



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

PLANNING COMMISSION - REGULAR SESSION-
OCTOBER 16, 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: 841 4209 0300
Webinar Password: 992643
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 Planning Commission 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@sanbenitocountyca.gov.

Public Comment Guidelines

A. The San Benito County Planning Commission 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 September 18th, 2024 Regular Meeting.SBC FILE NUMBER: 790](#)

Recent Planning Applications

4.2. [RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -Staff recommend scheduling a special meeting on November 6th, 2024 at 6:00P.M. to review comprehensive code amendments to Title 1 \(General Provisions; Code Enforcement\), Title 7 Chapter 7.02 \(Cannabis Business\), Title 7 Chapter 7.04 \(Hemp Entities\), Title 19 Chapter 19.43 \(Cannabis Business Land Use Regulations\), and comprehensive updates to Title 25 \(Zoning\).Â 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 -Acknowledge the Certificate of Posting for the October 16, 2024 Regular Planning Commission Meeting.SBC FILE NUMBER: 790.2**
2024-10-16_ PC_Certificate of Posting.pdf
- 6.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Approve the draft Planning Commision Minutes from the Special Meeting of September 11th, 2024, Regular Meeting of September 18th, 2024, and Special Meeting of September 25th, 2024. SBC FILE NUMBER: 790.2**
2024-09-11_PC_MINUTES_DRAFT
2024-09-18_PC_MINUTES_DRAFT
2024-09-25_PC_MINUTES_DRAFT

7 PUBLIC HEARING

- 7.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing to adopt a resolution with findings to recommend that the County Board of Supervisors deny the request for an ordinance enabling execution of a development agreement (reviewed under County Planning file PLN240037) between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code Â§ 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors.SBC FILE NUMBER: 790 ORD No.:**
Denial Resolution
Ordinance Draft REFERENCE
Free Lance Notice
- 7.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution for PLN220033 a subdivision of an existing five-acre property into two 2.5-acre lots and the construction of a new single-family residence. The project also includes the removal of an existing scenic easement. The property currently contains one single-family residence, which will remain on one of the newly created lots, while a new residence will be constructed on the second lot.SBC FILE NUMBER: 790**
N/A
Resolution
Staff Report

NOA
IS/MND
Free Lance Notice

- 7.3. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Continue the public hearing to review amendments to Title 1 General Provisions and Code Enforcement to the date certain of November 6th, 2024 at 6:00 P.M.SBC FILE NUMBER: 790.2**

Free Lance Notice

- 7.4. **RESOURCE MANAGEMENT AGENCY- A.PRADO, PLANNING AND BUILDING DIRECTOR -Review and adopt the attached resolution that recommends that the Board of Supervisors adopt the attached proposed draft ordinance provisions to amend section 03.05.051 Planning Commission Meetings; Duties; Operation.SBC FILE NUMBER: 790ORDINANCE NO.:**

03.05.051 Planning Commission Meetings; Duties; Operations Redlined
Resolution
Ordinance
Exhibit A Ordinance Findings
Free Lance Notice

8 REGULAR AGENDA

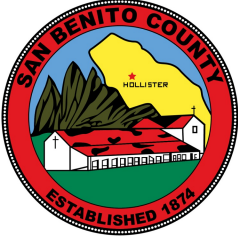
9 COMMISSIONER ANNOUNCEMENTS

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: 10/16/2024

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 September
18th, 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 September 18th, 2024, 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:

[Recent Planning Applications](#)



Recent Planning Applications

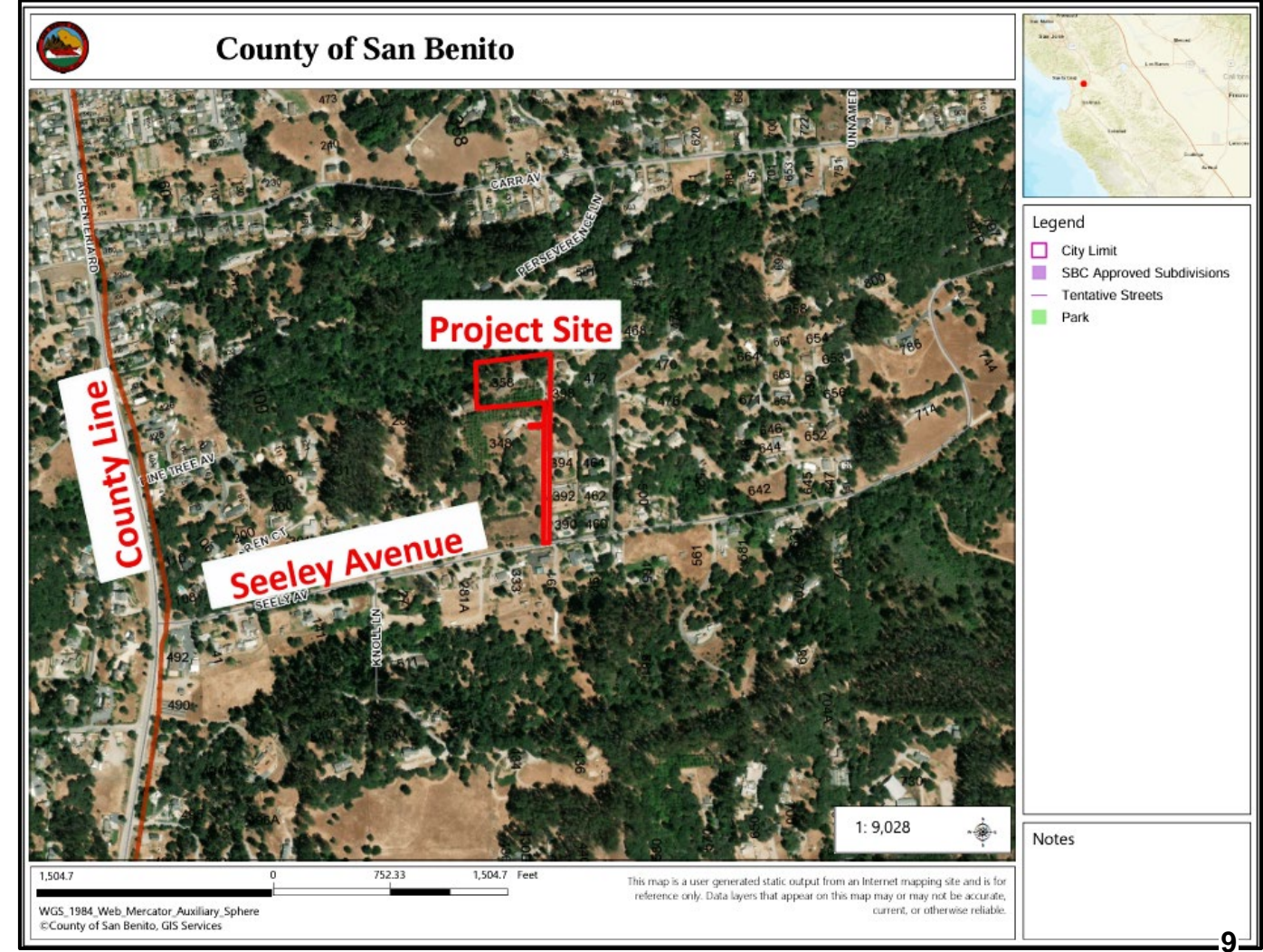
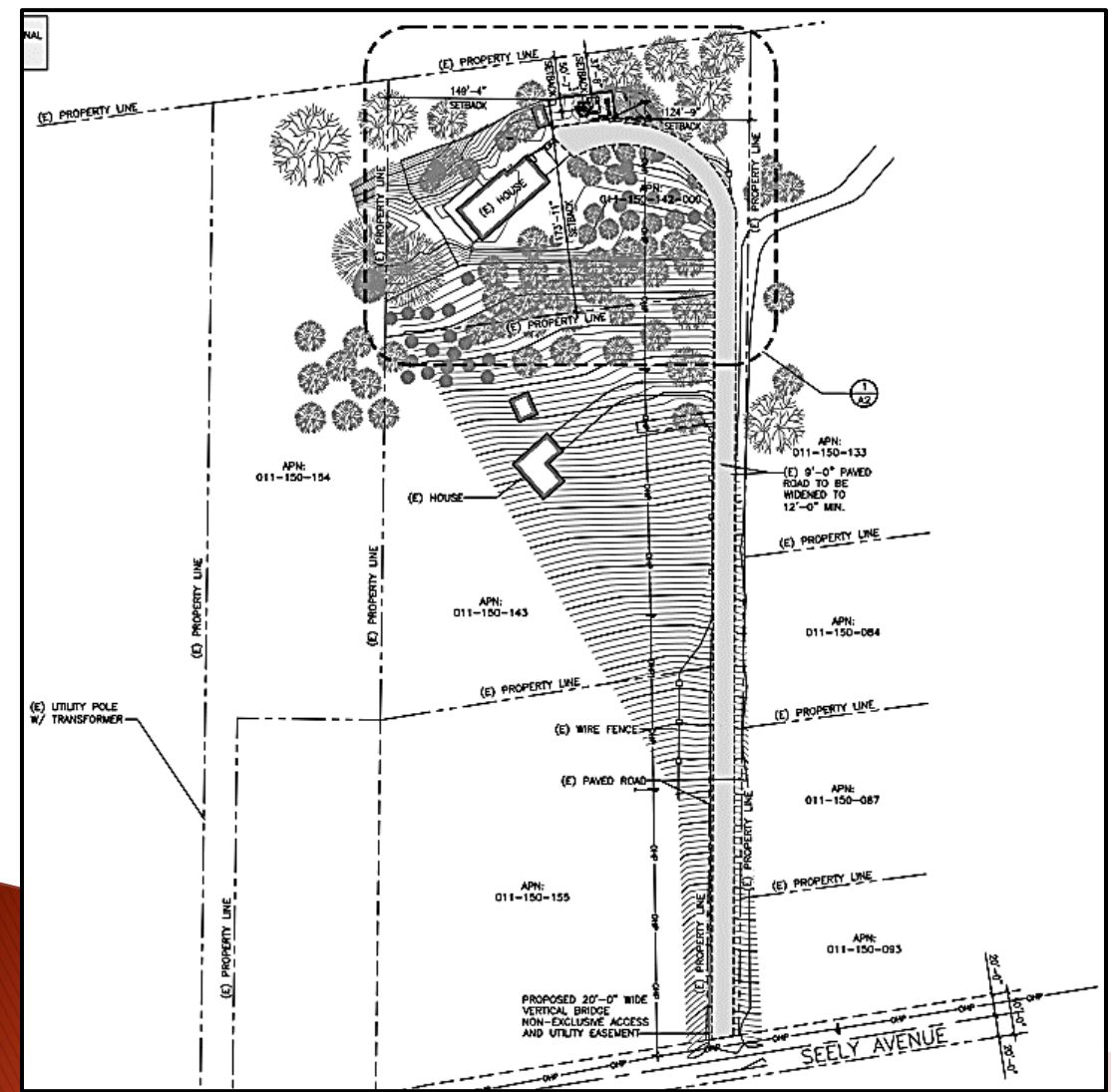
October 18, 2024

Presented By: Abraham Prado, Director of Planning and Building

Conditional Use Permit Application-PLN240053 (Assurance Development) 358 Seely Avenue

- **Project:** Construction of a telecommunications and public utility facility, consisting of a 90' monopine and associated equipment within a 60' x 26' concrete wall and fenced leased area. No water or sewer service is required. This will be an unmanned facility.

- Approximately 9.7 miles west of downtown San Juan Bautista.

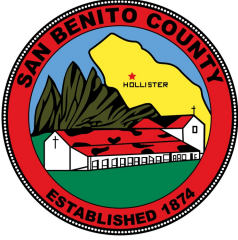


Notes



Thank You

Questions



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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Robert Scagliotti
District No. 3
- Vice-Chair

Robert Gibson
District No. 4
- Chair

Celeste Toledo-Bocanegra
District No. 5

Item Number: 4.2

MEETING DATE: 10/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING - Staff recommend scheduling a special meeting on November 6th, 2024 at 6:00P.M. to review comprehensive code amendments to Title 1 (General Provisions; Code Enforcement), Title 7 Chapter 7.02 (Cannabis Business), Title 7 Chapter 7.04 (Hemp Entities), Title 19 Chapter 19.43 (Cannabis Business Land Use Regulations), and comprehensive updates to Title 25 (Zoning). SBC FILE NUMBER: 790

AGENDA SECTION:

DEPARTMENT ANNOUNCEMENTS

BACKGROUND/SUMMARY:

Per the recommendation of the Board of Supervisors, staff recommend scheduling a Special Meeting on November 6th at 6:00 P.M. to review comprehensive code amendments to Title 1 (General Provisions; Code Enforcement), Title 7 Chapter 7.02 (Cannabis Business), Title 7 Chapter 7.04 (Hemp Entities), Title 19 Chapter 19.43 (Cannabis Business Land Use Regulations), and comprehensive updates to Title 25 (Zoning), in order for this to be reviewed as a whole package at the Board in December of 2024.

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommend scheduling a special meeting on November 6th, 2024 at 6:00P.M. to review comprehensive code amendments to Title 1 (General Provisions; Code Enforcement), Title 7 Chapter 7.02 (Cannabis Business), Title 7 Chapter 7.04 (Hemp Entities), Title 19 Chapter 19.43 (Cannabis Business Land Use Regulations), and comprehensive updates to Title 25 (Zoning).

ATTACHMENTS:



**SAN BENITO COUNTY
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**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 6.1

MEETING DATE: 10/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -
Acknowledge the Certificate of Posting for the October 16, 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 October 16, 2024 Regular Planning Commission Meeting.

ATTACHMENTS:

[2024-10-16_ 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, Stephanie Reck, certify that the **REGULAR MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for October 16, 2024, was posted at the following locations, freely accessible to the public, on this day of October 9, 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.sanbenitocountyca.gov/> in the Events Calendar.

Stephanie Reck
Associate Planner
County of San Benito



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Item Number: 6.2

MEETING DATE: 10/16/2024

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 Special Meeting of September 11th, 2024, Regular Meeting of September 18th, 2024, and Special Meeting of September 25th, 2024. SBC FILE NUMBER: 790.2

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

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Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve the draft Planning Commission Minutes from the Special Meeting of September 11th, 2024, Regular Meeting of September 18th, 2024, and Special Meeting of September 25th, 2024.

ATTACHMENTS:

[2024-09-11_PC_MINUTES_DRAFT](#)

[2024-09-18_PC_MINUTES_DRAFT](#)

[2024-09-25_PC_MINUTES_DRAFT](#)



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 - SPECIAL SESSION- SEPTEMBER 11, 2024 - MEETING MINUTES (DRAFT)

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>

Or

https://cosb.granicus.com/ViewPublisher.php?view_id=1

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

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Webinar ID: 862 6350 2368
Webinar Password: 256082
Join by Phone: +1 (408) 638-0968

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- 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 6:00P.M.

2. PLEDGE OF ALLEGIANCE

Celeste Toledo-Bocanegra, Planning Commissioner, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted 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. 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.

4.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING- Acknowledge the Certificate of Posting for the September 11, 2024, special Planning Commission meeting. **SBC FILE NUMBER: 790.2**

Richard Way, Planning Commissioner, motioned to adopt the consent agenda

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded that motion.

Motion passed Five (5) to Zero (0).

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

Motion: 5- 0

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

Voting Against: None

5. PUBLIC HEARING

5.1 PLN200051 (Lee Subdivision Project TSM/Zone Change/PUD): OWNER: William Scott Lee and Michele Marie Lee Trustees in the Lee Family Trust. **APPLICANT:** Bill Lee. **LOCATION:** 291 Old Ranch Road, which connects to Fairview Road approximately 0.5 mile north of Airline Highway/State Route (SR) 25, in unincorporated San Benito County. **APN:** 025-320-004. **REQUEST:** The property comprising APN 025-320-004 is approximately 39.5 acres in size; whereas the project site is approximately 33.4 acres, which includes the 27.45-acre area proposed for development, an approximately 3.15-acre slope easement (to be graded in support of the residences along the eastern boundary of the project site), and an approximately 2.8-acre natural drainage easement. The remaining 6.1 acres of would remain undeveloped and is referred to as the remnant portion. The approximately 39.5-acre site contains formerly dry-farmed grassland, an existing roadway, and one existing single-family residence. The site is bordered by rural single-family residences to the north and west, and agricultural/open space to the east. The site is designated Residential Mixed (RM) under the 2035 General Plan and is zoned Rural (R). The project would involve the demolition of the existing on-site residence (constructed in

the late 1980s), subdivision with subsequent development of 141 residential lots, a public park and open space, utilities infrastructure, internal public streets, and improvements to Old Ranch Road. The project includes 121 single-family detached units and 20 attached duet units. A total of 30 ADUs would be included in the project sharing lots with the other residences and will be deed-restricted as affordable to low-income households, and the applicant will enter into an affordable housing agreement with the County. The project would require a zone change to Residential Multiple (RM) combined with a Planned Unit Development (PUD) overlay zone to expand the flexibility allowed in the development standards. Sunnyslope County Water District (SSCWD) would provide water service to the project, and SSCWD and City of Hollister executed a wastewater agreement on November 6, 2023, to serve this project. GENERAL PLAN DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Rural (R). ENVIRONMENTAL REVIEW: Final Environmental Impact Report. PLANNER: Arielle Goodspeed (agoodspeed@cosb.us)

Arielle Goodspeed, Principal Planner, presented project history, location, housing type, Affordable Housing Agreement Plan, utilities, zoning, site plan, unit mix and density, recreational amenity, applicability to RHNA and state density bonus law, floor plans for duets, floor plans for single family residences, ADU floor plans, vehicular circulation, pedestrian connectivity, connectivity to Fairview Corners and Gavilan College, landscaping, CEQA review, project objectives, revisions to mitigations and conditions of approvals, and staff recommendations.

Bill Lee, Applicant, presented his intentions with the Lands of Lee project and the smaller footprint of the homes within his project. He stated he addressed the Board of Supervisors comments at his previous denial.

Public comment in chambers by: Elvira Robinson, Manuel Bueno, Zeke Lopez, Jason Hopkins, Mary Anderson, Barry Katz, Patrick Lampe, Linda Lampe, Seth Capron, Valerie Eglund, Graham Mackie, Julio Rodriguez, Maria Romero, Barbara Taddeo, Christina Navarro, Betsey Dirks, Irma Gonzalez, Elia Salinas, Bob Tiffany, Maureen Nelson, Annette Perez, Stacie McGrady.

Public comment via Zoom by: Scott Fuller, Matt Huerta, Mary Hsia-Coron, Edward Cervantes, Devon Pack, Jamila Saqqa, Gary Byrne.

Public Comment is closed.

Bill Lee, Applicant, clarified that he is proposing the development of 30 ADU's to meet affordable housing and low income. They will all be deed restricted for 55 years and the county/government will manage the units, but they will be rental units.

Disclosures among the commissioners:

Celeste Toledo Bocanegra, Planning Commissioner, disclosed that she talked with the applicant regarding the project on Monday August 19th.

Richard Way, Planning Commissioner, disclosed that he engaged in a brief email exchange with Bill Lee who offered to answer any questions.

Robert Scagliotti, Vice-Chair of the Planning Commission, disclosed that he was contacted by Bill Lee, but did not connect with him. He added that he spoke with Bob Tiffany regarding the project.

Robert Gibson, Chair of the Planning Commissioner, disclosed that he has spoken with Bill Lee and Bob Tiffany, proponents and opponents regarding the project.

Discussion among the Commissioners regarding: Concerns regarding VMT recalculation and the basis on the state formula in reduction for low-income housing units to roughly half the original VMT. Concerns regarding the involvement of Kimley-Horn as the applicant consultant as it was a county consultant - concerns for conflict of interest. Concerns for the size of the ADU's and the term of the deed restriction. Concerns regarding the enforcement of rental ADU's. Concerns regarding the number of individuals who would be served with the project and that it is low. Concerns regarding setting a precedence of using ADU's to satisfy affordable housing requirements. Concerns regarding the stormwater data and how it was calculated. Concerns regarding enforcement of a homeowner to rent an ADU. Concerns regarding that the traffic study did not review speeds. Concerns about the number of cars being added to the road with this project. Concerns regarding who the developer will be - Bill Lee or another person- applicant stated he is not a developer and would let someone else build out the project. Request for the developer to participate in Drop Tax, to purchase all materials in the county, and to require this as a condition of the project regardless of if it is sold to another developer. Request to underground utilities with curb and gutter on the parcels that abut Fairview. County counsel said this is considered a taking and the applicant does not own this land. Concerns about the ingress and egress and needing more than one per development. County Fire encouraged the connection between Lands of Lee and Fairview Corners. Concerns about waiving the Parks and Recreation Impact Fee. Appreciation of the 100-foot buffer from surrounding agriculture. Concerns about traffic and the need for funding to support the widening of Highway 25. Concerns regarding the applicability of this project to the County's Affordable Housing Regulations. Concerns about the one turn lane that is added and a desire to add a second turn lane and an acceleration lane. Wanting to underground utilities on the frontage of Fairview to complete the aesthetic and patchwork utilities. The addition of safe bike lanes between subdivisions and Gavilan college according to the Master Plan. Adding a Condition of Approval that no two-story units are placed around the outer edged near the 5-acre parcels. Concerns about the turf in the park with the drought, request for artificial that does not require water. Concerns regarding the removal of the lighted crosswalk. The applicant was asked to remove it during previous denial, and is happy to add it back in. Concerns regarding allowing the ADU's and wanting to address affordable housing with the duets over the ADU's. A desire to continue the hearing to connect with the applicant to get more assurances regarding the comments presented today.

Michael Schmitt, Kimley-Horn Consultant, stated the primary reduction is from the number of trips as folks with low income have less funds and therefore make less trips.

Sean Cameron, Assistant County Counsel, stated there is no conflict of interest with Kimley-Horn.

Arielle Goodspeed, Principal Planner, stated that as part of the conditions of approval an affordable housing plan needs to be developed and that would lay out the measures of enforcement. She stated that the rental of the ADU's would be part of the buyer disclosure and there would be measures built in to enforce the rental requirement. She asked for clarification regarding the affordable housing options.

Robert Del Rio, Hexagon Consultant, stated that they completed a traffic study, and the traffic study did not require an assessment of speed, but rather peak hour traffic count.

Steve Loupe, Public Works Administrator, stated that the stormwater-plan used standard hydraulic modeling software modeled to meet a 95th percentile and they can meet a 500-year retention.

Richard Way, Planning Commissioner, motioned to continue the item to a Special Meeting on October 23rd.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded that motion.

Celeste Toledo-Bocanegra, Planning Commissioner denied this motion.

Motioned passed Four (4) to One (1)

Moved by Richard Way; seconded by Robert Scagliotti to continue the item until a Special Meeting on October 23, 2024, at 6 p.m.

Motion: 4- 1

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

Voting Against: Celeste Toledo-Bocanegra

6. REGULAR AGENDA

7. ADJOURNMENT

Robert Scagliotti, Vice-Chair of the Planning Commission motioned to adjourn at 9:19pm.

Vincent Ringheden, Planning Commissioner, seconded this motion.

Motion carries Five (5) to Zero (0)

Moved by Robert Scagliotti; seconded by Vincent Ringheden to Motion to adjourn.

Motion: 5 - 0

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

Voting Against: None

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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.

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**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-
SEPTEMBER 18, 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>

Or

https://cosb.granicus.com/ViewPublisher.php?view_id=1

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: 821 4941 3929
Webinar Password: 754449
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.

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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

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00P.M.

2. PLEDGE OF ALLEGIANCE

Robert Scagliotti, Vice-Chair of the Planning Commission, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted Roll Call.

Vincent Ringheden, Planning Commissioner, was present in chambers.

Richard Way, Planning Commissioner, was present in chambers.

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

Celeste Toledo-Bocanegra, Planning Commissioner, was absent.

A quorum of four (4) commissioners was established.

4. DEPARTMENT ANNOUNCEMENTS

Abraham Prado, Director of Planning and Building, stated that there are no department announcements for this meeting.

5. PUBLIC COMMENT

No public comment in chambers.

No public comment via Zoom.

Public comment closed

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.

Richard Way, Planning Commissioner, motioned to adopt the Consent Agenda.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded this motion.

Motion passed four (4) to zero (0).

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

Motion: 4 - 0

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

Voting Against: None

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

Acknowledge the Certificate of Posting for the September 18, 2024, Regular Planning Commission Meeting.

SBC FILE NUMBER: 790.2

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

Approve the draft Planning Commission Minutes from the Special Meeting of August 7th, 2024, and Regular Meeting of August 21st, 2024.

SBC FILE NUMBER: 790.2

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

Victor Tafoya, Associate Planner, presented project location, description, land use consistency, site photos, CEQA, and staff recommendation for PLN240013.

Anthony Botelho, applicant, commented on planning staff's professionalism in working on this project. He stated that he paid the fines for the illicit activities and that he was under the impression that his tenant was obtaining a business license, but he did so through the City of Hollister and not the County of San Benito. He stated hazardous materials are in metal/steel cabinets and that they use doesn't require much of the chemicals and that they are set away from nearby agriculture. He stated the building where the woodworking is conducted is very well ventilated with four (4) wide doors that remain open.

Public comment opened.

Public comment in chambers by Jackie Morris-Lopez

Public comment closed.

Discussion among the Commissioners regarding whether the commission would have approved the project prior to code enforcement issues, the fact that the applicant has paid fines for the unpermitted activity, discussion of the chemicals on site and lack of windows, concern for the amount of time the operation was conducted without permits (5 years), concerns for condition 9 limiting to five (5) employees and whether this would be enough employees, if the other mechanic on the property has a business licenses. The applicant stated they do have a business license.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to approve PLN240013.

Richard Way, Planning Commissioner, seconded this motion.

Celeste Toledo-Bocanegra, Planning Commissioner, was absent.

Motion passed four (4) to zero (0).

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

Motion Passed: 4- 0

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

Voting Against: None

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

Hold a public hearing to consider adopting a resolution for PLN240026 to approve a tentative map subdividing an existing 111.68-acre site, currently composed of three parcels, into four separate parcels. Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land. The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time.

SBC FILE NUMBER: 790

Jonathan Olivas, Associate Planner, read a memo regarding the continuation of this item. He also presented the project location, description, land use consistency, site photos, CEQA, and staff recommendation for PLN240026.

Sean Cameron, Assistant County Counsel, recommends continuing the item but taking public comment and allowing the applicant to speak.

Anne Hall, applicant representative, stated the rezoning was approved two years ago and the commercial area had boundaries that were not consistent with the parcel's boundaries. She stated that the subdivision is to make those lines clear and move parcels to comply with the 2 commercial parcels and the other ag parcels. She added that the road improvement condition number 34 and the undergrounding of utilities condition 40 should be removed or deferred as no construction is planned with this subdivision at this time. She also stated that they should come into effect as the project is built.

Peter Prows, applicant attorney, stated that the hearing should take place as this project is compliant with the subdivision map act. He stated that it is common sense that this application is CEQA exempt, but they do not see any CEQA issue, and none were raised in the Amah Mutsun Letter. He requested the project be considered tonight.

Public comment in chambers by Joseph Howard, Bill Hunter, Jackie Morris-Lopez, Jessica Wholander, Andy Hsia-Coron, Maureen Nelson, Annette Perez, Julio Rodriguez, Carly Robles.

Public comment via Zoom by David Rodriguez and Colleen Brennan.

Public comment was closed at 7:01P.M.

Discussion among the Commission regarding continuing the item and setting a special hearing to allow county counsel to address the letter from the Amah Mutsun Attorney to a special meeting on September 25th @6pm.

Robert Scagliotti, Vice-Chair of the Planning Commission motioned to continue the public hearing until September 25.

Robert Gibson, Chair of the Planning Commission seconded that motion.

Celeste Toledo-Bocanegra was absent.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Robert Gibson to Motion to continue the public hearing to September 25.

Motion: 4- 0

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

Voting Against: None

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

Hold a public hearing to consider adopting a resolution recommending that the County Board of Supervisors adopt an ordinance enabling execution of a development agreement (reviewed under County Planning file PLN240037) between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). Under County Code §19.11.003, County policy requires that development agreements shall result in a public benefit beyond that which would be forthcoming through conditions of development project approvals.

SBC FILE NUMBER: 790

ORD No.:

Arielle Goodspeed, Principal Planner, presented the Development Agreement (DA) for the Johnson, Weiler, and San Benito Holding Ag Center for PLN240037. She presented the location, background, project description, eligible development projects, amended open space easement, land use consistency, CEQA, public comments received prior to the hearing, and staff recommendation.

Gregory Weiler, applicant, stated that the DA does not approve the Ag center project, housing, or any development. The DA does not change GP or zoning, just maintains the status quo. He stated they are asking for the DA as they have faced three (3) different initiatives to overturn the Board's decision on this project. He stated the County would retain full discretion on the development of the Ag center.

Public comment in chambers by Anne Hall, Andy Hsia-Coron, Jackie Morris-Lopez, Robert Harmssen, Joseph Howard, Brigitte Baumann-Thorp, Glenn Skogen, Bill Hunter, Donna Bosworth, Seth Capron, Jan Saxton, Jessica Wholander, Larry Rebecchi, Alissa Lund, Matthew Beachy, Lynn Mello, Tim Baldwin, Stacey Bautista, Valerie Eglund, Julio Rodriguez, Anthony Botelho, Eddie Guaracha.

Public comment via Zoom by Athena Hernandez, Colleen Brennan, Liz Grajeda, David Rodriguez.

Public comment is closed.

Discussion among the Commissioners regarding concerns for the approach of money in exchange for approval and the inclination that it is built into this Development Agreement, concerns regarding the dollar amount and that it should be increased to 5 million dollars, concerns that if the DA is approved but the project is denied this money would not be owed to the County, concerns for subverting the will of the people, the open space easement can be added as a condition of the CUP and not part of the DA. Arielle Goodspeed clarified that the \$500,000 was described in detail in Section 5 a of the DA.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to approve the DA with the revision that the \$500,000 is to be paid at the execution of this agreement and not contingent upon the CUP being approved.

Robert Gibson, Chair of the Planning Commission, seconded this motion.

Celeste Toledo-Bocanegra, Planning Commissioner, was absent.

Motioned failed two (2) to two (2).

Moved by Robert Scagliotti; seconded by Robert Gibson to Approve as Amended. Robert Gibson, Chair of the Planning Commission, seconded this motion.

Motion Failed: 2- 2

Voting For: Robert Scagliotti, Robert Gibson

Voting Against: Vincent Ringheden, Richard Way

8. REGULAR AGENDA

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

Review, discuss and make recommendations on ordinance amendments for §3.05.051 Planning Commission Meetings; Duties; Operation.

SBC FILE NUMBER: 790

ORDINANCE NO.:

Arielle Goodspeed, Principal Planner, shared the amendments to SBCC 3.05.051 the Planning Commission Duties and Operations.

Discussion among the Commissioners regarding item J and that it doesn't provide any more authority to the Planning Commission outside of what the public can do, update J to state that planning commission or commissioners can make recommendations, concerns for item L regarding negotiation for Development Agreements, recommendation to keep item F and item I, use option 1 for Item J but

allow both the commissioners and commission, strike D, E, and G, then make changes to J and L.

8.2 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, Code Enforcement Officer, presented amendments to Title 1 regarding Code Enforcement. She shared that individuals don't immediately receive a fine, they get between 10-90 days depending on the infraction to remedy the situation before being fined. She stated that fines for staff time are set within the County Code and that inspection times take roughly 1 hour, and notices take roughly 30 minutes, so this is standard billing per violation.

No public comment

Discussion among the Commissioners regarding concerns for increasing the fines for instances where seniors and other smaller developers do not know they need a permit for something, suggestion for fines to be for the second and third offense, but reduce the increase in the first offence price, concern that the fines need to be higher, suggestion to include a definition for the Director of Planning and Building, inquiry regarding discretion of fining and if the Code Enforcement officer has some discretion, inquiry regarding staff time and the charge to individuals, 1.06.080 Notices A5 has significant typos in the English and 1.06.080 B5. County counsel will research which county code, cannabis or code enforcement, should dictate fines for illegal cannabis cultivation.

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

Staff to provide an update on the status of the Commercial Cannabis Ordinance amendments.

SBC FILE NUMBER: 790

Stephanie Reck, Associate Planner, presented current updates to the Cannabis Ordinance under considerations within the Cannabis Ad-Hoc.

No public comment.

Robert Gibson, Chair of the Planning Commission, commented about the cap on fees. Sean Cameron, County Council, commented there is a statutory cap on fees. He also commented about property taxes.

Stephanie Reck, Associate Planner, commented about our tax structure and administration is working on amending it, but that it is voter approved staff are limited in their ability to amend it, the Board has the option of exempting certain taxes. It will not be on the November ballot but the next ballot.

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

Review San Benito Country's Farmworker Housing locations.

SBC FILE NUMBER: 790

Stephanie Reck, Associate Planner, presented HCD's tracking system for employee housing facilities, or farmworker housing locations, and presented information on how to apply for an employee housing facility.

Richard Way, Planning Commissioner, asked about what the sort-order was of the website or if it was not structured. Staff that it was not set up with a set order for searches.

Robert Gibson, Chair of the Planning Commission, stated there were a lot of farmworker housing facilities. He is concerned about maintenance to keep facilities clean, and health concerns for the residents. Staff stated that the State or HCD does annual monitoring, but staff has not conducted monitoring thus far, but that staff can request monitoring and then report any issues to the State HCD.

Vincent Ringheden, Planning Commissioner, commented about trailers with porta potty next to them. Staff responded it is not an appropriate for living spaces through Environmental Health. They will look into the questionable housing report.

Public comment opened.

Public comment in chambers: Marianne Castillo

Public comment closed.

9. COMMISSIONER ANNOUNCEMENTS

No Commissioner Announcements.

10. ADJOURNMENT

Robert Scagliotti, Vice Chair of the Planning Commission, motioned to adjourn at 9:33 p.m.

Richard Way, Planning Commissioner, seconded that motion

Motion carries Four (4) to Zero (0)

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

Motion: 4 – 0

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

Voting Against: None

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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 - SPECIAL SESSION-
SEPTEMBER 25, 2026 – MEETING MINUTES**

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**Webinar ID: 874 0413 6784
Webinar Password: 518281
Join by Phone: +1 408 638 0968**

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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

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00P.M.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted roll call.

Vincent Ringheden, Planning Commissioner, was absent in chambers.

Richard Way, Planning Commissioners, 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.

A quorum of four (4) members was established.

4. 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.

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

Acknowledge the Certificate of Posting for the September 25, 2024, Special Planning Commission Meeting.

SBC FILE NUMBER: 790.2

Richard Way, Planning Commissioner, commented on the timing of the special packet and that it does not seem appropriate that the packet was posted 24 hours in advance of the meeting. He also commented that he would have liked to have the hardcopy packet prior to 9:00A.M. this morning. He also commented that the Free Lance notice was not updated from the September 18th, 2024, meeting.

Sean Cameron, Assistant County Counsel, stated that staff followed notification and timeline requirements and that no procedures were done incorrectly.

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

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed three (3) to one (1).

Richard Way, Planning Commissioner, denied this motion.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Confirm

Motion Passed: 3- 1

Voting For: Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: Richard Way

5. PUBLIC HEARING

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

Hold a special public hearing for the continuance of PLN240026 to consider adopting a resolution to approve a tentative map subdividing an existing 111.68-acre site, currently composed of three parcels, into four separate parcels. Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land. The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time.

SBC FILE NUMBER: 790

Jonathan Olivas, Associate Planner, presented the information for PLN240026, a tentative map subdividing 3 parcels consisting of 111.68 acres into four parcels.

Anne Hall, applicant representative, stated that the tentative map brings the property into compliance with zoning that was set a few years ago. She stated it does not change or expand the previously approved use but fixes the zoning and parcels lines to comply. Conditions 34 and 40 require improvements to be completed prior to recordation of the parcel map (road improvements and undergrounding utilities). She stated the requirements for road improvements is part of the use permit and should be tied to actual improvements and not recordation of the map. They should be conditioned to read as prior to building permits.

Public comment opened.

Public comment in chambers by Mary Hsia-Coron, Andy Hsia-Coron, Jessica Wohlander, Elia Salinas, Herman Garcia.

Public comment via Zoom by Alissa Lund, Athena Hernandez, Valerie Eglund, Anthony Botelho.

Public comment period is closed.

Discussion among the Planning Commission regarding questions about Exhibit D in the packet on page 40-47. Concerns that this subdivision is being rushed. Concerns regarding page 14 of the packet which states, the 4 parcels, largely undeveloped except for an existing fruit stand, meet the minimum 40-acre lot area requirement of the RG zone and the 20,000-square-foot lot size of the C.1 zone. This approach preserves the current land use while allowing for future development under existing zoning regulations. Staff recommendation on page 15 which leaves out public comment. The irrelevance of information on revenue stream included in the packet not being applicable to a subdivision. Concerns that Commissioners were not asked about their availability for this meeting. Requests for clarification of the 80 acres of land donation to the Amah Mutsun Tribal Band in condition 19. How much potential revenue would come to the county from the overall Betabel project. Agreeance that conditions 34 and 40 should be triggered at the time of a building permit and the desire to remove "noise reducing asphalt".

Ann Hall explained that the asphalt was a condition of the use-permit itself and was carried over to this map.

Staff stated the addendum in the packets are the same and were placed in such a way that the public could go straight to the addendum.

Celeste Toledo-Bocanegra, Planning Commissioner, motioned to adopt the resolution, findings, CEQA findings and amendments to 34 and 40.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded the motion.

Motion carries Three (3) to (1).

Moved by Celeste Toledo-Bocanegra; seconded by Robert Scagliotti to Approve.

Motion: 3- 1

Voting For: Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: Richard Way

6. REGULAR AGENDA

7. ADJOURNMENT

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn.

Richard Way, Planning Commissioner, seconded that motion.

Motion passed Four (4) to Zero (0)

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

Motion: 4 - 0

Voting For: 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.



**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: 10/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to adopt a resolution with findings to recommend that the County Board of Supervisors deny the request for an ordinance enabling execution of a development agreement (reviewed under County Planning file PLN240037) between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors.

SBC FILE NUMBER: 790

ORD No.:

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

County Planning file PLN240037 considers execution of a development agreement with owners of Assessor's parcels 012-010-030 and -031, located at 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County.

In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission would consider adopting a resolution recommending that the County Board of Supervisors adopt an ordinance enabling execution of a development agreement between the

project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning).

Under County Code §19.11.003, County policy requires that development agreements shall result in a public benefit beyond that which would be forthcoming through conditions of development project approvals.

The site is located in a General Plan Land Use Element combining district of Rural (R) and Commercial Regional (CR) and in the zoning districts of Rural (R) and Commercial Thoroughfare (C-1).

Detailed review under the California Environmental Quality Act (CEQA) will not be necessary to enter this development agreement. Rights granted to the owner under the agreement are not a project under CEQA as the current action would neither propose any physical alteration of the Subject Property nor any change to the existing land use policies, standards or ordinances of the County. This agreement is also statutorily exempt from further CEQA compliance in that CEQA does not require duplicative environmental analysis to that previously conducted in the approved General Plan's Final EIR and an Addendum prepared for the rezoning proposed under County Planning file PLN200001 and enacted by County Ordinance 1016).

The property is owned by San Benito Holdings, LLC a California limited liability company; Mark H. Johnson, trustee; and Gregory N. Weiler, trustee (collectively "Owners"). Dan DeVries submitted the application for this development agreement.

The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors.

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 attached draft resolution in Attachment B, which includes findings to deny the development agreement based on the September 18, 2024 Planning Commission meeting motion. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to deny the execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning).

ATTACHMENTS:

[Denial Resolution](#)

[Ordinance Draft REFERENCE](#)

[Free Lance Notice](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

RESOLUTION 2024-___

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION RECOMMENDING TO THE COUNTY BOARD OF SUPERVISORS THE DENIAL OF AN ORDINANCE FOR ESTABLISHMENT OF A DEVELOPMENT AGREEMENT FOR THE VESTED RIGHT TO EXISTING GENERAL PLAN DESIGNATION AND ZONING OF THE 21.25-ACRE ASSESSOR'S PARCEL 012-010-031, WITHIN A COMBINING DISTRICT OF RURAL (R) AND COMMERCIAL REGIONAL (CR) UNDER THE COUNTY 2035 GENERAL PLAN AND WITHIN COMMERCIAL THOROUGHFARE (C-1) ZONING, AND THE 126.03-ACRE ASSESSOR'S PARCEL 012-010-030 PARCEL, WITHIN THE RURAL (R) GENERAL PLAN DESIGNATION AND RURAL (R) ZONING, UPON CONSENT BY PROPERTY OWNERS MARK H. JOHNSON, TRUSTEE; GREGORY N. WEILER, TRUSTEE; AND SAN BENITO HOLDINGS, LLC.

WHEREAS, Daniel J. DeVries ("Applicant") filed an application to approve a Development Agreement ("Development Agreement") on Assessor's Parcels 012-010-030 and 012-010-031 ("Subject Properties") upon consent by said property's owner, Mark H. Johnson, Trustee, Gregory N. Weiler, Trustee, and San Benito Holdings, LLC. ("Owner"); and

WHEREAS, the current application, known as County Planning file PLN240037, would authorize the Chair of the County Board of Supervisors to execute a development agreement which would vest the Subject Properties General Plan designation and zoning, said development agreement ("Development Agreement") being attached to a draft ordinance included herewith as **Exhibit B**; and

WHEREAS, the San Benito Holdings, LLC project under a separate application to develop the Subject Properties (Planning file PLN220052) involves the improvement of a 16,450 square foot convenience store and food hall, a 12,500 square foot truck service building, a 13,500 cold storage building, proposed standard gas/diesel, compressed natural gas (CNG), and hydrogen fuel and would offer parking with electrical vehicle (EV) chargers and electric auxiliary power unit (APU) hookups, allowing trucks waiting on a time slot to park and turn off their engine while waiting, and still keep the refrigerated unit cold; and

WHEREAS, the Legislature adopted 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, and discourage investment in and commitment to planning that would maximize the efficient utilization of resources and, in order to strengthen the public planning process, to encourage private participation in comprehensive, long-range planning, and to reduce the economic costs of development; and

WHEREAS, the Development Agreement Statute authorizes San Benito County to enter into a binding agreement with any person having a legal or equitable interest in real property located in the County regarding development of that property; and

WHEREAS, Chapter 19.11 of the County Code ("County Development Agreement Procedures") sets forth procedures and requirements for the consideration of development agreements; and

WHEREAS, pursuant to this request, San Benito County Planning Director reviewed the Development Agreement, pursuant to the Development Agreement Statute and the County Development

Agreement Procedures determined the Development Agreement was appropriately made and a report to the Planning Commission to consider entering into the proposed Development Agreement was presented at a duly noticed Planning Commission hearing on September 18, 2024; and

WHEREAS, County, as “Lead Agency” under the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, has determined under section 15270 (“Projects which are Disapproved”) that CEQA does not apply to projects which the agency disapproves; and

WHEREAS, the Planning Commission of the County of San Benito reviewed and considered the San Benito Holdings, LLC development agreement along with all written and oral testimony presented at a regularly scheduled public hearing held on September 18, 2024; and

WHEREAS, notice of the public hearing before the Planning Commission was given pursuant to State Government Code §65090 *et seq.* and §65867, including publication in the Hollister *Free Lance* edition of September 6, 2024, and October 4, 2024; and

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

WHEREAS, under 19.11.008 (B)(1), the Planning Commission shall not recommend that the county enter into the development agreement unless the Commission makes all of the following findings:

- (a) The development agreement is consistent with the General Plan and any applicable specific or area plans;
- (b) The development agreement is compatible with the uses authorized in, and the regulation prescribed for, the zoning district in which the real property is located;
- (c) The development agreement is consistent with public health, safety and general welfare and good land use practice;
- (d) The development agreement will not adversely affect the orderly development of the surrounding community;
- (e) The proposed development project should be encouraged in order to meet important economic, social, environmental or planning goals of the county; and
- (f) The subject development project and development agreement are consistent with this chapter; and

WHEREAS, the Planning Commission made a motion to approve the recommendation to adopt the Development Agreement with the amendment that the \$500,000 is to be paid at the execution of the agreement, and not contingent upon the conditional use permit approval of application PLN220052 San Benito Ag Center, and the motion failed with a 2-2 vote (with one Commissioner being absent) effectively making a recommendation for denial; and

WHEREAS, under County Code § 19.11.008, the Planning Commission is to make findings supporting its determination regardless of whether the Planning Commission recommends approval or denial of the development agreement; and

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito, in accordance with San Benito County Code §19.11.008, hereby finds that the Development Agreement would not result in substantial additional public

benefit to the County as the amount of monetary benefit would not be significant enough to warrant entering into such an agreement; and

BE IT FURTHER RESOLVED that, based on the foregoing findings and evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors deny the ordinance attached as **Exhibit B** including therein the aforementioned Development Agreement.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16TH DAY OF OCTOBER 2024 BY THE FOLLOWING VOTE:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

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

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

AN ORDINANCE OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS FOR ESTABLISHMENT OF A DEVELOPMENT AGREEMENT FOR THE VESTED RIGHT TO DEVELOP THE 21.25-ACRE ASSESSOR'S PARCEL 012-010-031, WITHIN A COMBINING DISTRICT OF RURAL (R) AND COMMERCIAL REGIONAL (CR) UNDER THE SAN BENITO COUNTY 2035 GENERAL PLAN AND WITHIN COMMERCIAL THOROUGHFARE (C-1) ZONING, AND THE 126.03-ACRE ASSESSOR'S PARCEL 012-010-030 PARCEL, WITHIN THE RURAL (R) GENERAL PLAN DESIGNATION AND RURAL (R) ZONING, UPON CONSENT BY PROPERTY OWNERS MARK H. JOHNSON, TRUSTEE; GREGORY N. WEILER, TRUSTEE; AND SAN BENITO HOLDINGS, LLC.

