



**SAN BENITO COUNTY
PLANNING COMMISSION**

Rodney Bianchi 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-
AUGUST 16, 2023
6:00 PM**

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

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

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

***Webinar ID: 898 7127 3381
Webinar Password: 056730***

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

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

Remote Viewing:

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

A. Community Media Access Partnership (CMAP) YouTube
Page: https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.

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

Written Comments & Email Public Comment

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

Public Comment Guidelines

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

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

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

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

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

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

4 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 and Free Lance Proof.

[Certificate of Posting 2023_08_16.pdf](#)

[Free Lance Proof for August 16th Planning Commission.pdf](#)

4.2. RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Approve the draft Planning Commission Minutes from the regular meeting of July 19, and special meeting of August 02, 2023.

[2023-07-19_PC_MINUTES_Draft.pdf](#)

[2023-08-02_PC_MINUTES_Draft.pdf](#)

5 DEPARTMENT ANNOUNCEMENTS

6 REGULAR AGENDA

7 PUBLIC HEARING

- 7.1. **RESOURCE MANAGMENT AGENCY- A. PRADO, DIRECTOR - PLANNING AND BUILDING-Hold a public hearing and consider adopting a resolution regarding County Planning File PLN230008 a Conditional Use Permit (CUP) To construct an 85-foot-tall wireless telecommunications monopine tower in a 1,600-square-foot lease area. The applicant seeks a variance under SBCC 7.11.004(H) in order to allow the cell tower to be approximately 330 feet from the nearest residential area, closer than the standard 500-foot minimum setback under San Benito County Code SBCC 7.11.005(A).**

2023-08-16_RESpc_2023-XX_PLN230008_CUP-VARIANCE_51_OLD RANCH ROAD_MCDONALD_PC adoption (FINAL).pdf
2023-08-16_SRpc_PLN230008_CUP_MCDONALD_51 OLD RANCH RD_STAFF_REPORT (FINAL).pdf

- 7.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Hold a public hearing and consider adopting a resolution regarding County Planning file PLN220024 (Minor Subdivision / Tentative Parcel Map) This project proposes to subdivide an existing 562.8-acre parcel into three parcels of 165.8 acres, 136.9 acres, and 260.1 acres.**

2023-08-16_RESpc_2023-XX_PLN220024_220708_BRIGANTINO_MS__4701_SANTA_ANA_VALLEY_ROAD_(FINAL).pdf
2023-08-16_SRpc_PLN220024_MS_BRIGANTINO_4701_SANTA_ANA_VALLEY_RD_(FINAL).pdf
IS_PLN220024_BRIGANTINO_4701 SANTA ANA VALLEY ROAD (FINAL REVISIONS 2023-08-16).pdf

8 COMMISSIONER ANNOUNCEMENTS

9 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.

10 PUBLIC COMMENT



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Rodney
Bianchi**
District No. 1

**Richard
Way**
District No. 2

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

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

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

Item Number: 4.1

MEETING DATE: 08/16/2023

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 and Free Lance Proof.**

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.

ATTACHMENTS:

[Certificate of Posting 2023_08_16.pdf](#)

[Free Lance Proof for August 16th Planning Commission.pdf](#)

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



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Victor Tafoya, certify that the **SPECIAL MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for August 16, 2023 was posted at the following locations, freely accessible to the public, on this day of August 10, 2023:

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

AND

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

AND

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

A handwritten signature in blue ink that reads "Victor Tafoya" with a stylized flourish extending to the right.

Victor Tafoya
Assistant Planner
County of San Benito

**PROOF OF PUBLICATION
(2015.5 C.C.P.)
STATE OF CALIFORNIA
County of San Benito**

I am a resident of the State of California and over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the principal clerk of the publisher of the Free Lance, published in the city of Hollister, County of San Benito, State of California, **Friday, and on line** for which said newspaper has been adjudicated a newspaper of general circulation by the **Superior Court of the County of San Benito, State of California, under the date of June 19, 1952, Action Number 5330**, that the notice of which the annexed is a printed copy had been published in each issue thereof and not in any supplement on the following date(s):

August 4, 2023.

