition and Removed Site Improvements	1	Lump Sum	\$2,500.00	\$2,500
Remove and Load Gravel Surfacing of O&M Site	136	Cubic Yards (BV)	\$2.90	\$394
Haul Gravel Removed from O&M Site	170	Cubic Yards (LV)	\$7.39	\$1,256
Dispose of Gravel from O&M Site	220	Tons	\$0.00	\$0
Decompact O&M Building Site	0.30	Acres	\$222.97	\$67
Grade O&M Building Site	1	LS	\$1,368.88	\$1,369
Erosion and Sediment Control at O&M Building Site	210	Linear Feet	\$4.87	\$1,023
Permanent Seeding O&M Building Site	0.30	Acres	\$5,824.13	\$1,747
Subtotal O&M Building				\$35,526
Subtotal O&M Building Split for Blocks 3-4 Estimate (Split with Blocks 1-2-9 Estimate)				\$17,763
Site Restoration				
Stabilized Construction Entrance	3	Each	\$2,000.00	\$6,000
Perimeter Controls (Erosion and Sediment Control)	13,812	Linear Feet	\$4.87	\$67,264
Permanent Seeding on Roadway Areas	13.1	Acres	\$5,824.13	\$76,296
Aerial Seeding of Array Areas	623	Acres	\$1,530.31	\$953,086
Subtotal Site Restoration				\$1,102,646

Project Management				
Project Manager	20	Weeks	\$3,749.00	\$74,980
Superintendent (half-time)	20	Weeks	\$1,762.50	\$35,250
Field Engineer (half-time)	20	Weeks	\$1,634.50	\$32,690
Clerk (half-time)	20	Weeks	\$375.00	\$7,500
Subtotal Project Management				\$150,420

Standard industry weekly rates from RSMeans.

Subtotal Demolition/Removals				\$8,929,528
------------------------------	--	--	--	-------------

Salvage				
Fencing (Chain Link)	147	Tons	\$248.34	\$36,506
Steel Posts	3,602	Tons	\$248.34	\$894,521
Module Racking	6,570	Tons	\$248.34	\$1,631,594
PV Modules	125,087	Each	\$24.36	\$3,046,812
Transformers and Inverters	209,980	Pounds	\$0.29	\$60,894
Substation Transformers (Core and Coils)	124,848	Pounds	\$0.29	\$36,206
Substation Transformers (Tanks and Fittings)	42	Tons	\$248.34	\$10,430
Transformers (Oil)	20,508	Gallons	\$0.70	\$14,355
Substation Ground Grid (Copper)	6,500	Pounds	\$2.81	\$18,265
DC Collection Lines (Copper)	1,647,334	Pounds	\$0.98	\$1,614,387
AC Collection Lines (Aluminum)	2,874,563	Pounds	\$0.74	\$2,127,177
Subtotal Salvage				\$9,491,147

Salvage values are a combination of the following factors: current market metal salvage prices, current secondary market for solar panel

Total Demolition Minus Salvage				(\$561,700)
--------------------------------	--	--	--	-------------

Notes:

1. Prices used in analysis are estimated based on research of current average costs and salvage values.
2. Prices provided are estimates and may fluctuate over the life of the project.
3. Contractor means and methods may vary and price will be affected by these.

Cost Estimate Summary

	ESTIMATED DECOMMISSIONING COST	ESTIMATED DECOMMISSIONING COST PER MW-DC	ESTIMATED SALVAGE VALUE
BLOCKS 1/2/9	\$8,735,584	\$83,900	\$10,419,481
BLOCKS 3/4	\$8,929,528	\$85,762	\$9,491,147

Cost Estimate Assumptions

To develop a cost estimate for the decommissioning of the Panoche Valley Solar Project, Westwood engineers made the following assumptions and used the following pricing references. Costs were estimated based on current pricing, technology, and regulatory requirements. The assumptions are listed in order from top to bottom of the estimate spreadsheet. When publicly available bid prices or Department of Transportation bid summaries were not available for particular work items, we developed time- and material-based estimates considering composition of work crews and equipment and material required. While materials may have a salvage value at the end of the project life, the construction activity costs and the hauling/freight costs are separated from the disposal costs or salvage value to make revisions to salvage values more transparent.