1 **The Board of Supervisors of the County of San Benito, State of California, hereby ordains the**
2 **following:**

3 **SECTION 1.**

- 4 A. San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON,
5 TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners") ("Owner"), is the
6 owner of the parcels identified as Assessor's Parcels 012-010-030 and 012-010-031 ("Project
7 Site") which is described in and shown on the attached **Attachment 1**, which is incorporated herein
8 by reference.
- 9 B. The San Benito Holdings Development Agreement ("Development Agreement") has been
10 negotiated by the Owner with the County of San Benito ("County"), a political subdivision of the
11 State of California. The Development Agreement is attached hereto and incorporated herein by
12 reference as **Attachment 2**.
- 13 C. The Development Agreement is hereby approved. County and Owner enter into the Development
14 Agreement as of this ____ of _____ 2024.
- 15 D. Development of the San Benito Holdings Project on the Project Site shall be governed by the terms
16 of the Development Agreement. The Project Site is hereby designated to be subject to the
17 Development Agreement insofar as such development implements the terms of all other County
18 Approvals and subsequent approvals, as set forth more fully in the Development Agreement. To the
19 extent any conflict may exist between the provisions reflected in County Code, Title 19,
20 Chapter 19.11 and the provisions reflected in the Development Agreement, the Board hereby
21 ordains that, for purposes of the San Benito Holdings Project, the provisions in the San Benito
22 Holdings Development Agreement shall prevail and hereby amend Chapter 19.11 accordingly.

23 **SECTION 2. Findings**

- 24 A. The Development Agreement was processed in accordance with Government Code Section 65864
25 *et seq.* and the subject development project and Development Agreement are consistent with San
26 Benito County Code, Title 19, Chapter 19.11. The Owner has a legal and/or equitable interest in
27 the Project Site, which is the subject of the Development Agreement, which makes said Owner an
28 eligible party to said agreement under Government Code §65865 and County Code §19.11.002
29 and §19.11.004. As set forth more fully in the Development Agreement (**Attachment 2**) and in
30 accordance with applicable law, the Development Agreement addresses, among other things, the
31 duration of the Development Agreement; the permitted uses of the Property; the density and

1 intensity of uses; provisions for reservation or dedication of land for public purposes; conditions,
2 terms, restrictions and requirements for subsequent discretionary actions; provisions for the timing
3 of construction; terms and conditions relating to applicant financing of the necessary public
4 facilities and subsequent reimbursement and/or credits over time; standard contract clauses
5 including those for organizational, introductory, and implementation purposes; an indemnification
6 clause; specification of the elements of the development project that are intended to vest; an
7 assignability clause; and any limitations on the applicability of the Development Agreement with
8 regard to future discretionary review. The Development Agreement application was filed with the
9 Director of Planning, in accordance with County Code §19.11.007. The complete application
10 included all the required content under County Code §19.11.007(b), including, without limitation,
11 the proposed agreement; sufficient documentation to facilitate CEQA review; and the required fee
12 deposit to facility review by San Benito County. The application is on file at the San Benito County
13 Resource Management Agency, Building and Planning Division.

- 14 B. The application to consider the San Benito Holdings Development Agreement was filed with the
15 Director of Planning, in accordance with County Code §19.11.007 on July 9, 2024. The complete
16 application included all the required content under County Code §19.11.007(b), including, without
17 limitation, the proposed Development Agreement; sufficient documentation to facilitate CEQA
18 review; and the required fee deposit to facility review by San Benito County. The application is on
19 file at the San Benito County Resource Management Agency, Building and Planning Division
20 (under County Planning file PLN240037).
- 21 C. The San Benito Holdings Development Agreement is consistent with the General Plan and the
22 remaining portions of the County Code, for the reasons set forth in **Exhibit A to Planning**
23 **Commission Resolution No. 2024-___**, incorporated herein by reference.
- 24 D. The San Benito Holdings Development Agreement is compatible with the uses authorized in, and
25 the regulations prescribed for, the applicable zoning of the Project Site. The Owner shall have the
26 vested right to develop the Subject Property (Commercial Parcel and 126.03 Acre Parcel), as
27 provided in the County General Plan and County Ordinances in effect on the Effective Date.
28 Subsequent changes to the County General Plan and County ordinances shall not be applicable to
29 the Subject Property during the Term. Nonetheless development of the Property shall be subject
30 to all discretionary approvals and their concomitant CEQA compliance required under the General
31 Plan and Zoning designations described in the Recitals above, as of the date of this Agreement.
- 32 E. The San Benito Holdings Development Agreement is consistent with public health, safety and
33 general welfare and good land use practice in that it does not modify the requirements for
34 development of the Property shall be subject to all discretionary approvals.
- 35 F. The San Benito Holdings Development Agreement will not adversely affect the orderly
36 development of the surrounding community. The Development Agreement implements a prior-
37 approved zoning, which, upon approval, was found to be consistent with the comprehensive
- 38 G. The development project associated with the San Benito Holdings Development Agreement should
39 be encouraged in order to meet important economic, social, environmental or planning goals of
40 San Benito County. With regard to planning goals, the Project was prepared in accordance with
41 applicable General Plan policies. With regard to economic and social goals, the San Benito
42 Holdings Development Agreement also imposes obligations on the San Benito Holdings in
43 connection with payment of a substantial \$500,000 fee and other obligations including an open
44 space / wildlife corridor easement.

1 H. The subject development project and the San Benito Holdings Development Agreement are
2 consistent with Chapter 19.11 (Development Agreements). The purpose of Chapter 19.11 is to
3 strengthen the public planning process, to encourage private participation in comprehensive and
4 long-range planning and to reduce the economic costs of development by enabling the County and
5 a developer seeking county approval of a development project to enter into a development
6 agreement which vests certain development rights and which requires a developer to provide
7 additional public benefits. The appropriate use of development agreements will reduce uncertainty
8 in the development review process, will promote long-term stability in the land use planning
9 process and will result in significant public gain.

10 **SECTION 3. General Provisions**

- 11 A. Severability: If any section, subsection, sentence, clause, or phrase of this ordinance is for any
12 reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision
13 shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors
14 hereby declares that it would have enacted this ordinance and each section, subsection, sentence,
15 clause or phrase thereof, irrespective of the fact that any one or more sections, subsections,
16 sentences, clauses or phrases be declared invalid or unconstitutional.
- 17 B. Captions: The titles and headings to the sections hereunder are not part of this ordinance and shall
18 have no effect upon the construction or interpretation of any part hereof.
- 19 C. Effective Date and Codification: This ordinance shall not be codified. This ordinance shall take
20 effect thirty (30) days after its adoption. The effective date of the San Benito Holdings
21 Development Agreement shall be the effective date of this Ordinance, so long as the San Benito
22 Holdings Development Agreement has been signed by the Owner and County pursuant to
23 §19.11.008(D) of the San Benito County Code.
- 24 D. Publication: Within fifteen (15) days after its adoption, this ordinance shall be published pursuant
25 to California Government Code 25124 in its entirety in a newspaper of general circulation which
26 is printed, published and circulated within the County of San Benito, State of California.
- 27 E. No Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a
28 manner that imposes upon the County, or any officer or employee thereof, a mandatory duty of
29 care towards persons or property within the County or outside of the County so as to provide a
30 basis of civil liability for damages, except as otherwise imposed by law.

1 **SECTION 4: Effective Date and Term.**

2 NOW, THEREFORE, BE IT RESOLVED, that the San Benito County Board of Supervisors hereby adopts
3 this Ordinance approving the San Benito Holdings Development Agreement and authorizes Chair to
4 execute same.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO
THIS ____ DAY OF _____ 2024 BY THE FOLLOWING VOTE:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:

By: _____
Angela Curro, Chair

ATTEST:

Vanessa Delgado, Clerk of the Board

APPROVED AS TO LEGAL FORM:

David Prentice, County Counsel

By: _____

By: _____

Date: _____

Date: _____

5

Attachment 1 to the Ordinance
Project Site Description

Parcels 1 and 2 of Parcel Map PLN200001, as per map recorded in Book 11, page 89, of Parcel Maps in the Official Records of San Benito County, State of California.

Attachment 2 to the Ordinance
Development Agreement

RECORDING REQUESTED BY:

County of San Benito

WHEN RECORDED MAIL TO:

County of San Benito

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER’S USE)

Exempt from Recording Fees Pursuant to Government Code Section 27383
APN: 012-010-030 and 012-010-031

**STATUTORY DEVELOPMENT
AGREEMENT BY AND BETWEEN
COUNTY OF SAN BENITO**

AND

**SAN BENITO HOLDINGS, LLC, MARK H. JOHNSON, TRUSTEE AND GREGORY N.
WEILER, TRUSTEE**

This Statutory Development Agreement (“Agreement”) is entered into this __ day of _____, 2024, by and between COUNTY OF SAN BENITO, a political subdivision of the State of California (“County”), and San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively “Owners”) pursuant to the authority of Sections 65864 et seq. of the California Government Code and County Resolution No. _____.

RECITALS:

WHEREAS, County is a political subdivision of the State of California; and

WHEREAS, Owners own approximately 147.28 acres of land the legal description of which is attached hereto and incorporated herein by reference in Exhibit “A” (“Subject Property”); and

WHEREAS the County of San Benito (“County”) approved Final Parcel Map PLN200001 on July 22, 2022 and recorded the same in book 11 page 89 of Parcel Maps on such date (“Final Parcel Map”) concurrently with the County’s review of the Zone Change referenced below, whereby the Subject Property was subdivided into two parcels of 21.25 acres and 126.03 acres with a 30.4 acre remainder parcel; and

WHEREAS, the 21.25-acre Assessor’s Parcel Number (APN) 012-010-031 portion of the Subject Property (“Commercial Area”) described as Lot 1 of the Final Parcel Map is now designated as a combining district of Rural (R) and Commercial Regional (CR) in the County General Plan [San Benito County General Plan 2035 Section 3] (“Commercial General Plan Designation”) with its implementing zoning designation of Commercial Thoroughfare (C-1) pursuant to Zone Change under County Ordinance 1016 adopted December 15, 2020, which became effective January 15, 2021, as described in Section 25.03.006 of the San Benito County Code (“Commercial Zoning”); and

WHEREAS, the 126.03-acre APN 012-010-030 portion of the Subject Property (“126 Acre Parcel”) described as Lot 2 of the Final Parcel Map is now designated as Rural in the County General Plan (“126 Acre Parcel General Plan Designation”) with its implementing zoning designation of R (Rural) District (“Rural Zoning”); and

WHEREAS, the existing Final Parcel Map, depicting the 21.25-acre APN 012-010-031, subject to a combining district of Rural (R) and Commercial Regional (CR) General Plan Designation and in Commercial Zoning, and also depicting the 126.03-acre APN 012-010-030 parcel, subject to a Rural (R) General Plan designation and Rural (R) zoning, provides Owner with those development rights specified in the aforementioned General Plan and Zoning designation as of the date of this Agreement (“Entitlements” or “Project”); and

WHEREAS, based upon the Entitlements, Owner has actively processed a development application through the County for 2 years and expended in excess of \$500,000.00 in planning and environmental review of the development of the Commercial Property and environmental mitigation over the 126.03-acre Parcel in accordance with the California Environmental Quality Act, including over \$250,000.00 paid to the County; and

WHEREAS, it is anticipated that the development of the Commercial Property from its current undeveloped condition pursuant to future discretionary County approvals will provide jobs, industry and much needed tax revenue to the County (which will be quantified in applications for future discretionary approvals required under the Entitlements) [Note that based upon the Owners experience from similar developments , annual tax revenues to the County year one can be approximated at \$1,746,000 (\$180,000 in Property Tax and \$1,566,000 in County Sales Tax)];

WHEREAS, in consideration of the substantial efforts and financial expenditures of the Owner in reliance on the Entitlements and to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 *et seq.* of the California Government Code (“Development Agreement Statute”), which authorizes local jurisdictions to enter into property development agreements with any person(s) or entity(ies) having a legal or equitable interest in real property for the development of such real property in order to establish certain vested development rights in the real property;

WHEREAS, this Agreement is intended to provide clarity and assurances to Owner that a future physical project may proceed subject to the policies, rules, regulations, and conditions of

approval applicable to the project as they exist as of the date of this Agreement, regardless of any subsequent changes to the County's general plan, ordinances, policies, rules, and regulations after the date of this Agreement for the term hereof; and

WHEREAS, this Agreement will eliminate uncertainty in planning for, and securing orderly development of, the Subject Property, assure installation of necessary improvements, and ensure attainment of the maximum effective utilization of resources within the County at the least economic cost to its citizens; and

WHEREAS, based on the foregoing recitals, County has determined that this Agreement is appropriate under the Development Agreement Statute and County Resolution No. _____; and

WHEREAS, the development of the Property will provide a substantial financial contribution to the County in the form of property tax increment, sales tax revenue, employment and, dedication to the public of an open space easement/wildlife corridor, and tax increment to be derived from the development of the Commercial Property;

WHEREAS, this Agreement is voluntarily entered into in consideration of the benefits to and the rights created in favor of each of the parties hereto and in reliance upon the various representations and warranties contained herein; and

WHEREAS, this Agreement does not change any existing ordinance policy or standard of the County; and

WHEREAS, this Agreement does not provide for any physical alteration of the Subject Property; and

WHEREAS, County, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, has determined that the rights granted to Owner hereunder as more fully described in this Agreement are not a Project for purposes of CEQA (Public Resources Code Section 21065) as it neither proposes any physical alteration of the Subject Property nor any change to the existing land use policies, standards or ordinances of the County and this Agreement is also statutorily exempt from further CEQA compliance under Public Resources Code Sections 21083.3 (b) which does not require duplicative environmental analysis to that previously conducted in earlier CEQA review for an approved General Plan, as the maintenance of the status quo of the Entitlements does not provide for any expansion or intensification of environmental impacts beyond those already fully analyzed per CEQA and its Guidelines under the existing Final EIR (analyzing the approved General Plan) and Addendum (analyzing the rezoning proposed under County Planning file PLN200001 and enacted by County Ordinance 1016) previously adopted incident to the Entitlements,

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Statute and San Benito County Resolution No. _____, and in consideration of the mutual covenants and promises of the parties contained herein, **the Parties agree as follows:**

AGREEMENT:

Section 1. Incorporation of Recitals and Exhibits

The foregoing Recitals and attached Exhibits are true and correct and are incorporated into this Agreement by this reference as though fully set forth herein.

Section 2. Effective Date

This Agreement shall become effective on the effective date (“Effective Date”) of the ordinance enacting this Agreement (“Enacting Ordinance”).

Section 3. Term

The parties agree that the Term of this Agreement shall be for a term of fifteen (15) years commencing on the Effective Date, subject to any termination provisions described in this Agreement (“Term”).

Section 4. Project – Status Quo

The County agrees that the Owner shall have the vested right to develop the Subject Property (Commercial Parcel and 126.03 Acre Parcel), as provided in the County General Plan and County Ordinances in effect on the Effective Date. Subsequent changes to the County General Plan and County ordinances shall not be applicable to the Subject Property during the Term. Nonetheless development of the Property shall be subject to all discretionary approvals and their concomitant CEQA compliance required under the General Plan and Zoning designations described in the Recitals above, as of the date of this Agreement.

Section 5. Consideration To The County

(a) Public Improvements/Public Safety Contribution. Owner shall deposit with the County the amount of \$500,000 to fund County traffic improvements and public safety, at the discretion of the County (“Traffic/Public Safety Contribution”). The Public Safety Contribution shall be paid as follows: \$100,000 on execution of this Agreement (or later upon resolution of any legal challenge to this Agreement, if any); and in four annual payments of \$100,000 annually commencing on the County’s approval of a certificate of occupancy for improvements to the 21.25 Acre Parcel. The obligation to fund the deferred \$400,000 portion of the Public Safety Contribution shall be the sole responsibility of the owner of the 21.25 Acre Parcel.

(b) Open Space Easement/Wildlife Corridor. Owner shall dedicate to the County, Land Trust, or another entity as approved by the County a permanent easement for open space over that portion of the Subject Property fronting on California Highway 129 graphically depicted on Exhibit “B” attached hereto. Likewise, Owner shall dedicate (in addition to mitigation measures required as part of any future use permit application) a 30.4-acre easement over a portion of the 126.03 Acre Parcel depicted on Exhibit “B” providing a corridor for wildlife movement between the 126.03 Acre Parcel and adjacent properties. Such easements shall not restrict use of such areas for roads or the installation and maintenance of underground utilities. Easement shall be recorded within one year of commencing on the County’s approval of this Agreement.

(c) Architectural Theme. Owner shall develop future improvements on the Commercial Property with the common architectural theme of “Farm” or “Ranch”, which plans are subject to review and approval by the County Planning Commission.

Section 6. Project Site

The “Project Site” is the 21.25-acre Commercial Property and the 126.03 Acre Parcel.

Section 7. Termination

This Agreement shall be terminated and of no further effect upon the occurrence of any of the following events:

- (a) The expiration of the Term of this Agreement; or
- (b) Entry of a final judgment or issuance of a final order by a court of competent jurisdiction directing County to set aside, withdraw, or abrogate County’s approval of this Agreement or any material part of the Entitlements; or
- (c) The effective date of County’s election to terminate this Agreement in response to a material uncured default by Developer, pursuant to the terms of this Agreement; or
- (d) The effective date of Developer’s election to terminate this Agreement for any reason.

If County lawfully terminates this Agreement because of Developer’s default, then County shall retain any and all benefits, including without limitation any money, improvements, structures, easements or dedications received by County pursuant to any term or condition of this Agreement.

Section 8. Future Development by Owner.

Any future development of the Subject Property shall be subject to all discretionary approvals of the County required under the Entitlements, including future CEQA compliance consistent thereto, for uses consistent with the Entitlement and Applicable Law as described in Section 10(a) below and all conditions of approval imposed by the County incident to such approvals.

Section 9. Processing Fees

Notwithstanding anything else herein, Owner shall pay all applicable fees pursuant to the San Benito Ordinance and established Fee Schedule in the amounts set forth in the schedule of fees in effect at the time such fees are due and payable during the development process. Without limiting the forgoing such fees will include grading permit fees, building permit fees and other similar fees.

Section 10. Applicable Rules, Regulations and Policies

(a) Except as otherwise provided in this Agreement, Owner shall have the vested right to develop the Project and Project Site pursuant to the Entitlements and the rules, regulations, and policies governing use, density, design, improvement, construction, maximum height and size of proposed buildings , in effect on the Effective Date of this Agreement including the (I) the Commercial General Plan Designation for the Commercial Parcel, and the 126.03 Acre Parcel General Plan Designation for the 126.03 Acre Parcel; and (II) the Commercial Zoning for the Commercial Parcel and the Rural Zoning for the 126.03 Acre Parcel (collectively, “Applicable Law”). It is the intent of County and Owner that the vesting of development rights of Developer shall include the permitted land uses, density and intensity of use of the Project Site, timing or phasing of development, zoning, and the location and size of public improvements and other terms and conditions of development of the Project or Project Site as set forth in the Entitlements and this Agreement. The Entitlements associated with this Project shall not expire prior to the end of the Term.

(b) In accordance with Government Code Section 65866, nothing herein shall be construed to limit County’s authority in subsequent actions applicable to the Property, to apply new rules, regulations and policies to the Project or Project Site which do not conflict with the Applicable Law or this Agreement, nor to limit County’s police power to implement, based upon appropriate and adequate findings, specific emergency measures necessary to protect against real and actual threats to the health, safety and welfare of the general public. Nor shall this Development Agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of these existing rules, regulations, and policies of the Entitlements and Applicable Law.

(c) Notwithstanding anything to the contrary contained in this Agreement, County shall apply to the Project or Project Site, at any time during the term of this Agreement, the codes then in effect, only to the extent consistent with Applicable Law.

(d) As provided in California Government Code Section 65869.5, this Agreement shall not preclude the application to the Project or Project Site of changes in laws, regulations, plans or policies, to the extent that such changes are specifically mandated and required by changes in state or federal laws or regulations (“Changes in the Law”). In the event Changes in the Law prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended, or performance thereof delayed, as may be necessary to comply with the Changes in the Law, and County and Developer shall take such action as may be required pursuant to this Agreement.

Section 11. Revisions

Owner initiated revisions to the Entitlements related to the Project or Project Site may be approved by the Planning Commission and not require an amendment to this Agreement, provided that Planning Commission finds and determines that the proposed change or modification is consistent with the development standards and guidelines set forth in this Agreement and Applicable Law.

Section 12. Nexus/Reasonable Relationship Challenges

Owner consents to, and waives any rights it may have now or in the future to challenge the legal validity of, the conditions or requirements set forth in this Agreement including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax.

Section 13. Covenants Binding

All of the terms, provisions, and obligations contained in this Agreement shall be binding upon and inure to the benefit of County and Owner and successor owners of the Subject Property. Notwithstanding anything set forth in this Agreement to the contrary, during the term hereof, the Project and Project Site shall be subject to this Agreement, and any development of any portion of the Project and Project Site shall be subject to and in accordance with the terms of this Agreement.

Section 14. Periodic Review

Planning Commission shall conduct a review of this Agreement as required under SBCC 19.11.012 and as set forth as follows:

(a) Review. Planning Commission shall review the extent of good faith compliance by Owner with the terms of this Agreement annually commencing on the first anniversary of the Effective Date of this Agreement.

(b) Notice. County shall notify Owner in writing of the date of review at least thirty (30) days prior thereto.

(c) Cooperation. Owner agrees to reasonably cooperate with County’s review process.

(d) Failure to Conduct Review. County’s failure to conduct an annual review of this Agreement shall not constitute a breach of this Agreement.

(e) Certificate of Compliance. If, at the conclusion of a periodic or special review, Owner is found to be in compliance with this Agreement, County shall issue a Certificate of Compliance (“Certificate”) to Owner stating that after the most recent periodic or special review, and based upon the information known or made known to County that: (i) this Agreement remains in effect and (ii) Owner is not in default. County shall not be bound by a Certificate if a default existed at the time of the periodic or special review but was concealed from or otherwise not known to County, regardless of whether or not the Certificate is relied upon by assignees or other transferees or Owner.

Section 15. Relationship of Parties

It is specifically understood and agreed by and among the parties hereto that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder. County and Owner also hereby renounce the existence of any form of joint venture or

partnership among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making County and Owner joint venturers or partners.

Section 16. No Third Party Beneficiaries

The only parties to this Agreement are Owner and County. There are no third-party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever.

Section 17. Assignment of Rights

The rights and obligations of Owner shall be conclusively deemed to be assigned and assumed by successor owners of the Subject Property, or any portion thereof, which shall include owners of fee simple title or the lessee under any ground lease with a term greater than twenty (20) years.

Owner shall have the right to expressly assign or delegate all or any portion of its rights, duties and obligations under this Agreement to subsequent fee owners of the Subject Property, (a) by giving prior written notice to County, to any entity in which Owner, or its principal shareholders, retain a majority ownership interest so long as such assignee expressly assumes the obligations of Owner hereunder, and (b) with the prior written consent of the County, which shall not be unreasonably withheld, to any other subsequent fee owner. Except as provided above, Owner may not assign all or any portion of its rights hereunder nor delegate all or any portion of its duties and obligations hereunder. When a permitted assignment has taken place pursuant to this Section 18, the assignor shall have no further duties, obligations or rights thereafter under this Agreement with respect to the portion of the Subject Property which is being transferred (except in relation to matters which occurred prior to the date of such transfer).

Section 18. Singular and Plural; Gender; and Person

Except where the context requires otherwise, the singular of any word shall include the plural and vice versa; pronouns inferring the masculine gender shall include the feminine gender and neuter, and vice versa; and a reference to “person” shall include, in addition to a natural person, any governmental entity and any partnership, corporation, joint venture or any other form of business entity.

Section 19. Time Is of the Essence

Time is of the essence of this Agreement and of each and every term and condition hereof.

Section 20. Waiver

All waivers must be in writing to be effective or binding upon the waiving party, and no waiver shall be implied from any omission by a party to take any action with respect to an Event of Default as defined in this Agreement. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party shall not constitute waiver of such party’s right to demand strict compliance and specific performance by the other party in the future.

In addition, no express written waiver of any Event of Default shall affect any other Event of Default, or cover any period of time other than as specified in such express waiver.

Section 21. Amendments

This Agreement may be amended from time to time by mutual consent of the original parties or their successors in interest, with County's costs payable by Developer in accordance with the provisions of Government Code Sections 65867 and 65868 and County's adopted procedures and requirements for the consideration of amendments to development agreements. Minor revisions, as described above, shall not require an amendment to this Agreement.

Section 22. Ambiguities or Uncertainties

The parties hereto have mutually negotiated the terms and conditions of this Agreement and each party received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions contained herein. As such, this Agreement is a product of the joint drafting efforts of both parties and neither party shall be deemed to have solely or independently prepared or framed this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either party.

Section 23. Hold Harmless

Owner hereby agrees to, and shall defend, indemnify and hold harmless County, County council, commissions, boards, subcommittees and County's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("County Parties") from, any and all claims, costs and liability for any damages, personal injury or death, which may arise, directly or indirectly, from Owner or Owner's officers', agents', consultants', employees', contractors', or subcontractors' negligent, willful or reckless conduct performed under or with respect to this Agreement. Owner shall have no obligations under this Section 24 (except in relation to matters which occurred prior to the date of such transfer) with respect to the portion of the Subject Property transferred, after it has transferred its fee interest in the Subject Property.

Section 24. Indemnification

Owner shall defend, indemnify and hold harmless County, County council, commissions, boards, subcommittees and County's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("County Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for, or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) this Agreement and the concurrent and subsequent permits, licenses and entitlements approved by County; (ii) any environmental determination made by County in connection with the Project, Project Site or this Agreement; and (iii) any proceedings or other actions undertaken by County in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said

action or proceeding. Notwithstanding the above, County, at its sole option, may tender the complete defense of any third-party challenge as described herein. In the event County elects to contract with special counsel to provide for such a defense, County shall meet and confer with Owner regarding the selection of counsel, and Owner shall pay all costs related to retention of such counsel by County. Owner shall have no obligations under this Section 25 (except in relation to matters which occurred prior to the date of such transfer) with respect to the portion of the Subject Property transferred, after it has transferred its fee interest in the Subject Property. Further, in the event of a third party challenge to the validity of this Agreement, Owner shall have the right to not oppose such challenge and the parties shall take such action necessary to rescind the Agreement.

Section 25. Delays in Performance

In addition to any other provisions of this Agreement with respect to delay, Owner and County shall be excused for performance of their obligations hereunder during any period of delay caused by acts of God; major acts of terrorism occurring in the United States of America or major pandemic, riots, strikes, picketing, or other major labor disputes; severe shortage of materials or supplies; damage to or prevention of work in process by reason of severe fire, floods, earthquake, or other severe casualties. A party wishing to invoke this section must notify the other party in writing of that intention within thirty (30) days of the date on which it knew or should have known of the commencement of any such cause for delay and must specify the reasons for invoking this section.

Section 26. Events of Default

A default under this Agreement shall be deemed to have occurred upon the happening of one or more of the following events or conditions: (i) a warranty, representation, or statement made or furnished by Developer expressly in this Agreement to County or by County to Developer is false or proves to have been false in any material respect when it was made, or (ii) a finding by County made following a periodic review of the Agreement under the procedure provided in this Agreement, based on substantial evidence, that Owner has not complied in good faith with one or more of the terms or conditions of this Agreement, or (iii) Developer's failure to perform any of its material obligations under this Agreement (each an "Event of Default"). Upon the occurrence of an Event of Default by Developer or County, the non-defaulting party shall provide the other party ninety (90) calendar days written notice specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured ("Notice of Default"). Subject to any extensions of time by mutual consent of the parties in writing, and subject to the provisions of Section 26 of this Agreement, the failure or unreasonable delay by either party to perform any material term or provision of this Agreement for a period of thirty (30) days after the receipt of a written notice of default from the other party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar 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. Any Notice of Default given hereunder shall specify in detail the nature of the alleged Event of Default and the manner in which such Event of Default may be satisfactorily cured in accordance with the terms and conditions of this Agreement. During the time periods herein specified for cure of an Event of Default, the party charged therewith shall not be considered to be in default for purposes of

termination of this Agreement, institution of legal proceedings with respect thereto, or whether any further building permits shall be issued with respect to the Project Site.

Section 27. Existing Law

Copies of the land use provisions of the General Plan and County Zoning ordinance existing as of the Effective Date are attached hereto as Exhibit “C” and incorporated herein by this reference.

Section 28. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 29. Venue

In the event that suit is brought by either party to this Agreement, the parties agree that venue shall be exclusively vested in the State courts of the County of San Benito, California.

Section 30. No Damages Relief

Notwithstanding anything else in this Agreement to the contrary, the parties acknowledge that neither would have entered into this Agreement had either been exposed to damage claims for any breach hereof. As such, the parties agree that in no event shall either party be entitled to recover monetary damages of any kind whatsoever (other than the recovery of costs and attorney’s fees pursuant to the terms of this Agreement or applicable law) against the other for breach of this Agreement. Notwithstanding the preceding, injunctive relief shall be authorized to preserve Owner’s rights hereunder and to prevent a violation thereof.

Section 31. Legal Action; Attorneys’ Fees

Either party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the parties hereto. The prevailing party in any such action shall be entitled to its reasonable attorneys’ fees and costs to be paid by the losing party.

Section 32. Notices

Any notice or communication required hereunder among County and Owner shall be in writing and may be given either personally or by registered mail, return-receipt requested. Notice, by personal delivery, shall be deemed to have been given and received on the actual receipt by any of the addressees designated below as the party to whom notices are to be sent. Notice by registered mail shall be deemed to have been received when delivered by the US Mail service to the recipient. Any party hereto may at any time, upon written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

To County:

County of San Benito

To Owners:

San Benito Holdings LLC

Mark H. Johnson / Gregory N. Weiler
920 Egan Avenue
Pacific Grove, CA 93950

Section 33. Partial Invalidity Due to Governmental Action

In the event state or federal laws or regulations enacted after the Effective Date, or formal action of any governmental entity other than County, prevent compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by County, the parties agree that the provisions of this Agreement shall be modified, extended or suspended only to the minimum extent necessary to comply with such laws or regulations.

Section 34. Entire Agreement

This Agreement and the exhibits attached hereto contain all the representations and the entire agreement between the parties with respect to the subject matter hereof. Except as otherwise specified in this Agreement and the exhibits attached hereto, any prior correspondence, memoranda, warranties, representations and agreements unless otherwise provided in this Agreement, are superseded in total by this Agreement and the exhibits attached hereto.

Section 35. Severability

If any term, provision, covenant or condition of this Agreement is repealed by referendum or is held by a court of competent jurisdiction or an authorized government enforcement agency to be invalid, void or unenforceable, the remaining provisions, if any, of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

With respect to obligations of the Owner which apply separately to either the Commercial Parcel or 126.03 Acre Parcel (for example dedications of a portion of the 126.03 acre parcel or future conditions imposed on the development of the 21.25 Acre Parcel) , only the fee simple owner of the parcel subject to a site specific obligation shall be responsible for the performance of such obligation(s).

Section 36. Authority to Execute Agreement

The person or persons executing this Agreement on behalf of Developer and County warrant and represent that they have the authority to execute this Agreement and the authority to bind Developer and County, as applicable, to the performance of their respective obligations hereunder.

Section 37. Counterparts

This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

Section 38. Recordation

In order to comply with Section 65868.5 of the Development Agreement Statute, the parties do hereby direct the County Clerk to cause a copy of this Agreement to be recorded with the San Benito County Recorder's Office within ten (10) days after the Enacting Ordinance takes effect.

[SIGNATURES ON FOLLOWING PAGE]

[Signature Page to Statutory Development Agreement]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the dates written above.

COUNTY OF SAN BENITO

OWNER

APPROVED:

APPROVED:

SAN BENITO HOLDINGS , LLC

By:

BY: Ravinder Gruel, Manager

ATTEST:

Mark H. Johnson, Trustee

By: _____
County Clerk

Gregory N. Weiler, Trustee

APPROVED AS TO FORM:

By:

Exhibit "A"

Legal Description of Subject Property

Parcels 1 and 2 of Parcel Map PLN200001, as per map recorded in Book 11, page 89, of Parcel Maps in the Official Records of San Benito County, State of California.

Exhibit "B"

Depiction of Project Site / Commercial Area/ Open Space -Wildlife Corridor

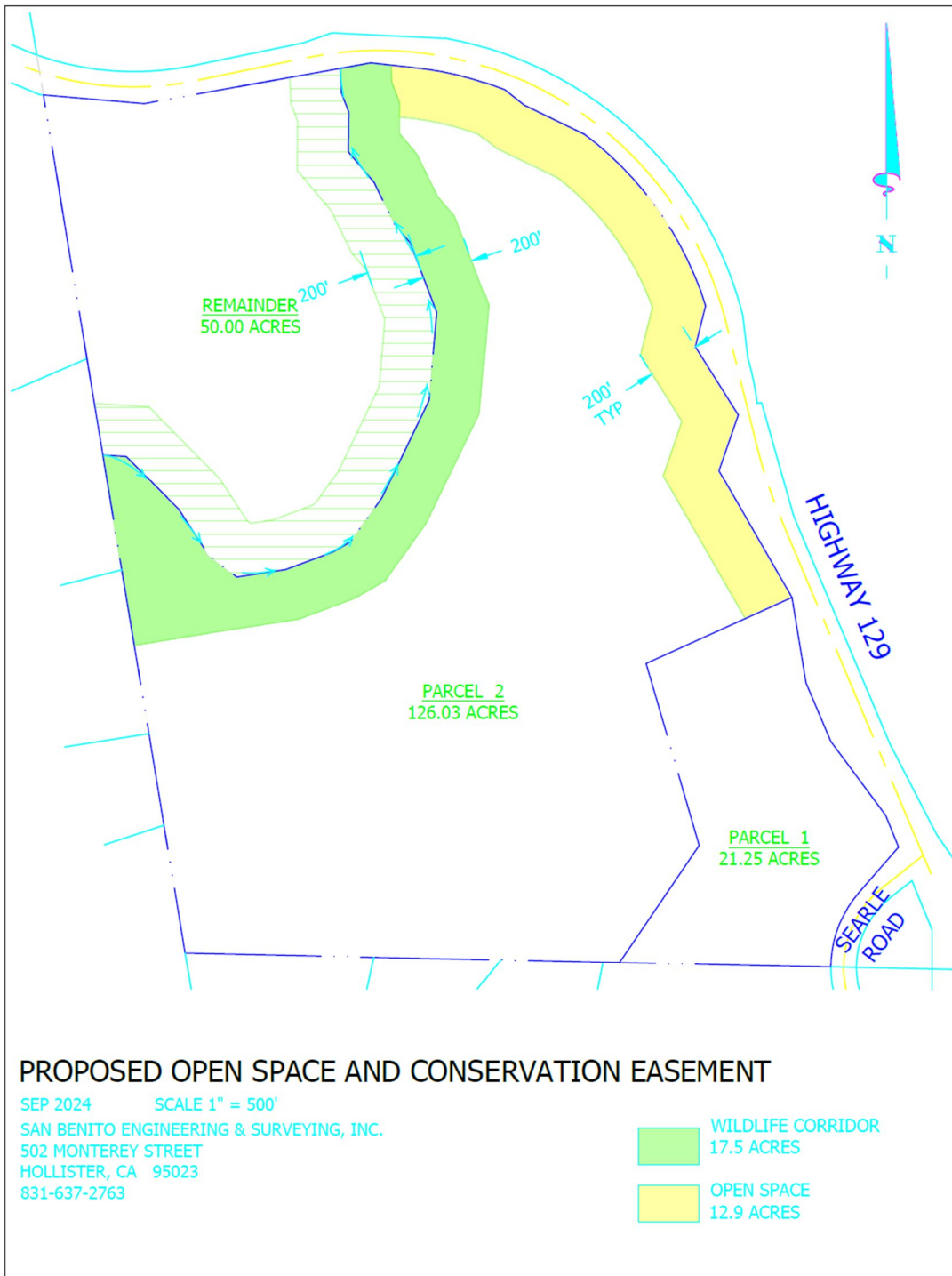


Exhibit “C”

Copy of Land Use Provisions of the General Plan and County Zoning Ordinance
Existing as of the Effective Date:

Table 3-1 Land Use Designations and Standards	
Land Use Description	Development Standard(s)
<p>Rangeland (RG) The purpose of this designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations and one principal residential dwelling unit per lot. Secondary dwellings are allowed for relative, caretaker/employee, and farm worker housing.</p>	<p><u>Maximum Density:</u> 1 dwelling unit per 40 acres</p> <p><u>Maximum FAR:</u> 0.1</p>
<p>Rangeland Management Area (RGMA) The purpose of this designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county that are managed by a local, regional, state and/or federal agency. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations.</p>	<p><u>Maximum FAR:</u> 0.1</p>
<p>Agriculture (A) The purpose of this designation is to maintain the productivity of agricultural land, especially prime farmland, in the county. This designation is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. Secondary dwellings are allowed for relative, caretaker/employee, and farm worker housing. These areas typically have transportation access, but little to no public infrastructure.</p>	<p><u>Maximum Density:</u> 1 dwelling unit per 5 acres</p> <p><u>Maximum FAR:</u> 0.5</p>
<p>Parks (P) This designation applies to the land within San Benito County that is presently owned by Federal, State, or County agencies and used as active or passive parkland. The uses allowed within the Federal and State parks are dictated by those agencies. Permissible uses within the Parks, Public category are public recreation facilities such as public golf courses, community park, neighborhood park, local park, community center, campgrounds, recreation corridors, and trails.</p>	<p><u>Maximum FAR:</u> 0.1</p>
<p>Rural (R) The purpose of this designation is to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations.</p>	<p><u>Maximum Density:</u> 1 dwelling unit per 5 acres</p>

**Table 3-1
Land Use Designations and Standards**

Land Use Description	Development Standard(s)
<p>Commercial Thoroughfare (CT) The purpose of this designation is to provide commercial services for motorists near highway interchanges, along thoroughfares, and near Federal, State, and regional parks, and other tourist attractions to capture pass-through traffic, and to allow for commercial uses that serve the agricultural and rural unincorporated community. These uses could include small shopping centers, truck and automobile stations, and tourist-serving commercial uses.</p>	<p><u>Maximum FAR:</u> 0.8</p>
<p>Commercial Regional (CR) The purpose of this designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.</p>	<p><u>Maximum FAR:</u> 0.8</p>
<p>Industrial Light (IL) The purpose of this designation is to allow light industrial development near existing transportation systems (e.g., highways, rail, air). This includes: warehouses, contractor yards, nurseries, lumber yards, auto repair shops, light manufacturing and/or assembly, and research and development operations that do not cause significant environmental hazards or create major pollution.</p>	<p><u>Maximum FAR:</u> 0.8</p>
<p>Industrial Heavy (IH) The purpose of this designation is to provide areas for heavy industrial activities that are not suitable for urban areas because of their size, noise, dust, traffic, or safety concerns. This could include large-scale manufacturing operations, mining and aggregate production facilities, recycling transfer centers, chemical and explosives manufacturing, or other similar uses.</p>	<p><u>Maximum FAR:</u> 0.8</p>
<p>Public/Quasi-Public (PQP) The purpose of this designation is to provide for public and quasi-public uses, including public utility facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands (non-parkland), sewage treatment plants, fire stations, sheriff stations/substations, jails, religious meeting areas, libraries, energy generation and distribution, water distribution, and public meeting halls, and other similar uses related to the operation of County government services.</p>	<p><u>Maximum FAR:</u> 1.0</p>

§ 25.03.004 AGRICULTURAL AND RURAL DISTRICTS.

(A) (1) The intent of the agricultural zones is to maintain the productivity of agricultural land, especially prime farmland, as well as maintain open space and grazing in more remote areas of the county. The rural zones are intended to serve as a transitional area between agricultural to rural areas and rural to urban areas. Single-family dwellings, accessory dwellings and farm worker housing are allowed in these zones, as appropriate for the level of available infrastructure.

(2) These zones implement the agriculture land use designation of the general plan.

(B) *Agricultural Rangeland (AR) District — Intent.* The intent of this district is to provide for areas within the county to be used for agricultural rangeland purposes as set forth in the general plan. Very low-density residential development and farmworker housing are permitted due to the lack of public infrastructure and for the preservation of open space and agriculture.

(C) *Agricultural Productive (AP) District — Intent.* The intent of the AP district is to provide for areas within the county to be used for agricultural production of any type as set forth in the general plan, including agriculture support uses, vineyards, wineries and winery supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted.

(D) *Rural (R) District — Intent.* The intent of this district is to allow very low-density residential development in areas within the county that are not primarily suited for agricultural uses, and lack infrastructure needed for higher density development. The R zone is intended to provide areas for mixtures of housing and small-scale agricultural uses.

(E) *Rural Transitional (RT) District — Intent.* The RT district is intended to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses.

(F) *AR, AP, R, and RT permitted uses.* The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in an AR, AP, R, and RT districts. These uses apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

Table 25.03-B

Land Uses - Agricultural Zones

P = Permitted Use A = Administrative Use Permit Required C = Conditional Use Permit Required "—" = Use Not Allowed <i>Some new structures require review, per § 25.02.001 of this code</i>					
Land Use Classification	Agricultural Range land (AR)	Agricultural Productive (AP)	Rural (R)	Rural Transition (RT)	Notes and Additional Regulations
Agricultural Uses¹ See note 1 to this table for all agricultural uses.					
Commercial agriculture (see Glossary)	P	P	P	—	
Commercial composting	C	C	C	—	
Commercial mushroom growing	C	C	C	—	
Crowing fowl (6-10)	A	A	A	—	
Crowing fowl (11+)	C	C	C	—	
Indoor commercial production of plants	C	C	C	C	
Commercial livestock farm or ranch involving poultry or small or large livestock able to roam and/or feed over a large area	P	P	P	—	
Commercial livestock farm or ranch involving concentrations of poultry or small or large livestock animals in a central location, such as a chicken ranch, dairy, feed lot and similar uses	A	C	C	—	

Manufacturing of commercial cannabis or hemp (mixed light, including nurseries and distribution)	C	C	C	—	
Industrial Uses¹ See note 1 to this table for all Industrial uses.					
Abattoir (slaughterhouse)	C	C	C	—	
Agricultural processing of products grown onsite	P	P	P	—	
Agricultural processing of products not grown onsite	C	C	C	—	

<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
Cannery	—	—	—	—	
Pallet and agricultural bin manufacturing	C	C	C	—	
Off-site truck parking in service of agricultural operations	C	C	C	—	
Residential Uses¹ See note 1 to this table for all Residential uses.					
Single-family dwelling	P	P	P	P	Per the density requirements of the General Plan
Tiny homes	P	P	P	P	See § 25.08.029 for tiny homes standards
Accessory dwelling unit	P	P	P	P	See § 25.08.002 for accessory dwelling unit standards
Group home (small)	P	P	P	P	
Group home (large)	C	C	C	C	
Permanent agricultural employee housing, not exceeding 12 dwelling units (including mobile homes and RVs, or spaces for mobile homes and RVs), or 36 beds in group quarters	P	P	P	P	See Note 2
Permanent agricultural employee housing exceeding 12 dwelling units or 36 beds in group quarters	C	C	—	—	See Note 2
Labor supply employee housing	P	P	P	P	See Note 2
Seasonal agricultural employee housing	P	P	P	P	See Note 2

Temporary agricultural employee housing	P	P	P	P	See Note 2
Senior/congregate care	P	P	P	P	
Transitional and supportive housing	P	P	P	P	

<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
Recreational Uses					
Commercial outdoor recreational uses, including but not limited to RV parks, hunting clubs and riding clubs and golf courses	C	C	C	C	
Private outdoor camping facilities, including cabins and tent camping	C	C	C	C	
Other/Institutional/Utility					
Aircraft landing field/helipad	C	C	C	C	
Assembly uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	C	C	C	C	
Bus stops, park and ride lots, transit stops	P	P	P	P	
Cemetery (includes columbarium)	C	C	C	C	
Day care, small family	P	P	P	P	
Day care, large family	A	A	A	A	
Day care center	C	C	C	C	
Educational institution, private	C	C	C	C	Public schools are not regulated by this title
Hobby kennels	A	A	A	—	See "Animal Keeping" in Chapter 25.08
Hospital	C	C	C	C	
Kennels, including, without limitation, kennels for hybrid animals	C	—	—	—	See "Animal Keeping" in Chapter 25.08
Library or museum not operated by a governmental entity	A	A	A	A	Publicly operated libraries and museums are not regulated by this title

<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
Microwave, radio and television transmission and/or relay structures	C	C	C	C	Facilities regulated by the PUC are not regulated by this title
Private enterprise performing governmental functions	C	C	C	C	
Radio frequency emission measuring facilities (if privately operated)	C	C	C	C	Publicly operated radio frequency emission measuring facility not regulated by this title
Railway stations, multi-modal transit centers	C	C	C	C	
Renewable energy generation facilities, commercial	C	C	C	—	See § 25.08.016 for development standards
Renewable energy generation facilities, commercial and private non-commercial	A	A	A	—	See § 25.08.016 for development standards
Surface mining, including concrete and asphalt batch plants and concrete and asphalt recycling plants	C	C	C	C	Must comply with Surface Mining Ordinance, Title 19 of the County Code
Veterinary hospitals and pet clinics	C	C	C	—	
Accessory/incidental uses	Regulated as a use per this table. Administrative use permit or conditional use permit required if shown in the table above.				
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code				
Similar uses	See "Interpretations" in Chapter 25.01				
Note 1: All agricultural, cannabis, industrial and residential uses in agricultural zones can be a primary use, if consistent with the general plan land use designation for the property.					
Note 2: Farmworker housing provided by an employer must comply with all provisions of Cal. Health and Safety Code § 17008(a). Farmworker housing provided by someone other than an agricultural employer must comply with all provisions of Cal. Health and Safety Code § 17008(b).					

(G) *Agricultural and rural district development standards.* Table 25.03-C establishes the basic development standards for the agricultural and rural zones. Development standards for specific uses are provided in Chapter 25.08. The regulations in this section apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

Table 25.03-C

Development Standards - Agricultural Zones

<i>Development Standard</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>
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<i>Development Standard</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>
Lot and Density Standards				
Maximum density ¹	1 dwelling unit per 40 acres ¹	1 dwelling unit per 5 acres ¹	1 dwelling unit per 5 acres ¹	1 dwelling unit per 2.5 acres ¹
Minimum lot size	40 acres	5 acres	5 acres	2.5 acres
Setbacks and Height Limits				
Front setback	30 feet	25 feet	25 feet ²	25 feet ²
Side, interior setback	32 feet	32 feet	32 feet ²	32 feet ²
Rear setback	35 feet	35 feet required	35 feet ²	35 feet ²
Distance between buildings	Subject to requirements of California Building Code			
Maximum building height (feet)	35	35	35	35
Development standards for accessory structures are provided in §§25.07.006, 25.07.007, and 25.07.008.				
1. Accessory dwelling units do not count toward density. See §25.08.002.				
2. R & RT zones - in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.				