I, under penalty of perjury, that the foregoing is true and correct. This declaration has been executed **on August 4, 2023.**

**HOLLISTER FREE LANCE
615 San Benito Street, Suite 210
Hollister, CA 95023**



/s/ Juliana B. Pulcrano /
Legal Publications Specialist
Hollister Free Lance,
Gilroy Dispatch, Morgan Hill Times

Phone # (408) 709 3952
E-mail: jpulcrano@newsmedia.com
Website: www.sanbenito.com

**San Benito
County Planning
Commission**

NOTICE OF PUBLIC HEARING

**COUNTY OF SAN BENITO
PLANNING COMMISSION**

**MEETING OF AUGUST 16, 2023,
at 6:00 p.m.**

**NOTICE IS HEREBY FURTHER
GIVEN** that the Planning
Commission will hold a Public
Hearing on the following items in
the San Benito County Board of
Supervisors Chambers located
at 481 Fourth Street, Hollister,
California, on **Wednesday,
August 16, 2023, 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 **898 7127
3381** AND Webinar Password
056730.

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

**PLN230008 (McDonald
Cell Tower Use Permit):**
OWNER: Roger McDonald.
APPLICANT: Melissa Keith on
Behalf of T-Mobile. LOCATION:
51 Old Ranch Road (4 miles
southeast of Downtown
Hollister) in unincorporated
San Benito County, APN:
025-320-001. REQUEST: To
construct an 85-foot-tall wireless
telecommunications monopole
tower in a 1,600-square-foot lease
area. The pole would feature
three levels (total) for mounting
equipment by multiple users
(co-location). Twelve 8' antennas
and 6 remote radio units (RRUs)
are proposed for the top level.
One 2' microwave dish would be
placed at the second level, and
two middle levels would each be
available for 12 antenna units and
6 remote radio units (RRUs). An
eight-foot chain-link fence would
enclose the lease area and allow
ground space for equipment
serving the two additional carriers
in the future. The applicant seeks
a variance under §711.004(H) in
order to allow the cell tower to be
approximately 330 feet from the
nearest residential area, closer
than the standard 500-foot

minimum setback under San
Benito County Code §7.11.005(A).
GENERAL PLAN LAND USE
DESIGNATION: Residential Mixed
(RM). ZONING DISTRICT: Rural
(R). ENVIRONMENTAL REVIEW:
Categorically Exempt under
State CEQA Guidelines §15303.
(New Construction or
Conversion of Small Structures).
PLANNER: Jonathan Olivas
(jolivas@cosb.us)

**PLN220024 (Minor Subdivision
/ Tentative Parcel Map):**
OWNER: D&D Brigantino Family
Limited Partnership. APPLICANT:
San Benito Engineering on behalf
of Michael Brigantino. LOCATION:
4701 Santa Ana Valley Road (7
miles east of Downtown Hollister).
APN(s): 022-120-005 and
022-130-002. REQUEST: This
project proposes to subdivide
an existing 562.8-acre parcel
into three parcels of 165.8 acres,
136.9 acres, and 260.1 acres.
GENERAL PLAN DESIGNATION:
Rangeland (RG). ZONING
DISTRICT: Agricultural Rangeland
(AR). ENVIRONMENTAL REVIEW:
Initial Study / Mitigated Negative
Declaration. PLANNER: Jonathan
Olivas (jolivas@cosb.us)

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@cosb.us, 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 visítanos
al 2301 Technology Parkway,
Hollister, CA.

Dated: July 28, 2023.

PUBLISHED: Friday, August 4,
2023 - Hollister Free Lance
(Pub HF 8/4)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Rodney
Bianchi**
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: 4.2

MEETING DATE: 08/16/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Approve the draft Planning Commision Minutes from the regular meeting of July 19, and special
meeting of August 02, 2023.**

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Approve the draft Planning Commision Minutes from the regular meeting of July 19, and special meeting of August 02, 2023.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve the draft Planning Commission Minutes from the regular meeting of July 19, and special meeting of August 02, 2023.

ATTACHMENTS:

[2023-07-19_PC_MINUTES_Draft.pdf](#)

[2023-08-02_PC_MINUTES_Draft.pdf](#)



**SAN BENITO COUNTY
PLANNING COMMISSION**

Rodney **Richard** **Robert** **Robert** **Celeste**
Bianchi **Way** **Scagliotti** **Gibson** **Toledo-**
District No. 1 District No. 2 District No. 3 District No. 4 **Bocanegra**
- Vice-Chair - Chair District No. 5

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

PLANNING COMMISSION - REGULAR SESSION-

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Webinar Password: 551789

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

Stephanie Reck, Assistant Planner, read to notice of temporary procedure for Planning Commission Meetings.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Rodney Bianchi, Planning Commissioner, led the pledge of allegiance.