1. The cost estimates were split based on operational blocks: one estimate was prepared for Blocks 1, 2, and 9, and another was prepared for Block 3 and 4.
2. Project quantities are based on as-built drawings provided by the Owner.
3. The cost estimate and salvage values reflect current pricing, markets, and age of system components. The estimate will be updated every five years to reflect latest cost data and assumptions regarding the decommissioning process.
4. A project of this size and complexity requires a full-time project manager with half-time support staff.
5. Common labor will be used for the majority of tasks, supplemented by electricians, steel workers, and equipment operators where labor rules may require. The labor rates reflect union labor rates.
6. Mobilization was estimated at approximately 7% of total cost of other items.
7. Permit applications will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Prevention, Control, and Countermeasure (SPCC) Plan.
8. Road gravel removal was estimated on a time and material basis. Since the material will not remain on site, a hauling cost is added to the removal cost. Clean aggregate can typically be used as "daily cover" at landfills without incurring a disposal cost. The road gravel may also be used to fortify local driveways and roads, lowering hauling costs but incurring placing and compaction costs. The hauling costs to a landfill represents an upper limit to costs for disposal of the road gravel.
9. The selected disposal facility (John Smith Road Landfill) is located in Hollister, CA, approximately 62 miles from the project site. Hauling costs to the landfill are estimated to be \$20.51 per ton.
10. Erosion and sediment control along road reflects the cost of silt fence on the downgradient side of the proposed roads. As such, the length of controls has been estimated to be approximately 50% of the road length.
11. Topsoil is required to be stockpiled on site during construction, so no topsoil replacement is expected to replace the road aggregate. Subsoiling cost to decompact roadway areas is estimated as \$222.97 per acre, and tilling to an agriculture-ready condition is estimated as \$177.52 per acre.
12. The selected metal recycling facility (A&S Metals) is located in Los Banos, CA, approximately 41 miles from the project site. Hauling costs to the recycling facility are approximately \$0.33 per ton mile, or \$13.39 per ton.
13. Tracker foundation posts are lightweight "I" beam sections installed with a specialized piece of equipment and can be removed with a standard backhoe with an attachment for gripping the piles.

We estimate crew productivity at 240 posts per day, resulting in a per post cost of approximately \$16.60. The posts weigh approximately 150 pounds each.

14. It is assumed that the racking structures weigh approximately 15 pounds per linear foot of array. Each solar panel has a width of 39.06 inches. The facility will have approximately 536,108 modules (267,657 in Blocks 1, 2, and 9 and 268,451 in Blocks 3 and 4) and 1,749,405 feet of array. The arrays are made of steel pipes; a crew with hand tools can disassemble and cut the pieces to sizes for recycling at a rate of about 1800 pounds per person per hour, or about \$288.47 per ton.
15. The solar panels for this project measure approximately 3.25 feet by 6.42 feet and weigh 58.42 pounds. They can easily be disconnected, removed, and packed by a three-person crew at a rate we estimate at 18 panels per hour.
16. The equipment skids will consist of inverter(s), a transformer, and a panel on a metal frame approximately 32 feet long by 10 feet wide by 8 feet tall. The skids weigh approximately 25,700 pounds and can be disconnected by a crew of electricians. They must be lifted by a mobile crane for transport to the recycler. They contain copper or aluminum windings.
17. The transformers contain copper windings that have significant salvage value. They are typically oil filled, but most transformer recyclers will accept the transformers with oil. The estimated costs include removal of metal frame and conduits feeding the equipment.
18. Medium voltage (MV) equipment and SCADA equipment are mounted on the same equipment skids as the inverters and transformers, and they are enclosed in weatherproof cabinets. Their size requires light equipment to remove them. The costs for the removal of the pile foundations are included in the "Remove Steel Foundation Posts" estimate.
19. The underground collector system cables are placed in trenches with a minimum of 18 inches of cover. Several cables/circuits are placed side by side in each trench. The conduits and cables can be removed by trenching.
20. Perimeter control pricing is based on silt fence installation around downgradient sides of the project perimeter.
21. Metal salvage prices (steel, aluminum, copper) are based on May 2024 quotes from www.scrapmonster.com for the West. Posted prices are three months old. These prices are based on delivery to the recycling facility with the material prepared to meet size, thickness, cleanliness, and other specifications.
22. A reduction of 25% has been taken from all pricing obtained from www.scrapmonster.com to reflect the processing by the contractor to meet the specifications.
23. The salvage value for steel uses pricing from the Western United States at \$365 per metric ton, or \$331.12 for U.S. ton.
24. Solar module salvage values are shown in current values, accounting for their age and estimated capacity. Pricing for used panels has been discounted from the average resale price of used panels, as published in EnergyBin's 2023 "Module Price Index," then further adjusted to reflect their 6-year operational age. Module values will continue decline over time as a function of loss of output and age.
25. There is an active market for reselling and recycling electrical transformers and inverters with several national companies specializing in recycling. However, we have assumed that the electrical equipment will be obsolete at the time of decommissioning, so we have based the pricing on a percentage of the weight that reflects the copper windings that can be salvaged. Pricing was used for Copper Transformer Scrap for the Western United States, at \$0.38 per pound.

26. The collection lines are priced assuming copper conductor wire for the direct current circuits and aluminum wire for the alternating current circuits. The prices reflect a reduced yield of copper or aluminum resulting from the stripping of insulation and other materials from the wire prior to recycling. The estimate uses the Western prices of #2 insulated copper wire with a 50% recovery rate (\$1.31 /pound) and E.C. Aluminum Wire (\$0.98/pound).
27. Care to prevent damage and breakage of equipment, PV modules, inverters, capacitors, and SCADA must be exercised, but removal assumes unskilled common labor under supervision.