(Ord. 1043 § 3 (part), 2022)

§ 25.03.006 COMMERCIAL DISTRICTS.

(A) The intent of the C-1 and C-2 districts is to provide for commercial development that is compatible with other land uses and will conveniently and effectively serve the needs of the people. The objective is to encourage commercial services to meet the needs of rural citizens as well as the needs of the weekend or recreational uses.

(B) *Commercial Thoroughfare (C-1) District — Intent.* The C-1 district implements the commercial thoroughfare land use designation of the general plan, which seeks to:

“... provide commercial services for motorists near highway interchanges, along thoroughfares, and near Federal, State, and regional parks, and other tourist attractions to capture pass-through traffic, and to allow for commercial uses that serve the agricultural and rural unincorporated community. These uses could include small shopping centers, truck and automobile stations, and tourist-serving commercial uses.”

The purpose of this designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.”

(1) The C-1 zoning district allows the establishment of businesses offering accommodations, supplies or services especially to motorists, and for certain uses such as commercial amusement and specialized automotive and related sales and service establishments which serve persons coming to them from large trading areas by automobile.

(2) These uses ordinarily do not seek locations in shopping centers, and therefore, must be provided at independent locations. The C-1 district, when appropriate, will be located along major thoroughfares. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize traffic hazards.

(3) The following regulations apply to every lot and building site in a C-1 district, except where modified by a combining zone.

(C) *Neighborhood Commercial (C-2) District — Intent.* The C-2 district implements the commercial neighborhood land use designation of the general plan, which seeks to:

“... provide convenience goods within or near communities or other concentrations of population. This designation intends to reduce unnecessary vehicular trips to commercial centers in the cities of Hollister and San Juan Bautista and outlying cities in other counties, encouraging a focus on local businesses, with a destination retailer or restaurant. This designation also allows mixed-use developments that could include residential, retail, and office uses.”

(1) The C-2 zoning district is specifically intended to establish and provide centers for convenient shopping to residential neighborhoods.

(2) The following regulations apply to every lot and building site in a C-2 district, except where modified by a combining

Rangeland grazing of small or large livestock	P	P	—	—	
Non-commercial raising of poultry or other animals	P	P	P	P	See "Animal Keeping" standards in Chapter 25.08 for limits on number of animals.
Future Farmers of America (FFA) or 4-H projects, conducted by residents of the premises.	P	P	—	—	
Wholesale plant nursery	P	P	P	P	

<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
Commercial Uses					
<i>Land Use Classification</i>	<i>Agricultural Rangeland (AR)</i>	<i>Agricultural Productive (AP)</i>	<i>Rural (R)</i>	<i>Rural Transition (RT)</i>	<i>Notes and Additional Regulations</i>
Commercial Uses					
Bed and breakfast establishments	C	C	C	—	
Hotel or motel	C	C	C	—	
Winery	A	A	A	—	
Sale of agricultural products, including products not produced in San Benito County	A	A	A	A	Sale of other products, including pre-packaged and prepared food, allowed as an accessory use.
Sale of agricultural products produced in San Benito County	P	P	P	P	Sale of other products, including pre-packaged and prepared food, allowed as an accessory use.
Commercial Cannabis/Hemp Uses¹ See note 1 to this table for all cannabis uses.					
Indoor or outdoor cultivation of commercial cannabis; transport of crops to offsite locations (not including "distribution" as defined in Title 7, Chapter 7.02 of the County Code	C	C	C	—	Subject to additional requirements of Title 7, Chapter 7.02 of the County Code
Laboratory testing of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	—	

zone.

(D) C-1 and C-2 permitted uses. The table below designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in C-1 and C-2 districts.

Table 25.03-F

Land Use Regulations - Commercial Zones

P = Permitted Use *A* = Administrative Use Permit Required *C* = Conditional Use Permit Required *—* = Use Not Allowed All new structures require review, per Chapter 25.02 of this code			
<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
Agricultural Uses			
Commercial agriculture as defined in Glossary	P	P	
Future Farmers of America/4-H projects	—	P	Must be conducted by occupants of premises. Projects involving crowing fowl require crowing fowl affidavit
Hobby/personal agriculture	—	P	
Grazing	P	P	
Plant nursery, wholesale only	P	P	
Small livestock farming	P	P	One adult animal per acre (see Chapter 25.08)
Residential Uses			
Single-family dwelling	—	C	One per lot or parcel
Tiny homes	—	C	See § 25.08.029 for tiny homes standards
Accessory dwelling unit	—	P	Per accessory dwelling unit regulations in § 25.08.002
Caretaker unit	P	P	
Duplex or two-family dwelling	—	C	
Multiple-family dwellings, condominiums and apartments	—	C	Per general plan density
Transitional and supportive housing	—	P	

<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
Commercial Uses			
Alcohol sale for on-site or off-site consumption	P	P	
Automotive/vehicle related uses (see Glossary)	A	—	
Automobile service stations and car washes (full service and self service)	C	C	

Commercial entertainment and amusement establishments	C	—	
Custom clothing retail and tailoring services	—	P	
Drive-through restaurants	C	—	
Drugstore/pharmacy	—	A	
Eating and drinking establishments, including nightclubs	C	—	
Farm equipment sales with accessory repairs and services	A	—	
Sale of fruit and vegetable in a roadside stand	A	—	
Greenhouse, plant nursery, including sales of garden hardware	A	—	
Home improvement stores	C	—	
House trailer sales and rentals	A	—	
Mobile home parks	—	C	
Motels and hotels	C	—	
Outdoor display and sale of merchandise, permanent	A	A	
Outdoor display and sale of merchandise, temporary	Requires temporary use permit		
Outdoor storage of materials	—	—	
Restaurant	P	P	

<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
Retail business establishments, small scale	P	P	
Retail business establishments, large scale	C	—	
Secondhand sales (auction shop, merchandise liquidator, surplus or salvage outlet or store, secondhand store or close-out store or other business of a similar type or nature)	C	—	
Trailer rentals (U-Haul type)	A	—	
Truck stops/travel plazas	C	—	
Personal Service Uses			
Bank	P	P	
Personal services, excluding massage parlors	P	P	
Retail clothes cleaning, dry cleaning, or laundry, including self-service laundromat	P	P	

Office, business or professional (including medical/dental)	P	P	
Veterinary hospitals and pet clinics	C	—	
Undertaking establishments, funeral homes, mortuaries	C	—	
Other Uses			
Assembly uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	—	C	
Bus stops, park and ride lots, transit stops	P	P	
Day care, small family	P	P	
Day care, large family	A	A	
Day care center	C	C	
Educational institution, private	—	C	Public schools are not regulated by this title

<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
<i>Land Use Classification</i>	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>	<i>Additional Regulations</i>
Hospital	—	C	
Library or museum or information center not operated by a governmental entity	—	C	Publicly operated libraries and museums are not regulated by this title
Microwave, radio and television transmission and/or relay structures	C	C	Facilities regulated by the PUC are not regulated by this title
Outdoor recreation and/or education	C	—	
Private enterprise performing governmental functions	—	C	
Privately operated swimming pool	—	C	Publicly operated pools are not regulated by this title
Recreation trailer parks	C	C	
Recycling collection facilities	P	P	Minor development plan review required. In C-1, limited to 200SF of outside storage. No outside storage in C-2
Recycling equipment to briquette, shred, transform or otherwise process recyclable materials	C	C	See Chapter 25.08
Recycling processing facilities	—	—	
Unmanned aircraft takeoff and landing facilities	C	—	
Railway stations, multi-modal transit centers	C	C	
Accessory/incidental uses	Regulated as a use per this table. Administrative use permit or conditional use permit required if shown in the table above.		

*Similar uses	See "Interpretations" in Chapter 25.01
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(E) *Commercial district development standards.* The table below establishes the basic development standards for the C-1 and C-2 zones.

Table 25.03-G

Development Standards - Commercial Zones

	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>
	<i>Commercial Thoroughfare (C-1)</i>	<i>Neighborhood Commercial (C-2)</i>
Density and Lot Requirements		
Density (units/acre)	N/A	20 dwelling units per acre
Minimum lot size (square feet)	20,000	20,000
Building Form and Location		
Floor area ratio (FAR)	0.8	0.8
Maximum height (feet)	35	35 feet or more as determined by the Planning Commission as part of development plan review
Maximum lot coverage	40%	50%
Front setback	10 feet or as determined by the Planning Commission as part of development plan review	10 feet or as determined by the Planning Commission as part of development plan review
Side setback (each side) ^{1, 2}	0 unless required by Planning Commission, then a minimum of 10 feet, or 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone
Rear setback ^{1, 2}	0 unless required by the Planning Commission, then a minimum of 10 feet, or 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone
1. In C-1 zone - in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.		
2. In C-1 zone - a commercial use abutting a residential use shall provide a ten-foot screened and landscaped setback buffer. Walls shall be not less than five feet nor more than eight feet in height.		

(Ord. 1043 § 3 (part), 2022)

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF October 16th, 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, October 16th, 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 **841 4209 0300** AND Webinar Password **992643**

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

PLN220033 (Minor Subdivision at 494A Carpenteria Road):

OWNER: Gilberto-Maria Salazar Segovia Revocable Trust. APPLICANT: Matt Kelley Engineering & Surveying. LOCATION: 494A Carpenteria Road (6 miles west-northwest of Downtown San Juan Bautista) in unincorporated San Benito County. APN: 011-210-095. REQUEST: This project proposes the subdivision of an existing 5.00-acre property into two 2.5-acre lots and the construction of a single-family residence. The property has one existing single-family residence, which will remain on Parcel 1 and a new residence will be constructed on Parcel 2. GENERAL PLAN LAND USE DESIGNATION: Rural Transitional (RT). ZONING DISTRICT: Rural Transitional (RT). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov).

Title 1 General Provision; Code Enforcement Amendments:

REQUEST: Public Hearing to review and provide recommendations to the Board of Supervisors on proposed text amendments to San Benito County Code Title 1, Chapters 1.01 (Rules of Construction), 1.03 (Code Enforcement), 1.04 (Administrative Citations), 1.05 (Public Entity Offset Dispute), 1.06 (Alternative Public Nuisance Abatement Procedures and Remedies), and 1.07 (Office of the County Hearing Officer). The provisions in Title 1 govern general rules of construction, enforcement actions, administrative citation procedures, and abatement of public nuisances. Proposed amendments include, but are not limited to, revisions to fine structures, procedural timelines, and clarification of enforcement actions. The revisions aim to make the code more efficient, clear, and concise for better enforcement and application by the County. These changes focus on improving code compliance, streamlining administrative processes, and ensuring the protection of public health and safety through more effective enforcement mechanisms. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. Code Enforcement: Robin Leland (rleland@sanbenitocountyca.gov)

Title 3 Administration and Personnel Amendment:

REQUEST: Public Hearing to review and provide recommendation to the Board of Supervisors on proposed text amendments to San Benito County Code Title 3 (Administration and Personnel), Chapter 05 (County Organizations), Article III (Planning Commission), chapter 3.05.051 (Meetings; Duties; Operations). The code codified in Title 3 establishes the Planning Commission of San Benito County with the duties of making recommendation to the Board of Supervisors regarding any proposed master or general plan for the physical development of the county. Proposed amendments include but are not limited to Planning Commission duties to advise with county officials on the approval, disapproval, or modification of maps and subdivisions; to make recommendation concerning public works regarding public improvement; to make recommendations to county officials regarding code enforcement violations; the review and recommendation of impact fees; and the negotiation and recommendation of development agreements. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

PLN240037 (Johnson/Weiler/San Benito Holdings Development Agreement):

OWNER: San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners"). APPLICANT: Dan DeVries. LOCATION: 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. APN: 012-010-030 and -031. REQUEST: In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission is to consider adopting a resolution recommending that the County Board of Supervisors adopt or deny an ordinance enabling execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors. GENERAL PLAN LAND USE DESIGNATION: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ZONING DISTRICT: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ENVIRONMENTAL REVIEW: Exempt. PLANNER: Arielle Goodspeed (agoodspeed@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: September 27th, 2024

PUBLISHED:
Friday, October 4th, 2024~
Hollister Free Lance
(Pub HF 10/4)



**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: 10/16/2024

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 for PLN220033 a subdivision of an existing five-acre property into two 2.5-acre lots and the construction of a new single-family residence. The project also includes the removal of an existing scenic easement. The property currently contains one single-family residence, which will remain on one of the newly created lots, while a new residence will be constructed on the second lot.

SBC FILE NUMBER: 790

N/A

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The proposed project involves the minor subdivision of a five-acre property into two 2.5-acre lots and the construction of a new single-family residence. The project also includes the removal of an existing scenic easement. The property currently contains one single-family residence, which will remain on one of the newly created lots, while a new residence will be constructed on the second lot.

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 the attached draft resolution, which includes the necessary findings and conditions of approval. Staff further recommends that the Planning Commission adopt the resolution to approve County Planning File PLN220033, which includes the minor subdivision/tentative parcel map and certification of the Mitigated Negative Declaration, subject to the conditions outlined in the resolution. Additionally, the recommended resolution includes a Planning Commission recommendation advising the Board of Supervisors to vacate the Scenic Easement (Book 402 Pages 772-776), as referenced in Condition 29, to allow the subdivision to proceed.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[NOA](#)

[IS/MND](#)

[Free Lance 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 PLN220033, A PROPOSAL FOR A TENTATIVE MAP TO SUBDIVIDE AN EXISTING 5.00-ACRE PARCEL INTO TWO PARCELS OF 2.50 ACRES AND 2.50 ACRES.

WHEREAS the subject parcel is located at 494A Carpenteria Road near Aromas, in the unincorporated San Benito County (“County”), California (Assessor’s Parcel 011-210-095) and currently contains 5.00 acres; and

WHEREAS Kelley Engineering & Surveying has filed an application for a minor subdivision/tentative parcel map (illustrated in **Attachment C**) to remove the existing scenic easement, subdivide the property into two lots of 2.5 acres, and the construction of a single-family residence; and

WHEREAS the property is currently a legal lot that was conveyed by and was recorded in San Benito County Official Records Book 2 of Parcel Maps Page 89, Parcel 3, December 18th, 1975; and

WHEREAS the property currently contains one residence with the address of 494A Carpenteria Road; and

WHEREAS the property currently has a General Plan land use designation of Rural Transitional (RT) and a zoning designation of Rural Transitional (RT); and

WHEREAS the purpose of the underlying RT General Plan designation is to act as a transition between rural and urban areas, lacking public infrastructure and serving as a buffer to protect agricultural land from urbanization; and

WHEREAS the intent of the RT zoning designation is to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban 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 July 15th, 2024, to August 13th, 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 October 16th, 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 PLN220033, 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 findings and substantial evidence in the record, the Planning Commission hereby approves County Planning File No. PLN220033, including the minor subdivision and tentative parcel map, subject to the Conditions of Approval set forth in **Attachment B**, which incorporates by reference **Attachment D** (the Mitigation Monitoring and Reporting Program). The subdivision and tentative parcel map are further depicted in **Attachment C**. Additionally, the Planning Commission recommends that the San Benito County Board of Supervisors vacate the scenic easement recorded in San Benito County Official Records in Book 402 Pages 772-776.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16TH DAY OF OCTOBER 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) Findings:

Finding 1: The initial study for PLN220033 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 compliance with the California Environmental Quality Act (CEQA) requirements, supported by technical reports. Mitigation measures were identified to reduce potential significant impacts to a less-than-significant level and will be incorporated into the project as conditions of approval. The mitigated impacts include Air Quality, Hydrology/Water Quality, Biological Resources, Geology/Soils, Cultural Resources, Tribal Cultural Resources, and Noise. The IS/MND also addresses the removal of the scenic easement in the Aesthetics section, concluding that, with the implementation of existing mitigation measures, the removal of the easement would result in a less-than-significant impact. Additionally, Condition 29 stipulates that without the vacation of the scenic easement by the San Benito County Board of Supervisors, the proposed subdivision cannot proceed.

In accordance with Assembly Bill 52 (AB 52), the County mailed certified notification letters to Native American individuals and tribal organizations on August 12, 2022. The letters were sent to the Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, and the Rumsen Ama Turataj Ohlone. No requests for consultation were received from any of the tribes. The IS/MND was duly noticed and made available for public review and comment for 30 days, from July 15, 2024, to August 13, 2024.

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 July 15th, 2024, till August 13th, 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 October 16th, 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 Rural Transition (RT) by the General Plan and Rural Transitional (RT) by the Zoning Ordinance. The purpose underlying the RT General Plan designation is to allow traditional rural development as a transition between rural and urban areas. Development within this designation should be associated with rural standards and will typically lack public infrastructure (e.g., water, sewer, drainage). These transitional areas are intended to fulfill the need for buffering higher density residential development from exclusively agricultural areas, in order to minimize the conversion of agricultural lands to urban uses. The intent of the RT zoning designation is to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses. The proposed project, which proposes one future residence, aligns with both zoning and General Plan designations. The proposed map remains congruent with the intent of the General Plan's RT district and the RT zoning district.*

This project aligns with General Plan Policy LU-3.12 (Agricultural Viability of Small Parcel Sizes) and Policy LU-4.1 (Housing Stock Diversity), which seek to promote a diverse range of housing types, locations, and price points to support families from varying socio-economic backgrounds. The project includes one existing residence and proposes the addition of a new residence, in line with Policy LU-4.1's goal of enhancing housing diversity. Under these policies, applicants proposing to subdivide agriculturally zoned parcels must demonstrate that smaller parcels, less than 40 acres, can still support viable commercial agriculture. However, the current parcel is already too small to sustain large-scale agricultural operations, even without subdivision. Future development on the parcel, particularly those that may increase residential density, will require further evaluation and review by the County to ensure compliance with land use and zoning regulations. Additionally, it is important to note that no specific plan has been adopted for this area, meaning future development will be subject to County-wide planning and zoning ordinances.

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 dwelling would continue to use their existing septic and well system, installed in accordance with regulations requiring systems be properly designed to function in the site's specific conditions. The future dwelling would be located on the proposed Parcel Two and would be expected to connect to a new well and new septic system. 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 is physically suitable for the proposed development, which includes the construction of one new residence on Parcel Two, alongside the existing residence and agricultural use on Parcel One. Parcel One already contains a residence, septic system, and well, and the subdivision meets the minimum 2.5-acre lot requirement for the RT zone, allowing for continued agricultural and residential use. This ensures the property remains functional and beneficial for both current and future landowners.

To further support the site's suitability, several key measures will be implemented, including CEQA mitigation measures (MM). The recommendations from the Geotechnical Investigation Design Phase by Butano Geotechnical Engineering Inc. will be incorporated into the project plans and followed during construction to ensure geotechnical stability (see MM GEO-1). An erosion control plan will be developed and approved by the County Resources Management Agency to manage runoff, prevent erosion, and control sediment during construction (see MM GEO-2). In addition, a drainage plan will be prepared to comply with San Benito County Best Management Practices, incorporating Low Impact Development strategies to reduce stormwater runoff, promote infiltration, and limit pollutant transmission (see MM HYD-1).

The County Environmental Health Division has also reviewed the existing and proposed septic systems to ensure soil compatibility and proper functioning, addressing any potential hazards. These combined measures ensure that the site is physically suitable for the development and continued use of the land.

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

Evidence: The site is physically suitable for the proposed density of development. The project will subdivide the property into two parcels of 2.5 acres each, which complies with both the General Plan land use designation and County Zoning Ordinance requirements. The General Plan permits one dwelling per 2.5 acres, and the Zoning Ordinance establishes 2.5 acres as the minimum lot size. The subdivision will result in one additional primary dwelling on Parcel Two, while Parcel One retains its existing dwelling. Both parcels also have the potential to include accessory dwelling units (ADUs) or structures, as permitted under current zoning. Given that the project conforms to existing regulations and the zoning allows nearly identical development without the subdivision, the site is suitable for the proposed density.

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 subdivision design and proposed improvements incorporate several key measures, including CEQA mitigation measures (MM), to prevent substantial environmental damage or harm to fish, wildlife, or their habitats. MM BIO-1 provides protection for California tiger salamander and California red-legged frog by either securing Incidental Take Permits or performing pre-construction surveys and monitoring. MM BIO-2 mandates environmental awareness training for construction personnel, ensuring the proper identification and protection of special-status species such as salamanders, frogs, bats, and nesting birds. MM BIO-3 includes pre-construction surveys for bat species and, if found, mitigation measures to protect them. MM BIO-4 focuses on nesting bird protection through surveys and buffer zones during the nesting season. MM BIO-5 establishes a 50-foot buffer from the drainage along Carpenteria Road to prevent disturbance. MM BIO-6 ensures any necessary driveway

improvements minimize impacts to wetlands and waterways, with regulatory consultations and permits as required. These measures are designed to minimize environmental impacts while safeguarding local species and their habitats.

In addition to these biological protections, the project includes safeguards for cultural resources. MM CR-1 requires that if any archaeological resources are discovered during construction, work must halt within 200 feet of the find until a qualified archaeologist evaluates it, with mitigation measures implemented if the resources are significant. MM CR-2 mandates immediate notification of the county coroner if human remains are encountered. If the remains are Native American, the Native American Heritage Commission (NAHC) will be contacted to identify a most likely descendant to provide recommendations for the respectful treatment of the remains, in compliance with the California Health and Safety Code. These cultural resource measures, combined with biological protections, ensure that the project minimizes impacts on the environment and respects archaeological and cultural heritage.

The removal of the existing scenic easement has been carefully evaluated in the project's Initial Study/Mitigated Negative Declaration (IS/MND), particularly in the Aesthetics section. Mitigation measures have been identified to reduce potential impacts from the easement's removal to a less-than-significant level. These measures, in combination with the subdivision's design, ensure that the project will not cause substantial environmental damage or significantly and avoidably harm fish, wildlife, or their habitat. The comprehensive approach to mitigation addresses visual impacts and preserves the integrity of natural resources in the area.

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: Aromas Tri-County Fire (staffed by CAL FIRE), 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 very high fire hazard area as designated by CAL FIRE (California Department of Forestry and Fire Protection). Aromas Tri-County Fire generally (staffed by CAL FIRE) gives response for fire suppression and other related emergency services, with additional aid given by City of Hollister acting under contract as the County Fire Department. The closest fire stations are Aromas Tri-County Fire Station at 492 Carpenteria Road, approximately 300 feet by road, and Hollister Fire Station 4 at 24 Polk Street in Downtown San Juan Bautista, approximately 9 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 also **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 \$600.00 (\$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 shall provide a soils profile determine depth to ground water. The soils borings in the proposed leachfield area terminated too shallow to establish a minimum 8-foot separation from the bottom the proposed trenches to ground water. Additional soils testing will be required pending results of the soil profile. The owner shall contact this office to set an appointment to conduct this study. The owner shall complete the application for installation of a septic system and pay all fees at the time a Building Application is submitted.[Environmental Health]
20. **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:

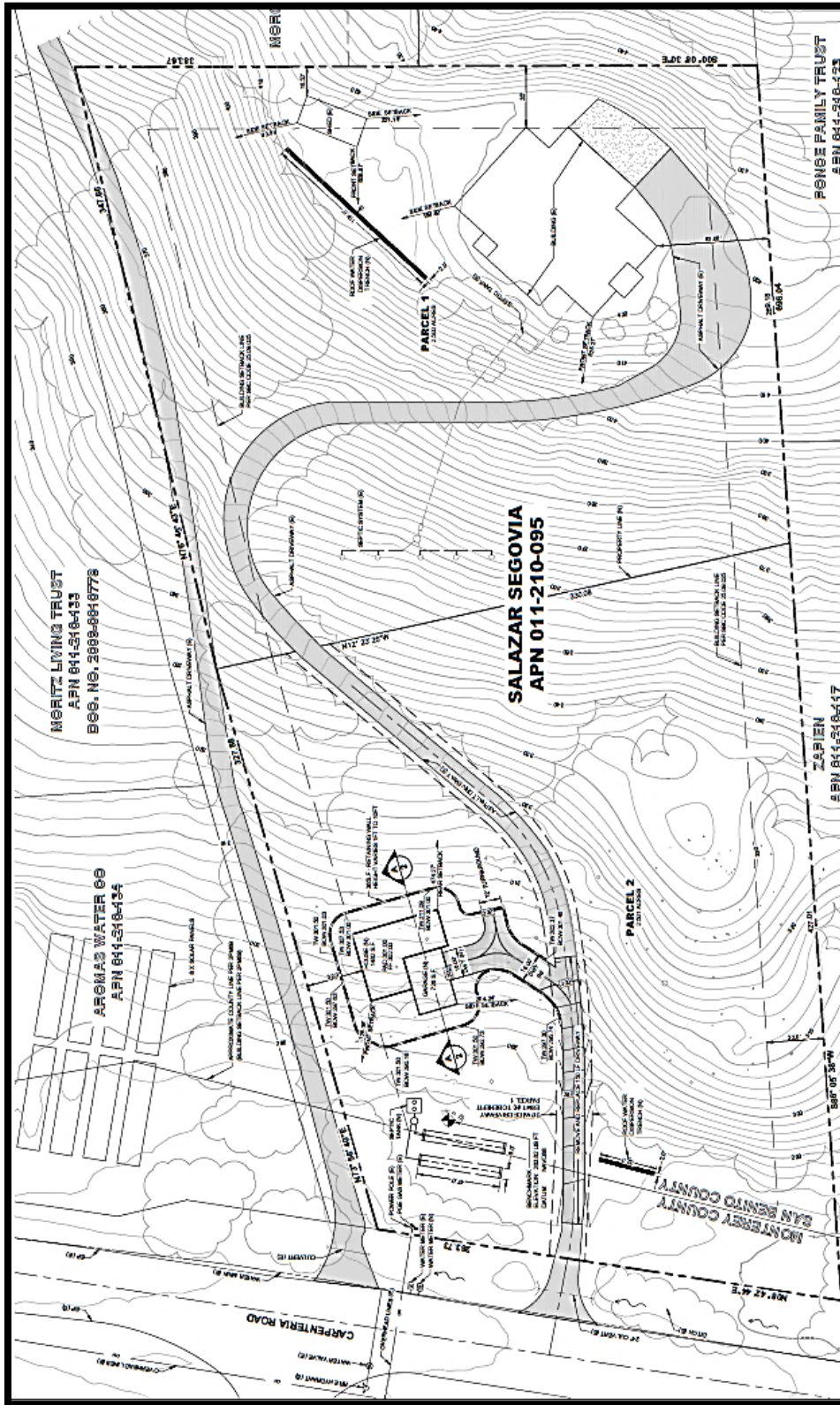
21. **Fire:** Prior to issuance of a building permit or beginning any construction, fire access and water supply for that parcel shall be in place and operable. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, 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. [Aromas Fire]

Public Works Division:

22. **Monterey County Jurisdiction:** Prior to approval of the Tentative Map, the application packet shall also be forwarded to Monterey County since the access to the property is located along Carpenteria Road which is in Monterey County jurisdiction. *Condition satisfied per April 12th, 2024 e-mail with Monterey County Public Works.* [Public Works]
23. **Geotechnical Report:** As part of the submission of improvement or grading plan for this project, the soils report prepared for the project by Butano Geotechnical Engineering, Inc., dated April 2022, Project No. 22-114-SB shall be the basis of the design of any proposed improvements for this project. Prior to issuance of certificate of occupancy, 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]
24. **Drainage:** As part of submission of improvement or grading plan for this project, the applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall provide construction details and supporting calculations for the sizing of the proposed Roof Leader Drainage Trench System as shown on the Tentative Map, and shall also implement erosion control BMPs during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, details of which shall also be shown on the plans. [Public Works]
25. **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]

26. **Improvement Plans:** Applicant shall submit with the Improvement Plans all applicable utility plans approved by the respective utility company. 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]
27. **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.
28. **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.
29. **Scenic Easement:** The approval of this tentative map shall not become effective until the San Benito County Board of Supervisors formally vacates the scenic easement found in San Benito County Official Records Book 402 Pages 772-776. No development or further action under this tentative map may proceed until such vacation is finalized.

ATTACHMENT C to Planning Commission Resolution



This image shows the site plan as submitted with the existing house and septic system, shown on Parcel One and the proposed house and septic system shown on Parcel Two. The project site will be provided with water by Aromas Water District.

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

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Air Quality</i>				
AQ-1	<p>If the project would result in soil disturbance of 2.2 acres or more per day, to reduce dust emissions from tree removal, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:</p> <p>Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:</p>	Notes on project plans.	Prior to issuance of a demolition or grading permit.	Project Applicant and construction engineer.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
AQ-1 (cont.)	<ul style="list-style-type: none"> a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind. b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days. c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover. d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible. e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials. f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces. g. Stop grading, and earth moving if winds exceed 15 miles per hour. h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule. i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance). j. Limit the area under construction at any one time. 	Notes on project plans.	Prior to issuance of a demolition or grading permit.	Project Applicant and construction engineer.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Biological Resources</i>				
BIO-1	California tiger salamander and California red-legged frog have been recorded in proximity to the project site, however suitable habitat for either species is considered limited within the site. One of the following options shall be implemented to reduce potential impacts to California tiger salamander and California red-legged frog:	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
	<p>Option 1. Assume Presence of California Red-Legged Frog and Obtain Incidental Take Authorization:</p> <p>If the presence of California red-legged frog and/or California tiger salamander is assumed on the project site, the project applicant shall obtain Incidental Take Permit(s) from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s) to minimize the potential for “take” of California red-legged frog and/or California tiger salamander.</p>			

BIO-1 (cont.)	<p>Option 2. Pre-Construction Surveys and Biological Monitoring for Protected Amphibians:</p> <p>Due to the small impact area, marginal habitat, and low probability of occurrence of California red-legged frog and/or California tiger salamander, the project applicant may choose to conduct construction surveys and biological monitoring instead of assuming presence and obtaining Incidental Take Permit(s). However, if California red-legged frog or California tiger salamander is found at any point during surveys or project activities, the project applicant would need to proceed with obtaining the permits in Option 1, prior to any grading or construction activities.</p> <ol style="list-style-type: none"> 1. A qualified biologist shall conduct preconstruction surveys for California red-legged frog and California tiger salamander no more than two weeks (14 days) prior to the start of construction activities. The project site shall be surveyed for potential migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to the San Benito County Resource Management Agency prior to ground disturbance. 2. A qualified biologist shall conduct biological construction monitoring for California tiger salamander and California red-legged frog during ground-disturbing activities. Before the start of work each day, a biologist or their designee shall check for wildlife under any equipment such as vehicles and stored pipes within active construction zones. A biologist or their designee shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If California tiger salamander or California red-legged frog is observed within an active construction zone, a biologist shall be notified immediately and all work shall be halted and all equipment turned off. Work may not proceed until consultation with the U.S. Fish and Wildlife and/or the California Department of Fish and Wildlife has been completed. 	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
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Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>3. If California red-legged frog and/or California tiger salamander is observed within the project area, work shall cease and Incidental Take Permit(s) (Option 1) shall be obtained before work can resume. Work shall recommence only when authorized by the U.S. Fish and Wildlife and California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s).</p>			
BIO-2	<p>Prior to ground disturbance, the project applicant shall hire a qualified biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, California tiger salamander, California red-legged frog, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities shall occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.</p> <p>The qualified biologist shall provide documented evidence of completion of this training to San Benito County Resource Management Agency prior to ground disturbance.</p>	<p>Conduct an Employee Education Program for the construction crew.</p>	<p>Prior to any construction activities.</p>	<p>Project applicant, qualified biologist.</p>

BIO-3	<p>The following measures shall be implemented to avoid loss of or harm to special-status bat species:</p>	<p>Coordination with USFWS/CDFW, obtaining Incidental Take Permits, if required.</p>	<p>Prior to any construction activities.</p>	<p>Project Applicant or future property owner, USFWS, CDFW.</p>
	<ol style="list-style-type: none"> 1. Approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked. 2. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to San Benito County Resource Management Agency, where it shall be kept on file, and no further measures are required. 3. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife. 4. The nursery season is typically from May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. 			

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.</p>			

BIO-4	<p>To avoid impacts to nesting birds during the nesting season (January 15 through September 15), tree removal and all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.</p>	Consult with a qualified Biologist.	Prior to any construction activities	Project applicant, qualified biologist.
	<ol style="list-style-type: none"> 1. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to San Benito County Resource Management Agency and no further mitigation is required. 2. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If 			

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report shall be prepared and submitted to San Benito County Resource Management Agency.</p>			
BIO-5	<p>Grading activities within 50-foot buffers (measured horizontally) from the drainage along Carpenteria Road shall be avoided. Prior to issuance of a grading permit, grading plans shall show the 50-foot buffer with a notation that no disturbance, including storing construction equipment, is allowed within this area.</p>	Show on construction Plans.	Prior to any grading activities.	Project Applicant or future property owner.
BIO-6	<p>If improvements to the driveway over the drainage channel become necessary, the improvements shall be designed to minimize impacts to the drainage to the extent feasible. Prior to ground disturbance and issuance of a grading permit, the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) should be determined (wetland delineation report), and regulatory agency consultations should occur.</p> <ol style="list-style-type: none"> <li data-bbox="358 1178 902 1539">1. If impacts to a federally jurisdictional feature may occur as a result of the project, a Clean Water Act Section 404 Nationwide Permit (NWP) may be appropriate. If the proposed activity would not otherwise qualify for a NWP, the applicant should proceed with obtaining an Individual Permit from the USACE. For either permit, a formal wetland delineation report should first be submitted to the USACE for a jurisdictional determination. <li data-bbox="358 1549 902 1831">2. If wetlands or waters of the State are present, the applicant should coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If impacts to wetlands, riparian areas, or streams are identified, the applicant should coordinate with the CDFW to obtain a Streambed Alteration Agreement. 	Coordination with United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW).	Prior to grading activities.	Project Applicant or future property owner.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Cultural Resources/Tribal Cultural Resources</i>				
CR-1	The following language shall be added to all project plans associated with tree removal, grading, and construction.	Note on Project Plans.	Prior to any Tree removal, grading, or construction activities.	Project Applicant or future property owner and County-RMA.
	“Per the San Benito County Code of Ordinance Chapter 19.05, if archaeological resources are discovered during construction, then work shall be halted within 200 feet of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, then appropriate mitigation measures shall be formulated and implemented.”			

CR-2	<p>The following language shall be added to all project plans associate with tree removal, grading, and construction.</p> <p>“If human remains are encountered during construction, the county coroner shall be notified immediately. The San Benito County Code of Ordinances Chapter 19.05 and Section 7050.5 of the California Health and Safety Code require that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. A qualified archaeologist shall also be contacted immediately. If the county coroner determines that the remains are Native American, the coroner shall then contact the Native American Heritage Commission (NAHC), pursuant to Section 7050.5(c) of the California Health and Safety Code (see Section 1.2 Regulatory Setting).</p> <p>The county coordinator of Indian Affairs shall also be contacted. There will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains until the county coroner has determined that no investigation of the cause of death is required; and, if the remains are of Native American origin.</p> <p>The NAHC shall identify a Native American most likely descendant to make a recommendation with regards to appropriate treatment of human remains within 24 hours after being notified by the commission.</p> <p>If the NAHC fails to make a recommendation, the descendants of the deceased Native Americans shall make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in the Public Resources Code Section 5097.98.</p> <p>According to the California Health and Safety Code, six or more human burials at one location constitutes a</p>	Note on project plans	Prior to any Tree removal, grading, or construction activities	Project Applicant or future property owner and County-RMA with NAHC.
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Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	cemetery (Sec. 8100), and disturbance of Native American cemeteries is a felony (Sec. 7052).”			
<i>Geology and Soils</i>				
GEO-1	The applicant shall include the recommendations presented in the Geotechnical Investigation Design Phase Proposed Residential Construction 494A Carpenteria Road, Aromas, San Benito County, California by Butano Geotechnical Engineering Inc. in the project plans, and the recommendations shall be implemented during construction of the project.	Design plans’ reflection of said recommendations.	Prior to issuance of grading or building permits	Project Applicant.
GEO-2	Prior to issuance of a grading permit, the applicant shall prepare an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment control, subject to review and approval by the County Resources Management Agency. The erosion control plan shall be implemented during construction.	Inclusion of said erosion control details in project plans.	Prior to issuance of grading or building permits. During Construction activities (implementation)	Construction contractor, project applicant, County RMA.
GEO-3	Due to the possibility that buried paleontological resources might be discovered during construction, the following language shall be included on all construction documents and on any permits issued for the project site, including, but not limited to, grading and building permits associated with proposed project: “If paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional paleontologist. If the find is determined to be significant, an appropriate resource recovery shall be formulated, with the concurrence of the San Benito County, and implemented.”	Noted on Construction Plans.	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	Prior to issuance of a grading permit, the applicant shall prepare a drainage plan that complies with the San Benito County Best Management Practices and standards established for compliance with non-point discharge emissions for storm water. The drainage plan shall incorporate Low Impact Development strategies and Best Management Practices to reduce storm water runoff, encourage infiltration, and reduce pollutant transmission. The drainage plan shall be subject to review and approval by County Resource Management Agency and be implemented with development of the project.	Prepare a Stormwater Pollution Prevention Plan (SWPPP) and retain a Qualified SWPPP Developer (QSD) / Qualified SWPPP Practitioner (QSP) to coordinate and comply with RWQCB requirements.	Prior to start of grading/ construction activities Throughout the duration of construction.	Project applicant, qualified QSP/QSD, County RMA
<i>Noise</i>				
N-1	To reduce construction-related noise, the applicant shall include the following measures in the project plans: <ul style="list-style-type: none"> • Operation of construction equipment shall be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays. • All internal combustion engine-driven equipment shall be equipped with mufflers. • All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located as far away as possible from adjacent land uses. • Staging areas and construction material areas shall be located as far away as possible from adjacent land uses. • Unnecessary idling of internal combusting engines shall be prohibited. • The days and hours of construction, as well as the name and phone number of a designated representative to be contacted for noise-related concerns, should be posted at the perimeter of the project site. 	Notes on project plans.	Implement during Construction.	Applicant and County-RMA.

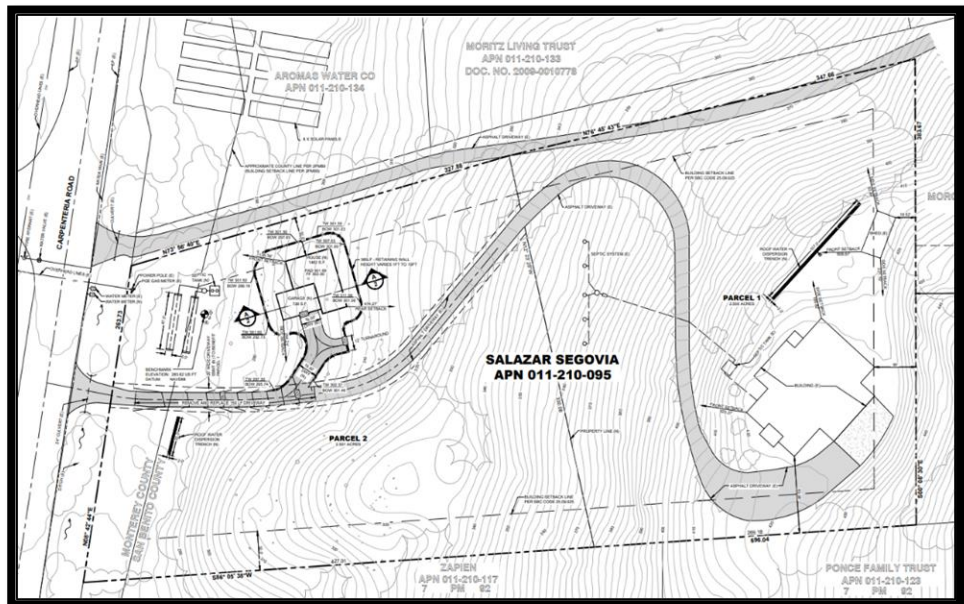
STAFF REPORT

PROJECT INFORMATION:

Application: PLN220033 (Minor Subdivision)
Date of Hearing: October 16th, 2024
Applicant: Matt Kelley Engineering & Surveying
Owner(s): Gilberto-Maria Salazar Segovia Rev Tr
Location: 494A Carpenteria Road (approximately 1 mile north of the intersection of San Juan Road and Carpenteria Road)
APN: 011-210-095
General Plan: Rural Transition (RT)
Zoning: Rural Transitional (RT)
Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

The proposed project involves the minor subdivision of a five-acre property into two 2.5-acre lots and the construction of a new single-family residence. The project also includes the removal of an existing scenic easement. The property currently contains one single-family residence, which will remain on one of the newly created lots, while a new residence will be constructed on the second lot.



SITE DESCRIPTION

The five-acre project site is located at 494A Carpenteria Road, in unincorporated San Benito County approximately seven miles east-southeast of the City of Watsonville and approximately six miles west-northwest of the City of San Juan Bautista. The project site has a San Benito County 2035 General Plan land use designation of Rural Transition (RT). The RT designation allows rural development as a transition between rural and urban areas at a maximum density of one dwelling unit per two-and-a-half acres. The project site is zoned Rural Transitional (RT), which permits residential uses.

The project site is comprised of one parcel: Assessor's parcel number 011-210-095. Existing use on the project site includes a single-family residence. The project site slopes to the west (less than 30 percent grade). Woodlands cover most of the site and a channelized drainage runs north-south near Carpenteria Road. The site is surrounded by residences to the east, south, and west, with the Aromas Tri-County Fire Protection District fire station to the north. The project site and its surrounding uses are all within the California Department of Forestry and Fire very

high and high fire hazard severity zones for state responsibility areas. Access to the project site, including the existing residence, is provided by an existing driveway connecting the project site to Carpenteria Road.

This property has historically been utilized for agricultural purposes and currently accommodates one residence. As part of this subdivision it proposes one new residence on the proposed Parcel Two. The neighboring parcels are predominantly used for small agricultural functions and 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.*)

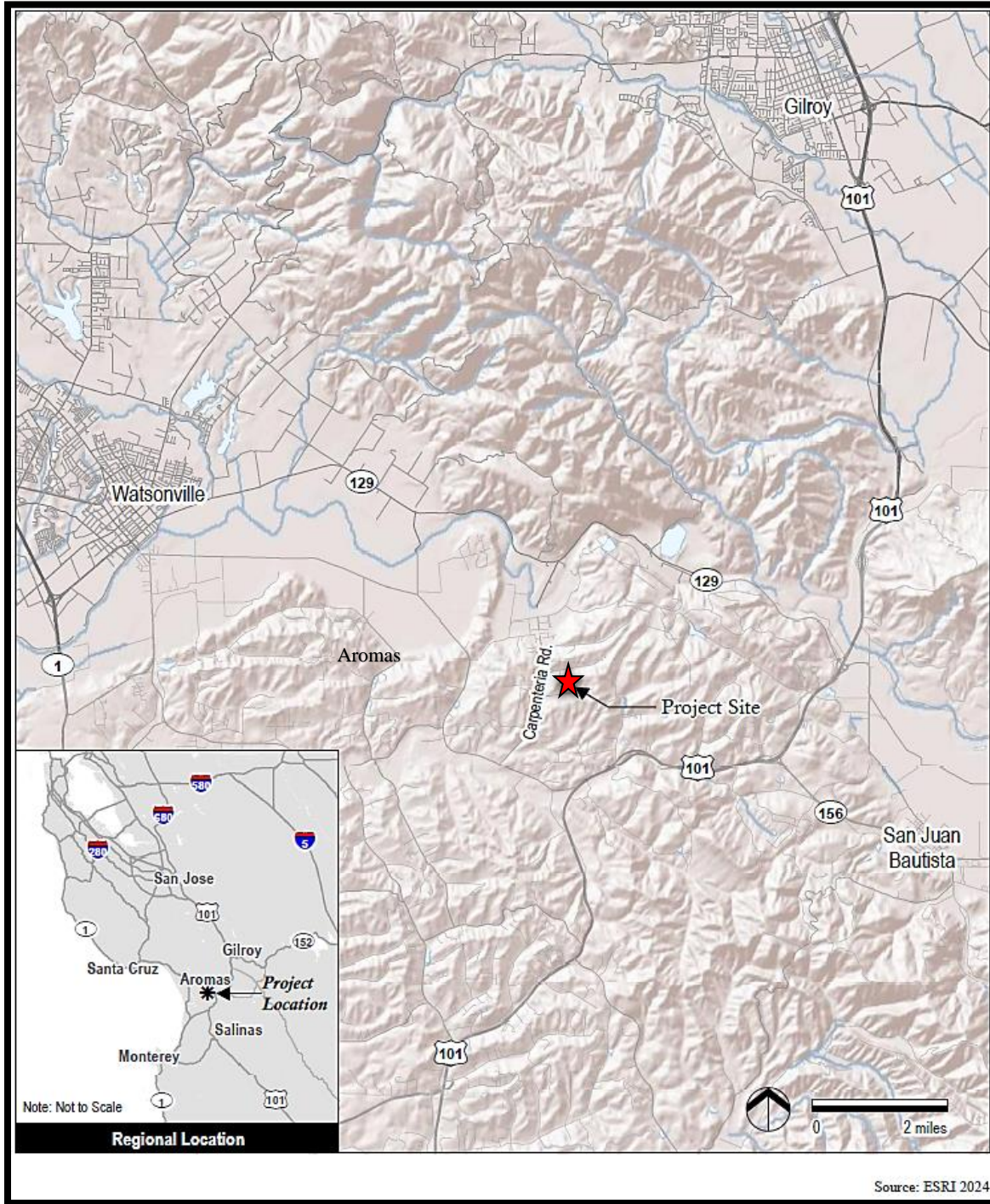


Figure 1. Vicinity Map

Legal Lot of Record: The property is currently a legal lot recorded in San Benito County Official Records as Book 2 of Parcel Maps Page 89, Parcel 3, December 18th, 1975.

Minimum Building Site Allowed: 2.5 acres under RT zone.

Sewage Disposal: Septic System.

Water: Aromas Water District

State Farmland Map Designation: Grazing Land and Other Land (per 2020 Farmland Mapping & Monitoring Program (FMMP)).

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

Soils: Arnold Loamy Sand, 30 to 50 percent slopes severely eroded, VIIe-4 (15), Grade 5. Soils in this unit are shallow to deep, well drained to excessively drained with an available water holding capacity of 1.5 to 5.0 inches.