3. ROLL CALL

Stephanie Reck, Assistant Planner, conducted roll call.

Rodney Bianchi, 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. CERTIFICATE OF POSTING

Richard Way, Planning Commissioner, motioned to acknowledge the certificate of posting.

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

Motion passed five (5) to zero (0).

Moved by Richard Way; seconded by Robert Scagliotti to Confirm

Richard Way, Planning Commissioner, motioned to acknowledge the certificate of posting.

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

Motion passed five (5) to zero (0).

Motion Passed: 5 - 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

5. DEPARTMENT ANNOUNCEMENTS

Abraham Prado, Director of Planning and Building, introduced the new contracted County Counsel the Board hired, Prentice Long.

David Prentice, County Counsel, introduced himself and his firm to the Planning Commission and stated that his firm represents 46 public agency clients and most are rural counties and we have ongoing expertise in municipal law.

Sean Cameron, Assistant County Counsel, thanked the Planning Commission and stated that he looks forward to working with them as the legal counsel for the RMA.

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

Upcoming Planning Commission calendar and scheduling needs

This item was postponed.

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

Accept informational report on recent project applications submitted following May 2023.

Abraham Prado, Director of Planning and Building, presented the incoming planning applications submitted in May 2023. CAN230001 is a conditional use permit for cannabis cultivation, manufacturing, nursery, packaging, and distribution activities located at 0

Bolsa Road. PLN200031 appeal to the Planning Commission denial for the conditional use permits at 4807 San Juan Canyon Road.

6. PUBLIC COMMENT

No public comment in chambers.

No public comment via zoom.

Public comment period is closed.

7. 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.

No public comment in chambers.

No public comment via zoom.

Public comment period is closed.

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

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Rodney Bianchi to Approve Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the Consent Agenda.

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Motion Passed: 5 - 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Acknowledge the certificate of posting.

8. ADOPTION OF ACTION MINUTES

No public comment in chambers.

No public comment via zoom.

Public comment period is closed.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the minutes from June 21, 2023.

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Rodney Bianchi to Approve Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the minutes from June 21, 2023.

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Motion Passed: 5 - 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Approve the draft Planning Commission Minutes from June 21, 2023.

9. REGULAR AGENDA

9.1

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

Accept the verbal informational report on the current status and schedule for further action of County Planning File PLN220060, which pertains to a use permit application for the operation of Bar SZ Ranch. The proposed operations encompass a diverse array of activities, including but not limited to hosting weddings, corporate and charity events, private outdoor camping, and facilitating various outdoor recreational pursuits.

SBC FILE NO: 790

Victor Tafoya, Assistant Planner, provided an update regarding PLN220060 the Borland project located at 1989 Old Hernandez Road.

There was discussion among the Commissioners whether the applicants are discontinuing events pending the approvals. Staff confirmed they have ceased all operations until they obtain permits. There was discussion as to why the applicants weren't at the meeting, the commissioners would like for applicants to be present at hearings. There was discussion regarding the application process and the applicable steps and timeframe for completion. There was discussion in regard to whether the applicants have paid all fines, and staff stated they have not but an amendment to the Notice of Violation went out to include the payments and they have to pay in the upcoming month.

Public comment in chambers:

Elia Salinas, San Benito County Resident, stated that economically if this can work appropriately it would be great. The roads should be a concern and is there a way to find out how much money they have made and how much they owe the county? These events have not discontinued so how can Code Enforcement actually stop what they are doing, they need a better enforcement mechanism.

Public comment via zoom:

Kelsey Frusetta, San Benito County Resident, asked if this project is for private or small venues or large scale events. They have had large scale events and it impacted the road and this would require further study to the impact these events are having on the roads. It is also concerning they allow fires along the river for those who camp and we are in a high fire severity area.

Public comment via mail:

Date: 6/13/23

To: Victor Tafoya / Project Planner - San Benito County

RE: Application # PLN220060 (Conditional Use Permit)

From: Local Residents including Kelsey Frusetta

Dear Mr. Tafoya -

This letter is the voice of a number of local resident (Ranchers) who live on Old Hernandez Rd. and are concerned about the efforts of the applicant to obtain a use permit to expand the equestrian facility -"SZ Ranch" into a event facility that has already been operating illegally, into a permanent large pay to play music and lifestyle festival destination.