Corralitos Loamy Sand, 2 to 9 percent slopes, IIIs-4 (14), Grade 2. Soils in this unit are very deep, well-drained and somewhat excessively drained and have an available water holding capacity of 5.0 to 8.0 inches.

Seismic: Not located within an Alquist-Priolo Fault Zone.

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

Fire Severity: Very High.

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 a Rural Transition (RT) designation per the General Plan and is designated as Rural Transitional (RT) under the Zoning Ordinance. The purpose underlying the RT General Plan designation is to allow traditional rural development as a transition between rural and urban areas. Development within this designation should be associated with rural standards and will typically lack public infrastructure (e.g., water, sewer, drainage). These transitional areas are intended to fulfill the need for buffering higher density residential development from exclusively agricultural areas, in order to minimize the conversion of agricultural lands to urban uses. The intent of the RT zoning designation is to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses. Given that the proposed project involves the construction of one residence and the proposed lots meet the minimum 2.5-acre lot area requirement of the RT zone. This ensures the continuation of the current land use while also allowing for future uses in accordance with current zoning regulations, thereby securing future residential viability and agricultural use as is expected under both the General Plan and zoning designations and allows for continued use and enjoyment of the property for both future and existing landowners. This project is also consistent with General Plan policy as well. (See Staff Analysis for more detailed consideration.)

ENVIRONMENTAL EVALUATION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in compliance with the California Environmental Quality Act (CEQA) requirements, supported by technical reports. Mitigation measures were identified to reduce potential significant impacts to a less-than-significant level and will be incorporated into the project as conditions of approval. The mitigated impacts include Air Quality, Hydrology/Water Quality, Biological Resources, Geology/Soils, Cultural Resources, Tribal Cultural Resources, and Noise. The IS/MND also addresses the removal of the scenic easement in the Aesthetics section, concluding that, with the implementation of existing mitigation measures, the removal of the easement would result in a less-than-significant impact. Additionally, Condition 29 stipulates that without the vacation of the scenic easement by the San Benito County Board of Supervisors, the proposed subdivision cannot proceed.

In accordance with Assembly Bill 52 (AB 52), the County mailed certified notification letters to Native American individuals and tribal organizations on August 12, 2022. The letters were sent to the Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, and the Rumsen Ama Turataj Ohlone. No requests for consultation were received from any of the tribes. The IS/MND

was duly noticed and made available for public review and comment for 30 days, from July 15, 2024, to August 13, 2024. (See Attachment D of the Resolution)

STAFF ANALYSIS

This project must remain consistent with both its zoning and General Plan designation. In addition, the subdivision must adhere to the requirements of San Benito County Code Title 23 (Subdivisions) and the California Government Code Section 66410 *et seq.* (Subdivision Map Act).

Notable General Plan policies that this project aligns with include LU-3.12 (Agricultural Viability of Small Parcel Sizes) and LU-4.1 (Housing Stock Diversity). These policies aim to promote a range of housing types, locations, and price points to support families across different socio-economic backgrounds. The project includes one existing residence and proposes the addition of a new dwelling, which is consistent with Policy LU-4.1's goal of enhancing housing diversity. Applicants subdividing agriculturally zoned parcels must demonstrate that smaller parcels, typically under 40 acres, can still support viable commercial agriculture. However, the current parcel is already too small to sustain large-scale agricultural operations, even prior to subdivision. Future development on this property, especially any that increases residential density, will require further evaluation by the County to ensure compliance with land use and zoning regulations. It is also important to note that no specific plan has been adopted for this area, so future development will be governed by County-wide planning and zoning ordinances.

The project proposes subdividing the property into two parcels, each 2.5 acres in size. This subdivision complies with both the General Plan land use designation and County Zoning Ordinance requirements, which permit one dwelling per 2.5 acres. The Zoning Ordinance also establishes 2.5 acres as the minimum lot size. Parcel One will retain its existing residence, and Parcel Two will accommodate one additional primary dwelling. Both parcels have the potential to include accessory dwelling units (ADUs) or structures, as allowed by current zoning. Since the site conforms to existing regulations and zoning would allow similar development without subdivision, the site is deemed suitable for the proposed density.

The attached Initial Study/Mitigated Negative Declaration (IS/MND) evaluates the potential impacts of the increased density and development. The study identifies impacts on air quality, hydrology/water quality, biological resources, geology/soils, cultural resources, tribal cultural resources, and noise, all of which are mitigated to a less-than-significant level. (See the Environmental Evaluation for further details.) All relevant mitigation measures have been incorporated into the project's resolution and conditions of approval (see Attachment D of the Resolution).

Any future development, especially those involving increased density or significant alterations to the site's grade, will require further review by the County. As noted, no specific plan has been adopted for this area, so future development will continue to be subject to the County's general planning and zoning ordinances.

Improvements. The proposed subdivision is consistent with the General Plan in terms of layout and infrastructure improvements, as reviewed by the County Resource Management Agency's Planning and Public Works staff. The project demonstrates adequate access, connections to water services, septic systems, and other necessary infrastructure, all designed in accordance 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). These elements are further addressed in the project's conditions of approval. The existing dwelling on the property will continue to utilize its current septic system and Aromas Water service, both of which comply with regulatory requirements ensuring that systems are properly designed to suit the site's specific conditions. For the future dwelling planned on Parcel Two, the project includes the installation of a new Aromas Water District water connection and septic system. The County Environmental Health Division has reviewed the proposed septic system for the future dwelling, with particular attention to soil compatibility, and these elements are incorporated into the conditions of approval.

Any future development, including further subdivision or construction requiring building permits, will undergo additional evaluation and will require approval from the County. This includes, but is not limited to, a design-level geotechnical analysis that will provide recommendations for the design and construction of any future improvements.

The project also complies with the Subdivision Map Act and the design standards outlined in the San Benito County Subdivision Ordinance, contingent upon adherence to the specified conditions of approval. There is no specific plan applicable to the subject property.

A community sewer system is not proposed for this subdivision. Instead, the existing septic systems will continue to be used for sewage disposal. The County Division of Environmental Health has reviewed the project and determined that it does not violate any requirements set forth by the Central Coast Regional Water Quality Control Board, provided that all conditions of 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 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.

Furthermore, Aromas Tri-County Fire (CAL FIRE) 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 very high fire hazard 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, and the project site is not subject to a Land Conservation Act (Williamson Act) contract.

Natural features and hazards. The subdivision incorporates several key measures, including mitigation measures (MM), to prevent substantial environmental damage or harm to fish, wildlife, or their habitats. MM BIO-1 provides protection for California tiger salamander and California red-legged frog by either securing Incidental Take Permits or performing pre-construction surveys and monitoring. MM BIO-2 mandates environmental awareness training for construction personnel, ensuring the proper identification and protection of special-status species such as salamanders, frogs, bats, and nesting birds. MM BIO-3 includes pre-construction surveys for bat species and, if found, mitigation measures to protect them. MM BIO-4 focuses on nesting bird protection through surveys and buffer zones during the nesting season. MM BIO-5 establishes a 50-foot buffer from the drainage along Carpenteria Road to prevent disturbance. MM BIO-6 ensures any necessary driveway improvements minimize impacts to wetlands and waterways, with regulatory consultations and permits as required. These measures are designed to minimize environmental impacts while safeguarding local species and their habitats.

In addition to these biological protections, the project includes safeguards for cultural resources. MM CR-1 requires that if any archaeological resources are discovered during construction, work must halt within 200 feet of the find until a qualified archaeologist evaluates it, with mitigation measures implemented if the resources are significant. MM CR-2 mandates immediate notification of the county coroner if human remains are encountered. If the remains are Native American, the Native American Heritage Commission (NAHC) will be contacted to identify a most likely descendant to provide recommendations for the respectful treatment of the remains, in compliance with the California Health and Safety Code. These cultural resource measures, combined with

biological protections, ensure that the project minimizes impacts on the environment and respects archaeological and cultural heritage.

The removal of the existing scenic easement has been carefully evaluated in the project's Initial Study/Mitigated Negative Declaration (IS/MND), particularly in the Aesthetics section. Mitigation measures have been identified to reduce potential impacts from the easement's removal to a less-than-significant level. These measures, in combination with the subdivision's design, ensure that the project will not cause substantial environmental damage or significantly and avoidably harm fish, wildlife, or their habitat. The comprehensive approach to mitigation addresses visual impacts and preserves the integrity of natural resources in the area.

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.

The subject property is within a very high fire hazard area as designated by California Department of Forestry and Fire Protection (CAL FIRE). Aromas Tri-County Fire generally gives response for fire suppression and other related emergency services, with additional aid given by City of Hollister acting under contract as the County Fire Department. The closest fire stations are Aromas Tri-County Fire Station at 492 Carpenteria Road, approximately 300 feet by road, and Hollister Fire Station 4 at 24 Polk Street in Downtown San Juan Bautista, approximately 9 miles by road. Additionally, Aromas Tri-County Fire (CAL FIRE), has reviewed the proposed subdivision design and has made recommendations accordingly, incorporated into conditions of approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and the attached draft resolution, which includes the necessary findings and conditions of approval. Staff further recommends that the Planning Commission adopt the resolution to approve County Planning File PLN220033, which includes the minor subdivision/tentative parcel map and certification of the Mitigated Negative Declaration, subject to the conditions outlined in the resolution. Additionally, the recommended resolution includes a Planning Commission recommendation advising the Board of Supervisors to vacate the Scenic Easement (Book 402 Pages 772-776), as referenced in Condition 29, to allow the subdivision to proceed.

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



The project site facing north towards Aromas from Parcel Two. (Photograph: EMC Planning Group 2024)

Attachment A
Site Photos



The project site facing south towards Snyder Avenue from Parcel Two. (Photograph: EMC Planning Group 2024)

Attachment A
(continued)



*The project site facing west towards Carpenteria Road near the boundary of Parcel One and Two.
(Photograph: EMC Planning Group 2024)*

Attachment A
(continued)



The project site facing east towards San Juan Bautista from Parcel Two. (County Photo 2024)

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 Management Agency
 2301 Technology Parkway
 Hollister, CA 95023-2513

Contact Person: Jonathan Olivas, Associate Planner, 831 902-2288, jolivas@sanbenitocountyca.gov
Project File No.: County Planning file PLN220033 (494A Carpenteria Road Minor Subdivision)
Project Applicant: Matt Kelley Engineering
Project Location: 494A Carpenteria Road, uninc. San Benito County (Assessor's Parcel 011-210-095)

NOTICE IS HEREBY GIVEN that the Initial Study for Planning file PLN220033 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, provided incorporated of mitigation measures, 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 **July 15th, 2024**, and ends at 5 p.m. on **August 13th, 2024**. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and Mitigated Negative Declaration are available for review at the County Resource Management Agency at the above address or Accela Citizens' Access (see instructions at lower right). Comments may be addressed to the contact person noted above, and 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 San Benito County Planning Commission is tentatively scheduled for 6 p.m., **October 16th, 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.

This study examines the effects of a minor subdivision located at 494A Carpenteria Road in unincorporated San Benito County, west of San Juan Bautista, California. The proposed project includes a minor subdivision of the five-acre property into two 2.5-acre lots and the construction of a single-family residence. The property contains one existing single family residence, which will remain on Parcel 1 and a new residence will be constructed on Parcel 2. See Appendix A of the IS/MND for vesting tentative map and site and grading plans.

As required by Chapter 23.15, Dedications, Reservations and Development Fees, of the San Benito County Code, the project may be required to design and implement public road improvements along the property frontage along Carpenteria Road, which is in Monterey County.

The Aromas Water District currently serves the existing residence and will also serve the proposed new residence. The existing residence uses a septic system for sewage disposal and the proposed new residence will use a proposed new septic system. The applicant has not applied for permits for the new septic system as of July 2024.

Vehicular access to the project site from Carpenteria Road will be provided by the existing driveway. The proposed project includes removal and replacement of 150 linear feet of the existing driveway upon entering the property and adding a vertical extension to the proposed single-family residence. The proposed driveway extension will be 16-foot wide and provide a 12-foot-wide turnaround. A retaining wall up to 365 linear feet and varying in height from 1 to 10 feet will be constructed around the proposed single-family residence and driveway extension. The proposed driveway will be designed to adhere to the San Benito County design guidelines and standards and would be subject to approval by the San Benito County Public Works and San Benito County Fire Department.

The civil plans include a preliminary grading plan (Sheet 2 in Appendix A). The preliminary grading plan indicates the earthwork quantities required for development of the proposed project as follows: total cut is 500 cubic yards, total fill is 580 cubic yards, and shrinkage is 80 cubic yards, resulting in a net export of zero cubic yards.

The proposed project includes removal of 16 trees on the project site, including 14 oak trees and two pine trees. The proposed project does not include a landscaping plan or tree replacement plan.

The five-acre project site is located at 494A Carpenteria Road, in unincorporated San Benito County approximately seven miles southeast of the City of Watsonville and approximately six miles northwest of the City of San Juan Bautista. The project site has a San Benito County 2035 General Plan land use designation of Rural Transitional (RT). The Rural

To view project documents using Accela:

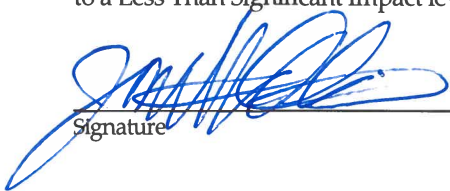
- 1) go to the website aca.accela.com/SANBENITO,
- 2) go to Planning and enter the Record Number **PLN220033** and click "Search,"
- 3) open the drop-down menu "Record Info" and click "Attachments."

*Project-related documents can be found here, with the initial study using the file name **Carpenteria Rd Minor Subdiv_Public Review Draft IS_SIGNED.PDF***

Transitional (RT) designation allows rural development as a transition between rural and urban areas at a maximum density of one dwelling unit per two-and-half acres. The project site is zoned Rural Transitional (RT), which permits residential uses.

The project site is comprised of one parcel: Assessor's parcel number 011-210-095. Existing use on the project site includes a single-family residence. The project site slopes to the west (less than 30 percent grade). Woodlands cover most of the site and a channelized drainage runs north-south near Carpenteria Road. The site is surrounded by residences to the east, south, and west, with the Aromas Tri-County Fire Protection District fire station to the north. The project site and its surrounding uses are all within the California Department of Forestry and Fire very high and high fire hazard severity zones for state responsibility areas. Access to the project site, including the existing residence, is provided by an existing driveway connecting the project site to Carpenteria Road.

The most recent project of this scope was completed 36 years ago (Parcel Map 800-87). The addition of this project would cause minimal increase to the already accounted for impact. It is worth noting that projects like San Juan Oaks and Rancho Larios, while having significant impacts themselves, have been accounted for through environmental mitigation actions assessed in conjunction with those projects. This IS/MND contains mitigation to ensure that all impacts would be reduced to a Less Than Significant Impact level.



Signature

Associate Planner
Title

7/12/2024
Date

Mitigated Negative Declaration

494A Carpentaria Road Minor Subdivision

County of San Benito

July 12, 2024

Prepared by
EMC Planning Group

MITIGATED NEGATIVE DECLARATION

494A CARPENTERIA ROAD

MINOR SUBDIVISION

PREPARED FOR

County of San Benito

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July 2024

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MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	494A Carpenteria Road Minor Subdivision San Benito County File PLN220033
Lead Agency	County of San Benito
Project Proponent	Maria Salazar Segovia 347 Carmel Avenue, Space 56 Marina, CA 93933
Project Location	494A Carpenteria Road, Aromas, CA 95004 Unincorporated San Benito County
Project Description	The proposed project includes a minor subdivision of the five-acre property into two 2.5-acre lots and the construction of a single-family residence. The property contains one existing single-family residence, which will remain on one lot and a new residence will be constructed on the second lot.
Public Review Period	Begins – July 15, 2024 Ends – August 13, 2024
Written Comments To	Jonathan Olivas, MUP, Associate Planner County of San Benito Planning 2301 Technology Pkwy, Hollister, CA 95023
Proposed Findings	<p>The County of San Benito is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.</p> <p>The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency, County of San Benito, that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:</p>

Mitigation Measures

Air Quality

AQ-1 If the project would result in soil disturbance of 2.2 acres or more per day, to reduce dust emissions from tree removal, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;
- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
- d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
- e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
- f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
- g. Stop grading, and earth moving if winds exceed 15 miles per hour;
- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
- i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
- j. Limit the area under construction at any one time.

Biological Resources

BIO-1 California tiger salamander and California red-legged frog have been recorded in proximity to the project site, however suitable habitat for either species is considered limited within the site. One of the following options shall be implemented to reduce potential impacts to California tiger salamander and California red-legged frog:

Option 1. Assume Presence of California Red-Legged Frog and Obtain Incidental Take Authorization

If the presence of California red-legged frog and/or California tiger salamander is assumed on the project site, the project applicant shall obtain Incidental Take Permit(s) from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s) to minimize the potential for “take” of California red-legged frog and/or California tiger salamander.

Option 2. Pre-Construction Surveys and Biological Monitoring for Protected Amphibians

Due to the small impact area, marginal habitat, and low probability of occurrence of California red-legged frog and/or California tiger salamander, the project applicant may choose to conduct construction surveys and biological monitoring instead of assuming presence and obtaining Incidental Take Permit(s). However, if California red-legged frog or California tiger salamander is found at any point during surveys or project activities, the project applicant would need to proceed with obtaining the permits in Option 1, prior to any grading or construction activities.

1. A qualified biologist shall conduct preconstruction surveys for California red-legged frog and California tiger salamander no more than two weeks (14 days) prior to the start of construction activities. The project site shall be surveyed for potential migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to the San Benito County Resource Management Agency prior to ground disturbance.
2. A qualified biologist shall conduct biological construction monitoring for California tiger salamander and California red-legged frog during ground-disturbing activities. Before the start of work each day, a biologist or their designee shall check for wildlife under any equipment such as vehicles and stored pipes within active construction zones. A biologist or their designee shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If California tiger salamander or California red-legged frog is observed within an active construction zone, a biologist shall be notified immediately and all work shall be halted and all equipment turned off. Work may not proceed until consultation with the U.S. Fish and Wildlife and/or the California Department of Fish and Wildlife has been completed.

3. If California red-legged frog and/or California tiger salamander is observed within the project area, work shall cease and Incidental Take Permit(s) (Option 1) shall be obtained before work can resume. Work shall re-commence only when authorized by the U.S. Fish and Wildlife and California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s).

BIO-2 Prior to ground disturbance, the project applicant shall hire a qualified biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, California tiger salamander, California red-legged frog, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities shall occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

The qualified biologist shall provide documented evidence of completion of this training to San Benito County Resource Management Agency prior to ground disturbance.

BIO-3 The following measures shall be implemented to avoid loss of or harm to special-status bat species:

1. Approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.
2. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to San Benito County Resource Management Agency, where it shall be kept on file, and no further measures are required.
3. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.

4. The nursery season is typically from May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

BIO-4 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), tree removal and all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

1. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to San Benito County Resource Management Agency and no further mitigation is required.
2. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during

construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report shall be prepared and submitted to San Benito County Resource Management Agency.

BIO-5 Grading activities within 50-foot buffers (measured horizontally) from the drainage along Carpenteria Road shall be avoided. Prior to issuance of a grading permit, grading plans shall show the 50-foot buffer with a notation that no disturbance, including storing construction equipment, is allowed within this area.

BIO-6 If improvements to the driveway over the drainage channel become necessary, the improvements shall be designed to minimize impacts to the drainage to the extent feasible. Prior to ground disturbance and issuance of a grading permit, the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) should be determined (wetland delineation report), and regulatory agency consultations should occur.

1. If impacts to a federally jurisdictional feature may occur as a result of the project, a Clean Water Act Section 404 Nationwide Permit (NWP) may be appropriate. If the proposed activity would not otherwise qualify for a NWP, the applicant should proceed with obtaining an Individual Permit from the USACE. For either permit, a formal wetland delineation report should first be submitted to the USACE for a jurisdictional determination.
2. If wetlands or waters of the State are present, the applicant should coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If impacts to wetlands, riparian areas, or streams are identified, the applicant should coordinate with the CDFW to obtain a Streambed Alteration Agreement.

Cultural Resources

CR-1 The following language shall be added to all project plans associated with tree removal, grading, and construction.

“Per the San Benito County Code of Ordinance Chapter 19.05, if archaeological resources are discovered during construction, then work shall be halted within 200 feet of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, then appropriate mitigation measures shall be formulated and implemented.”

CR-2 The following language shall be added to all project plans associate with tree removal, grading, and construction.

“If human remains are encountered during construction, the county coroner shall be notified immediately. The San Benito County Code of Ordinances Chapter 19.05 and Section 7050.5 of the California Health and Safety Code require that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. A qualified archaeologist shall also be contacted immediately. If the county coroner determines that the remains are Native American, the coroner shall then contact the Native American Heritage Commission (NAHC), pursuant to Section 7050.5(c) of the California Health and Safety Code (see Section 1.2 Regulatory Setting).

The county coordinator of Indian Affairs shall also be contacted. There will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains until the county coroner has determined that no investigation of the cause of death is required; and, if the remains are of Native American origin.

The NAHC shall identify a Native American most likely descendant to make a recommendation with regards to appropriate treatment of human remains within 24 hours after being notified by the commission.

If the NAHC fails to make a recommendation, the descendants of the deceased Native Americans shall make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in the Public Resources Code Section 5097.98.

According to the California Health and Safety Code, six or more human burials at one location constitutes a cemetery (Sec. 8100), and disturbance of Native American cemeteries is a felony (Sec. 7052).”

Geology and Soils

GEO-1 The applicant shall include the recommendations presented in the Geotechnical Investigation Design Phase Proposed Residential Construction 494A Carpenteria Road, Aromas, San Benito County, California by Butano Geotechnical Engineering Inc. in the project plans, and the recommendations shall be implemented during construction of the project.

GEO-2 Prior to issuance of a grading permit, the applicant shall prepare an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment control, subject to review and approval by the County Resources Management Agency. The erosion control plan shall be implemented during construction.

GEO-3 Due to the possibility that buried paleontological resources might be discovered during construction, the following language shall be included on all construction documents and on any permits issued for the project site, including, but not limited to, grading and building permits associated with proposed project:

“If paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional paleontologist. If the find is determined to be significant, an appropriate resource recovery shall be formulated, with the concurrence of the San Benito County, and implemented.”

Hydrology and Water Quality

HYD-1 Prior to issuance of a grading permit, the applicant shall prepare a drainage plan that complies with the San Benito County Best Management Practices and standards established for compliance with non-point discharge emissions for storm water. The drainage plan shall incorporate Low Impact Development strategies and Best Management Practices to reduce storm water runoff, encourage infiltration, and reduce pollutant transmission. The drainage plan shall be subject to review and approval by County Resource Management Agency, and be implemented with development of the project.

Noise

N-1 To reduce construction-related noise, the applicant shall include the following measures in the project plans:

- a. Operation of construction equipment shall be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays;
- b. All internal combustion engine-driven equipment shall be equipped with mufflers;
- c. All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located as far away as possible from adjacent land uses;
- d. Staging areas and construction material areas shall be located as far away as possible from adjacent land uses;
- e. Unnecessary idling of internal combusting engines shall be prohibited; and
- f. The days and hours of construction, as well as, the name and phone number of a designated representative to be contacted for noise-related concerns, should be posted at the perimeter of the project site.

INITIAL STUDY

**494A CARPENTERIA ROAD
MINOR SUBDIVISION**

PREPARED FOR

County of San Benito

Jonathan Olivas, MUP, Associate Planner

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Hollister, CA 95203

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July 12, 2024



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A. BACKGROUND

Project Title	494A Carpenteria Road Minor Subdivision San Benito County File PLN220033
Lead Agency Contact Person and Phone Number	County of San Benito Jonathan Olivas, MUP, Associate Planner (831) 902-9857
Date Prepared	July 2024
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	494A Carpenteria Road, Aromas, CA 95004 Unincorporated San Benito County
Project Sponsor Name and Address	Maria Salazar Segovia 347 Carmel Avenue, Space 56 Marina, CA 93933
General Plan Designation	Rural Transitional (RT)
Zoning	Rural Transitional (RT)

Setting

The five-acre project site is located at 494A Carpenteria Road, in unincorporated San Benito County approximately seven miles southeast of the City of Watsonville and approximately six miles northwest of the City of San Juan Bautista. The project site has a *San Benito County 2035 General Plan* land use designation of Rural Transitional (RT). The Rural Transitional (RT) designation allows rural development as a transition between rural and urban areas at a maximum density of one dwelling unit per two-and-half acres. The project site is zoned Rural Transitional (RT), which permits residential uses.

The project site is comprised of one parcel: Assessor’s parcel number 011-210-095. Existing use on the project site includes a single-family residence. The project site slopes to the west (less than 30 percent grade). Woodlands cover most of the site and a channelized drainage runs north-south near Carpenteria Road. The site is surrounded by residences to the east, south, and west, with the Aromas Tri-County Fire Protection District fire station to the north. The project site and its surrounding uses are all within the California Department of Forestry and Fire very high and high fire hazard severity zones for state responsibility areas. Access to the project site, including the existing residence, is provided by an existing driveway connecting the project site to Carpenteria Road.

Figure 1, *Location Map*, presents the regional and vicinity location of the project site. Figure 2, *Aerial Photograph*, presents an aerial view of the project site and immediate surroundings. Figure 3, *Site Photographs*, presents photographs taken at the project site in January 2024, and Figure 4, *Surrounding Uses*, presents photographs taken of existing uses in the immediate vicinity of the project site.

Description of Project

Minor Subdivision

The proposed project includes a minor subdivision of the five-acre property into two 2.5-acre lots and the construction of a single-family residence. The property contains one existing single-family residence, which will remain on one lot and a new residence will be constructed on the second lot. Figure 5, *Parcel Map*, presents the property boundaries. Figure 6, *Tentative Parcel Map*, presents the proposed subdivision of parcels and indicates the location of the existing house located on parcel 1 and the proposed house located on parcel 2. See Appendix A for the vesting tentative map and site and grading plans.

As required by Chapter 23.15, *Dedications, Reservations and Development Fees*, of the San Benito County Code, the project may be required to design and implement public road improvements along the property frontage along Carpenteria Road, which is in Monterey County. The Aromas Water District currently serves the existing residence and will also serve the proposed new residence. The existing residence uses a septic system for sewage disposal and the proposed new residence will use a proposed new septic system.

Access and Circulation

Vehicular access to the project site from Carpenteria Road will be provided by the existing driveway. The proposed project includes removal and replacement of 150 linear feet of the existing driveway upon entering the property and adding a vertical extension to the proposed single-family residence. The proposed driveway extension will be 16-feet wide and provide a 12-foot-wide turnaround. A retaining wall up to 365 linear feet and varying in height from 1 to 10 feet will be constructed around the proposed single-family residence and driveway extension. The proposed driveway will be designed to adhere to the San Benito County design guidelines and standards and would be subject to approval by the San Benito County Public Works and San Benito County Fire Department.

Grading Permit

The civil plans include a preliminary grading plan (Sheet 2 in Appendix A). The preliminary grading plan indicates the earthwork quantities required for development of the proposed project as follows: total cut is 500 cubic yards, total fill is 580 cubic yards, and shrinkage is 80 cubic yards, resulting in a net export of zero cubic yards.

Tree Removal

The proposed project includes removal of 16 trees on the project site, including 14 oak trees and two pine trees. The proposed project does not include a landscaping plan or tree replacement plan.

Other Public Agencies Whose Approval is Required

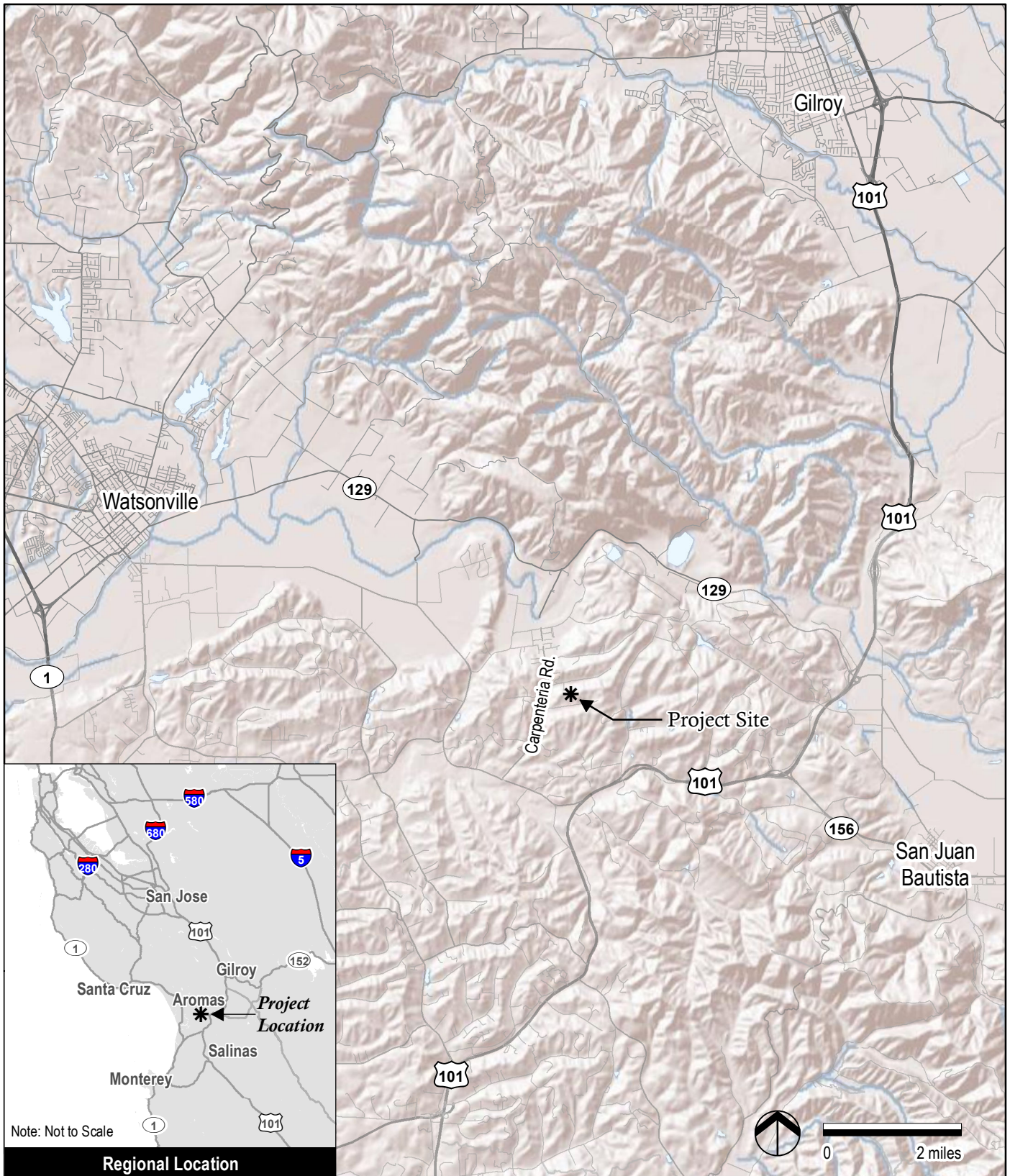
California Department of Fish and Wildlife
California Department of Forestry and Fire Protection
County of San Benito Resource Management Agency

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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Source: ESRI 2024

Figure 1
Location Map



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Source: San Benito County GIS 2024,
Google Earth 2024



0 950 feet



Project Boundary



Figure 2
Aerial Map

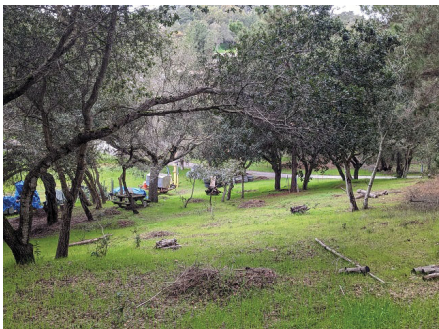
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① View looking north from within project site.



② View looking north from within project build site.



③ View looking west into project build site.



Source: Google Earth 2024
 Photographs: EMC Planning Group 2024



④ View looking south in project build area.



⑤ View looking south in project build area.



⑥ View looking north of proposed driveway extension.

Figure 3
 Site Photographs

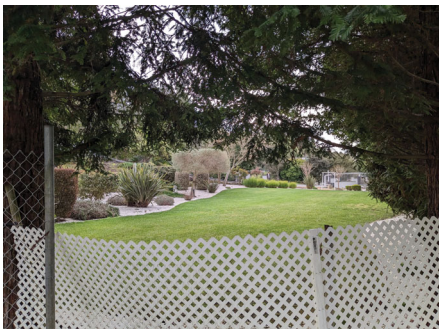
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① View of Carpenteria Road to the west of the project site.



② View of adjacent uses northwest of project site.



③ View of single-family residence to the southwest of project site.



Source: Google Earth 2024
Photographs: EMC Planning Group 2024



④ View of existing driveway on north boundary of project site looking west.



⑤ View of grassland parcel to the northeast of project site.

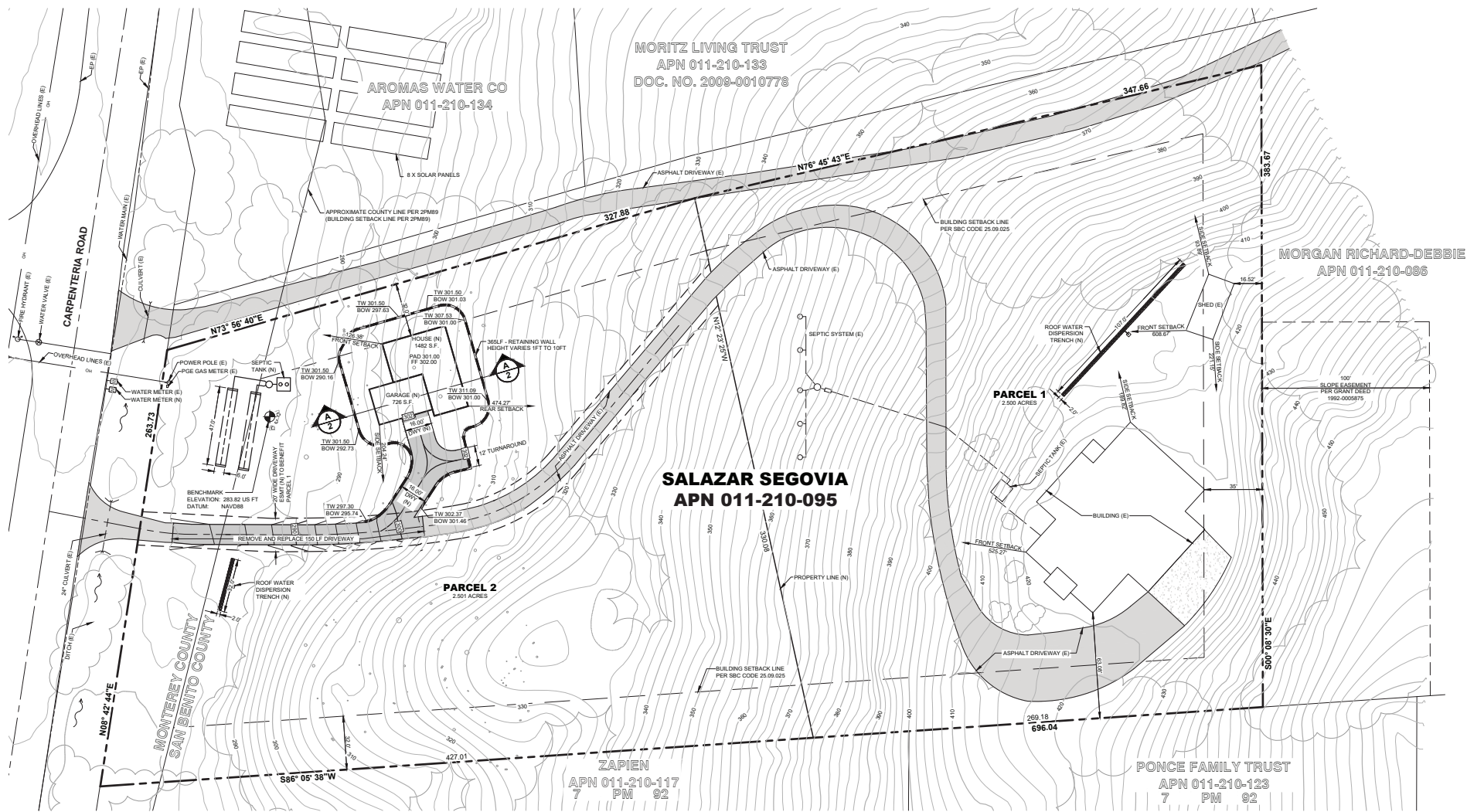


⑥ View of solar array to the northwest.

Figure 4
Surrounding Uses

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Source: Kelley Engineering & Surveying 2022

Figure 6
Tentative Parcel Map



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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

C. 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 (1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (2) 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.

Jonathan Olivas, MUP, Associate Planner

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
2. Once it has been determined that a particular physical impact may occur, then the checklist answers 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.
3. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
4. Earlier analyses are 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 would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
6. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
7. The explanation of each issue identifies:
 - 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 significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 points.) 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"/>

Comments:

a. A scenic vista is typically considered a location from which the public can experience unique and exemplary high-quality views of an area. The project area and surrounding land do not contain any County of San Benito General Plan designated scenic vistas. The visual character of the county is defined by views of mountains, undeveloped rangelands, large agricultural fields and croplands, natural ridgelines along the Diablo and Gabilan Ranges, and annual grasslands (general plan, page 8-13). These features are considered local scenic resources. Views of the project site from Carpenteria Road include woodland and hillside, utility poles, fencing, shrubs, and trees in the foreground; homes and solar panels in the middle ground; and the Santa Cruz Mountain range in the background. Views from and of the project site from Carpenteria Road can, therefore, be considered scenic.

On December 5, 1975, the project site was granted a Conservation and Scenic Easement Deed, which imposes restrictions on the use of the property to preserve the natural scenic beauty. The easement allows a maximum of four dwelling units and associated out building and fences. The proposed project would result in two dwelling units on the project site and therefore, is consistent with the restrictions of the deed.

The project site is visible from Carpenteria Road, which is not a County-designated scenic corridor (general plan, page 8-13). The proposed single-family residence would be located approximately 200 feet from the centerline of Carpenteria Road, and although the project would result in the removal of 16 trees, sufficient vegetation will remain to partially shield the house from view.

County Code Section 25.03.004 states that the main building and roof form for all structures within the Rural Transitional (RT) district shall be limited to a maximum of 35 feet in height. The proposed project is required to comply with the abovementioned County Municipal Code section associated with height to ensure that the proposed structure does not have a substantial adverse effect on views of adjacent wooded hillsides. Therefore, because the proposed new home is consistent with the restriction of the deed, will be partially obscured from views on Carpenteria Road, and the home design is required to conform to County standards, development of the proposed project would have a less-than-significant impact on scenic vistas.

- b. The project site is not located in the vicinity of a state scenic highway. The project site is located adjacent to Carpenteria Road, which is not officially designated a state scenic highway (general plan, page 8-13). Therefore, the proposed project would not damage scenic resources within a state scenic highway, or when viewed from a state scenic highway.
- c. The project site is in a non-urbanized area; however, it is surrounded by rural, residential development. Existing use on the project site includes a single-family residence. Land uses adjacent to the project site include rural residences to the east, south, and west, and the Aromas Tri-County Fire Protection District fire station immediately to the north.

With a general plan designation of Rural Transitional (RT) and a zoning district of Rural Transitional (RT), the project site was anticipated for low density rural residential development to provide a buffer between high density residential development and agricultural areas. Although the development of the proposed project would change the existing visual character of the site, the proposed project would not be inconsistent with existing and proposed adjacent residential uses. Therefore, the visual impact would be less than significant.

- d. Development of the project site with a single-family residence would introduce new sources of nighttime lighting at the project site. New light sources would include, but are not limited to, interior building lighting and outdoor property lighting. These new light sources could result in adverse effects to adjacent land uses due to light trespass and glare. Section 25.07.012 of the San Benito County Code regulates outdoor lighting facilities within the county and outlines types of lighting that are acceptable and/or unacceptable. The proposed project is subject to conformance with the development review processes, as outlined in the county's general plan policies. Therefore, light and glare impacts associated with the proposed project would be less than significant.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, 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:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. The project site is predominantly identified as “Other Land” on the California Department of Conservation’s Important Farmland Finder. A small portion of the project site is designated “Urban and Build-Up Land.” Therefore, the proposed project would have no impact on prime farmland, unique farmland, or farmland of statewide importance.

- b-d. The project site is not under a Williamson Act contract. The project site is zoned Rural Transitional (RT). The project site is not zoned for forestland or timberland uses. There are no forest resources on or adjacent to the project site. Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, conflict with existing zoning for, or cause rezoning of, forest land or timberland, or result in the loss or conversion of forest land to non-forest use.
- e. The project site consists of a single-family residence. Land uses adjacent to the project site include rural residences to the east, south, and west, and the Aromas Tri-County Fire Protection District fire station immediately to the north. Since surrounding lands are already developed with non-agricultural uses, the proposed project would not result in any impacts due to conversion of farmland or forest land to nonagricultural use.

3. AIR QUALITY

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

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other 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"/>

Comments:

- a. San Benito County, including the project site, is located in the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). Regional air districts must prepare air quality plans specifying how state air quality standards will be met. The air district’s most recent adopted plan is *2012-2015 Air Quality Management Plan for the Monterey Bay Region* (hereinafter “air quality management plan”). The air district specifies air quality management plan consistency for population-related projects only. The proposed project includes the construction of one single-family residence, which would not result in a significant increase in the population, and thereby would not exceed the population projections of the air quality management plan. Therefore, the proposed project would not conflict with or obstruct implementation of the air quality management plan.
- b. The proposed project includes the construction of one single-family residence and therefore, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

Emissions produced during demolition, grading, and construction activities are considered short-term as they occur only during the construction phase of the project. Construction emissions include mobile source exhaust emissions, emissions generated during the application of asphalt paving material and architectural coatings, as well as

emissions of fugitive dust associated with earthmoving equipment. Worst case construction phase emissions typically occur during initial site preparation, including grading and excavation, due to the increased amount of surface disturbance that can generate dust and due to construction equipment emissions with the use of heavier equipment used at this phase.

Air district CEQA Guidelines Table 5-2, Construction Activity with Potentially Significant Impacts, identifies the level of construction activity that could result in significant temporary fugitive dust impacts if not mitigated. Construction activities with grading and excavation that disturb more than 2.2 acres per day and construction activities with minimal earthmoving that disturb more than 8.1 acres per day are assumed to be above the 82 pounds of particulate matter per day threshold of significance. The proposed project includes grading and excavation on the five-acre project site, and may result in soil disturbance that exceeds the air district's threshold of 2.2 acres per day for construction activities with grading and excavation, resulting in a significant impact on air quality. Implementation of the following mitigation measure would reduce this impact to less-than-significant.

Mitigation Measure

AQ-1 If the project would result in soil disturbance of 2.2 acres or more per day, to reduce dust emissions from tree removal, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;
- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
- d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
- e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
- f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;

- g. Stop grading, and earth moving if winds exceed 15 miles per hour;
- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
- i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
- j. Limit the area under construction at any one time.

Therefore, the cumulatively considerable construction impact of the proposed project would be less than significant with mitigation.

- c. According to the air district CEQA Guidelines, a sensitive receptor is generally defined as any residence including private homes, condominiums, apartments, and 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. The nearest sensitive receptor is a rural residence, located approximately 250 feet south of the project site. Residences to the east and west of the project site are located within a distance of 400 feet from the project site.

Operation of the proposed project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses that include sensitive receptors. The short-term air quality effects related to dust emissions during project construction would be avoided with implementation of the Mitigation Measure AQ-1 under checklist item “b” above, if 2.2 acres or more are graded per day. The diesel construction equipment required for the proposed project could expose these sensitive receptors to toxic air contaminants from heavy equipment diesel exhaust; however, the potential diesel emissions from construction of one house is not considered significant.

- d. The proposed project is not anticipated to produce any objectionable odors during its operation. Construction activities associated with the proposed project, such as paving and painting, may temporarily generate objectionable odors. Since odor-generating construction activities would be localized, sporadic, and short-term in nature, this impact would be less-than-significant.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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, regulations, or by the California Department of Fish and Wildlife or US 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 Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

A reconnaissance-level biological field survey of the project site was conducted by EMC Planning Group biologist Rose Ashbach on January 26, 2023, to document existing plant communities/wildlife habitats and assess the suitability of the site to support special-status species. Biological resources were documented in field notes, including plant and wildlife species observed, dominant plant communities, wildlife habitat quality, disturbance levels, and aquatic resources.

Prior to conducting the survey, Ms. Ashbach reviewed site plans, aerial photographs, natural resource database accounts, and other relevant scientific literature. This included searching the U.S. Fish and Wildlife Service (USFWS) *Endangered Species Database* (USFWS 2024a), California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2024a, CDFW 2024b), and California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2024) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project. A review of the USFWS *National Wetlands Inventory* (NWI) database was also conducted to identify jurisdictional aquatic features (wetlands, drainages, and/or riparian areas) on or adjacent to the project site (USFWS 2024b).

Existing Conditions

The approximately five-acre parcel is located at 494A Carpenteria Road, within unincorporated San Benito County and about 0.5 miles from the center of the town of Aromas. Aromas is divided between two counties: San Benito and Monterey. While the majority of the project parcel is located in San Benito County, a small portion of the parcel adjacent to Carpenteria Road is located in Monterey County.

The proposed project would subdivide the approximately five-acre parcel into two 2.5-acre parcels through the center of the lot in a north south division. An existing residence is located on the eastern side of the parcel, accessible through the existing driveway. The purpose of the subdivision is to maintain the current residence in the eastern parcel and to add an additional residence in the western parcel adjacent to Carpenteria Road.

The proposed residence would be located in an oak woodland and would require the removal of coast live oak (*Quercus agrifolia*) and Monterey pine (*Pinus radiata*) trees. The proposed residence is located on a slope and would require grading work and construction of retaining walls to stabilize the slopes around the proposed residence. A new driveway and turnaround would link the existing driveway to the proposed residence. The upper parcel would have easement rights to the existing driveway for access through the lower parcel.

Plant and Wildlife Habitats

Vegetation throughout the parcel includes coast live oak and Monterey pine forest, annual grassland/ruderal vegetation, and ornamental landscaped areas.

Coast live oak and Monterey pine forest comprise the majority of the slopes of the property. The steep northwest slopes are dominated by naturalized Monterey pine (*Pinus radiata*) and non-native eucalyptus (*Eucalyptus* sp.) trees with occasional coast live oak (*Quercus agrifolia*) trees. The understory is dominated by California blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), annual grasses, and non-native iceplant (*Carpobrotus edulis*). Other understory species include *Sanicula* sp., bedstraw (*Gallium* sp.), and non-native pampas grass (*Cortaderia selloana*).

The slopes below the existing residence in the center of the parcel are dominated by Monterey pines with associated species coast live oak, coyote brush (*Baccharis pilularis*), and sometimes very dense patches of non-native French broom (*Genista monspessulana*). Areas west towards Carpenteria Road are dominated by coast live oak. The understory of these slopes includes native

poison oak, bedstraw, gold back fern (*Pentagramma triangularis*), wood fern (*Dryopteris* sp.); and non-native species: French broom, rattle snake grass (*Briza maxima*), Bermuda buttercup (*Oxalis pes-caprae*), sheep sorrel (*Rumex acetosella*), and Italian thistle (*Carduus pycnocephalus*).

Lower slopes are dominated by coast live oak with approximately 90 percent coast live oak canopy and 10 percent Monterey pine canopy. The understory of the oak forest has been raked and includes piles of oak leaves and branches. Other understory features in these raked areas include bare ground, Bermuda buttercup, annual grasses, and other unidentifiable annual herbs in their seed leaf stage.

The proposed residence is located within the coast live oak forest. The slopes are moderately steep. Other species within the building envelope include native species: California blackberry and coyote brush; and non-native species: annual grasses, English plantain (*Plantago lanceolata*), sheep sorrel, chickweed (*Stellaria media*), rough cat's ear (*Hypochaeris radicata*), and crane's bill (*Erodium* sp.).

Throughout all woodland/forested areas there is a great diversity of fungi, including witches' butter (*Tremella mesenterica*), black elfin saddle (*Helvella lacunose*), orange oysters (*Phyllotopsis* sp.), *Amanita* sp., and many others.

Non-native annual grasslands/ruderal vegetation comprise the flat lower parcel and an opening on the upper slope. The flat area adjacent to Carpenteria Road (west parcel boundary) includes annual grassland/ruderal vegetation dominated by non-native annual grasses (*Bromus diandrus*, *Avena fatua*, *Polygogon monspeliensis*, *Poa annua*, etc.), and other non-native annual herbs including sheep sorrel, chickweed, doves foot crane's bill (*Geranium molle*), English plantain, Bermuda buttercup, crane's bill, rough cat's ear, narrow leaf clover (*Trifolium angustifolium*), and *Spergula* sp. An opening below the existing residence between the existing Monterey pine/eucalyptus forest and the driveway includes annual grasses, French broom, miner's lettuce (*Claytonia perfoliate*), horseweed, bristly ox-tongue (*Helminthotheca echioides*), California blackberry, narrow leaf clover, rough cat's ear, and sheep sorrel.

Areas of ornamental landscaping are located around the existing residence and include *Agapanthus* sp., succulents (*Aeonium* sp.), jade (*Crassula ovata*), manuka (*Leptospermum* sp.), and fruit trees. Various large ornamental trees lined the bottom of the parcel along Carpenteria Road, with four coast redwood trees (*Sequoia sempervirens*) marking the southwest parcel boundary.

A small drainage channel is located just outside of the property line between Carpenteria Road and the project parcel. The vegetation here is ruderal with many non-native, introduced species including melons (*Cucumis* sp.), rip-gut brome (*Bromus diandrus*), blackberry, crane's bill, dove foot crane's bill, annual blue grass (*Poa annua*), milk thistle (*Silybum marianum*), curly dock (*Rumex crispus*), sheep's sorrel, fumaria (*Fumaria officinalis*), *Calendula* sp., water potentilla, and miner's lettuce. The drainage channel connects to a riverine system that flows to Elkhorn Slough.

The soil throughout the site is sandy. Although no erosion was noted, a small natural drainage channel was observed within the Monterey pine and oak forest which acts to drain the steep slopes.

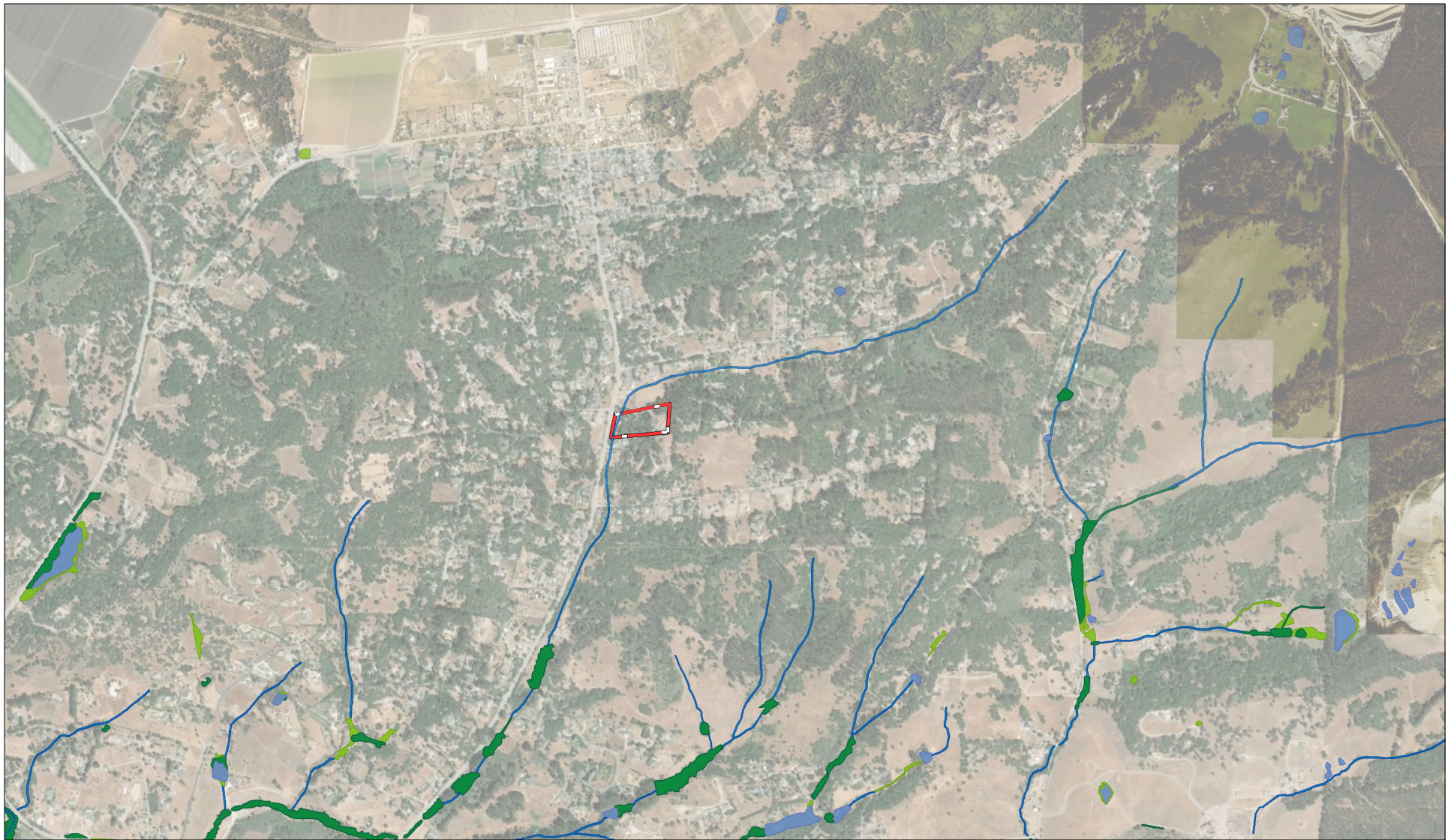
There are pocket gopher/small mammal burrows throughout the lower annual grassland area and within the sloped forested woodlands. There was also evidence of deer (*Odocoileus virginianus*), skunk (*Mephitis mephitis*), squirrel (*Sciurus* sp.), and racoon (*Procyon lotor*) throughout the parcel. Wildlife observed while on the project site included American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), and red-shouldered hawk (*Buteo lineatus*). Other birds expected within the habitat include Bewick's wren (*Thryomanes bewickii*), black phoebe (*Sayornis nigricans*), house finch (*Haemorhous mexicanus*), red tailed hawk (*Buteo jamaicensis*), and turkey (*Meleagris gallopavo*).

Aquatic/Wetland. A drainage ditch runs parallel to the project site between Carpenteria Road and the project parcel. This drainage area is classified as a riverine intermittent streambed that is temporarily flooded (National Wetland Inventory (NWI) code: R4SBA) by the NWI (2024b). The small natural drainage appeared to direct excessive flows downslope through the channeled topography of the feature, but no wetland vegetation or hydrology was present, See [Figure 7, National Wetland Inventory Map](#) and [Figure 8, Habitat Map](#)

- a. **Special-Status Species.** A search of the California Department of Fish and Wildlife *California Natural Diversity Database* (CNDDB) was conducted for the project parcel and the surrounding eight U.S. Geological Survey (USGS) quadrangles in order to generate a list of potentially occurring special-status species for the project vicinity. Records of occurrences for special-status plants were reviewed for those quadrangles in the CNPS *Inventory of Rare and Endangered Plants of California* (CNPS 2024). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for San Benito and Monterey County, and the USFWS *Critical Habitat for Threatened & Endangered Species* online mapper was reviewed (USFWS 2024a & USFWS 2024c). Special-status species in this report are those listed as Endangered, Threatened, or Rare or as candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by the California Native Plant Society (CNPS). [Appendix B, Special-Status Species with Potential to Occur in the Project Vicinity](#), presents tables with special-status species search results, which lists the special-status species documented within the project vicinity, their listing status, suitable habitat description, and their potential to occur on the project site. [Figure 9, Special-Status Species in the Project Vicinity](#), presents a map of the CNDDB results.

Special-Status Plant Species. No special-status plants were observed during the reconnaissance site assessment. Additionally, existing disturbance and marginal habitat throughout the site, coupled with a small impact area make the presence of special-status species unlikely and the potential impact less than significant to no impact.

Special-Status Wildlife Species. Special-status wildlife species with low potential to occur on the project site include California tiger salamander (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*). Nesting birds and roosting bats may also occur on the project site. These species are addressed below.



0 1850 Feet



Parcel

Estuarine and Marine Deepwater
 Estuarine and Marine Wetland

Freshwater Emergent Wetland
 Freshwater Forested/Shrub Wetland

Freshwater Pond
 Riverine

ESRI 2024, USGS NWI 2024



Figure 7
 National Wetland Inventory Map
 Carpenteria Road Minor Subdivision Initial Study

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0 85 Feet



Parcel



Drainage Channel



Coast Live Oak Forest



Redwood Trees



Bare Slope



Developed



Grassland-Ruderal



Monterey Pine Forest



Ornamental



County Line

ESRI 2024, EMC Planning Group 2024

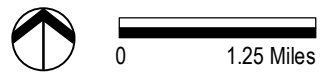
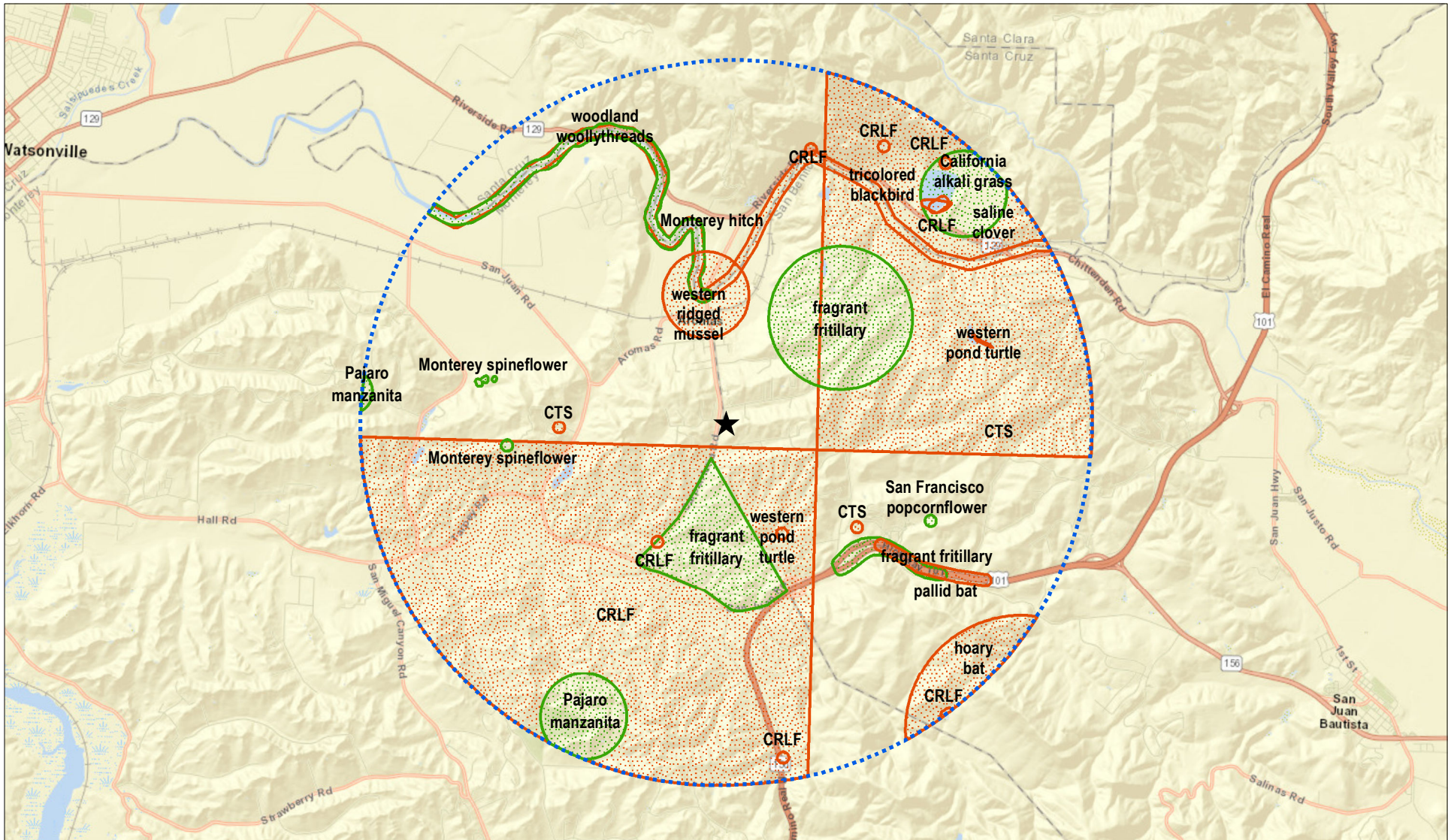


Figure 8

Habitat Map

Carpenteria Road Minor Subdivision Initial Study

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★ Project Location [Dotted Blue Box] 3.1-Mile Buffer [Green Dotted Box] Special-Status Plants [Orange Dotted Box] Special-Status Wildlife

ESRI 2024, CDFW CNDDDB 2024
 CTS: California Tiger Salamander
 CRLF: California Red-Legged Frog

Figure 9
Special-Status Species in the Project Vicinity Map
 Carpenteria Road Minor Subdivision Initial Study



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California Tiger Salamander. The federally and state-listed threatened California tiger salamander (*Ambystoma californiense*) is a large terrestrial salamander. It occurs in central California from the Sacramento Valley to the south-central San Joaquin Valley, and in the surrounding foothills of both the Coast Ranges and the Sierra Nevada Mountains. California tiger salamanders are also recorded from the San Francisco Bay region, Sonoma County, the Monterey Bay region, and the valleys and foothills of San Luis Obispo and Santa Barbara counties. California tiger salamanders breed in temporary wetland pools, such as vernal pools, and other seasonal wetland bodies where ponded water is present for a minimum of three to four months, extending into the early spring. Such ponds and temporary wetlands provide necessary breeding and larval-stage habitat for the species. Adults spend most of the year in aestivation, underground in the burrows of small mammals, such as the California ground squirrel (*Otospermophilus beecheyi*) and/or Botta's pocket gopher (*Thomomys bottae*), or within other suitable subterranean retreats up to two kilometers (1.24 miles) away from their breeding pond.

CNDDDB records indicate that the closest known occurrence of California tiger salamander to the project site was recorded in 2007, in a small freshwater pond to the east of Cole Road, 1.3 miles southeast of the site (Occurrence No. 823, CNDDDB 2024a). The next closest record is 1.4 miles northwest of the project site recorded in 2010 (Occurrence No. 1266, CNDDDB 2024a). There are twelve seasonal ponds present in the immediate vicinity (1.3-mile buffer) of the project that may provide breeding opportunities for California tiger salamander. Moderate barriers such as development and roads are located to the north and west of the project and minimal barriers to the east and south. The project lies within California tiger salamander migration range, and small mammal burrows within the project parcel provide marginal habitat for migrating California tiger salamander. If present, the proposed project has the potential to result in impacts to California tiger salamander, and impacts to the species are considered significant. Implementation of mitigation measures BIO-1 and BIO-2 (below) would reduce this potential, significant impact to California tiger salamander to a less-than-significant level.

California Red-legged Frog. A federally-listed Threatened species and California Species of Special Concern, California red-legged frog occurs in lowlands and foothills primarily in perennial or ephemeral ponds, pools, and streams where water remains long enough (14-28 weeks) for breeding and metamorphosis of tadpoles. Specific breeding sites include streams, creeks, ponds, marshes, sag ponds, deep pools, backwater areas, dune ponds, lagoons, and estuaries. California red-legged frog may disperse from their aquatic breeding habitats to upland habitats during the dry season. They prefer upland habitats that provide moisture to prevent desiccation and protection from predators, including downed logs, woody vegetation, boulders, moist leaf litter, or other refugia during the dry season. In areas where upland habitats do not contain structure, they take refuge in burrows. However, if there is sufficient water at their breeding location, they may remain in aquatic habitats year-round instead of moving to adjacent uplands.

During wet seasons, frogs can move long distances between habitats, traversing upland areas or ephemeral drainages. Dispersal distances are typically less than 0.3 mile, with a few individuals moving 1.2-2.2 miles. Seeps and springs in open grasslands can function as foraging habitat or refugia for wandering frogs.

CNDDDB records indicate that the closest known occurrence of California red-legged frog was recorded 1.1-miles south of the project in 2002 within the same riparian system that passes in front of the property (Occurrence No. 790, CNDDDB 2024a). Numerous riparian corridors/riverine systems to the south of the property and freshwater ponds to the north and east provide good habitat for breeding. Based on known occurrence within the existing riparian/drainage channel, proximity to other potential breeding ponds, and marginal upland habitat within the parcel, there is potential for California red-legged frogs to exist within the project site. If present, the proposed project has a potential to result in impacts to California red-legged frog, and impacts to the species are considered significant. Implementation of mitigation measures BIO-1 and BIO-2 would reduce this potential, significant impact to California red-legged frog to a less-than-significant level.

Mitigation Measures

BIO-1 California tiger salamander and California red-legged frog have been recorded in proximity to the project site, however suitable habitat for either species is considered limited within the site. One of the following options shall be implemented to reduce potential impacts to California tiger salamander and California red-legged frog:

Option 1. Assume Presence of California Red-Legged Frog and Obtain Incidental Take Authorization

If the presence of California red-legged frog and/or California tiger salamander is assumed on the project site, the project applicant shall obtain Incidental Take Permit(s) from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s) to minimize the potential for “take” of California red-legged frog and/or California tiger salamander.

Option 2. Pre-Construction Surveys and Biological Monitoring for Protected Amphibians

Due to the small impact area, marginal habitat, and low probability of occurrence of California red-legged frog and/or California tiger salamander, the project applicant may choose to conduct construction surveys and biological monitoring instead of assuming presence and obtaining Incidental Take Permit(s). However, if California red-legged frog or California tiger salamander is found at any point during surveys or project activities, the project applicant would need to proceed with obtaining the permits in Option 1, prior to any grading or construction activities.

1. A qualified biologist shall conduct preconstruction surveys for California red-legged frog and California tiger salamander no more than two weeks (14 days) prior to the start of construction activities. The project site shall be surveyed for potential migratory

and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to the San Benito County Resource Management Agency prior to ground disturbance.

2. A qualified biologist shall conduct biological construction monitoring for California tiger salamander and California red-legged frog during ground-disturbing activities. Before the start of work each day, a biologist or their designee shall check for wildlife under any equipment such as vehicles and stored pipes within active construction zones. A biologist or their designee shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If California tiger salamander or California red-legged frog is observed within an active construction zone, a biologist shall be notified immediately and all work shall be halted and all equipment turned off. Work may not proceed until consultation with the U.S. Fish and Wildlife and/or the California Department of Fish and Wildlife has been completed.
3. If California red-legged frog and/or California tiger salamander is observed within the project area, work shall cease and Incidental Take Permit(s) (Option 1) shall be obtained before work can resume. Work shall re-commence only when authorized by the U.S. Fish and Wildlife and California Department of Fish and Wildlife. The project applicant, with oversight by San Benito County Resource Management Agency, shall implement all avoidance, minimization, and compensatory mitigation measures required in the permit(s).

BIO-2 Prior to ground disturbance, the project applicant shall hire a qualified biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, California tiger salamander, California red-legged frog, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities shall occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

The qualified biologist shall provide documented evidence of completion of this training to San Benito County Resource Management Agency prior to ground disturbance.

Special-Status Bats. Bats were not observed during the reconnaissance-level biological field survey. However, trees in the project area and/or buildings or structures on or adjacent to the project site could provide roosting habitat for special-status bat species known to occur in the vicinity of the project site, including the California Species of Special Concern hoary bat (*Lasiurus cinereus*).

Bat species inhabit a wide variety of habitats including grasslands, woodlands, and forests. Project development and construction activities at the project site could result in the disturbance of roost and/or natal sites occupied by special-status bats on or adjacent to

the project site, if present. Loss or harm to special-status bats is considered a significant adverse impact. Implementation of Mitigation Measure BIO-2, which requires all new construction personnel to undergo environmental awareness training, and the following mitigation measure will reduce the potential impact to special-status bats to a less-than-significant level.

Mitigation Measure

BIO-3 The following measures shall be implemented to avoid loss of or harm to special-status bat species:

1. Approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.
2. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to San Benito County Resource Management Agency, where it shall be kept on file, and no further measures are required.
3. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
4. The nursery season is typically from May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

Nesting Birds. Protected raptors including Cooper’s hawk (*Accipiter cooperii*) a species of special concern, the White-tailed kite (*Elanus leucurus*) a Fully Protected Species, and nesting bird species protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, have the potential to nest in buildings or structures, on open ground, or in any type of vegetation, including trees, during the nesting bird season (January 15 through September 15). The project site contains trees that are suitable for nesting, as well as in potted plants, machinery, and other materials stored at the bottom of the site. Construction activities, including tree removal, can impact protected bird species, should nesting birds be present during construction. If protected bird species are nesting adjacent to the project site during the bird nesting season, then noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests. Implementation of Mitigation Measure BIO-2, which requires all new construction personnel to undergo environmental awareness training, and the following mitigation measure would reduce the potential impact to nesting birds to a less-than-significant level.

Mitigation Measure

BIO-4 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), tree removal and all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

1. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to San Benito County Resource Management Agency and no further mitigation is required.
2. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not

possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report shall be prepared and submitted to San Benito County Resource Management Agency.

- b. **Riparian Habitat or Sensitive Natural Communities.** There are no riparian habitats or sensitive natural communities within the project site. Native closed cone Monterey pine forest is considered endemic and threatened. The endemic closed cone Monterey pine forest is characterized by poor edaphic conditions (low nutrients, low organic material, poor drainage, hardpan conditions, etc.), and an understory of manzanitas, ceanothus, and other endemic species. The Monterey pine forest on the project parcel does not include these characteristics. Monterey pine trees onsite are growing in sandy loam soils, with high permeability, and abundant growth of other species not associated with the native closed cone forest. Because of this, the onsite Monterey pine woodlands are not considered a sensitive natural community, but occurrences of Monterey pines outside of the endemic Monterey pine forest.
- c. **Waters of the United States.** A review of the NWI online database was conducted to identify potential jurisdictional aquatic features on or adjacent to the project site (USFWS 2024b). The results showed an offsite riverine, intermittent streambed which is seasonally flooded (NWI Classification Code: R4SBA) (offsite drainage channel) outside of the western boundary of the project site (Figure 7, National Wetlands Inventory Map). The drainage feature was observed during the reconnaissance site assessment. An additional onsite drainage channel was observed within the Monterey pine forest outside of the project footprint. The onsite drainage channel does not appear to have hydric soils, hydrology, or wetland plants present and is not considered jurisdictional.

The offsite drainage channel was inundated with approximately one to four inches of water at the time of the survey, and dominant plants included many non-native plants: melons, rip-gut brome, crane's bill, dove foot crane's bill, annual blue grass, milk thistle, curly dock, sheep's sorrel, fumaria, *Calendula* sp., *Brassica* sp., common groundsel (*Senecio vulgaris*); and native miner's lettuce. The drainage appeared heavily disturbed with non-native species and bare soil, and this drainage channel was reinforced with small pebbles and weed cloth south of the property boundary. Although this feature is outside of the project parcel, required wetland buffers may apply to potential construction activities. Additionally, future driveway improvements, should it be determined they are necessary, may impact this potentially jurisdictional feature. Impacts to jurisdictional aquatic features are considered potentially significant. Implementation will reduce the potential impact to a less-than-significant level.

Mitigation Measures

- BIO-5 Grading activities within 50-foot buffers (measured horizontally) from the drainage along Carpenteria Road shall be avoided. Prior to issuance of a grading permit, grading plans shall show the 50-foot buffer with a notation that no disturbance, including storing construction equipment, is allowed within this area.

BIO-6 If improvements to the driveway over the drainage channel become necessary, the improvements shall be designed to minimize impacts to the drainage to the extent feasible. Prior to ground disturbance and issuance of a grading permit, the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) should be determined (wetland delineation report), and regulatory agency consultations should occur.

1. If impacts to a federally jurisdictional feature may occur as a result of the project, a Clean Water Act Section 404 Nationwide Permit (NWP) may be appropriate. If the proposed activity would not otherwise qualify for a NWP, the applicant should proceed with obtaining an Individual Permit from the USACE. For either permit, a formal wetland delineation report should first be submitted to the USACE for a jurisdictional determination.
 2. If wetlands or waters of the State are present, the applicant should coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If impacts to wetlands, riparian areas, or streams are identified, the applicant should coordinate with the CDFW to obtain a Streambed Alteration Agreement.
- d. **Wildlife Movement.** Wildlife movement corridors provide connectivity between habitat areas, enhancing processes like nutrient flow, gene flow, seasonal migration, pollination, and predator-prey relationships. Increasing connectivity is a critical strategy for addressing habitat loss and fragmentation, a top threat to biodiversity.

The project parcel is not located within any previously defined essential habitat connectivity areas as mapped by the *California Essential Habitat Connectivity Project* (CDFW 2024d). There are no fences on three sides of the property and movement of larger mammals between the project site and regional undeveloped lands is largely unrestricted. The offsite drainage channel west of the site provides poor opportunity for wildlife movement and exchange of genetic material for larger animals due to the lack of larger shrub and tree vegetation in portions of the drainage channel. Dispersal to and from the project site by small mammals, amphibians, and reptiles is possible, but limited by existing roads, residential development, and fencing outside of the project parcel. The project parcel does not act as a major wildlife corridor, movement pathway, or linkage between larger habitat areas for terrestrial wildlife and the proposed project would have a less-than-significant impact on wildlife movement.

- e. **Local Biological Resource Policies/Ordinances.** The San Benito County General Plan was adopted by the Board of Supervisors in 2015 and applies to unincorporated lands and communities in San Benito County (San Benito County, July 2015). The 2035 San Benito County General Plan Natural and Cultural Resources (NCR) element contains the following goal and policies associated with biological resources that are applicable to the proposed project:

Goal NCR-2. To protect and enhance wildlife communities through a comprehensive approach that conserves, maintains, and restores important habitat areas.

NCR-2.5 Mitigation for Wetland Disturbance or Removal. The County shall encourage the protection of the habitat value and biological functions of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands. The County shall require that development avoid encroachment and require buffers around these habitats to the extent practicable. The County shall further require mitigation for any development proposals that have the potential to reduce these habitats. [...] Exceptions to this action include irrigation pumps, roads and bridges, levees, docks, public boat ramps, and similar uses. In all cases where intrusions into these buffers are made, only the minimum amount of vegetation necessary to construct the feature shall be removed. (RDR)

NCR-2.6 Regeneration of Oak Woodland Communities. The County shall promote the restoration, restocking, and protection of oak woodland habitat on public and private lands in the county through a combination of the habitat conservation planning, inter-agency coordination, and updated development review or tree preservation procedures. (RDR/MPSP/IGC)

Policy NCR-2.8. The County shall require the preparation of biological resource assessments for new development proposals as appropriate. The assessment shall include the following: a biological resource inventory based on a reconnaissance-level site survey, and an analysis of anticipated project impacts to: potentially occurring special-status species (which may require focused special-status plant and/or animal surveys); an analysis of sensitive natural communities; wildlife movement corridors and nursery sites on or adjacent to the project site; potentially jurisdictional wetlands/waterways; and locally protected biological resources such as trees. The assessment shall contain suggested avoidance, minimization, and/or mitigation measures for significant impacts to biological resources.

NCR- 2.10 Invasive Species. The County shall require that new developments avoid the introduction or spread of invasive plant species during construction by minimizing surface disturbance, seeding and mulching disturbed areas with certified weed-free native mixes, and using native or noninvasive species in erosion control plantings.

San Benito County Code of Ordinances: The County Code of Ordinance contain local legislation that is applicable to the proposed project:

Section 19.17.005 Riparian Protection. Grading activity shall not take place within 50ft (measured horizontally) from the top bank of a stream, creek, or river or within 50 ft of a wetland or body of water. (1966 Code, § 7A-5) (Ord. 708, § 1)

Chapter 19.33 Management and Conservation of Woodlands. The San Benito County Code of Ordinances limits the removal of trees and woodlands countywide. No person may conduct any tree cutting or removal without first obtaining a Tree Removal permit from the San Benito County Director of Planning.

Section 19.33.005 Discretionary Permit. A discretionary permit shall be required for the removal of woodlands when: (A) The removal of individual and or masses of trees within woodlands of between 90 percent and 100 percent as per the canopy retention standard in Table 19.33.007(1) within a period of ten years; or (B) Any tree removal is located on slopes greater than or equal to 30 percent. (1966 Code, § 33-5) (Ord. 757, § 1(part)).

Protected Trees and Woodlands. Project plans indicate approximately 16 native trees within the project area are slated for removal. An analysis of tree cover based on 1993 aerial coverage was prepared per San Benito County planning staff recommendations (Michael Kelly, pers. comm. May 20, 2024). In 1993 there was approximately 3.0 acres of canopy on the project site, and removal of the trees would result in the loss of 0.06 acres, or approximately two percent. According to ordinance Section 19.33.005, a permit is required if the project would result in the removal of individual and or masses of trees within woodlands of between 90 percent and 100 percent within a period of ten years; or tree removal is located on slopes greater than or equal to 30 percent. The proposed project does not exceed either limit, therefore a permit is not required.

With the implementation of the mitigation measures above, the proposed project would not conflict with the San Benito County Code of Ordinances, nor would it conflict with any of the policies described in the San Benito County General Plan that protect biological resources.

- f. **Conservation Plans.** There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site (CDFW 2023d, USFWS 2023a).

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 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 section 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"/>

Comments:

Information for this section is derived from the cultural resource evaluation report by Archaeological Resource Management dated February 12, 2024. The project site is located at 494A Carpenteria Road in unincorporated San Benito County on the Watsonville United States Geological Survey (USGS) quadrangle, Universal Transverse Mercator Grid (UTMG) 6 21 270mE/40 82 081mN, with an elevation of approximately 420 feet MSL. No significant water sources are located within the area of the proposed project site, however multiple small seasonal drainages are present within the vicinity of the project area.

- a. **Historical Resources.** There are no previously recorded prehistoric or historical resources within the project site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5
- b. **Archaeological Resources.** There are no recorded sites within the proposed project area, and no previously identified cultural resources are located within a one-quarter mile radius of the proposed project area. No previous studies have been carried out which included the current proposed project area within their scope.

A surface reconnaissance was completed and resulted in no significant cultural materials, prehistoric or historic, being observed. Therefore, no impacts to archaeological resources are expected. However, there is always the potential to encounter unknown subsurface unique archaeological resources. Implementation of the following mitigation measure would ensure this potential impact would be less-than-significant.

Mitigation Measure

CR-1 The following language shall be added to all project plans associated with tree removal, grading, and construction.

“Per the San Benito County Code of Ordinance Chapter 19.05, if archaeological resources are discovered during construction, then work shall be halted within 200 feet of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, then appropriate mitigation measures shall be formulated and implemented.”

- c. **Accidental Disturbance of Human Remains.** Although no evidence of potentially sensitive cultural resources is associated with the project site, there is the possibility of an accidental discovery of archaeological resources or human remains during construction activities. Disturbance of Native American human remains is considered a significant adverse environmental impact. Implementation of the following mitigation measure would reduce this potential impact to a less-than-significant level.

Mitigation Measure

CR-2 The following language shall be added to all project plans associate with tree removal, grading, and construction.

“If human remains are encountered during construction, the county coroner shall be notified immediately. The San Benito County Code of Ordinances Chapter 19.05 and Section 7050.5 of the California Health and Safety Code require that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. A qualified archaeologist shall also be contacted immediately. If the county coroner determines that the remains are Native American, the coroner shall then contact the Native American Heritage Commission (NAHC), pursuant to Section 7050.5(c) of the California Health and Safety Code (see Section 1.2 Regulatory Setting).

The county coordinator of Indian Affairs shall also be contacted. There will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains until the county coroner has determined that no investigation of the cause of death is required; and, if the remains are of Native American origin.

The NAHC shall identify a Native American most likely descendant to make a recommendation with regards to appropriate treatment of human remains within 24 hours after being notified by the commission.

If the NAHC fails to make a recommendation, the descendants of the deceased Native Americans shall make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in the Public Resources Code Section 5097.98.

According to the California Health and Safety Code, six or more human burials at one location constitutes a cemetery (Sec. 8100), and disturbance of Native American cemeteries is a felony (Sec. 7052).”

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-b. The proposed project includes the construction of a single-family residence, which will result in increased demand for energy during its construction and long-term operation. Primary sources of energy use will be transportation fuels, electricity, and natural gas. Due to the small scale of the project, increases in demand for energy related to long-term operation will be minimal.

The project represents a common land use development type whose energy demand would not be excessive. The project energy demand would not be excessive relative to cumulative energy demand in the county. Further, the County of San Benito enforces the California Building Standards Code through the development review process. That enforcement is the primary mechanism through which the project will be required to implement energy efficiency/conservation measures that are within the control of the applicant and the county. Consequently, the proposed project would not conflict with or obstruct a state or local plan and would not result in inefficient, wasteful, and unnecessary consumption of energy.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

A geotechnical report titled *Geotechnical Investigation Design Phase Proposed Residential Construction 494A Carpenteria Road, Aromas, San Benito County, California* was prepared for the proposed project by Butano Geotechnical Engineering Inc., and is included as Appendix C. The report presents the results of the geotechnical investigation to evaluate soil and groundwater conditions at the

project sites, geotechnical engineering recommendations for use in design of specific construction elements, provides criteria for site preparation and engineering fill construction.

a. Potential impacts from exposure to geologic risks are as follows:

(1) Surface Fault Ruptures. The project site is not located in an Alquist-Priolo Fault Zone. There are no known faults that traverse the project site.

(2) Ground Shaking. San Benito County is a region of high seismic activity. Major faults showing evidence of earthquake activity within the past 200 years include the Calaveras fault, San Andreas fault, Quien Sabe fault, Zayante-Vergeles fault, and Ortigalita fault. The San Andreas fault is located more than one mile east of the project site and the Zayante-Vergeles fault is located more than one mile west of the project site. It is reasonable to expect that the project area would be subject to intense ground shaking during an earthquake. The potential for damage during strong seismic shaking cannot be eliminated. Ground shaking and ground failure can result in structural failure and collapse, local damage to underground utilities, and the cracking of paved areas, presenting a hazard to people and structures. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

GEO-1 The applicant shall include the recommendations presented in the Geotechnical Investigation Design Phase Proposed Residential Construction 494A Carpenteria Road, Aromas, San Benito County, California by Butano Geotechnical Engineering Inc. in the project plans, and the recommendations shall be implemented during construction of the project.

(3) Liquefaction. Soil liquefaction is a state of soil particles suspension caused by a complete loss of strength when the effective stress drops to zero. Liquefaction usually occurs under vibratory conditions such as those induced by seismic event. The geotechnical report evaluated the potential for soil liquefaction at the project site during a seismic event and found that the soils at the project site consist of silty sand with a very low potential for expansion. The potential for collateral seismic hazards to affect the site and to damage the proposed structure is low. Implementation of Mitigation Measure GEO-1 would reduce any adverse impacts associated with liquefaction to a less-than-significant level.

(4) Landslides. The project site is located within a hillside that is less than 30 percent grade. According to San Benito County's Landslide Susceptibility Map, the project site is located within an area with low landslide incidence, i.e. less than 1.5 percent of the area is involved in landslides. Therefore, the potential for the proposed project to result in adverse effects, including the risk of loss, injury, or death involving landslides is less than significant.

- b. Construction activities involving demolition, excavation, and grading expose soils to wind, water, and other eroding elements. The proposed project includes demolition and grading at the project site, which could result in substantial erosion. Implementation of the following mitigation measure would ensure erosion impacts are less-than-significant.

Mitigation Measure

GEO-2 Prior to issuance of a grading permit, the applicant shall prepare an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment control, subject to review and approval by the County Resources Management Agency. The erosion control plan shall be implemented during construction.

- c-d. According to the geotechnical report, the upper soils at the project site consist of 2 ½ feet of very loose to loose silty sand overlying medium dense to very dense silty sand. These soils have very low potential for expansion. Static groundwater was not encountered in any of the soil boring tests, however, the depth to groundwater may vary seasonally. Implementation of Mitigation Measure GEO-1 would reduce any adverse impacts associated with expansive soils to a less-than-significant level.

- e. The State Water Resources Control Board requires a permit for all new or replacement septic systems, either through a local jurisdiction or from the Central Coast Water Board. The State Water Resources Control Board *Onsite Wastewater Treatment Systems (OWTS) Policy*, amended in April 2023, identifies tiers for OWTS based on if the septic system is existing, new, or a replacement and if the jurisdiction has an approved Local Agency Management Plan (LAMP). Each tier includes specific siting, design standards, and construction and installation standards that must be met for permit approval of OWTS.

San Benito County does not have an approved LAMP (State Water Resources Control Board, page last updated January 2023) and thereby, the proposed project is subject to Tier 1 of the OWTS Policy and must meet the minimum site and design standards. Compliance with the OWTS Policy would help ensure the proposed project would not result in adverse environmental impacts related to OWTS. Additionally, the existing single-family residence on the project site utilizes an OWTS and thereby, development of the proposed project and an OWTS would not be inconsistent with existing uses on the property. Therefore, this impact would be less-than-significant.

- f. There are no unique geologic features within the project site. Therefore, the proposed project would not have an impact on a unique geological feature.

Paleontological resources, including a range of plant and animal fossil remains, have been encountered at many locations within the county, including Tumey Gulch, Griswold Hills, Larius Creek, San Carlos Creek, the Bolsa Valley, Tres Pinos Creek, the San Benito River Valley, and within formations, including the Moreno and Tremblor Formations and the Panoche Formation within the Panoche-Coalinga area (general plan EIR, page 9-25). There are no known paleontological resources within the boundaries of the project site; however, it is possible that undiscovered paleontological resources exist within the

project site. Disturbance of paleontological resources would be considered a significant impact. Implementation of the following mitigation measure would reduce impacts to paleontological resources to a less-than-significant level.

Mitigation Measure

GEO-3 Due to the possibility that buried paleontological resources might be discovered during construction, the following language shall be included on all construction documents and on any permits issued for the project site, including, but not limited to, grading and building permits associated with proposed project:

“If paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional paleontologist. If the find is determined to be significant, an appropriate resource recovery shall be formulated, with the concurrence of the San Benito County, and implemented.”

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-b. The California Legislature has enacted a series of statutes in recent years addressing the need to reduce greenhouse (GHG) emissions across the State. In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32. AB 32 required that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 was amended by Senate Bill (SB) 32. Effective January 1, 2017, SB 32 requires that statewide GHG emissions be reduced to 40 percent below 1990 levels by 2030. SB 32 represents the current state legislative framework commonly used by local and regional agencies across the state as guidance for reducing GHG emissions from activities within their respective jurisdictions.

The project site is located within the boundaries of the Monterey Bay Air Resources District (hereinafter “air district”). To date, the air district has not adopted CEQA guidance for analysis of GHG effects of land use projects (e.g. numerical thresholds of significance) nor has it prepared a qualified GHG reduction plan for use/reference by local agencies located within the air district. Further, San Benito County has not adopted a GHG reduction emissions plan or climate action plan that is applicable to new development within the county. Absent other local or regional plans for reducing GHG emissions, state legislative guidance included in SB 32 is considered to be the plan for reducing GHG emissions that is applicable to the proposed project.

Since the proposed project includes the construction of one single-family residence, the project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. Therefore, the environmental impact related to GHG emissions would be less than significant. Further, the proposed project would not conflict with SB 32 emissions reduction goals.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, 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 a public-use airport, 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"/>
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"/>

Comments:

- a. Construction of the proposed single-family residence may involve the use and storage of some materials that are considered hazardous. Hazardous materials used during construction may include fuels, oils, mechanical fluids, and other chemicals. Hazardous materials associated with operation of the proposed project may include typical solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. Transportation, storage, use and disposal of hazardous materials during construction and operation of the proposed project would be required to comply with applicable federal,

state, and local statutes and regulations. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b. Existing use on the project site includes a single-family residence. Based on historic aerial photographs, the project site appears to have been developed with an orchard in the 1930s, which was cleared by the mid-1950s. The site remained undeveloped until the construction of the existing single-family residence in the early 2000s. This has remained the existing use on the parcel since. Therefore, the proposed project would not 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.
- c. No schools are located within a quarter mile of the project site. Therefore, the proposed project would not emit or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The following lists were reviewed:
 - Hazardous Materials Waste and Substances Sites from the Department of Toxic Substances Control EnviroStor Database (Department of Toxic Substances Control 2024);
 - Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker Database (State Water Resources Board 2024);
 - Solid Waste Disposal Sites Identified by Water Board with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit (California Environmental Protection Agency 2024);
 - "Active" Cease and Desist Order and Cleanup and Abatement Orders from Water Board (California Environmental Protection Agency 2024); and
 - List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by the Department of Toxic Substances Control (California Environmental Protection Agency 2024).

The project site is not identified on any of these lists. Therefore, the proposed project would not create a significant hazard to the public or the environment.
- e. The nearest public airport to the project site is the Watsonville Municipal Airport, located approximately 10.7 miles northwest of the project site. The project site is not located within an airport land use plan or within two miles of a public airport. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area.
- f. Circulation within the project site will be provided by the existing S-shaped driveway. A proposed driveway that connects the proposed single-family residence to the existing S-shaped driveway would be constructed. The connection between the existing driveway and proposed driveway requires removal and replacement of approximately 150 linear

feet of existing driveway, which will be constructed to comply with relevant San Benito County Fire Department standards and other applicable requirements. The existing driveway currently provides emergency access to the project site as well as evacuation routes from the project site. The existing driveway meets San Benito County Fire Department standards and other applicable requirements. Therefore, the proposed project will not interfere with any adopted emergency or evacuation plans.

The unincorporated area's emergency evacuation/response plans are coordinated with the San Benito County Operational Area Emergency Operations Plan. As identified in the general plan, the area's primary evacuation routes would be along State Route 25 and State Route 156. The proposed project would not impair or obstruct these evacuation routes. Therefore, the proposed project would not impede or conflict with any adopted emergency response or evacuation plans.

- g. According to the California Department of Forestry and Fire Protection's map for Fire Hazard Severity Zones in State Responsibility Areas in San Benito County, the project site is located within a very high fire severity zone in a state responsibility area. The project site is surrounded by wooded hillside and adjacent residential and commercial uses. While the use of the project site would not be inconsistent with adjacent uses, due to the proximity of the proposed single-family residence to wooded hillsides, and because of the high fire severity zone rating of the area, the potential to expose people and structures to risk from wildland fires is high and could expose people or structures to significant risks associated with wildland fires.

The proposed project includes design features and infrastructure improvements that are discussed throughout this section, which help to further reduce the overall risk of the project site to wildfire hazards.

County Code Chapter 23.27 sets forth fire design standards that apply to all uses within fire hazard severity zones. In accordance with the County Code, the proposed project shall be developed to meet County fire design standards. Additionally, vegetation management and operational activities on the project site would be required to comply with defensible space requirements found in the County Code Section 23.27.003. All measures to reduce risk related to wildfire hazards are intended to comply with both Aromas Tri-County Fire Protection District and California Fire Code requirements and improve overall firefighting capabilities of fire personnel on and around the project site.

Compliance with the abovementioned design requirements and infrastructure improvements would help further ensure the proposed project would not result in significant exposure of people or structures to wildland fire risk. Therefore, this impact would be less than significant.

See also Section 20.0, Wildfire, for discussion of wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:				
(1) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Comments:

- a. **Water Quality Standards or Waste Discharge Requirements Associated with Construction.** The State Water Resources Control Board has implemented a National Pollutant Discharge Elimination System (NPDES) Program to control and enforce storm water pollutant discharge reduction per the Clean Water Act. The Central Coast Regional Water Quality Control Board issues and enforces the NPDES permits for discharges to water bodies in San Benito County.

Development of the project site with the proposed single-family residence has the potential to increase discharge of storm water pollutants during construction due to ground disturbance. Projects disturbing more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES Construction General Permit for discharges of storm water associated with construction activities. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that details how water quality would be protected during construction activities. The SWPPP must contain a site map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography (both before and after construction), and drainage patterns across the project. Best Management Practices, which are detailed within each permit, are to be implemented to protect water quality.

The project applicant would be required to obtain a State NPDES Construction General Permit for development on the project site. By complying with the Construction General Stormwater Permit requirements, the proposed project would not violate any water quality standards or degrade water quality.

- b. **Groundwater Supplies.** Water service to the project site will be provided by the Aromas Water District (“water district”), which derives its supply from three groundwater wells located in the Aromas area. As described in Section 19, Utilities and Service Systems, sufficient water is available to serve the proposed project.

Groundwater Recharge. According to the Groundwater Basin Boundary Assessment Tool by the Department of Water Resources, the project site lies within the Corralitos - Pajaro Valley Groundwater Basin, which includes approximately 75,000 acres in southern Santa Cruz County, northern Monterey County, and a small portion in the northwestern portion of San Benito County. Development of the proposed project (one house) would minimally increase the amount of impervious surfaces and therefore, would not substantially interfere with groundwater recharge.

- c. **Post-Construction Water Quality Standards or Waste Discharge Requirements.** The project site does not contain any streams or rivers. The project site consists of wooded hillside. The proposed project would increase the amount of impervious surfaces due to the construction of the single-family residence and driveway and therefore, would minimally alter the existing drainage pattern of the site. Potential impacts from the increase in impervious surfaces are discussed below:

(1) Erosion. Development of the proposed project may lead to significant siltation and/or erosion on-or off-site due to the proposed amount of grading. Implementation of Mitigation Measure GEO-2 presented in Section 7, Geology and Soils would reduce this potentially significant impact to less-than-significant level.

- (2) **Flooding.** The preliminary site and grading plan (sheet 2 in Appendix A) indicates that storm water from the proposed project will drain into a dispersion trench located on the project site, just southwest of the proposed single-family residence. Therefore, the dispersion trench eliminates the potential for flooding on- or off-site, creating a less-than-significant impact.
- (3) **Runoff.** Development of the proposed project would create storm water runoff. The preliminary site and grading plan (sheet 2 in Appendix A) indicates that storm water from the proposed project will drain into a dispersion trench located on the project site, just southwest of the proposed single-family residence. To ensure that the proposed project does not provide additional sources of polluted runoff, the following mitigation measure shall be required.

Mitigation Measure

HYD-1 Prior to issuance of a grading permit, the applicant shall prepare a drainage plan that complies with the San Benito County Best Management Practices and standards established for compliance with non-point discharge emissions for storm water. The drainage plan shall incorporate Low Impact Development strategies and Best Management Practices to reduce storm water runoff, encourage infiltration, and reduce pollutant transmission. The drainage plan shall be subject to review and approval by County Resource Management Agency, and be implemented with development of the project.

- (4) **Flood flows.** As discussed under checklist item “d” below, the project site is located within an area of minimal flood hazard. Therefore, development of the proposed project would not impede or redirect flood flows.
- d. According to the Federal Emergency Management Agency’s (FEMA) Flood Map Service Center, the project site is located within an area of minimal flood hazard. Additionally, the California Department of Conservation does not identify the project site within a tsunami hazard area, nor a seiche zone. Therefore, development of the proposed project would not risk the release of pollutants due to project inundation.
- e. The Sustainable Groundwater Management Act is a State law requiring groundwater basins to be sustainable. The act enables eligible local agencies to form groundwater sustainability agencies, develop groundwater sustainability plans for designated basins in their jurisdiction by 2020, and achieve groundwater sustainability within 20 years of plan implementation. The project site is located within the Pajaro Valley groundwater basin. The Pajaro Valley Water Management Agency is the groundwater sustainability agency for the Pajaro Valley groundwater basin. The Pajaro Valley Water Management District last updated and adopted its groundwater sustainability plan on November 17, 2021 and submitted the plan to the California Department of Water Resources in December 2021. The proposed project includes the development of a single-family residence and therefore, will not conflict with or obstruct the implementation of the sustainable groundwater management plan.

The *Water Quality Control Plan for the Central Coastal Basin* (hereinafter “Basin Plan”) shows how the quality of the surface and ground waters in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Regional Water Quality Control Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges can affect water quality. These requirements can be either State Waste Discharge Requirements for discharges to land, or federally delegated NPDES permits for discharges to surface water. As discussed under checklist item “a” above, the project applicant would be required to obtain a State NPDES Construction General Permit for development on the project site. By complying with the Construction General Stormwater Permit requirements, the proposed project would not conflict with the Basin Plan.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause any 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"/>

Comments:

a. The project site is located in unincorporated San Benito County, approximately seven miles southeast of the City of Watsonville and approximately six miles northwest of the City of San Juan Bautista. Existing use on the project site includes a single-family residence. Land uses adjacent to the project site include rural residences to the east, south, and west, and the Aromas Tri-County Fire Protection District fire station immediately to the north. Therefore, development of the project site with a single-family residence would not physically divide an established community.

b. The general plan policies addressing environmental resources were evaluated for consistency with the proposed project. The consistency analysis is presented below:

Section 3.0, Air Quality, states that the proposed project would not result in a significant increase in the population, and thereby would not exceed the population projections of the air quality management plan. Therefore, the proposed project would not conflict with or obstruct implementation of the air quality management plan.

Section 4.0, Biological Resources, addresses several relevant policies that protect sensitive biological resources. With implementation of mitigation measures BIO-1 through BIO-6, the proposed project would not conflict with the San Benito County Code of Ordinances, nor would it conflict with any of the policies described in the San Benito County General Plan that protect biological resources. Therefore, the proposed project would not cause a significant environmental impact due to conflict with a local policy or plan.

Section 6.0, Energy, states that the proposed project's energy demand would not be excessive relative to cumulative energy demand in the county. The County of San Benito enforces the California Building Standards Code through the development review process. That enforcement is the primary mechanism through which the project will be required to implement energy efficiency/conservation measures that are within the control of the applicant and the county. Therefore, the proposed project would not conflict with or obstruct a state or local plan and would not result in inefficient, wasteful, and unnecessary consumption of energy.

Section 8.0, Greenhouse Gas Emissions, states that San Benito County has not adopted a GHG reduction emissions plan or climate action plan that is applicable to new development within the county. Therefore, the proposed project is subject to state legislative guidance included in SB 32 for reducing GHG emissions applicable to the proposed project. Since the proposed project includes the construction of one single-family residence, the project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. Therefore, the environmental impact related to GHG emissions would be less-than-significant.

As concluded in Section 10.0, Hydrology and Water Quality, the proposed project would not conflict with an adopted groundwater sustainability plan or groundwater basin plan.

As discussed in Section 13.0, Noise, compliance with applicable general plan policies, San Benito County Code requirements, and Mitigation Measure N-1 would ensure less-than-significant impacts associated with reducing exposures to unacceptable noise due to project construction.

Section 17.0, Transportation, concludes that compliance with applicable General Plan and Regional Transportation Plan policies related to the county's circulation system and the applicant's payment of the traffic impact fee would offset any potential impacts the project could have to the circulation system. Therefore, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-b. The State Mining and Geology Board has designated portions of San Benito County as having construction aggregate deposits (sand, gravel, and crushed rock) of regional significance, pursuant to the Surface Mining and Reclamation Act (general plan, page 7.3). These resource areas remain available near the San Benito River (San Benito County Zoning Map). The project site is located approximately four miles from the San Benito River. Therefore, the proposed project would not result in impacts to known mineral resources or result in the loss of availability of a locally important resource recovery site.

13. NOISE

Would the project result in:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 in applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground-borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, 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"/>

Comments:

- a. The noise element of the general plan establishes land use compatibility criteria for transportation noise sources in terms of the Day-Night Average Level (L_{dn}) to describe noise exposure for noise compatibility planning purposes. The guidelines define an outdoor level of 60 dB L_{dn} as being “normally acceptable” for residential uses. The noise element requires that interior noise levels for all new residential construction not exceed 45 dB L_{dn} .

Construction Noise. The majority of construction activities within the project site would generally occur at distances of greater than 200 to 300 feet from nearby noise-sensitive land uses (residences). Construction noise could result in a short-term significant increase in ambient noise levels at nearby noise sensitive land uses. Implementation of the following mitigation measure would reduce this potentially significant impact to a less-than-significant level.

Mitigation Measure

N-1 To reduce construction-related noise, the applicant shall include the following measures in the project plans:

- a. Operation of construction equipment shall be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays;
- b. All internal combustion engine-driven equipment shall be equipped with mufflers;

- c. All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located as far away as possible from adjacent land uses;
- d. Staging areas and construction material areas shall be located as far away as possible from adjacent land uses;
- e. Unnecessary idling of internal combusting engines shall be prohibited; and
- f. The days and hours of construction, as well as, the name and phone number of a designated representative to be contacted for noise-related concerns, should be posted at the perimeter of the project site.

Operational Noise. The proposed project includes the construction of a single-family residence and a driveway, which would not result in a significant increase in ambient noise levels in excess of standards established in the San Benito County 2035 General Plan (interior noise levels of 45 dB Ldn and exterior noise levels of 60 dB Ldn). Further, the proposed project would not result in ambient noise levels inconsistent with adjacent residential uses. Therefore, operational noise level impacts associated with the proposed project would be less-than-significant.

- b. Standard construction methods are anticipated, and these methods do not involve significant vibration-causing activities. Vibration levels generated during project construction activities may at times be perceptible at neighboring land uses, but vibration levels would not be excessive causing cosmetic or structural damage to buildings. Therefore, this impact would be less than significant.

Long-term operational activities associated with the proposed project would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration.

- c. The nearest public airport to the project site is the Watsonville Municipal Airport, located approximately 10.7 miles northwest of the project site. The project site is not located within an airport land use plan or within two miles of a public airport. Therefore, the proposed project would not expose residents or workers to excessive noise levels from airport or airstrip operations.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Comments:

- a. With a general plan designation of Rural Transitional (RT) and zoning district of Rural Transitional (RT), the project site was anticipated for residential development not to exceed one dwelling unit per 2.5 acres of land. Development of the project site with the proposed single-family residence will be consistent with the general plan designation and zoning district. Therefore, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly.
- b. The project includes a minor subdivision process to split the five-acre parcel into two 2.5-acre parcels. The project site includes one existing single-family residence located on the easterly portion of the site, which is intended to remain. The proposed single-family residence would be constructed on the westerly portion of the site. Therefore, the proposed project would not displace existing people or housing and would not necessitate the construction of replacement housing elsewhere.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of 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 following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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"/>

Comments:

- a. The project site is located within the Aromas Tri-County Fire Protection District (LAFCO of Monterey, 2020). The closest fire station is located at 492 Carpenteria Road, approximately 500 feet from the project site (Aromas Tri-County Fire Protection District, 2024). The proposed project would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand for fire services, resulting in the need for new or physically altered governmental facilities to serve the project.
- b. The San Benito County Sherriff's Department provides police protection services to unincorporated San Benito County, including the project site, which is designated as Responsibility Area Five (San Benito County Office of the Sherrif, 2024). The San Benito County Sherriff's Department is headquartered at 2301 Technology Parkway in Hollister, approximately 19.2 miles from the project site. The proposed project would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand for police services, resulting in the need for new or physically altered governmental facilities to serve the project. Therefore, the proposed project would have a less-than-significant impact.
- c. The Aromas-San Juan Unified School District provides educational services to areas within unincorporated San Benito County, including the project site. The proposed single-family residence would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand greater than existing levels of demand for schools.

The proposed project would be subject to the applicable school impact fees as calculated by the school district. The applicant would be required to pay the applicable school impact fees, which would ultimately be programmed by the school districts, in combination with fees collected from other projects, to improve or expand school facilities. Pursuant to California Government Code Section 65996, payment of these fees is deemed to fully mitigate CEQA impacts of new development on school facilities.

- d. San Benito County provides and maintains approximately 475.5 acres of parkland not including federal and state parks and wildlife areas (general plan, FEIR, page 3-33). There are 11 public parks located within a 10-mile radius of the project site, including two that are less than two miles from the project site. The proposed single-family residence would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand for additional park space.

San Benito County requires that residential projects either dedicate land and/or pay park and recreation impact fees to offset the need for expanded park facilities. The proposed project would be subject to park and recreation impact fees as calculated by the county. The applicant would be required to pay the applicable park and recreation impact fees that would be used to improve or expand existing park facilities. Payment of the applicable park and recreation impact fees would reduce the proposed project's impact on parks to a less-than-significant level.

- e. The proposed project would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand for services, resulting in the need for new or physically altered facilities to serve the project. The proposed project would not increase demand for schools or parks, greater than existing levels of demand. Therefore, the proposed project would not result in physical impacts associated with the provision of or need for new or physically altered governmental facilities.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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"/>

Comments:

- a-b. As discussed in Section 15, Public Services, development of the project site with a single-family residence would not result in a substantial increase in population in the region and is not anticipated to result in a significant increase in demand for services, resulting in the need for new or physically altered facilities to serve the project. San Benito County requires that residential projects either dedicate land and/or pay park and recreation impact fees to offset the need for expanded park facilities.

The proposed project does not include parkland. The proposed project would be subject to park and recreation impact fees as calculated by the county. The applicant would be required to pay the applicable park and recreation impact fees, to help with maintenance and operation of existing park facilities. Payment of the applicable park and recreation impact fees would reduce the physical impacts on recreational facilities to a less-than-significant level.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a-b. The 2045 San Benito Regional Transportation Plan (hereinafter “RTP”) includes both a long and short-range program of strategies and actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The proposed project was reviewed against the transit-related goals and strategies in the RTP and was found to be consistent.

The County established a Traffic Impact Fee (Ordinance No. 554) for the purpose of mitigating the costs of transportation and transit facilities and adverse impacts necessitated by new development in the county. Per the San Benito County Code Chapter 5.01, all new residential and commercial development is required to pay the traffic impact fee prior to issuance of a building permit.

Further, the proposed project is consistent with existing adjacent residential uses, and therefore would not result in a significant impact to existing traffic operations in the area. A vehicle miles traveled assessment was not conducted based on the small size of the proposed project (construction of single-family residence), which would not significantly increase the population size or vehicle miles traveled in the area.

c-d. Vehicular access to the project site from Carpenteria Road would be provided by the existing driveway. The proposed project includes removal and replacement of 150 linear feet of the existing driveway upon entering the property and adding a vertical extension to the proposed single-family residence. The proposed driveway vertical extension will be 16-foot wide and provide a 12-foot-wide turnaround. The proposed driveway will be

designed to adhere to the San Benito County design guidelines and standards and would be subject to approval by the San Benito County Public Works and San Benito County Fire Department. This would ensure that the proposed project is adequately designed to minimize hazards associated with design. Therefore, the proposed project would not increase hazards due to a design feature or result in inadequate emergency access.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. 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, or 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:				
(1) 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"/>
(2) 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. The CEQA statute as amended by Assembly Bill 52 (Public Resources Code Sections 21073 and 21074) define “California Native American tribe” and “tribal cultural resources.” A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. “Public Resources Code Section 21080.3.1 outlines procedures for tribal consultation as part of the environmental review process.

Jonathan Olivas (email message, January 22, 2024) stated that no California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could 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, single-dry and multiple- dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. The Aromas Water District (“water district”) will provide water service to the proposed project (see discussion “b” below). Pacific Gas and Electric provides electricity and natural gas to San Benito County, including the project site. Telecommunication services, including telephone, mobile phone, cable television, and broadband internet services, in the county are provided by companies like AT&T and Charter (general plan, page 7-13).

The proposed project would not require relocation or construction of new or expanded water, electric power, natural gas, or telecommunication facilities, except as necessary to reach the proposed new house. However, the proposed project would require installation of a new on-site septic system and construction of a storm water dispersion trench.

As described in Section 7, Geology and Soils, the proposed project would be subject to the State Water Resources Control Board *Onsite Wastewater Treatment Systems (OWTS) Policy*, which defines minimum site and design standards and construction and installation

standards that must be met for permit approval of OWTS. Compliance with the OWTS Policy would ensure the proposed project would not result in adverse environmental impacts. Therefore, environmental impacts related to OWTS would be less than significant.

The preliminary site and grading plan (sheet 2 in Appendix A) indicates that storm water from the proposed project will drain into a newly constructed dispersion trench located on the project site, just southwest of the proposed single-family residence. As described in Section 10, Hydrology and Water Quality, the proposed project would be required to obtain a State NPDES Construction General Permit for development, which requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices to be implemented to protect water quality. Further, Mitigation Measure HYD-1 would ensure environmental pollutants related to storm water runoff would not result in adverse environmental impacts. Therefore, environmental impacts related to storm water would be less than significant.

- b. The water district is a water purveyor whose service area includes parts of Monterey County and San Benito County. The project site is located within the water district's service boundary. Robert Johnson with the water district (letter to Elijah Vinculado, January 26, 2022) stated that the water district's system has sufficient water production, distribution capacity, and infrastructure to effectively serve the proposed project. Therefore, there are sufficient water supplies available to serve the project. No off-site water system improvements are necessary.
- c. The proposed project would require installation of a new on-site septic system and would not require wastewater treatment services from a service provider. Therefore, the proposed project is not subject to the capacity limits of service providers. No off-site wastewater system improvements are necessary.
- d-e. The proposed project would result in the construction of one house and therefore, would not 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.

Additionally, recycle opportunities would be made available to the occupant of the house and therefore, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 impacts 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

According to the California Department of Forestry and Fire Protection’s map for Fire Hazard Severity Zones in State Responsibility Areas in San Benito County, the project site is located within a very high fire severity zone in a state responsibility area.

- a. The proposed project includes the construction of a single-family residence. The unincorporated area’s emergency evacuation/response plans are coordinated with the San Benito County Operational Area Emergency Operations Plan. As identified in the San Benito County General Plan, the area’s primary evacuation routes would be along State Route 25 and State Route 156. The project site is located a minimum of one and a half miles from State Route 156 and State Route 25. The proposed project would not impair or obstruct these evacuation routes. Therefore, the proposed project would not impair an adopted emergency response plan or emergency evacuation plan.
- b. The project site slopes to the west at less than 30 percent grade. This slope could increase the speed and intensity of wildfires exacerbating wildfire risks. However, development of the proposed single-family residence would not exacerbate wildfire risks and thereby expose people to pollutant concentrations from a wildfire or the uncontrolled spread of wildfires.

- c. The proposed single-family residence has the ability to connect into existing water lines and have access to existing overhead electricity power lines. The proposed project would require installation of a new on-site septic system and construction of a storm water dispersion trench. With the exception of installation of a new on-site septic system and construction of a storm water dispersion trench, the proposed project would not 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 impacts to the environment.

As described in Section 7, Geology and Soils, the proposed project would be subject to the State Water Resources Control Board Onsite Wastewater Treatment Systems (OWTS) Policy, which defines minimum site and design standards and construction and installation standards that must be met for permit approval of OWTS. Compliance with the OWTS Policy would ensure the proposed project would not result in adverse environmental impacts. Therefore, environmental impacts related to OWTS would be less than significant.

As described in Section 10, Hydrology and Water Quality, the proposed project would be required to obtain a State NPDES Construction General Permit for development, which requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices to be implemented to protect water quality. Further, Mitigation Measure HYD-1 would ensure environmental pollutants related to storm water runoff would not result in adverse environmental impacts. Therefore, environmental impacts related to storm water drainage would be less-than-significant.

- d. According to San Benito County's Landslide Susceptibility Map, the project site is located within an area with low landslide incidence, i.e. less than 1.5 percent of the area is involved in landslides. Construction of the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially 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; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. As discussed in Section 4.0, Biological Resources, the proposed project has the potential to have a substantial adverse effect through habitat modifications. Implementation of Mitigation Measures BIO-1 through BIO-6 would reduce potential impacts to a less-than-significant level.
- As discussed in Section 5.0, Cultural Resources, the project site is not known to contain any historic resources, archaeological resources, or Native American human remains. However, it is possible that these resources could be accidentally uncovered during grading and construction activities. In the event this should occur, Mitigation Measures CR-1 and CR-2 would reduce potential impacts to a less-than-significant level.
- b. The proposed project has the potential to result in cumulatively considerable impacts in the areas of air quality (construction-related impacts), biological resources (potential disturbance to existing habitats), geology and soils (construction-related impacts), and hydrology (construction-related impacts). However, with the implementation of Mitigation Measures AQ-1; BIO-1 through BIO-6; GEO-1 and GEO-3; and HYD-1, impacts of the proposed project would not be cumulatively considerable.

- c. The proposed project has the potential to result in adverse environmental effects that could cause substantial adverse effects on human beings from construction-related fugitive dust emissions and construction-related emissions of dust and diesel exhaust. Implementation of Mitigation Measure AQ-1 would reduce potential impacts to a less-than-significant level.

E. SOURCES

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Civil Plans

A
APPENDIX

ABBREVIATIONS

AB	AGGREGATE BASE	FF	FINISH FLOOR	RT	RIGHT
AC	ASPHALTIC CONCRETE	FT	FEET OR FOOT	SBC	SAN BENITO COUNTY
APN	ASSESSOR'S PARCEL NUMBER	GB	GRADE BREAK	SD	STORM DRAIN
BVC	BEGIN VERTICAL CURVE	HP	HIGH POINT	SDE	STORM DRAIN EASEMENT
BOW	BOTTOM OF WALL	INV	INVERT	SF	SQUARE FEET
CB	CATCH BASIN	L	ARC LENGTH OF CURVE	SS	SANITARY SEWER
CF	CUBIC FEET	LF	LINEAR FEET	STA	STATION
CL	CENTERLINE	LP	LOW POINT	STD	STANDARD
CY	CUBIC YARDS	LT	LEFT	TB	TOP OF BANK
DET	DETAIL	(N)	NEW	TBD	TO BE DETERMINED
EG	EXISTING GROUND	P/L	PROPERTY LINE	TC	TOP OF CURB
EP	EDGE OF PAVEMENT	PCC	PORTLAND CEMENT CONCRETE	TOE	TOE OF SLOPE
ES	EDGE OF SHOULDER	PG&E	PACIFIC GAS & ELECTRIC	TW	TOP OF WALL
ESMT	EASEMENT	PM	PARCEL MAPS	TYP	TYPICAL
EVC	END OF VERTICAL CURVE	PUE	PUBLIC UTILITY EASEMENT	VC	VERTICAL CURVE
(E)	EXISTING	PVC	POLYVINYL CHLORIDE	VV	WATER VALVE
FG	FINISH GRADE	R	RADIUS		
FL	FLOWLINE	R/W	RIGHT OF WAY		

LEGEND

EXISTING		PROPOSED
	BUILDING	
	BOUNDARY	
	CENTERLINE	
	EASEMENT	
	EDGE OF PAVEMENT	
	FENCE	
	LOT LINE	
	STORM DRAIN	
	SANITARY SEWER	
	TOP OF CURB	
	WATER	
	BENCHMARK	
	WATER METER	
	WATER VALVE	
	FIRE HYDRANT	
	CATCH BASIN	
	POLE	
	GUY	
	ELECTROLIER	
	ELECTRICAL SERVICE	
	RETAINING WALL	
	SIGN	
	SECTION VIEW	

VESTING TENTATIVE MAP

MARIA SALAZAR SEGOVIA

494A CARPENTERIA RD, AROMAS, CA

PROJECT INFORMATION

OWNER: MARIA SALAZAR SEGOVIA
 SEGOVIA GILBERTO-MARIA SALAZAR TRUST
 347 CARMEL AVENUE, SPACE 56
 MARINA, CA 93933
 (831) 254-8271

APPLICANT: MARIA SALAZAR SEGOVIA
 SEGOVIA GILBERTO-MARIA SALAZAR TRUST
 347 CARMEL AVENUE, SPACE 56
 MARINA, CA 93933
 (831) 254-8271

ENGINEER: MATTHEW J. KELLEY, RCE 62098
 KELLEY ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE SUITE #4
 HOLLISTER, CA 95023
 (831) 636-1104

ASSESSOR'S PARCEL NUMBERS: 011-210-095

TOTAL AREA: 5 ACRES
 # OF LOTS: 2
 GROSS AREA: 217,969 SF (5 ACRES)
 PUBLIC STREET DEDICATIONS: NONE
 TYPE OF SUBDIVISION: MINOR

PROPOSED LOT COVERAGE: TBD
 AVERAGE LOT SIZE: 2.5 ACRES
 MINIMUM LOT SIZE: 2.5 ACRES
 MAXIMUM LOT SIZE: 2.5 ACRES

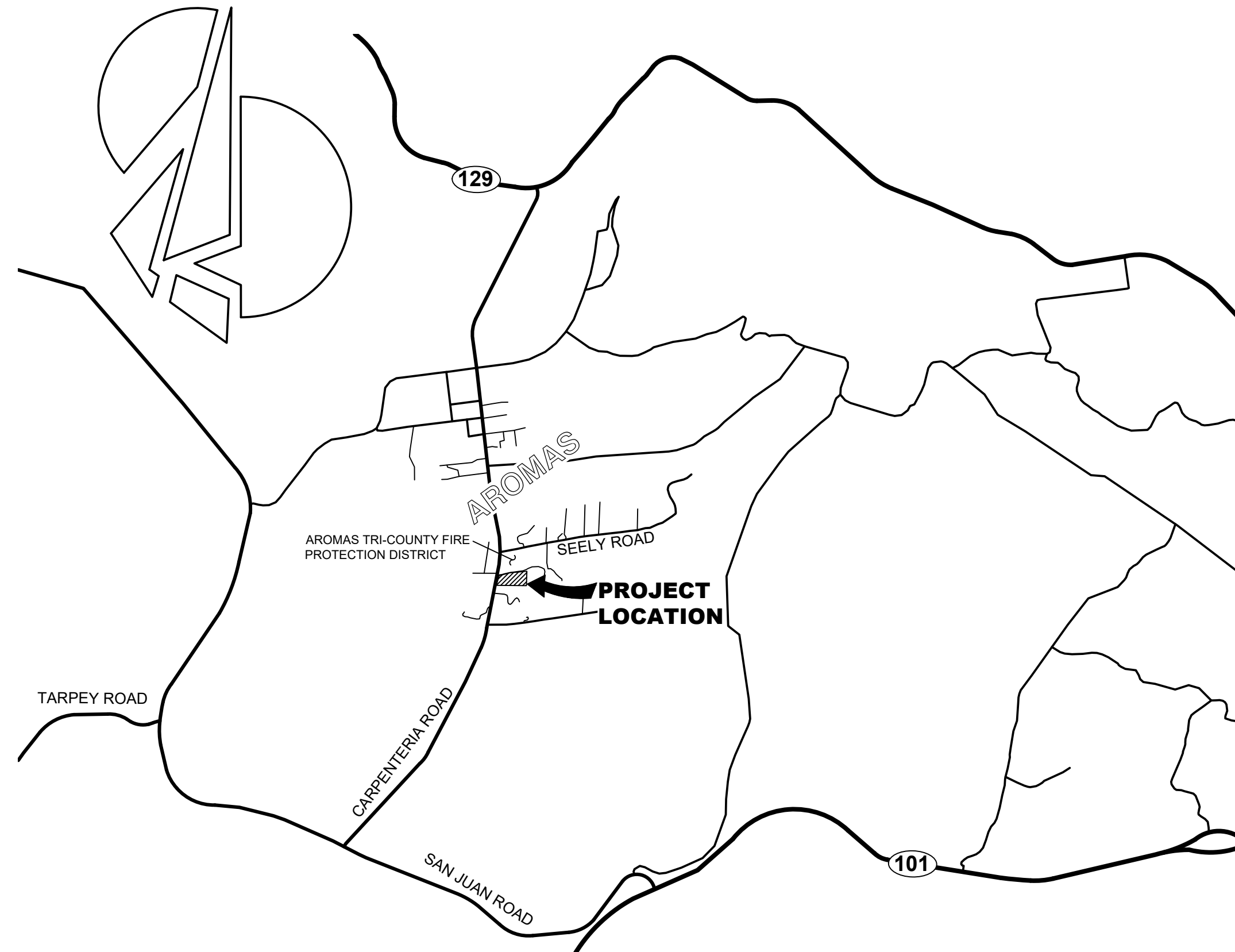
EXISTING LAND USE: RESIDENTIAL
 PROPOSED LAND USE: RESIDENTIAL

EXISTING GENERAL PLAN: RURAL TRANSITION
 PROPOSED GENERAL PLAN: RURAL TRANSITION
 EXISTING ZONING: RURAL TRANSITION
 PROPOSED ZONING: RURAL TRANSITION

REQUIRED SETBACKS:
 FRONT: 25 FEET
 SIDE: 32 FEET
 REAR: 35 FEET

REQUIRED MIN. BUILDING SITE AREA: 2.5 ACRES
 PROPOSED MIN. BUILDING SITE AREA: 2.5 ACRES

FIRE SEVERITY: VERY HIGH
 FLOOD HAZARD ZONE: ZONE X
 SEISMIC HAZARD ZONE: OUTSIDE OF SPECIAL STUDIES ZONE
 TYPE OF SUBDIVISION: MINOR
 SOURCE OF WATER: AROMAS WATER DISTRICT
 SEWER SERVICE: ON-SITE SEPTIC
 GAS & ELECTRIC SERVICE: PG&E



VICINITY MAP
 1" = 1/4 mile

NOTES

- THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, SHOWN OR NOT SHOWN ON THIS PLAN.
- FLOOD ZONE: ACCORDING TO THE FEMA FLOOD MAP SERVICE, FIRM 06069C0020D, REVISED APRIL 16, 2009, AND FIRM 06053C0044G, EFFECTIVE APRIL 2, 2009, THE PROJECT SITE IS LOCATED IN ZONE X, AN AREA OF MINIMAL FLOOD HAZARD AND DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- SEISMIC ZONE: ACCORDING TO THE ALQUIST PR1010 SPECIAL STUDIES ZONE MAP, WATSONVILLE EAST QUADRANGLE, DATED 11/1/1982 THIS PROJECT DOES NOT LIE WITHIN ANY SPECIAL STUDIES ZONE AREA.
- ADJACENT USES:
 NORTH: SINGLE FAMILY RESIDENTIAL
 WEST: SINGLE FAMILY RESIDENTIAL
 SOUTH: SINGLE FAMILY RESIDENTIAL
 EAST: SINGLE FAMILY RESIDENTIAL
- THE TOPOGRAPHY DEPICTED IN THIS PLAN SET WAS DERIVED FROM AN AERIAL TOPOGRAPHIC SURVEY PERFORMED BY KELLEY ENGINEERING & SURVEYING IN SEPTEMBER 2021.

BENCHMARK

THIS BENCHMARK WAS ESTABLISHED BY RECORDING STATIC GPS OBSERVATIONS WITH A TRIMBLE 5800 RECEIVER AND PROCESSING THEM THROUGH NATIONAL GEODETIC SURVEY'S ONLINE POSITIONING USER SERVICE (OPUS). THE ELEVATION WAS COMPUTED USING GEOID 18.

3/4" IRON PIPE WITH RED CONTROL PLUG, NEAR THE NORTH WEST PROPERTY CORNER OF THE PROJECT SITE. SEE SHEET 2 FOR LOCATION

ELEVATION: 283.83 US FT
 DATUM: NAVD88

SOILS REPORT

THE SOILS REPORT USED FOR THIS DESIGN WAS PREPARED BY BUTANO GEOTECHNICAL ENGINEERING, INC., APRIL 2022, PROJECT NO. 22-114-SB.

In accordance with section 6735 (a) of the Professional Engineer's Act these plans are			
PRELIMINARY			
and therefore do not bear the signature and seal of a registered civil engineer.			
BY	DATE	REVISIONS	APPR

KELLEY
ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE, SUITE #4
 HOLLISTER, CA 95023
 OFFICE (831) 636-1104 FAX (831) 636-1837

DATE:	JULY 2022
SCALE:	AS NOTED
DESIGNED:	MJK, TJK
DRAWN:	TJK, EDV
JOB No.:	21004

TITLE SHEET
MARIA SALAZAR SEGOVIA
494A CARPENTERIA RD, AROMAS, CA

SHEET
1
 OF 2

PROJECT INFORMATION

OWNER: MARIA SALAZAR SEGOVIA
 SEGOVIA GILBERTO-MARIA SALAZAR TRUST
 347 CARMEL AVENUE, SPACE 56
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APPLICANT: MARIA SALAZAR SEGOVIA
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 (831) 254-8271

ENGINEER: MATTHEW J. KELLEY, RCE 62098
 KELLEY ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE SUITE #4
 HOLLISTER, CA 95023
 (831) 636-1104

ASSESSOR'S PARCEL NUMBERS: 011-210-095
 TOTAL AREA: 5 ACRES
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 GROSS AREA: 217,969 SF (5 ACRES)
 PUBLIC STREET DEDICATIONS: NONE
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 PROPOSED LOT COVERAGE: TBD
 AVERAGE LOT SIZE: 2.5 ACRES
 MINIMUM LOT SIZE: 2.5 ACRES
 MAXIMUM LOT SIZE: 2.5 ACRES

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 PROPOSED LAND USE: RESIDENTIAL
 EXISTING GENERAL PLAN: RURAL TRANSITION
 PROPOSED GENERAL PLAN: RURAL TRANSITION

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 PROPOSED ZONING: RURAL TRANSITION

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 FRONT 25 FEET
 SIDE 32 FEET
 REAR 35 FEET
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 PROPOSED MIN. BUILDING SITE AREA: 2.5 ACRES

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 FLOOD HAZARD ZONE: ZONE X
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 SOURCE OF WATER: AROMAS WATER DISTRICT
 SEWER SERVICE: ON-SITE SEPTIC
 GAS/ELECTRIC SERVICE: PG&E

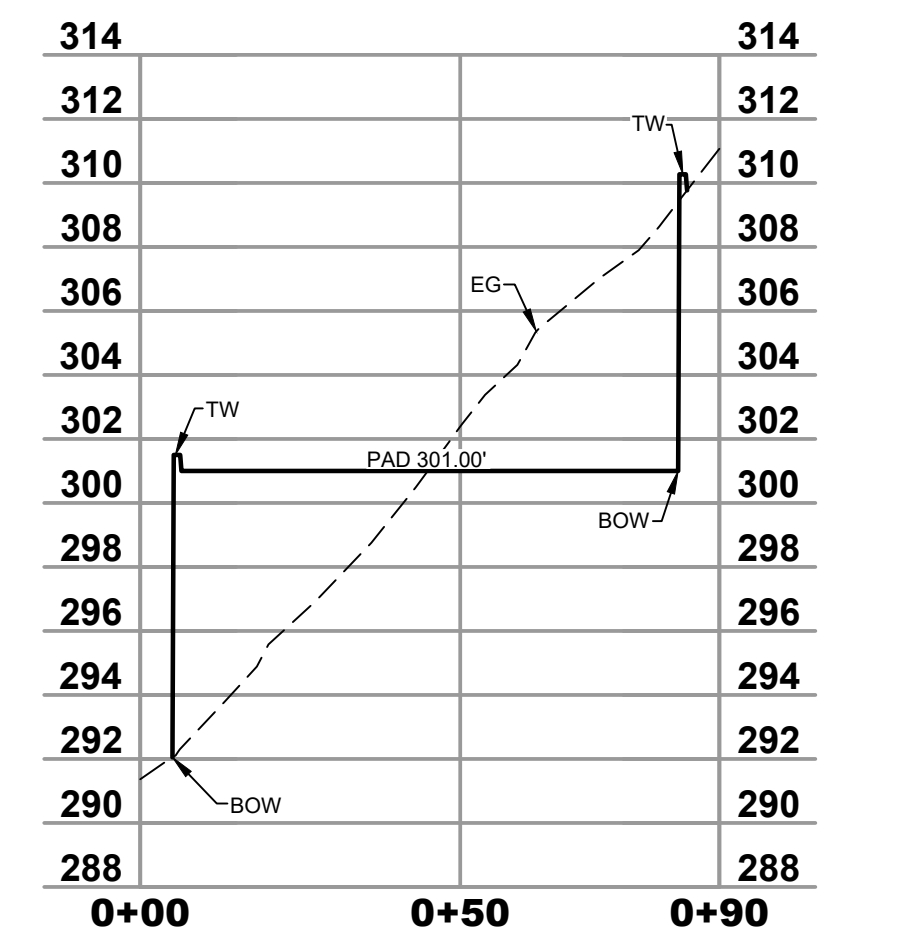
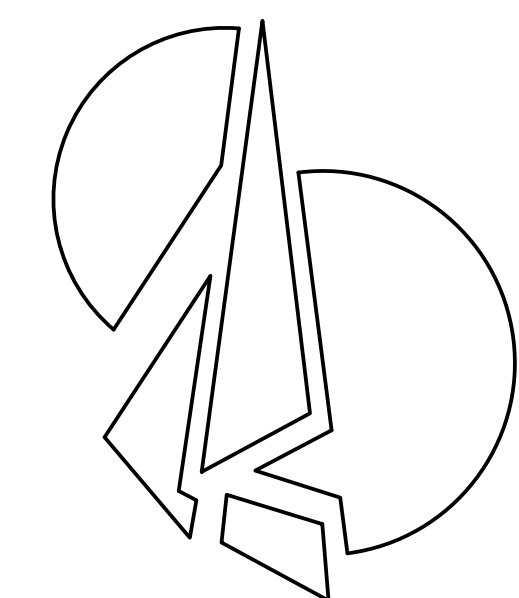
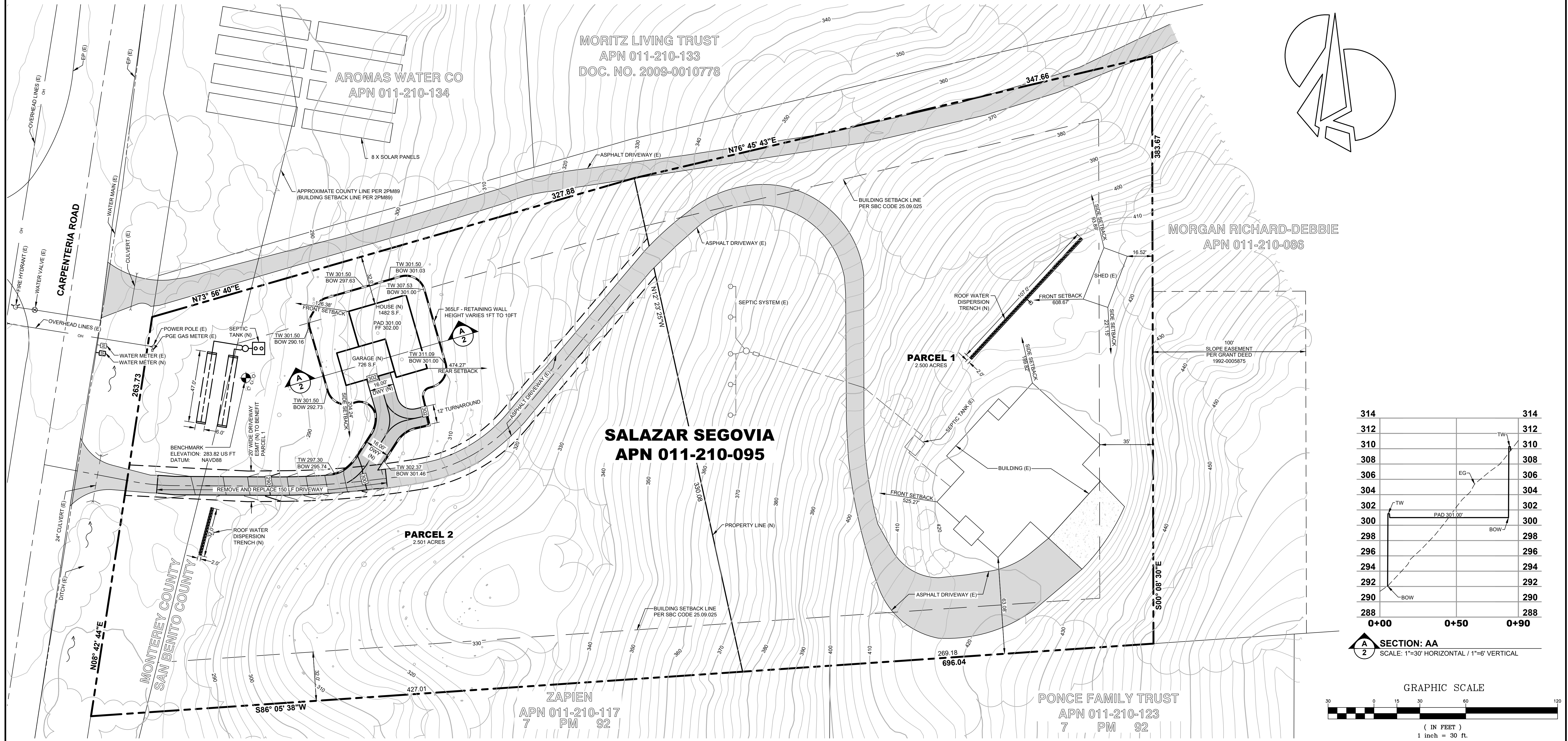
NOTES

1. THE PROJECT SITE IS SUBJECT TO A SCENIC EASEMENT AS DESCRIBED BY VOLUME 402 OF OFFICIAL RECORDS, PAGE 772 ON DECEMBER 18, 1975.

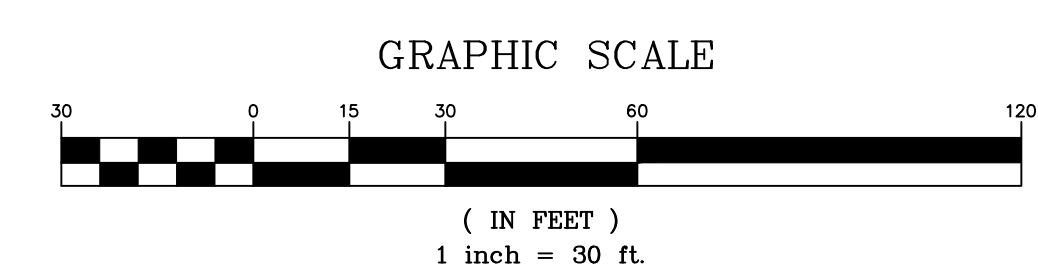
PRELIMINARY EARTHWORK ESTIMATE

CUT (-) 500 CY
 FILL (+) 580 CY
 SHRINKAGE (-) 80 CY
 NET 0 CY

THE EARTHWORK QUANTITIES ABOVE ARE APPROXIMATE AND BASED ON PRELIMINARY AND INCOMPLETE DESIGN. THE EARTHWORK QUANTITIES ABOVE MAY OR MAY NOT REPRESENT THE FINAL EARTHWORK AT THE COMPLETION OF THE PROJECT DUE TO, BUT NOT LIMITED TO: ACTUAL SHRINKAGE, FOUNDATION SPOILS, CONSTRUCTION TOLERANCES, TOPOGRAPHIC SURVEY TOLERANCES, PAD FINISH GRADING, AND UNFORESEEN CHANGES TO DESIGN.



SECTION: AA
 SCALE: 1"=30' HORIZONTAL / 1"=6' VERTICAL



In accordance with section 6735 (a) of the Professional Engineer's Act these plans are			
PRELIMINARY			
and therefore do not bear the signature and seal of a registered civil engineer.			
BY	DATE	REVISIONS	APPR

**KELLEY
 ENGINEERING & SURVEYING**
 400 PARK CENTER DRIVE, SUITE #4
 HOLLISTER, CA 95023
 OFFICE (831) 636-1104 FAX (831) 636-1837

DATE: JULY 2022
 SCALE: 1" = 30'
 DESIGNED: MJK, TJK
 DRAWN: TJK, EDV
 JOB No.: 21004

SITE & GRADING PLAN
MARIA SALAZAR SEGOVIA
494A CARPENTERIA ROAD, AROMAS, CA

**SHEET
 2
 OF 2**

* FILE NAME: K:\Projects 2021\21004 - Maria Salazar Segovia\21004 Segovia 02 Site Plan.rvt - Plotted on: Tuesday, 05 July 2022 at 7:58am by: ELUAM *

Special-Status Species Tables

B
APPENDIX

Appendix B Special-Status Plant Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Anderson's manzanita (<i>Arctostaphylos andersonii</i>)	--/--/1B.2	Broadleaved upland forest, chaparral, and North Coast coniferous forest. Known only from the Santa Cruz Mountains. Prefers open sites in redwood forest; elevation 180-800m. Blooming Period: November - April	Not expected to occur. No suitable forest or chaparral habitat present.
Arcuate bush-mallow (<i>Malacothamnus arcuatus</i>)	--/--/1B.2	Chaparral, in gravelly alluvium; elevation 80-355m. Blooming Period: April - September	Not expected to occur. No suitable chaparral habitat present.
Ben Lomond buckwheat (<i>Eriogonum nudum</i> var. <i>decurrens</i>)	--/--/1B.1	Chaparral, cismontane woodland, lower montane coniferous forest, and ponderosa pine sand hills; elevation 50-800m. Blooming Period: June - October	Not expected to occur. No suitable habitat present.
Ben Lomond spineflower (<i>Chorizanthe pungens</i> var. <i>hartwegiana</i>)	FE/--/1B.1	Lower montane coniferous forest; found on Ben Lomond sands and Zayante coarse sands in maritime ponderosa pine sand hills; elevation 120-470m. Blooming Period: April - July	Not expected to occur. No suitable habitat. Outside of known range.
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	--/--/1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland, on decomposed shale soils; elevation 3-500m. Blooming Period: March - June	Not expected to occur. No suitable habitat present.
Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>)	--/--/1B.2	Valley and foothill grassland, and cismontane woodland; sometimes on serpentine; elevation 35-1000m. Blooming Period: March - June	Not expected to occur. No suitable habitat.
Blasdale's bent grass (<i>Agrostis blasdalei</i>)	--/--/1B	Sandy or gravelly soil close to rocks, often in nutrient-poor soil with sparse vegetation. Blooming Period: May - July	Not expected to occur. No suitable habitat. Outside of known range.
Bonny Doon manzanita (<i>Arctostaphylos silvicola</i>)	--/--/1B.2	Chaparral, closed-cone coniferous forest, and lower montane coniferous forest. Known only from inland marine Zayante sands in Santa Cruz County; elevation 120-390m. Blooming Period: February - March	Not expected to occur. No suitable habitat. Outside of known range.
Bristly sedge (<i>Carex comosa</i>)	--/--/2B.1	Coastal prairie, marshes and swamps (lake margins), and valley and foothill grassland; elevation 0-625m. Blooming Period: May - September	Not expected to occur. No suitable coastal prairie, marshes, swamps, and grasslands present.
California alkali grass (<i>Puccinellia simplex</i>)	--/--/1B.2	Meadows and seeps, chenopod scrub, valley and foothill grasslands, vernal pools. Alkaline, vernaly mesic. Sinks, flats, and lake margins; elevation 1-915m. Blooming Period: March - May	Not expected to occur. No suitable alkaline sinks, lake margins, and habitat present.
Chaparral ragwort (<i>Senecio aphanactis</i>)	--/--/2B.2	Cismontane woodland and coastal scrub. Prefers drying alkaline flats; elevation 20-575m. Blooming Period: January - April	Not expected to occur. No suitable alkaline flats present. No known occurrences within the project vicinity.
Choris' popcorn-flower (<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>)	--/--/1B.2	Chaparral, coastal scrub, coastal prairie, mesic sites; elevation 15-100m. Blooming Period: March - June	Not expected to occur. No suitable mesic coastal prairie, chaparral, or coastal scrub present.

Appendix B

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Congdon's tarplant (<i>Centromadia parryi</i> spp. <i>congonii</i>)	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Known to occur on various substrates, and in disturbed and ruderal (weedy) areas. Blooming Period: June - November	Low probability of occurrence. Suitable ruderal area present. Closest known occurrence 4.5 miles to the south west (occurrence No. 25).
Coyote ceanothus (<i>Ceanothus ferrisiae</i>)	FE/--/1B.1	Serpentine sites in chaparral, coastal scrub, and valley and foothill grassland; elevation 120-460m. Blooming Period: January - May	Not expected to occur. No suitable serpentine chaparral, scrub, or grasslands present.
Dudley's lousewort (<i>Pedicularis dudleyi</i>)	--/SR/1B.2	Chaparral, North Coast coniferous forest, valley and foothill grassland. Deep shady woods of older coast redwood forests, also in maritime chaparral; elevation 100-490m. Blooming Period: April - June	Not expected to occur. No suitable redwood forest, chaparral, or grassland present.
Eastwood's goldenbush (<i>Ericameria fasciculata</i>)	--/--/1B.1	Closed cone coniferous forest, chaparral (maritime), coastal dunes, and coastal scrub/sand; elevation 30 - 275 meters. Blooming Period: July - October	Low probability to occur. Marginal closed cone forest present on site. Multiple observation ~ 4-5 miles southwest of project site (occurrence 25, 27, 28, 31).
Fragrant fritillary (<i>Fritillaria liliacea</i>)	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m. Blooming Period: February - April	Not expected to occur. Marginal to absent suitable habitat within the project site. Multiple observations adjacent to project site (occurrence No. 29 (0.5 miles south), 85 (0.75 miles northeast), 89 (1.5 miles southeast)). If present, this perennial would have been observed during site reconnaissance.
Hooker's manzanita (<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>)	--/--/1B.2	Sandy soils in coastal scrub, chaparral, and closed-cone forest habitats; evergreen; elevation 45-215m. Blooming Period: February - April	Low probability to occur. Marginal closed cone forest present. Occurrence greater than 3.5 miles away (occurrence 20, 21, 26).
Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	--/--/1B.1	Vernal pools. Alkaline depressions, roadside ditches, and other wet places near the coast; elevation 5-45m. Blooming Period: July	Low probability to occur. Roadside drainage channel located adjacent to property. Occurrence greater than 8 miles northeast (occurrence No. 4).
Kellogg's horkelia (<i>Horkelia cuneata</i> ssp. <i>sericea</i>)	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings; elevation 10-200m. Blooming Period: April - September	Not expected to occur. Marginal closed cone forest present. Occurrence greater than 10 miles away (occurrence 25). If present, this perennial would have been observed during site reconnaissance.
Legenere (<i>Legenere limosa</i>)	--/--/1B.1	In beds of vernal pools; elevation 1-880m. Blooming Period: April - June	Not expected to occur. No suitable vernal pools present.
Loma Prieta hoita (<i>Hoita strobilina</i>)	--/--/1B.1	Wet areas on serpentine substrate in chaparral, cismontane woodland, and riparian woodland; elevation 30-860m. Blooming Period: May - October	Not expected to occur. No suitable serpentine substrate present.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Marsh microseris (<i>Microseris paludosa</i>)	--/--/1B.2	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300m. Blooming Period: April - June	Not expected to occur. No suitable open woodland and grassland present.
Monterey gilia (<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>)	FE/ST/1B.2	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, sandy openings; elevation 0-45m. Blooming Period: April - June	Not expected to occur. No suitable coastal dunes and coastal scrub present.
Monterey pine (<i>Pinus radiata</i>)	--/--/1B.1	Closed-cone coniferous forest, cismontane woodland; elevation 25-185m. Evergreen	Present onsite. Outside of native occurrence range. Locally abundant.
Monterey spineflower (<i>Chorizanthe pungens</i> var. <i>pungens</i>)	FT/--/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland; elevation 3-450m. Blooming Period: April - June	Not expected to occur. No suitable chaparral, coastal dunes, and coastal scrub present.
Most beautiful jewel-flower (<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>)	--/--/1B.2	Chaparral, valley and foothill grassland, and cismontane woodland; serpentine outcrops, on ridges and slopes; elevation 120-730m. Blooming Period: April - June	Not expected to occur. No suitable serpentine substrate present.
Mt. Hamilton fountain thistle (<i>Cirsium fontinale</i> var. <i>campylon</i>)	--/--/1B.2	Serpentine seeps in chaparral, cismontane woodland, and valley and foothill grassland; elevation 100-890m. Blooming Period: February - October	Not expected to occur. Suitable serpentine substrate not present.
Ohlone manzanita (<i>Arctostaphylos ohloneana</i>)	--/--/1B.1	Endemic to northwest Santa Cruz County, where it is known only from four populations on Ben Lomond Mountain.	Not expected to occur. Outside of known range.
Pajaro manzanita (<i>Arctostaphylos pajaroensis</i>)	--/--/1B.1	Sandy soils in chaparral habitat; evergreen; elevation 30-760m. Blooming Period: December - March	Not expected to occur. No suitable chaparral habitat present.
Pine rose (<i>Rosa pinetorum</i>)	--/--/1B.2	Closed-cone coniferous forest; elevation 2-300m. Blooming Period: May - July	Low probability to occur. Marginal closed cone forest present.
Pink creamsacs (<i>Castilleja rubicundula</i> ssp. <i>rubicundula</i>)	--/--/1B.2	Chaparral, meadows and seeps, and valley and foothill grassland. Openings in chaparral or grasslands on serpentine soils; elevation 20-900m. Blooming Period: April - June	Not expected to occur. No suitable serpentine substrate present.
Pinnacles buckwheat (<i>Eriogonum nortonii</i>)	--/--/1B.3	Sandy sites in chaparral and valley and foothill grassland, often on recent burns; elevation 300-975m. Blooming Period: May - June	Not expected to occur. No suitable chaparral or grassland habitat present.
Point Reyes horkelia (<i>Horkelia marinensis</i>)	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m. Blooming Period: May - September	Not expected to occur. No suitable coastal scrub, dunes, and prairie present.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m. Blooming Period: April - July	Not expected to occur. Marginal sandy openings in woodlands present. Closest known occurrence greater than 8 miles away.
Saline clover (<i>Trifolium hydrophilum</i>)	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m. Blooming Period: April - June	Not expected to occur. No suitable marsh or grassland habitat present.

Appendix B

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
San Francisco collinsia (<i>Collinsia multicolor</i>)	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m. Blooming Period: March - May	Not expected to occur. No suitable serpentine substrate present.
San Francisco popcornflower (<i>Plagiobothrys diffusus</i>)	--/SE/1B.1	Valley and foothill grassland, and coastal prairie. Historically from grassy slopes with marine influence; elevation 60-485m. Blooming Period: March - June	Not expected to occur. No suitable grassland present.
Sand-loving wallflower (<i>Erysimum ammodophilum</i>)	--/--/1B.2	Maritime chaparral, coastal dunes, coastal scrub, sandy openings; elevation 0 – 60m. Blooming Period: February - June	Not expected to occur. No suitable chaparral, coastal dunes, coastal scrub habitats present.
Santa Clara Valley dudleya (<i>Dudleya abramsii</i> ssp. <i>setchellii</i>)	FE/--/1B.1	Valley and foothill grassland, and cismontane woodland. Endemic to serpentine outcrops and on rocks within grassland or woodland in Santa Clara County; elevation 80-335m. Blooming Period: April - June	Not expected to occur. No suitable serpentine substrate present.
Santa Cruz clover (<i>Trifolium buckwestiorum</i>)	--/--/1B.1	Broadleaved upland forest, cismontane woodland, and coastal prairie; prefers moist grassland and gravelly margins; elevation 105-610m. Blooming Period: April - October	Not expected to occur. No suitable habitat present.
Santa Cruz cypress (<i>Hesperocyparis abramsiana</i> var. <i>abramsiana</i>)	FE/SE/1B.2	Closed-cone coniferous forest and lower montane coniferous forest in the Santa Cruz Mountains on sandstone and granitic derived soils; elevation 300-800m. Evergreen	Not expected to occur. Outside of known range. No suitable substrate present.
Santa Cruz microseris (<i>Stebbinsoseris decipiens</i>)	--/--/1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, valley and foothill grassland, open areas, sometimes serpentine; elevation 10-500m. Blooming Period: April - May	Not expected to occur. Outside of known range.
Santa Cruz Mountains beardtongue (<i>Penstemon rattanii</i> var. <i>kleei</i>)	--/--/1B.2	Chaparral and lower montane coniferous forest. Sandy shale slopes in transition zone between forest and chaparral; elevation 400-1100m. Blooming Period: May - June	Not expected to occur. No suitable habitat or substrate present.
Santa Cruz Mountains pussypaws (<i>Calyptridium parryi</i> var. <i>hesseae</i>)	--/--/1B.1	Sandy or gravelly openings in chaparral and cismontane woodland; elevation 305-1530m. Blooming Period: May - August	Not expected to occur. Outside of elevation range.
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	FT/SE/1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland; often on clay or sandy soils; elevation 10-220m. Blooming Period: June - October	Not expected to occur. No suitable coastal prairie, scrub, or valley grassland present.
Santa Cruz wallflower (<i>Erysimum teretifolium</i>)	FE/SE/1B.1	Lower montane coniferous forest and chaparral. Pine Parkland Area, on inland marine sands (Zayante coarse sand); elevation 120-610m. Blooming Period: March - July	Not expected to occur. No suitable Zayante coarse sand present.
Schreiber's manzanita (<i>Arctostaphylos glutinosa</i>)	--/--/1B	Closed-cone coniferous forest, chaparral. Mudstone or diatomaceous outcrops, often with <i>Pinus attenuata</i> ; elevation 170-690m. Blooming Period: November - April	Not expected to occur. Suitable closed cone forest with mudstone outcrops not present.
Seaside bird's-beak (<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>)	--/SE/1B.1	Closed-cone coniferous forest, maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, sandy often disturbed sites; elevation 0-215m. Blooming Period: May - October	Not expected to occur. Suitable site characteristics not present.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Smooth lessingia (<i>Lessingia micradenia</i> var. <i>glabrata</i>)	--/--/1B.2	Chaparral; endemic to Santa Clara County. Serpentine, often on roadsides; elevation 120-485m. Blooming Period: July - November	Not expected to occur. No suitable serpentine substrate present.
White-flowered rein orchid (<i>Piperia candida</i>)	--/--/1B.2	Broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest; sometimes serpentine; elevation 30-1310m. Blooming Period: May - September	Not expected to occur. No habitat present.
White-rayed pentachaeta (<i>Pentachaeta bellidiflora</i>)	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m. Blooming Period: March - May	Not expected to occur. No suitable serpentine substrate present. No suitable grassland habitat present.
Woodland woollythreads (<i>Monolopia gracilens</i>)	--/--/1B.2	Serpentine, open sites in broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland; elevation 100-1200m. Blooming Period: March - July	Not expected to occur. No suitable serpentine substrate present.
Yadon's rein orchid (<i>Piperia yadonii</i>)	FE/--/1B.1	Sandy sites in coastal bluff scrub, closed cone coniferous forest, maritime chaparral; elevation 10-510m. Blooming Period: May - August	Not expected to occur. No suitable closed cone forest community present.

SOURCE: CDFW CNDDDB 2023, CNPS 2023

NOTE: Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)

SE: Listed as Endangered under the California Endangered Species Act.

ST: Listed as Threatened under the California Endangered Species Act.

SR: Listed as Rare under the California Endangered Species Act.

SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.

SSC: Species of Special Concern.

SFP: Fully Protected species under the California Fish and Game Code.

SD: Delisted under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions

1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.

2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.

.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).

.2: Fairly endangered in California (20-80% occurrences threatened).

.3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Appendix B Special-Status Wildlife Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
American badger (<i>Taxidea taxus</i>)	--/SSC	Most abundant in drier, open stages of most shrub, forest, and herbaceous habitats. Need sufficient food and open, uncultivated ground with friable soils to dig burrows. Prey on burrowing rodents.	Not expected to occur. Suitable open stage habitat not present. Few burrowing rodents.
American peregrine falcon (<i>Falco peregrinus anatum</i>)	FD/SD,SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	Not expected to occur onsite. No suitable wetlands, lakes, rivers, etc., present. Possible flyover sightings.
Arroyo toad (<i>Bufo californicus</i>)	FE/SSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc. Rivers with sandy banks, willows, cottonwoods, and sycamores, loose, gravelly areas of streams in drier parts of range.	Not expected to occur. No riverine habitat with riparian vegetation present.
Bank swallow (<i>Riparia riparia</i>)	--/ST	Highly colonial species that nests in alluvial soils along rivers, streams, lakes, and ocean coasts. Nesting colonies only occur in vertical banks or bluffs of friable soils at least one meter tall, suitable for burrowing with some predator deterrence values. Breeding colony present in Salinas River.	Not expected to occur. No suitable habitat present. No nesting habitat present.
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Castilleja densiflora</i> and <i>C. exserta</i> are secondary host plants.	Not expected to occur. Suitable grassland of serpentine soils is not present.
Black swift (<i>Cypseloides niger</i>)	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea bluffs above surf; forages widely.	Not expected to occur. No suitable habitat present. No nesting habitat present.
Blunt-nosed leopard lizard (<i>Gambelia silus</i>)	FE/SE	Resident of sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows, under shrubs or structures such as fence posts.	Not expected to occur. Suitable sparsely vegetated alkali and desert scrub habitat is not present.
Buena Vista Lake Ornate Shrew (<i>Sorex ornatus relictus</i>)	FE/--	Resident of moist habitat surrounding wetlands of the Kern, Buena Vista, Goos, and Tulare lakes on the San Joaquin Valley floor.	Not expected to occur. Outside of range. No suitable habitat.
Burrowing owl (<i>Athene cunicularia</i>)	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	Not expected to occur. No suitable habitat present. No open grasslands with suitable nesting burrows.
California Clapper Rail (<i>Rallus longirostris obsoletus</i>)	FE/--	Resides exclusively in tidal and brackish marshes with intact marsh vegetation providing, invertebrate food, tidal channels, and suitable nesting and cover during extreme tides.	Not expected to occur. No tidal and brackish marshes and marsh vegetation present.
California condor (<i>Gymnogyps californianus</i>)	FE/SE	Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.	Not expected to occur. Very low possibility of foraging within marginal onsite habitat but highly unlikely due to distance from nesting sites (50 to 60 miles).

Appendix B

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
California giant salamander (<i>Anodonta californiensis</i>)	--/SSC	Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected to occur. No wet forests near streams within the project vicinity. No suitable habitat present.
California least tern (<i>Sternula antillarum browni</i>)	FE/SE	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates (sand beaches, alkali flats, landfills, or paved areas).	Not expected to occur. Nesting requirements not available onsite.
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	Possible, but not observed. Small wetland feature and upland habitat adjacent to project site.
California tiger salamander (<i>Ambystoma californiense</i>)	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding habitat.	Low probability of occurrence. Marginal habitat present. Low probability of migration through or to the site for estivation.
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	Not expected to occur. Suitable arid grassland or scrubland habitat is not present.
Coast Range newt (<i>Taricha torosa</i>)	--/SSC	Coastal drainages; lives in terrestrial habitats and can migrate over 1 km to breed in ponds, reservoirs, and slow-moving streams.	Not expected to occur. Suitable ponds, rivers, and stream habitat present 0.9 km from upper property, 1 km from proposed residence.
Coho salmon (<i>Oncorhynchus kisutch</i>)	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	Not expected to occur. No suitable freshwater habitat present.
Cooper's hawk (<i>Accipter cooperii</i>)	--/SSC	Oak or riparian woodlands.	Probable, but not observed. Suitable oak woodlands present.
Crotch bumble bee (<i>Bombus crotchii</i>)	--/SCE	Open grassland and scrub habitats. Require flowering plants and suitable nesting sites. Documented food plants include <i>Asclepias</i> sp., <i>Chaenactis</i> sp., <i>Lupinus</i> sp., <i>Medicago</i> sp., <i>Phacelia</i> sp., and <i>Salvia</i> sp.	Not expected to occur. Documented food plants not available onsite.
Foothill yellow-legged frog (<i>Rana boylei</i>)	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Not expected to occur onsite. Suitable riparian habitat not present.
Giant kangaroo rat (<i>Dipodomys ingens</i>)	FE/SE	Annual grasslands on the western side of the San Joaquin Valley, marginal habitat in alkali scrub. Needs level terrain and sandy loam soils for burrowing.	Not expected to occur onsite. Suitable grassland/alkali scrub habitat not present.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Golden eagle (<i>Aquila chrysaetos</i>)	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	Not expected to occur. Suitable nesting habitat not present.
Hoary bat (<i>Lasiurus cinereus</i>)	--/SSC	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Low probability to occur. Not observed during site visit. Suitable habitat in onsite trees. Open foraging habitat on adjacent site. Water seasonally available.
Least Bell's vireo (<i>Vireo bellii pusillus</i>)	FE/SE	Summer resident of southern and central California in riparian habitats below 2,000 feet in elevation. Often nests in large shrubs, along margins of bushes or on twigs projecting into pathways.	Not expected to occur. Suitable riparian habitat with shrubs layer not present.
Longfin smelt (<i>Spirinchus thaleichthys</i>)	FC/SE	Euryhaline, nektonic and anadromous fish found in open waters of estuaries, mostly in middle or bottom of water column. Prefers salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Not expected to occur. Suitable open water habitat not present.
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	FT/SE	Feeds near shore, and nests up to six miles inland from coast from Half Moon Bay to Santa Cruz in old-growth redwood forests, often in Douglas fir trees.	Not expected to occur. Suitable old growth redwood habitat not present.
Monarch butterfly (<i>Danaus plexippus</i>)	FC/--	Winter roost sites. Wind protected tree groves (Eucalyptus, Monterey pine, cypress) with nectar and water sources nearby.	Not expected to occur. Monarch roost along coastal peninsulas in host trees. While host trees are present within the project site, the coastal peninsula is not.
Monterey hitch (<i>Lavinia exilicauda harengus</i>)	--/SSC	Inhabits slow warm water, including lakes and quiet stretches of rivers. Sometimes found in cool and clear low-gradient streams, hiding among aquatic vegetation in sandy runs or pools.	Not expected to occur. Suitable riverine habitat not present.
Monterey shrew (<i>Sorex ornatus salarius</i>)	--/SSC	Riparian, wetland and upland areas in the vicinity of the Salinas River delta. Prefers moist microhabitats. feeds on insects and other invertebrates found under logs, rocks and litter.	Not expected to occur. Outside of the vicinity of the Salinas River.
Northern California legless lizard (<i>Anniella pulchra</i>)	--/SSC	Sandy or loose loamy soils under sparse vegetation. Found in chaparral, coastal dunes, and coastal scrub habitats. Soil moisture is essential. They prefer soils with a high moisture content.	Not expected to occur. Suitable chaparral, coastal dunes, coastal scrub habitat not present.
Northwestern pond turtle (<i>Clemmys marmorata marmorata</i>)	--/SSC	Associated with permanent or nearly permanent water in a wide variety of habitats. Requires basking sites. Nest sites may be found up to 0.5 km from water.	Not expected to occur. Suitable permanent or nearly permanent water not present.
Obscure bumble bee (<i>Bombus caliginosus</i>)	--/SCE	Meadows and grasslands with flowering plants. May be found in some natural areas within urban environments. Require flowering plants that bloom and provide adequate nectar and pollen throughout the colony's flight period from as early as February to late November.	Not expected to occur. Suitable nectar plants not in abundance.
Opler's longhorn moth (<i>Adela oplerella</i>)	FSC/--	From Marin County and the Oakland area on the inner coast ranges south to Santa Clara County. Serpentine grassland, larvae feed on <i>Platystemon californicus</i> .	Not expected to occur. Suitable serpentine grassland habitat not present.

Appendix B

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Pallid bat (<i>Antrozous pallidus</i>)	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	Not expected to occur. Suitable roosting areas not present.
Saltmarsh common yellowthroat (<i>Geothlypis trichas sinuosa</i>)	--/SSC	Fresh and saltwater marshes; requires thick continuous cover down to water surface for foraging, tall grasses, tule patches, and willows for nesting.	Not expected to occur. Suitable marshes and associated cover not present.
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	FE/SE, SFP	Typically found in the vicinity of freshwater marshes, ponds and slow-moving streams in San Mateo County and extreme northern Santa Cruz County. Prefers dense cover and water depths of at least one foot. Upland areas near water are also very important.	Not expected to occur. Outside of known range. Suitable habitat not present.
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annexens</i>)	--/SSC	Forest habitats of moderate canopy and moderate to dense understory. Constructs nest of shredded grass, leaves, and other materials.	Not expected to occur. Outside of known range in SC mountains and SF bay area grasslands.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	FE/ST	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose-textured sandy soils for burrowing, and suitable prey base.	Not expected to occur. Suitable grassland habitat not present.
Santa Cruz black salamander (<i>Aneides flavipunctatus niger</i>)	--/SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara Counties. Adults found under rocks, talus, and damp woody debris.	Not expected to occur. Closest known occurrence 8 miles to the north.
Santa Cruz long-toed salamander (<i>Ambystoma macrodactylum croceum</i>)	FE/SE, SFP	Wet meadows near sea level in a few restricted locales in Santa Cruz and Monterey Counties. Aquatic larvae prefer shallow (<12 inches) water; use clumps of vegetation or debris for cover. Adults use mammal burrows.	Not expected to occur. Suitable wet meadow habitat not present.
Short-eared owl (<i>Asio flammeus</i>)	--/SSC	(Nesting) Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Not expected to occur. Suitable nesting habitat not present.
Smith's blue butterfly (<i>Euphilotes enoptes smithi</i>)	FE/--	Coastal dunes and coastal sage scrub plant communities. Host plants include <i>Eriogonum latifolium</i> and <i>E. parvifolium</i> for larval and adult stages.	Not expected to occur. Host plant not present.
Steelhead (<i>Oncorhynchus mykiss irideus</i>)	FT/--	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	Not expected to occur. Suitable riverine habitat not present.
Tidewater goby (<i>Eucyclogobius newberryi</i>)	FE/SSC	Brackish water habitats, found in shallow lagoons and lower stream reaches, still but not stagnant water with high oxygen levels.	Not expected to occur. Suitable aquatic habitat not present.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	--/SCT	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur. Suitable mesic sites not present.
Tricolored blackbird (<i>Agelaius tricolor</i>)	--/SE	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	Not expected to occur. Suitable emergent freshwater marsh vegetation not present.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/--	Endemic to the grasslands of the Central Valley, Central Coast Mtns., and South Coast Mtns. in astatic rain-filled pools. Inhabits small, clear-water sandstone depression pools and grass swale, earth slump, or basalt-flow depression pools.	Not expected to occur. Suitable grassland vernal pools not present.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Western pond turtle (<i>Emys marmorata</i>)	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	Not expected to occur. Suitable riverine habitat and basking site not present.
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	FT/SSC	Sandy beaches, salt pond levees, shores of large alkali lakes; sandy, gravelly, or friable soils for nesting.	Not expected to occur. Suitable coastal habitat not present.
Western yellow-billed cuckoo (<i>Coccyzus americanus</i>)	FC/SE	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Not expected to occur. Suitable riparian forest not present.
White-tailed kite (<i>Elanus leucurus</i>)	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Low probability of occurrence. Marginal suitable habitat present.
Yellow rail (<i>Corturnicops noveboracensis</i>)	--/SSC	Summer resident in eastern Sierra Nevadas, prefers freshwater marshlands.	Not expected to occur. Suitable freshwater marshland habitat not present.
Zayante band-winged grasshopper (<i>Trimerotropis infantilis</i>)	FE/--	Isolated sandstone deposits in the Santa Cruz Mountains, Zayante Hills ecosystem.	Not expected to occur. Outside of known range. Suitable habitat not present.

SOURCE: CDFW 2023

NOTE: Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)

SE: Listed as Endangered under the California Endangered Species Act.

ST: Listed as Threatened under the California Endangered Species Act.

SR: Listed as Rare under the California Endangered Species Act.

SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.

SSC: Species of Special Concern.

SFP: Fully Protected species under the California Fish and Game Code.

SD: Delisted under the California Endangered Species Act.

Geotechnical Report

C
APPENDIX

GEOTECHNICAL INVESTIGATION DESIGN PHASE

FOR
PROPOSED RESIDENTIAL CONSTRUCTION
494A CARPENTERIA ROAD
AROMAS, SAN BENITO COUNTY, CALIFORNIA

PREPARED FOR
MARIA SALAZAR SEGOVIA
PROJECT NO. 22-114-SB



PREPARED BY

BUTANO GEOTECHNICAL ENGINEERING, INC.
APRIL 2022



BUTANO GEOTECHNICAL ENGINEERING, INC.

231 GREEN VALLEY ROAD, SUITE E, FREEDOM, CALIFORNIA 95019

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WWW.BUTANOGEOTECH.COM

April 13, 2022
Project No. 22-114-SC

Maria Salazar Segovia
494A Carpenteria Road
Aromas, CA 95004

SUBJECT: GEOTECHNICAL INVESTIGATION - DESIGN PHASE
Proposed Residential Construction
494A Carpenteria Road (APN 011-210-095)
Aromas, San Benito County, California

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 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: 1. Appendix A Figures and Standard Details
2. Appendix B Field Exploration Program
3. Appendix C Laboratory Program
4. Appendix D Percolation Test Program

Distribution: (4) Addressee

1.0 INTRODUCTION

This report presents the results of our geotechnical investigation for the proposed residential construction at 494A Carpenteria Road in Aromas, San Benito County, California.

The purpose of our investigation is to provide preliminary geotechnical design parameters and recommendations for the proposed construction and percolation testing to assist with the design of an on-site wastewater treatment system (OSWTS). Conclusions and recommendations related to site grading, drainage, slab-on-grades, retaining walls and foundations are presented herein.

This work includes 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 as revised dated January 28, 2022.

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 PROJECT DESCRIPTION

Based on our discussions with the client the project consists of splitting the existing parcel and constructing a new single-family residence (on parcel 2). The building site is to be located on a moderately steep hillside.

3.0 FIELD EXPLORATION AND LABORATORY TESTING PROGRAMS

Our field exploration program included drilling, logging, and interval sampling of five borings on March 22, 2022. The borings were advanced to depths ranging from 3 to 13 ½ feet using 6-inch solid stem augers on a tractor mounted drill rig. Details of the field exploration program, including the Boring Logs and the Key to the Logs, are presented in Appendix B, Figures B-3 through B-6.

Representative samples obtained during the field investigation were taken to the laboratory for testing. Laboratory tests were used to determine physical and engineering properties of the in-situ soils. Details of the laboratory testing program are presented in Appendix C. Test results are presented on the Boring Logs and in Appendix C.

4.0 SITE DESCRIPTION

4.1 Location

The project site is located south of Highway 129 at 494A Carpenteria Road in Aromas, San Benito County California. The site location is shown on the Site Location Plan, Appendix B, Figure B-1.

4.2 Surface Conditions

Parcel 2 is approximately 2.5 acres in size, irregular in shape, and generally slopes to the west at a moderate gradient within the proposed building envelope.

There is an existing paved driveway which services the existing single-family residence on Parcel 1. The improvements to Parcel 2 will be north of the existing driveway.

The proposed OSWTS will be located on level terrain adjacent to Carpenteria Road.

The parcel is vegetated with grass, brush and oak trees.

4.3 Subsurface Conditions

The parcel is geologically mapped as being underlain by aromas sand. Our geotechnical exploration generally agrees with the geologic mapping of the area.

The borings generally encountered 2 ½ feet of very loose to loose silty sand overlying medium dense to very dense silty sand.

Static groundwater was not encountered in any of the borings. The depth to groundwater may vary seasonally.

Complete soil profiles are presented in the Boring Logs, Appendix B, Figures B-4 through B-6. The boring locations are shown on the Boring Site Plan, Figure B-2.

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

5.1.1 Intense Seismic Shaking

The hazard of intense seismic shaking is present throughout central California. Intense seismic shaking may occur at the site during the design lifetime of the proposed structure from an earthquake along one of the regions many faults. 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.

The County of San Benito 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 2019 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 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 _{DS}	S _{D1}	F _{PGA}	PGA _M	Risk Category	Seismic Design Category
2.181	0.902	D	1.0	null	1.454	null	1.1	1.022	II	null

Design Coordinates - (Lat: 36.8780203, Lng: -121.6415014)

*Site specific analysis required for site class D and building structures having a period within the velocity domain of the design response spectrum ($T_s < T \leq T_L$).

5.1.2 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: fault ground surface rupture, 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 the potential for collateral seismic hazards to affect the site and to damage the proposed structure is low.

6.0 DISCUSSIONS AND CONCLUSIONS

The on-site soil consists of silty sand with a very low potential for expansion.

7.0 RECOMMENDATIONS

7.1 General

Based on the results of our field investigation and engineering analysis it is our opinion that from the geotechnical standpoint, the subject site will be suitable for the construction of the proposed residential project.

7.2 Site Grading

7.2.1 Site Clearing

The site should be cleared of non-engineered fill, remaining root masses, loose soil, organics, and debris within the project limits.

7.2.2 Preparation of On-Site Soils

Areas to receive fill (subgrade) should be scarified, cleared of organics, moisture conditioned to 0 to 2 percent over optimum moisture, and compacted to a minimum of 90 percent relative compaction. The compacted subgrade should extend 2 feet laterally of any proposed improvements.

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. See Paved Areas for additional requirements.

Engineered fill should be well mixed and homogenous, moisture conditioned to within 2 percent of optimum moisture, placed in relatively thin lifts, and compacted using heavy vibratory equipment.

Site Grading-General

The on-site soil may be re-used as engineered fill after any deleterious material is removed.

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 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.

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 paved areas should be prepared as above and the upper 6 inches of subgrade and all aggregate baserock in paved areas should be compacted to a minimum of **95 percent** relative compaction. The subgrade compaction should extend a minimum of 2 feet laterally of all paved areas.

7.2.3 Cut and Fill Slopes

No significant cuts or fills are anticipated for this project.

Permanent cut and fill slopes should be graded no steeper than 2:1 (H:V). Fill slopes should be keyed and benched into the hillside. A typical keying and benching detail is included in Appendix A.

Disturbed slopes should be erosion controlled.

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. If this is not feasible swales may be constructed to control drainage. Collected drainage should be released at approved locations as indicated by the project civil engineer or designer into t-dissipators or other energy dissipator.

7.2.6 Utility Trenches

Utility trenches should be backfilled based on the County of San Benito standard details. At a minimum this should consist of 4 inches of bedding sand below the utility and 8 inches of bedding sand above the utility.

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.

The on-site native soils may be utilized for trench backfill above the bedding sand. If sand or granular material is used for trench backfill, a 3 feet concrete plug should be placed in each trench where it passes under the exterior footings.

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 2:1 (V:H) 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

7.3.1 Conventional Shallow Foundations

General

The proposed improvements may be supported on conventional shallow foundations bearing on medium dense in-situ soil or engineered fill per section 7.2.2.

Footing excavations must be checked by the Geotechnical Engineer before steel is placed and concrete is poured.

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 into engineered fill per Section 7.2.2. The engineered fill should extend a minimum of 24 inches laterally of the footing. As an option, footings may be embedded a minimum of 6 inches into the underlying medium dense silty sand. This will be approximately 30 inches below existing grade. Footings should be level and stepped up the hillside. 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 medium dense in-situ soil or 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 - 0.35, between the engineered fill and rough concrete. A passive resistance of 360 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.

7.3.2 Concrete Slabs-on-Grade

General

We recommend that concrete slabs-on-grade be founded on engineered fill per section 7.2.2.

The subgrade for slab-on-grades should be kept moist prior to pouring concrete.

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.

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.

7.3.3 Settlements

Total and differential settlements beneath the new foundation elements 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 Retaining Structures

Proposed retaining walls should be supported by conventional shallow foundations bearing on medium dense in-situ soil or engineered fill per section 7.2.2.

7.4.1 Lateral Earth Pressures

The lateral earth pressures presented in Table 2 are recommended for the design of retaining structures with a gravel blanket and backfill soil consisting of the on-site silty sand soil.

Table 2. Lateral Earth Pressures

Soil Profile	Soil Pressure (psf/ft)	
	Active	At-rest
Level	37 ½	57 ½
2 ½ :1	45	65

Pressure due to any surcharge loads from adjacent footings, traffic, etc., should be analyzed separately. Pressures due to these loading can be supplied upon receipt of the appropriate plans and loads. Refer to Appendix A, Figure A-1-Surcharge Pressure Diagram.

An earthquake load (ultimate) may be considered for retaining walls as follows:

For unrestrained walls over 6 feet, as measured from the base of the footing, a seismic load of $10H^2$ may be applied at a height of $0.6H$ from the base of the wall.

No evaluation of seismic earth pressure is needed for restrained walls under 12 feet in height, as measured from the base of the footing, provided a minimum static factor of safety of 1.5 is achieved. For rigidly restrained walls over 12 feet a seismic load of $15H^2$ should be added to the active earth pressure and applied at a height of $0.3H$ from the base of the wall. The greater of the seismic loading and at rest loading conditions should be used for design. The recommendations for restrained retaining walls are based on the SEAOC 2010 Conventions Proceedings: *Seismic Earth Pressures on Deep Building Basements*, Lew, Sitar.

A factor of safety of 1.1 is considered appropriate with respect to earthquake loading.

7.4.2 Backfill

Backfill should be placed under engineering control. Backfill should be compacted per Subsection 7.2.2; however, precautions should be taken to ensure that heavy compaction equipment is not used immediately adjacent to walls, so as to prevent undue pressures against, and movement of the walls.

The granular backfill should be capped with at least 12 inches of relatively impermeable material.

7.4.3 Backfill Drainage

Retaining structures must be fully drained. Backdrains should consist of 4 inch diameter Schedule 40, PVC pipe or equivalent, embedded in 3/8 inch to 3/4 inch, clean crushed gravel, enveloped in **Mirafi 180N** or approved equivalent. The drain should be a minimum of 12 inches in thickness and should extend to within 12 inches from the surface. The pipe should be 4± inches above the trench bottom; a gradient of 2± percent being provided to the pipe and trench bottom; discharging into suitably protected outlets. As an option weep holes may be used instead of a pipe. See Appendix A, Figure A-2 for the standard detail for the backdrain.

7.5 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.

7.6 Observation and Testing

Field observation and testing should 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.

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 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 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 are 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.

Dibblee, T.W. and Minch, J.A. (ed.), 2006, Geologic map of the Watsonville East quadrangle, Santa Clara, Santa Cruz, Monterey & San Benito Counties, California, Dibblee Geological Foundation, Dibblee Foundation Map DF-227, 1:24,000.

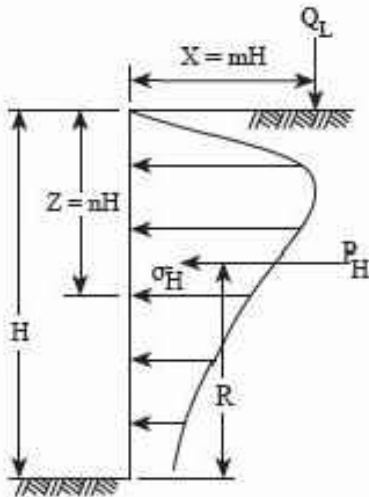
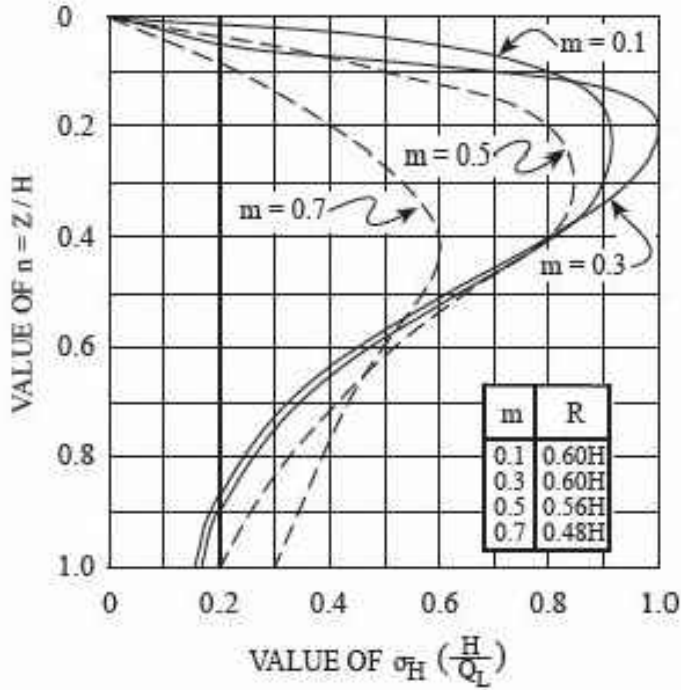
California Building Code (2019).

APPENDIX A

FIGURES AND STANDARD DETAILS

Surcharge Pressure Diagram	Figure A-1
Backdrain Detail Typical	Figure A-2

LINE LOAD



FOR $m \leq 0.4$:

$$\sigma_H \left(\frac{H}{Q_L} \right) = \frac{0.20 n}{(0.16 + n^2)^2}$$

$$P_H = 0.55 Q_L$$

FOR $m > 0.4$:

$$\sigma_H \left(\frac{H}{Q_L} \right) = \frac{1.28 m^3 n}{(m^2 + n^2)^2}$$

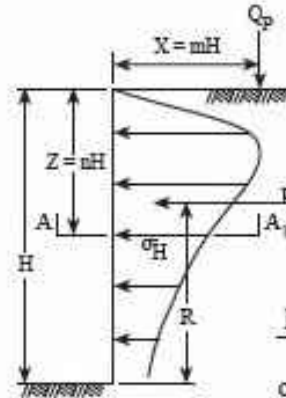
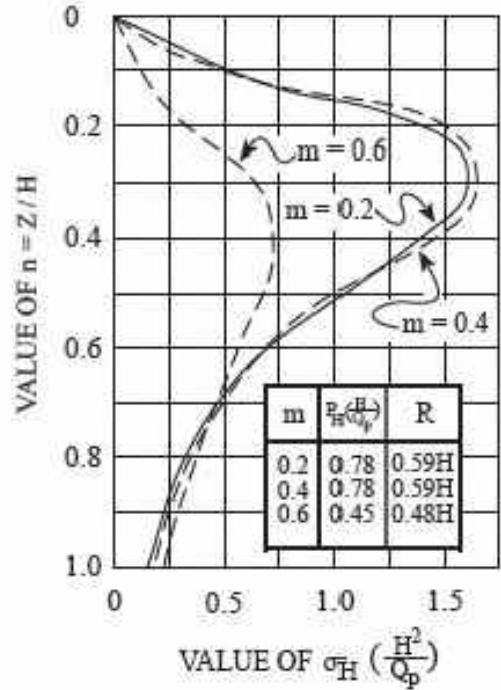
$$\text{RESULTANT } P_H = \frac{0.64 Q_L}{(m^2 + 1)}$$

PRESSURES FROM LINE LOAD Q_L

(BOISSINESQ EQUATION MODIFIED BY EXPERIMENT)

REFERENCE: Design Manual
NAVFAC DM-7.02
Figure 11
Page 7.2-74

POINT LOAD



FOR $m \leq 0.4$:

$$\sigma_H \left(\frac{H^2}{Q_p} \right) = \frac{0.28 n^2}{(0.16 + n^2)^3}$$

FOR $m > 0.4$:

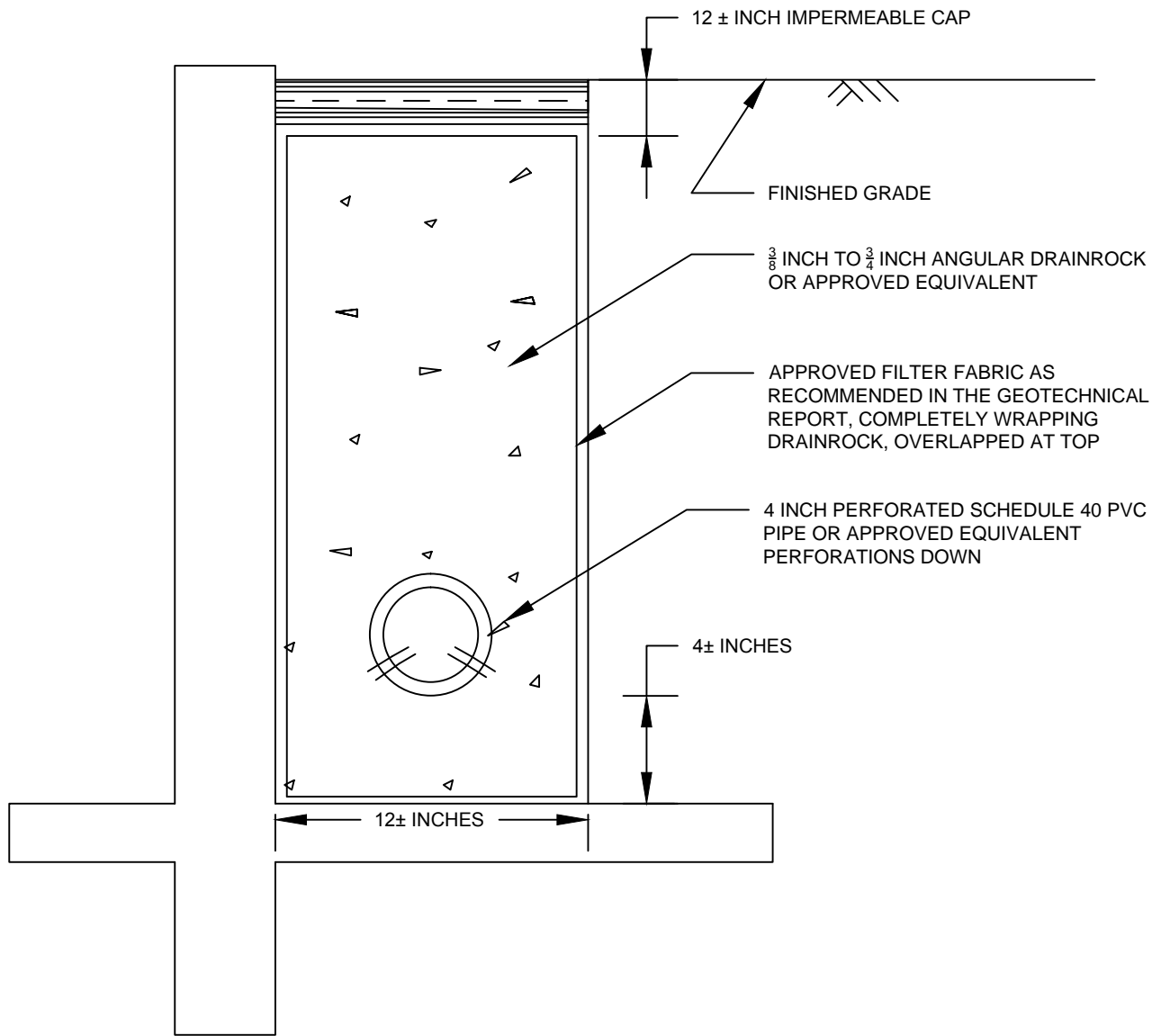
$$\sigma_H \left(\frac{H^2}{Q_p} \right) = \frac{1.77 m^3 n^2}{(m^2 + n^2)^3}$$

$$\sigma_H^{-1} = \sigma_H \cos^2(1.1 \theta)$$

SECTION A-A1

PRESSURES FROM POINT LOAD Q_p

(BOISSINESQ EQUATION MODIFIED BY EXPERIMENT)

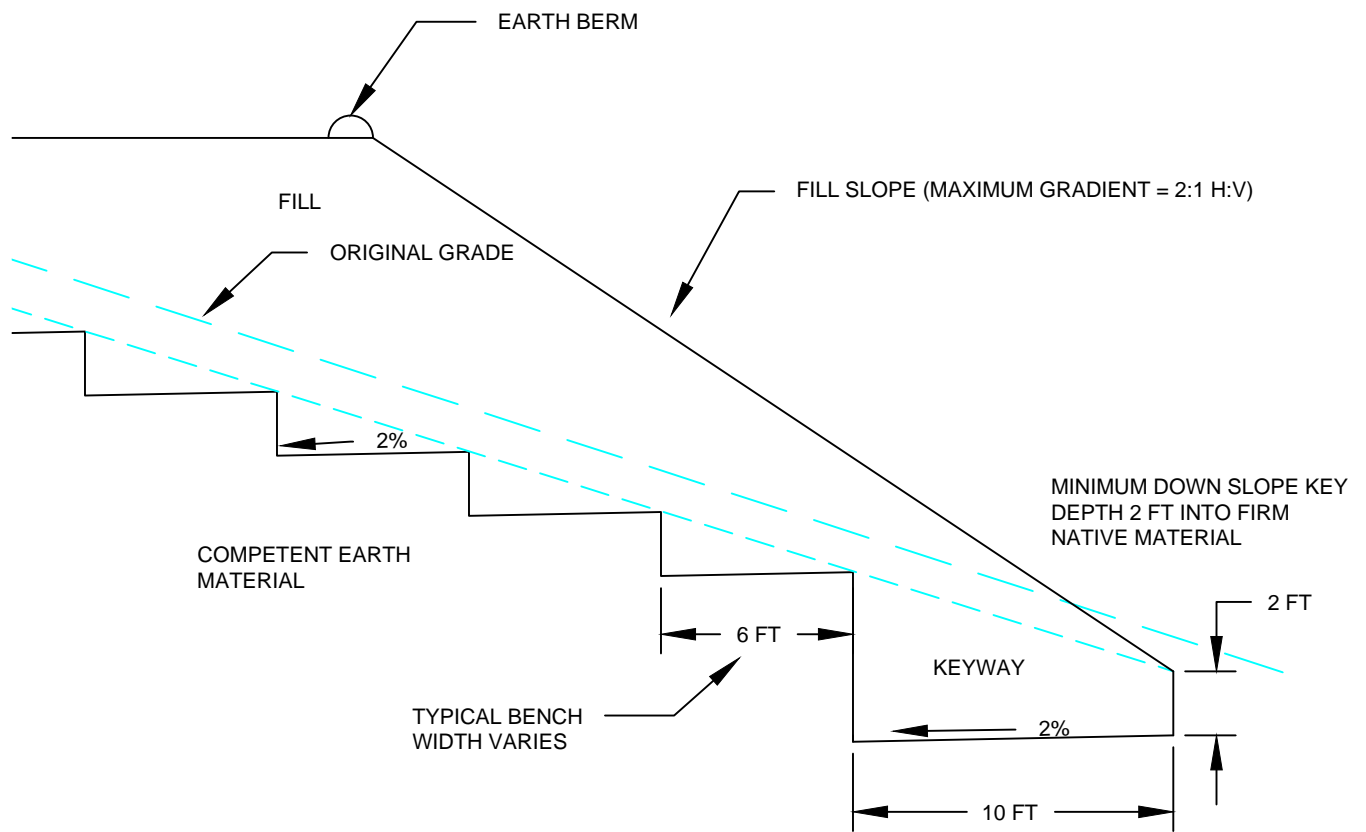


NOTES:

1. DRAWING IS NOT TO SCALE.
2. 2±% GRADIENT TO PIPE AND TRENCH BOTTOM CONNECTED TO A CLOSED CONDUIT THAT DISCHARGES TO AN APPROVED LOCATION.

N.T.S.

<p style="text-align: center;">BUTANO GEOTECHNICAL ENGINEERING, INC.</p>	<p style="text-align: center;">TYPICAL RETAINING WALL BACKDRAIN DETAIL</p>	<p style="text-align: center;">FIGURE A-2</p>
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NOTES:

1. DRAWING IS NOT TO SCALE
2. FILLS SITUATED ON SLOPES STEEPER THAN 5:1 (H:V) SHOULD BE KEYED AND BENCHED.
3. FILL MATERIAL SHOULD BE PLACED PER THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.
4. LOCATIONS SHALL BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER.

N.T.S.

<p>BUTANO GEOTECHNICAL ENGINEERING, INC.</p>	<p>KEYING AND BENCHING DIAGRAM</p>	<p>FIGURE A-3</p>
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APPENDIX B

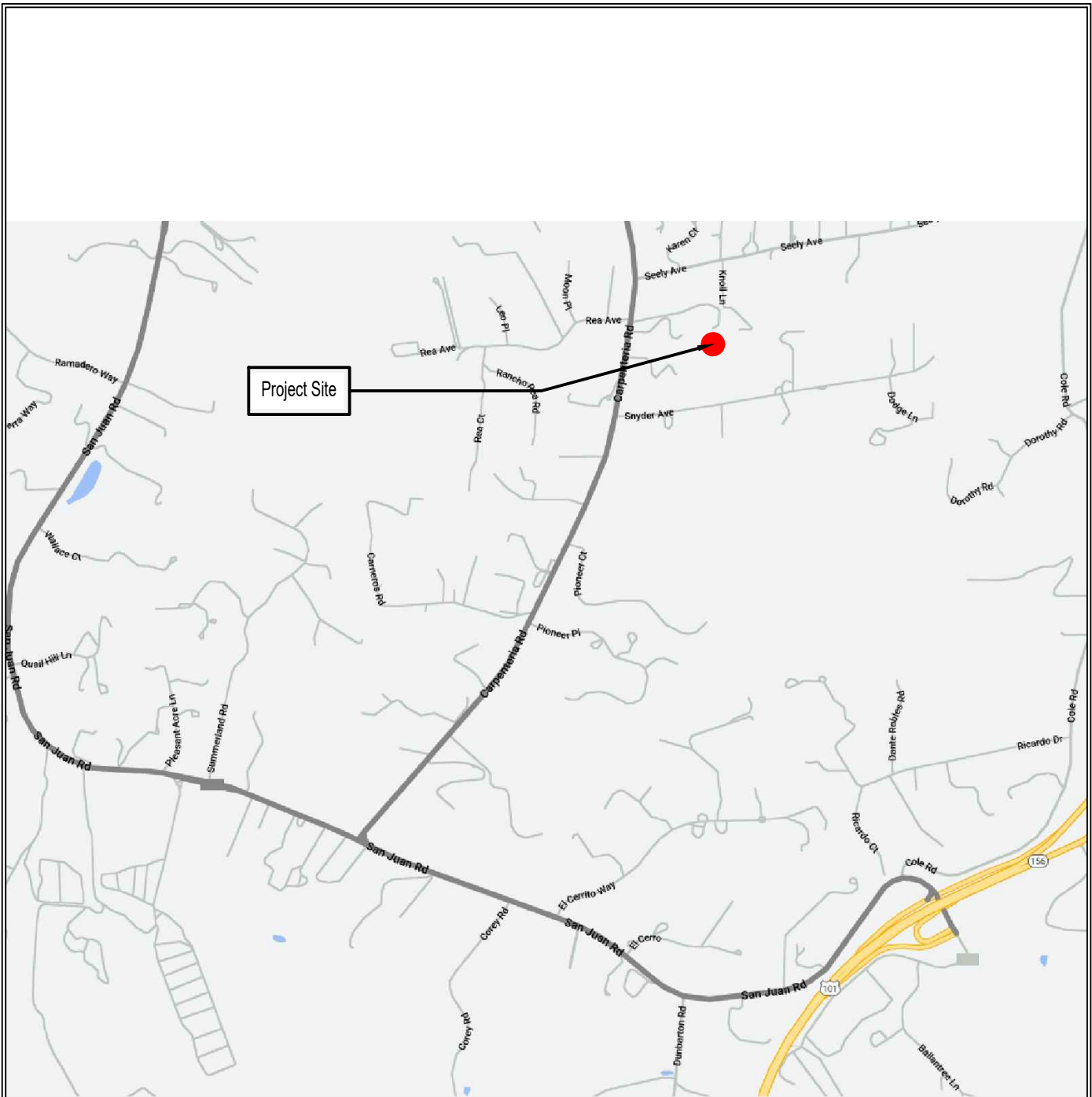
FIELD EXPLORATION PROGRAM

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-6

FIELD EXPLORATION PROCEDURES

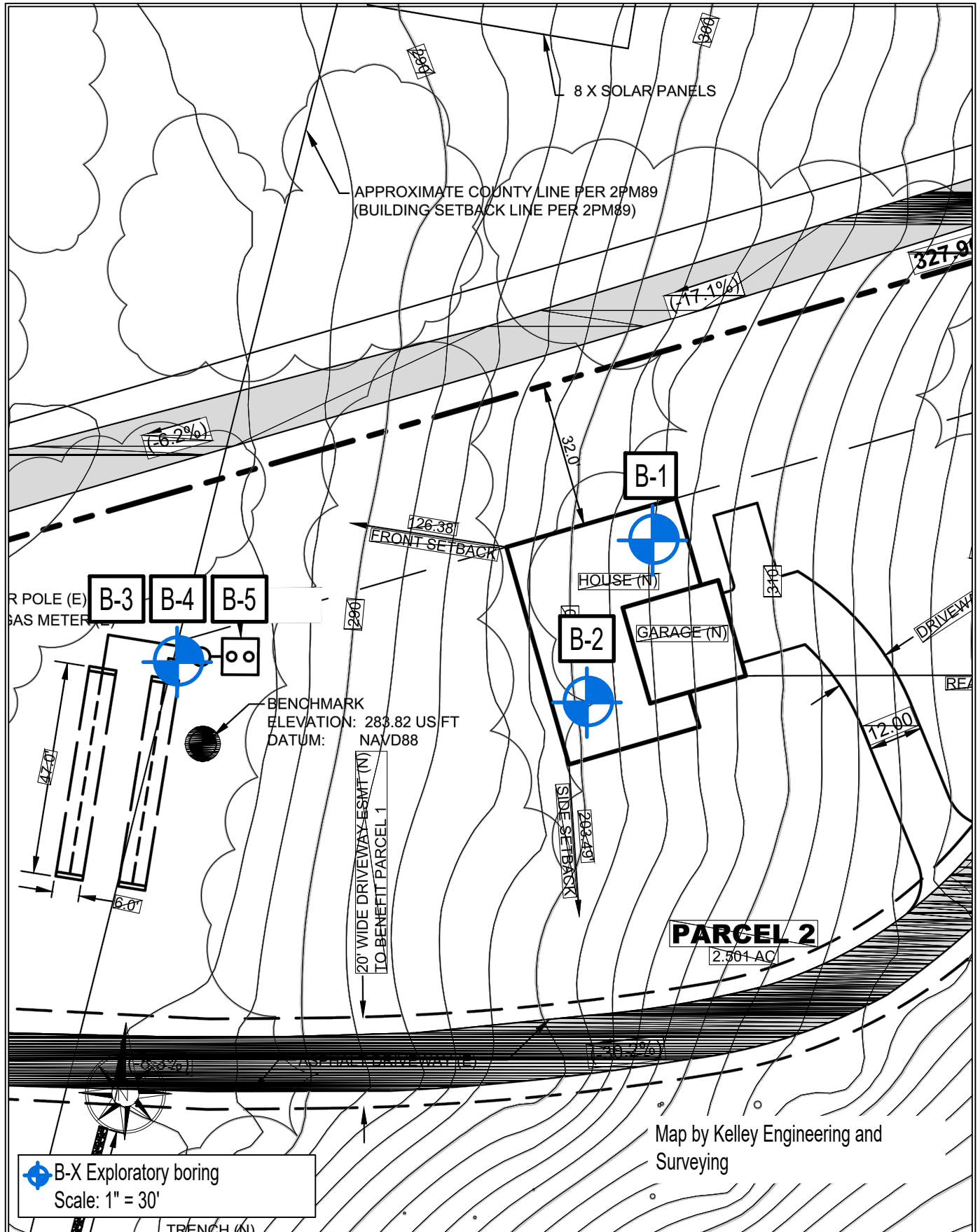
Subsurface conditions were explored by advancing five borings below the existing grade. The borings were advanced using a six-inch solid stem auger on a tractor mounted drill rig and a 3-inch hand auger. The Key to The Logs and the Logs of the Borings are included in Appendix B, Figures B-3 through B-6. 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 in accordance with the Unified Soil Classification System (USCS: Figure B-3).



N.T.S

<p>BUTANO GEOTECHNICAL ENGINEERING, INC.</p>	<p>SITE LOCATION PLAN 494A Carpenteria Road</p>	<p>FIGURE B-1</p>
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BUTANO	BORING SITE PLAN	FIGURE
GEOTECHNICAL ENGINEERING, INC.	494A Carpenteria Road	B-2

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	
		GRAVEL WITH FINES	GP Poorly graded gravels, gravel-sand mixtures, little or no fines	
		GC	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.: 22-114-SB	Boring: B3 to B5
Project: 494A Carpenteria Road	Location: See Figure B2
Date: March 22, 2022	Elevation:
Logged By: EJ	Method of Drilling: 6-inch diameter solid stem augers, tractor mounted drill rig

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.
1	SM												
2													
3													
4													
5													
6													
7													

B3 drilled to 2 feet.
 B4 drilled to 3 feet.
 B5 drilled to 4 feet.
 No groundwater was encountered.
 The borings were converted to percolation test holes after drilling.

BUTANO GEOTECHNICAL ENGINEERING, INC.

FIGURE
B-6

APPENDIX C

LABORATORY TESTING PROGRAM

Laboratory Testing Procedures Page C-1

Particle Size Analysis Figure C-1

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-6.

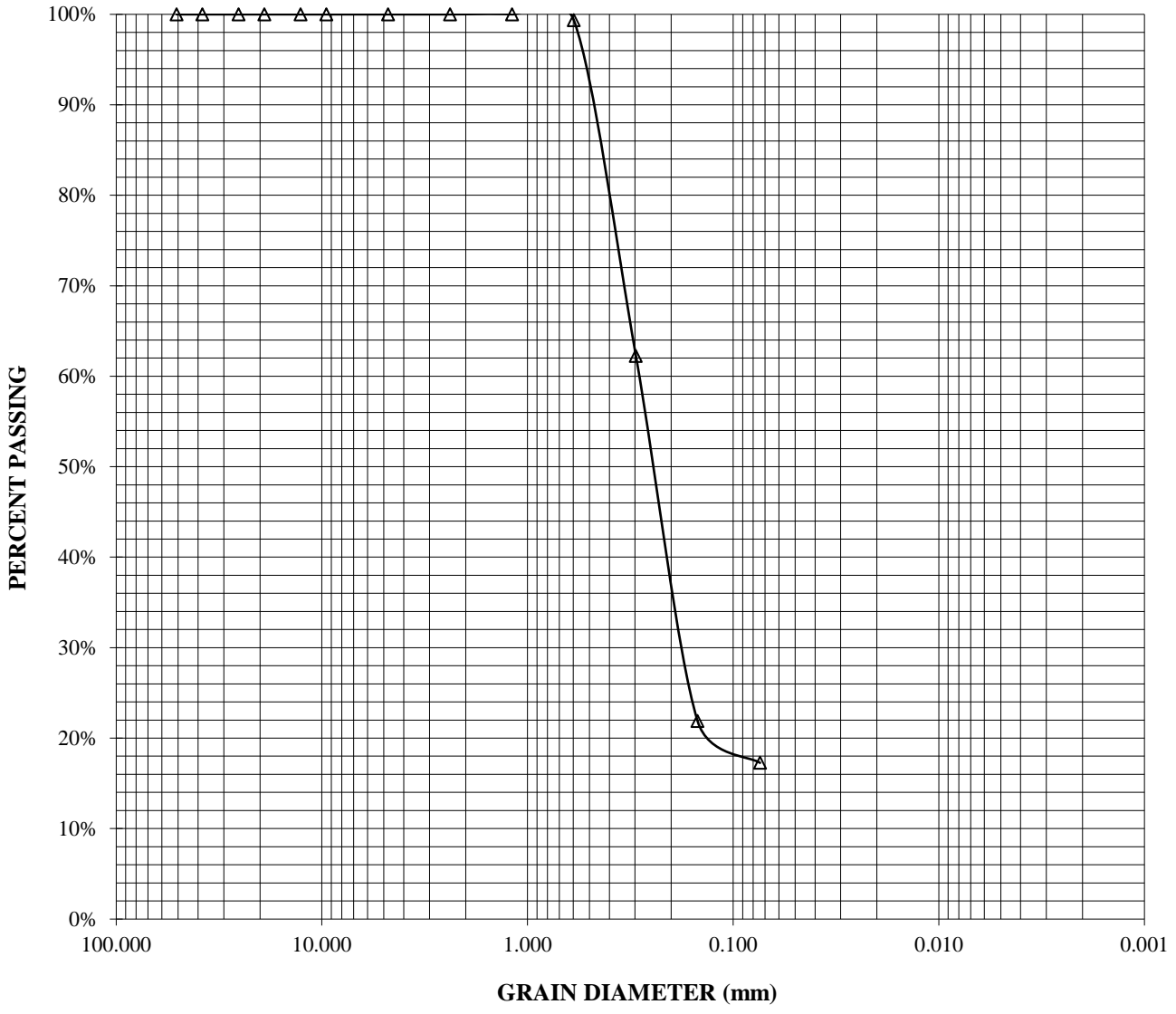
Particle Size Analysis

One sieve was performed on a representative sample in accordance with ASTM C 117/136. The grain size distribution from the result of the particle size analysis is shown in Figure C-1.

Atterberg Limits Test

One Atterberg Limits Test was conducted on a representative bulk sample in accordance with ASTM D 4318. The results are shown on the Boring Log, Figure B-4.

BORING:	B1-2	PERCENT	PERCENT
DEPTH (ft):	2.5	PASSING No. 4	PASSING No. 200
SOIL TYPE (USCS):	SM	100.0%	17.3%



BUTANO GEOTECHNICAL ENGINEERING, INC.	GRAIN SIZE DISTRIBUTION	FIGURE C-1
	494A Carpenteria Road	

APPENDIX D

PERCOLATION TESTING PROCEDURES

Constant head percolation tests were performed on March 31, 2022. The locations of the test holes are shown on the boring site plan in Appendix A, Figure A-2.

The soil in the borings of the percolation test holes were continuously logged in the field by a representative of Butano Geotechnical Engineering Inc. during the drilling process.

The percolation test holes were drilled with a 6-inch diameter solid stem auger on a truck mounted drill rig. Four-inch diameter perforated pipe was inserted to prevent potential collapse of the test holes and approximately 2 to 3 inches of clean, crushed $\frac{3}{8}$ inch gravel was placed at the bottom of the holes as well as around the annulus of the pipe. The test holes were pre-soaked 24 hours prior to percolation testing.

The percolation rates were measured and recorded. The following table is a report of our percolation tests. The rate recorded is an average over a minimum of four consecutive tests. A rate of NA indicates that there was no percolation observed.

Percolation Test Hole (6-inch diameter)	Depth (ft)	Soil Description	Percolation Rate (Minutes/Inch)
B3	2	Silty SAND	1.17
B4	3	Silty SAND	1.74
B5	4	Silty SAND	1.25

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

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County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

**MEETING OF October 16th,
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, October 16th, 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 **841 4209 0300** AND Webinar Password **992643**

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

PLN220033 (Minor Subdivision at 494A Carpenteria Road):

OWNER: Gilberto-Maria Salazar Segovia Revocable Trust. APPLICANT: Matt Kelley Engineering & Surveying.

LOCATION: 494A Carpenteria Road (6 miles west-northwest of Downtown San Juan Bautista) in unincorporated San Benito County. APN: 011-210-095.

REQUEST: This project proposes the subdivision of an existing 5.00-acre property into two 2.5-acre lots and the construction of a single-family residence.

The property has one existing single-family residence, which will remain on Parcel 1 and a new residence will be constructed on Parcel 2. GENERAL PLAN LAND USE DESIGNATION:

Rural Transitional (RT). ZONING DISTRICT: Rural Transitional (RT). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER:

Jonathan Olivas (jolivas@sanbenitocountyca.gov).

Title 1 General Provision; Code Enforcement Amendments:

REQUEST: Public Hearing to review and provide recommendations to the Board of Supervisors on proposed text amendments to San Benito County Code Title 1, Chapters 1.01 (Rules of Construction), 1.03 (Code Enforcement), 1.04 (Administrative Citations), 1.05 (Public Entity Offset Dispute), 1.06 (Alternative Public Nuisance Abatement Procedures and Remedies), and 1.07 (Office of the County Hearing Officer). The provisions in Title 1 govern general rules of construction, enforcement actions, administrative citation procedures, and abatement of public nuisances. Proposed amendments include, but are not limited to, revisions to fine structures, procedural timelines, and clarification of enforcement actions. The revisions aim to make the code more efficient, clear, and concise for better enforcement and application by the County. These changes focus on improving code compliance, streamlining administrative processes, and ensuring the protection of public health and safety through more effective enforcement mechanisms. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. Code Enforcement: Robin Leland (rleland@sanbenitocountyca.gov)

Code Enforcement: Robin Leland (rleland@sanbenitocountyca.gov)

Title 3 Administration and Personnel Amendment:

REQUEST: Public Hearing to review and provide recommendation to the Board of Supervisors on proposed text amendments to San Benito County Code Title 3 (Administration and Personnel), Chapter 05 (County Organizations), Article III (Planning Commission), chapter 3.05.051 (Meetings; Duties; Operations). The code codified in Title 3 establishes the Planning Commission of San Benito County with the duties of making recommendation to the Board of Supervisors regarding any proposed master or general plan for the physical development of the county. Proposed amendments include but are not limited to Planning Commission duties to advise with county officials on the approval, disapproval, or modification of maps and subdivisions; to make recommendation concerning public works regarding public improvement; to make recommendations to county officials regarding code enforcement violations; the review and recommendation of impact fees; and the negotiation and recommendation of development agreements. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

PLN240037 (Johnson/Weiler/San Benito Holdings Development Agreement):

OWNER: San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners"). APPLICANT: Dan DeVries. LOCATION: 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. APN: 012-010-030 and -031. REQUEST: In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission is to consider adopting a resolution recommending that the County Board of Supervisors adopt or deny an ordinance enabling execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors. GENERAL PLAN LAND USE DESIGNATION: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ZONING DISTRICT: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ENVIRONMENTAL REVIEW: Exempt. PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

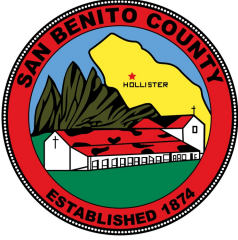
PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

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: September 27th, 2024

PUBLISHED:
Friday, October 4th, 2024~
Hollister Free Lance
(Pub HF 10/4)



**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: 10/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Robin Leland

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -
Continue the public hearing to review amendments to Title 1 General Provisions and Code
Enforcement to the date certain of November 6th, 2024 at 6:00 P.M.
SBC FILE NUMBER: 790.2**

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

Receive information from Code Enforcement Officer Robin Leland regarding Title 1 Code Enforcement update.

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

Yes

STAFF RECOMMENDATION:

Staff recommend continuing the public hearing to the date certain of November 6th, 2024 at 6:00 P.M.

ATTACHMENTS:

[Free Lance Notice](#)

County of San Benito Planning Commission

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+1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose).

To access the meeting, please enter the Webinar ID **841 4209 0300** AND Webinar Password **992643**

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PLN240037 (Johnson/Weiler/San Benito Holdings Development Agreement):

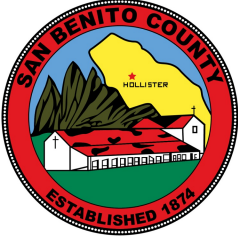
OWNER: San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners"). APPLICANT: Dan DeVries. LOCATION: 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. APN: 012-010-030 and -031. REQUEST: In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission is to consider adopting a resolution recommending that the County Board of Supervisors adopt or deny an ordinance enabling execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors. GENERAL PLAN LAND USE DESIGNATION: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ZONING DISTRICT: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ENVIRONMENTAL REVIEW: Exempt. PLANNER: Arielle Goodspeed (agoodspeed@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: September 27th, 2024

PUBLISHED: Friday, October 4th, 2024~ Hollister Free Lance (Pub HF 10/4)



**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: 7.4

MEETING DATE: 10/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY- A.PRADO, PLANNING AND BUILDING DIRECTOR -
Review and adopt the attached resolution that recommends that the Board of Supervisors adopt
the attached proposed draft ordinance provisions to amend section §3.05.051 Planning
Commission Meetings; Duties; Operation.**

SBC FILE NUMBER: 790

ORDINANCE NO.:

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

In February of 2024 the Planning Commission requested that staff bring amendments to §3.05.051 Planning Commission Meetings; Duties; Operations.

On March 20th, 2024 staff presented a discussion item during a Regular Planning Commission meeting to get input from the Commission regarding specific amendments to the text.

On April 17th, 2024 staff presented an amended ordinance and resolution to the Planning Commission which was adopted and recommended for approval to the Board of Supervisors through Resolution 2024-08.

On May 21st, 2024 staff presented an amended ordinance and resolution to the Board of Supervisors which the Board tabled and directed staff to have joint meetings with Planning Commissioners and Board of Supervisors on the ordinance and return back to the Board.

On September 18, 2024, staff presented amendments to the ordinance after conducting joint meetings with the Planning Commissioner's and the Board of Supervisors, the proposed amendments were determined at this meeting and staff were directed to bring the item back to a regularly scheduled

meeting to review, adopt, and recommend to the Board of Supervisors.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

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 the Planning Commission review and adopt the recommended amendments to §3.05.051 Planning Commission Meetings; Duties; Operations; and provide recommendations on the revisions to the Ordinance entitled "An Ordinance of the Board of Supervisors of the County of San Benito to Amend Section 3.05.051 of Article III of Chapter 3.05 of Title 3 of the San Benito County Code, Regarding Planning Commission Meetings; Duties; Operations".

ATTACHMENTS:

- [Â§ 03.05.051 Planning Commision Meetings; Duties; Operations Redlined Resolution Ordinance](#)
- [Exhibit A Ordinance Findings](#)
- [Free Lance Notice](#)

§ 3.05.051 MEETINGS; DUTIES; OPERATION.

(A) The Planning Commission shall hold at least one regular meeting each month and it shall adopt rules of procedure for the transaction of business. The Commission shall cause records to be kept of its proceedings, resolutions, transactions, findings and determinations. The records of the Planning Commission shall be available to the public.

(B) (1) It shall be the duty of the Planning Commission to make a recommendation to the Board of Supervisors regarding any proposed Affordable Housing Plan, master or general plan, or amendment thereto, for the physical development of the county.

(2) Additionally, the Planning Commission shall perform those planning and zoning duties specified by state law or county ordinance, including, but not limited to, the duties related to legislative matters and the duties related to quasi-judicial matters and appeals thereof.

(3) The Planning Commission shall have such further duties and responsibilities as maybe assigned to it from time to time by the Board of Supervisors.

(4) It may contract for services, subject to the provisions of law, provided that all expenditures of the Commission shall be within amounts appropriated by the Board of Supervisors. It shall serve in an advisory capacity to the Board of Supervisors and shall perform such other functions as the Board of Supervisors may request or provide.

(C) The San Benito County Planning Department shall assist and advise the Planning Commission as directed by the Board of Supervisors or the Planning Commission. The assistance and advice shall include, but not be limited to, the provision of staff and resources to enable the Commission to function, operate and transact such business as may be addressed to or initiated by the Commission.

(D) The Planning Commission shall communicate with other advisory bodies concerned with planning matters within the County of San Benito.

(E) The Planning Commission shall advise with and recommend to the proper officials of the County the approval, disapproval, or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State or as may be provided by county code.

(F) The Planning Commission shall make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the County and public improvement in general.

(G) The Planning Commission or Commissioners may make recommendations to the appropriate county staff concerning projects or properties to be investigated for code violations or make recommendations to be issued a stop work order.

(H) The Planning Commission shall review and recommend impact fees.

(I) The Planning Commission may negotiate and make recommendations to the Board of Supervisors regarding development agreements.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

RESOLUTION NO. 2024-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF AMENDMENTS TO SECTION 3.05.051 OF ARTICLE III OF CHAPTER 3.05 OF TITLE 3 OF THE SAN BENITO COUNTY CODE, REGARDING PLANNING COMMISSION MEETINGS, DUTIES, AND OPERATIONS.

WHEREAS, pursuant to Cal. Gov't Code §65100, the San Benito County Board of Supervisors established the operation of the County Planning Commission for the County of San Benito during a regularly scheduled public hearing on July 15th, 1985, through the adoption of Ordinance No. 484; and

WHEREAS, the San Benito County Planning Commission finds that it is necessary to update prior ordinances related to the establishment and operation of a County Planning Commission for the County of San Benito; and

WHEREAS, the San Benito County Planning Commission has reviewed the existing regulations for Planning Commission meetings, duties, and operations and hereby desires to amend those guidelines; and

WHEREAS, the San Benito County Planning Commission directed staff to present amendments to Section 3.05.051 of Article III of Chapter 3.05 of Title 3 of the San Benito County Code to include, but not be limited to, the Planning Commission's authority to review planning department communication with advisory bodies, land subdivision, public works, public improvement, code violations, impact fees, and development agreements; and

WHEREAS, staff presented the requested amendments during a regularly scheduled meeting on March 20th, 2024, at which time the Planning Commission directed staff to schedule a public hearing and present a resolution for the Planning Commission to recommend of adoption of amendments hereto to the Board of Supervisors; and

WHEREAS, staff presented the amendments at a duly noticed meeting on April 17th, 2024, and the Planning Commission made a 5-0 motion to recommend adoption of amendments hereto to the Board of Supervisors; and

WHEREAS, staff presented the amendments to the Board of Supervisors at a duly noticed meeting on May 21, 2024, and the Board of Supervisors provided direction to staff to conduct further meetings between each Planning Commissioner and their Board of Supervisor; and

WHEREAS, staff conducted meetings between the Planning Commissioner and their Board of Supervisors and then presented the cumulation of amendments to the Planning Commission during a regularly scheduled meeting on September 18, 2024; and

WHEREAS, the Planning Commission finds that the proposed ordinance amendments will further the purpose and effectiveness of the Planning Commission, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the amendments to the ordinance do not have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, as provided in the “common sense” exemption set forth in State CEQA Guidelines, 14 C.C.R. § 15061(b)(3); and

BE IT FURTHER RESOLVED, the Planning Commission of the County of San Benito recommends that the Board of Supervisors adopt the amendments set forth in Attachment “A” to amend Section 3.05.051 of Article III of Chapter 3.05 of Title 3 of the San Benito County Code.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16TH DAY OF OCTOBER 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

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

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO TO AMEND SECTION 3.05.051 OF ARTICLE III OF CHAPTER 3.05 OF TITLE 3 OF THE SAN BENITO COUNTY CODE, REGARDING PLANNING COMMISSION MEETINGS, DUTIES, AND OPERATIONS.

WHEREAS, pursuant to Cal. Gov't Code §65100, the San Benito County Board of Supervisors established the operation of the County Planning Commission for the County of San Benito during a regularly scheduled public hearing on July 15th, 1985, through the adoption of Ordinance No. 484; and

WHEREAS, the San Benito County Board of Supervisors finds that it is necessary to update prior ordinances related to the establishment and operation of a County Planning Commission for the County of San Benito; and

WHEREAS, work on the updated Planning Commission Meetings; Duties; Operations Code commenced in early 2024; and

WHEREAS, staff have created a draft updated Planning Commission Meetings; Duties; Operations Code; and

WHEREAS, the updates revise the text of the following section of County Code Chapter 3.05 Article III (Planning Commission); and

WHEREAS, amended Planning Commission Meetings; Duties; Operations Code include but not limited to the Planning Commission's authority to review planning department communication with advisory bodies, land subdivision, public works, public improvement, code violations, impact fees, and development agreements; and

WHEREAS, the draft amended Planning Commission Meetings; Duties; Operations Code was made available for public review in October 2024; and

WHEREAS, a duly noticed Public Hearing was held on October 16, 2024, and the draft amended Planning Commission Meetings; Duties; Operations Code was reviewed by the San Benito County Planning Commission and approved for recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record; and

THEREFORE, The Board of Supervisors of the County of San Benito ordains as follows:

Section 1. Findings. The Board of Supervisors hereby makes the findings and declarations, as more fully set forth in Attachment “A” attached hereto, with regard to the following:

- A. Consistency with 2035 San Benito County General Plan.
- B. Protection of public health, safety, and welfare.
- C. Amendments not subject to the California Environmental Quality Act (CEQA).

Section 2. Amend the San Benito County Code Section 3.05.051, to read as follows:

Section 3.05.051 Meetings; Duties; Operation.

[For the purposes of this section, the following sections have been amended to read as follows. Additions to the text are underlined.]

(B) (1) It shall be the duty of the Planning Commission to make a recommendation to the Board of Supervisors regarding any proposed Affordable Housing Plan, master or general plan, or amendment thereto, for the physical development of the county.

(C) The San Benito County Planning Department shall assist and advise the Planning Commission as directed by the Board of Supervisors or the Planning Commission. The assistance and advice shall include, but not be limited to, the provision of staff and resources to enable the Commission to function, operate and transact such business as may be addressed to or initiated by the Commission.

[For the purposes of this section, the following sections have been added. Additions to the text are underlined.]

(A) The Planning Commission shall hold at least one regular meeting each month and it shall adopt rules of procedure for the transaction of business. The Commission shall cause records to be kept of its proceedings, resolutions, transactions, findings and determinations. The records of the Planning Commission shall be available to the public.

(B) (1) It shall be the duty of the Planning Commission to make a recommendation to the Board of Supervisors regarding any proposed Affordable Housing Plan, master or general plan, or amendment thereto, for the physical development of the county.

(2) Additionally, the Planning Commission shall perform those planning and zoning duties specified by state law or county ordinance, including, but not limited to, the duties related to legislative matters and the duties related to quasi-judicial matters and appeals thereof.

(3) The Planning Commission shall have such further duties and responsibilities as maybe assigned to it from time to time by the Board of Supervisors.

(4) It may contract for services, subject to the provisions of law, provided that all expenditures of the Commission shall be within amounts appropriated by the Board of Supervisors. It shall serve in an advisory capacity to the Board of Supervisors and shall

perform such other functions as the Board of Supervisors may request or provide.

(C) The San Benito County Planning Department shall assist and advise the Planning Commission as directed by the Board of Supervisors or the Planning Commission. The assistance and advice shall include, but not be limited to, the provision of staff and resources to enable the Commission to function, operate and transact such business as may be addressed to or initiated by the Commission.

(D) The Planning Commission shall communicate with other advisory bodies concerned with planning matters within the County of San Benito.

(E) The Planning Commission shall advise with and recommend to the proper officials of the County the approval, disapproval, or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State or as may be provided by countycode.

(F) The Planning Commission shall make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the County and public improvement in general.

(G) The Planning Commission or Commissioners may make recommendations to the appropriate county staff concerning projects or properties to be investigated for code violations or make recommendations to be issued a stop work order.

(H) The Planning Commission shall review and recommend impact fees.

(I) The Planning Commission may negotiate and make recommendations to the Board of Supervisors regarding development agreements.

Section 3. Effective Date and Codification. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and, before expiration of fifteen (15) days after passage of this ordinance, a post-adoption summary shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the *Hollister Free Lance*, a newspaper of general circulation published in the County of San Benito, State of California. Only the amended code as set forth in Exhibit B shall be codified.

In regular session of the Board of Supervisors of the County of San Benito, adopted this ___ day of _____ 2024, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT: Supervisor(s)

ABSTAIN: Supervisor(s)

Angela Curro, Chair, Board of Supervisors

ATTEST:
Vanessa Delgado, Clerk of the Board

APPROVED AS TO LEGAL FORM:
David Prentice, County Counsel

By: _____
Clerk of the Board

By: _____
Sean Cameron, Assistant County Counsel

EXHIBIT “A” FINDINGS AND DETERMINATIONS

(A) **Consistency with 2035 San Benito County General Plan.** Local zoning and land use regulatory ordinances must be consistent with the General Plan. (Gov. Code § 65860(a).) The 2035 San Benito County General Plan establishes Guiding Principles, Goals, Policies, Standards, Programs, and Implementation Measures, and the Planning Commission duties are to make decisions and recommendations that are consistent with all of the principles of the General Plan.

1. Goals and Policies:

- a. **Goal AD-1 Development Review and Decision-Making Process:** To ensure that the development review process and decisions made by the Board of Supervisors are efficient, fair, and to the greatest extent feasible, predictable.
- b. **Policy AD-1.1 Equal Public Participation:** The County shall ensure that all community residents, business owners, works, and other stakeholder have meaningful opportunities to participate in the decision-making process.
- c. **Policy AD-1.2 Reducing Disproportionate Land Use Decisions:** The County shall ensure the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of land use and environmental laws, regulations, and policies. The County shall strive to ensure that no part of the community suffers disproportionately from adverse human health or environmental effects, and that all resident live in a clean, healthy, and sustainable community.
- d. **Policy AD-1.4 Development Review and Permit Streamlining Process:** the County shall maintain a development review and permit process that is cost and time efficient. The County shall ensure that permitting procedures and regulations are applied in a consistent manner to all project applications.
- e. **Policy AD-1.5 Digital Government:** The County shall expand digital services, such as online streaming meeting video, property searches, permitting, and administration services in order to provide the public greater access to information and more efficient services.
- f. **Goal AD-2 Interagency Coordination:** To incorporate with applicable local, regional, State, and Federal jurisdictions and agencies in order to achieve mutually beneficial development, environmental, and economic goals.
- g. **Policy AD-2.1 City Policy Consultations:** The County shall consult with the Cities of Hollister and San Juan Bautista in the early stages of preparing general plan amendments and other policy changes that may impact growth or the ability to provide urban services for land within the cities adopted spheres of influence.
- h. **AD-2.3 Federal and State Agency Coordination:** The County shall continue to coordinate discretionary project review and permitting activities with applicable

Federal and State regulatory agencies as required by law.

- i. Goal AD-3 General Plan Maintenance: To provide a clear framework for the ongoing administration, maintenance, and implementation of the San Benito County 2035 General Plan.
- j. Policy AD-3.1 General Plan Annual Reviews (PSR): The County shall annually review the General Plan and report on its implementation status to the Planning Commission and Board of Supervisors, as required by state law.
- k. Policy AD-3.2 Five-Year General Plan Reviews: The County should conduct a major review of the General Plan every five years from the date of adoption and revise the plan as deemed necessary to address changing conditions. As part of this review, the County shall update the goals, policies, and implementation programs to be consistent with appropriate change in State law.
- l. Policy AD-3.3 Housing Element Updates: The County shall update the Housing Element on period basis as mandated by State law. These updates shall be coordinated with the State Department of Housing and Community Development to ensure the updated element will achieve state certification upon adoption by the Board of Supervisors.
- m. Policy AD 3.4 General Plan Amendments: The County shall amend the General Pan no more than four time per calendar year, except for additional amendments allowed by State law. Each amendment may include multiple changes as allowed by State law.
- n. Policy AD-3.5 Ordinance Consistency: The County shall maintain all applicable County ordinances and regulations to ensure their consistency with the adopted 2035 General Plan.

2. Implementation Programs

- a. Program AD-A Development Review and Permit Streamlining: The County shall review its existing development review and permitting process in order to improve the efficiency for both the County and project applicants. This may include, as necessary, the following components:
 - a. Use a triage system to minimize permit backlog during periods of high development demand. This can include identifying projects that will need considerable staff resource to review early in the process in order for them to be efficiently managed.
 - b. Provide regular status reports on project review schedules to the Planning Commission and Board of Supervisors during public meetings.
 - c. Use consistent processing procedures for all projects.
 - d. Provide pre-application meetings to coordinate review of large or complex projects.
- b. Program AD-B Digital Government: The County shall identify and implement

measures to expand the public digital access to County government functions. This should include providing online streaming meeting video, property searches, permitting, and administration services in order to provide the public greater access to information and more efficient services.

- c. Program AD-D Annual General Plan Reviews: The County shall review the General Plan annually, focusing principally on action undertaken in the previous year to carry out the implementation programs of the plan. County staff should provide a report to the Board of Supervisors that includes recommendations for amendments to the General Plan, if applicable. This review shall be used to satisfy annual reporting requirements to the Governor's Office of Planning and Research and mitigation monitoring program requirements of Public Resources Code §21081.6.
- d. Program AD-E Five Year General Plan Review: The County shall conduct a major review of the General Plan beginning every five years from the adoption date of this 2035 General Plan. The review shall focus on amendments that are necessary for the plan to stay relevant with current issues and consistent with State legal requirements.
- e. Program AD-F Period Housing Element Updates: The County shall update the Housing Element on a periodic basis as required by Article 10.6 of the Government Code (§65580-65590). These updates shall be coordinated with the State Department of Housing And Community Development to ensure the updated element will achieve State certification upon adoption by the Board of Supervisors.
- f. Program AD-H Ordinance Consistency: The County shall review and amend, as necessary, applicable ordinances and regulations to ensure consistency with the 2035 General Plan. These shall include at a minimum the following: Zoning Ordinance, Subdivision Ordinance, Building and Engineering Regulations, Land Use and Environmental Regulations, and Traffic Regulations.

(B) **Protection of the public health, safety, and welfare.** Pursuant to Article XI, Section 7, of the California Constitution, the County of San Benito ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. Pursuant to the Planning and Zoning Law, Government Code section 65800, the Board of Supervisors may adopt ordinances to regulate the use of land as between industry, business, residences, open space, including agriculture and other uses, and for other purposes (Gov. Code § 65850). As set forth in San Benito County Code Section 25.01.002, the purpose of county land use regulation is to promote and protect the public health, safety, peace, moral, comfort, convenience and general welfare, to protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county, and to obviate the menace to public safety resulting from the location and use of land adjacent to the highways.

The Board of Supervisors finds and determines that adoption of amendments to Title 3 Administration and Personnel Code are necessary and appropriate for the protection and promotion of public health, safety, and welfare and quality of life, while allowing for additional economic development that would not be in conflict with existing land uses. All existing land uses will function in a manner that continues to protect the natural environment and community safety, within the different zone districts to benefit the San Benito County economy.

(C) Compliance with the California Environmental Quality Act (CEQA).

The Board of Supervisors hereby finds that the adoption of amendments Title 3.05.051 of the San Benito County Code does not require additional analysis under the California Environmental Quality Act (CEQA) on the basis of the following:

1. On July 21, 2015, the San Benito County Board of Supervisors certified the adoption of a programmatic Environmental Impact Report (EIR) for the adoption of the 2035 San Benito County 2035 General Plan by the adoption of Resolution No. 2015-58.
2. No subsequent EIR shall be prepared for a project unless there is substantial evidence in light of the whole record that one or more of the circumstances set forth in CEQA Guidelines, 14 C.C.R. § 15162 (a)(1) – (3) have been determined to have occurred.
3. The 2035 San Benito County 2035 General Plan includes Principles, Goals, Policies, Standards, Programs, and Implementation Measures, including but not limited to those listed in Section (A), above, giving direction for the review and amendment of the zoning ordinance for consistency with the General Plan. The General Plan Land Use Element established development densities for different land use designations that are identified in the corresponding zoning districts for each land use designation.
4. This ordinance update is intended as a programmatic level implementation measure to be consistent with and effectuate the Principles, Goals, Policies, Standards, Programs, and Implementation measures set forth in the 2035 San Benito County General Plan, the potential significant environmental effects of which are fully analyzed and evaluated in the EIR certified for its adoption. The ordinance update is not for any location-specific property or project, nor would have any impacts peculiar to any specific parcel or project.
5. In accordance with CEQA Guidelines 14 C.C.R. § 15183, projects that are consistent with development density established by general plan policies for which an EIR has been certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. In this regard, the Board of Supervisors finds:
 - a. There are no environmental effects that are peculiar to a specific project or the parcel on which a project would be located.
 - b. Amendment of the ordinance on a programmatic level to implement the Principles, Goals, Policies, Standards, Programs, and Implementation Measures has no significant effects that were not analyzed in the prior EIR certified for the adoption of the General Plan.
 - c. There are no potentially significant off-site impacts and cumulative impacts which

were not discussed in the prior EIR prepared for the general plan.

- d. There is no substantial new information which was not known at the time the EIR was certified that previously identified significant effects would have a more severe adverse impact than discussed in the prior General Plan EIR.
 - e. All feasible mitigation measures identified in the prior General Plan EIR will be undertaken.
6. The ordinance amendments which are the subject of this action are consistent with the 2035 San Benito County General Plan for which an EIR was certified and are therefore subject to the provisions of 14 C.C.R. § 15183, in that no additional environmental review shall be required.
 7. The revision, reorganization, and recodification of the San Benito County Administration and Personnel Code, San Benito County Code Title 3.05.051 as adopted in this Ordinance does not have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, as provided in the “common sense” exemption set forth in CEQA Guidelines, 14 C.C.R. § 15061 (b)(3).

DRAFT

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF October 16th, 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, October 16th, 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 **841 4209 0300** AND Webinar Password **992643**

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

PLN220033 (Minor Subdivision at 494A Carpenteria Road):

OWNER: Gilberto-Maria Salazar Segovia Revocable Trust. APPLICANT: Matt Kelley Engineering & Surveying. LOCATION: 494A Carpenteria Road (6 miles west-northwest of Downtown San Juan Bautista) in unincorporated San Benito County. APN: 011-210-095. REQUEST: This project proposes the subdivision of an existing 5.00-acre property into two 2.5-acre lots and the construction of a single-family residence. The property has one existing single-family residence, which will remain on Parcel 1 and a new residence will be constructed on Parcel 2. GENERAL PLAN LAND USE DESIGNATION: Rural Transitional (RT). ZONING DISTRICT: Rural Transitional (RT). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov).

Title 1 General Provision; Code Enforcement Amendments:

REQUEST: Public Hearing to review and provide recommendations to the Board of Supervisors on proposed text amendments to San Benito County Code Title 1, Chapters 1.01 (Rules of Construction), 1.03 (Code Enforcement), 1.04 (Administrative Citations), 1.05 (Public Entity Offset Dispute), 1.06 (Alternative Public Nuisance Abatement Procedures and Remedies), and 1.07 (Office of the County Hearing Officer). The provisions in Title 1 govern general rules of construction, enforcement actions, administrative citation procedures, and abatement of public nuisances. Proposed amendments include, but are not limited to, revisions to fine structures, procedural timelines, and clarification of enforcement actions. The revisions aim to make the code more efficient, clear, and concise for better enforcement and application by the County. These changes focus on improving code compliance, streamlining administrative processes, and ensuring the protection of public health and safety through more effective enforcement mechanisms. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. Code Enforcement: Robin Leland (rleland@sanbenitocountyca.gov)

Title 3 Administration and Personnel Amendment:

REQUEST: Public Hearing to review and provide recommendation to the Board of Supervisors on proposed text amendments to San Benito County Code Title 3 (Administration and Personnel), Chapter 05 (County Organizations), Article III (Planning Commission), chapter 3.05.051 (Meetings; Duties; Operations). The code codified in Title 3 establishes the Planning Commission of San Benito County with the duties of making recommendation to the Board of Supervisors regarding any proposed master or general plan for the physical development of the county. Proposed amendments include but are not limited to Planning Commission duties to advise with county officials on the approval, disapproval, or modification of maps and subdivisions; to make recommendation concerning public works regarding public improvement; to make recommendations to county officials regarding code enforcement violations; the review and recommendation of impact fees; and the negotiation and recommendation of development agreements. These revisions strive to make the code more clear, concise, and user friendly. The presentation will be given by staff. PLANNER: Arielle Goodspeed (agoodspeed@sanbenitocountyca.gov)

PLN240037 (Johnson/Weiler/San Benito Holdings Development Agreement):

OWNER: San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners"). APPLICANT: Dan DeVries. LOCATION: 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. APN: 012-010-030 and -031. REQUEST: In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission is to consider adopting a resolution recommending that the County Board of Supervisors adopt or deny an ordinance enabling execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors. GENERAL PLAN LAND USE DESIGNATION: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ZONING DISTRICT: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ENVIRONMENTAL REVIEW: Exempt. PLANNER: Arielle Goodspeed (agoodspeed@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: September 27th, 2024

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