We are not opposed to wedding events and manageable private parties. However, the size, scope and style of the events that have been recently staged and what's being proposed are much too large (160 + cars and 300 people) and are not in keeping with the dynamic of the local community of Ranchers. Old Hernandez Rd. is a rural closed and unimproved road that poses limited access to any Fire or emergency medical service vehicles. The road is not safe and cannot sustain the type of driving impact that these festivals impose. This alone has and will continue to create a major liability for the county and its residents – including the Jefferson Elementary School and its children.

Not only is the road an assured liability, there have been numerous instances of mismanagement that have already occurred, including:

- Partygoers hiking and trespassing deep into private property – over a ½ mile
- Large bon fires – with no emergency services present
- Swimming in the river – with no oversight
- Partygoers getting lost looking for the SZ Ranch
- Partygoers coming and going at all hours of the day and night

If the county continues to allow these large group festivals on the applicant's property, it will not be a matter of IF but WHEN a regrettable incident occurs. We strongly encourage the county to deny the application in its current form and perhaps revisit a more suitable future application that would be more in keeping with the community's rural heritage.

Respectfully,

Local Residents, including Kelsey Frusetta

Public comment period is closed.

Victor Tafoya, Assistant Planner, stated the project is strictly for weddings, corporate, and charity events and the capacity is for 250 people, which can be changed by the Planning Commission during this process.

10. PUBLIC HEARING

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

(To be heard at 6:00pm or soon thereafter as the matter may be heard)

Hold a Public Hearing. Adopt a resolution recommending amendments to chapter 21.03 Affordable Housing Regulations. The ordinance aims to address affordable housing needs as outlined in San Benito County's Regional Housing Needs Allocation Plan and Housing Element of the General Plan. Proposed amendments include the dissolution of the Housing Advisory Committee as a review component of the Affordable Housing Plan workflow. Additional amendments include a stipulation which requires developers, when a residential development is proposed outside of a 10-mile radius of a San Benito County incorporated city, to construct the development's corresponding affordable units off-site within 10-miles of a San Benito County incorporated city. The final amendment to the ordinance includes an updated inclusionary percentage breakdown for off-site rental units at 24 lots or more. The total 20% allotment will be divided into 7.5% for very low-income units, 7.5% for low-income units, and 55 for moderate-income units. These revisions strive to make the code more clear, concise, and use friendly.

SBC FILE NUMBER: 790.2

RESOLUTION NO: 2023-XX

Stephanie Reck, Assistant Planner, presented the amendments to chapter 21.03 the Affordable Housing Regulations.

Richard Way, Planning Commissioner, noted that unlike the other changes, item B on 21.03.006 does not reference San Benito County, before or after the words incorporated cities. It is concerning that this may be construed as allowing development in other jurisdictions. Please add San Benito County in this section. Staff agreed. Another concern is the shape of Hollister and San Juan Bautista, how would we calculate that accurately and how does Section 8 dictate their radius?

Abraham Prado, Director of Planning and Building, stated the radius would begin at the property lines of the jurisdiction and our wonderful GIS tool can tell us the radius of 10-miles from the city limits.

Stephanie Reck, Assistant Planner, added that Section 8 also operates in a 10-mile radius from the city limits so we are on par with the area that the Housing Authority of Santa Cruz is providing vouchers to.

Public comment in chambers:

Elia Salinas, San Benito County Resident, stated that San Juan Bautista is only 7-miles from the city of Hollister and they can deny any development off-site. This is very divisive with regard to the haves and have nots to remove low income from the market rate. Is the Section 8 a state guideline or just a local provision. San Juan Bautista is not welcome to development and where would you even place these homes in Hollister. Additionally, can we have a merit system for when we are going through the development process that local contractors will get additional points.

No public comment via zoom.

Public comment period is closed.

Stephanie Reck, Assistant Planner, stated there is a distinction between the city and county applications. The off-site units will be within the unincorporated county and they cities would be able to comment but would not have final approval on the projects.

Arielle Goodspeed, Principal Planner, stated that the goal is to eliminate the in-lieu fee and the goal is that developers would not be able to pay the in-lieu fee and would have to build the units off site. The board would like to modify the language that even through you are outside of the radius you can still build units. If there is a fraction the developer would still pay a fee but they want more units build in the county.

Celese Toledo-Bocanegra, Planning Commissioner, asked if there is a way to include collaboration with local independent contractors to the ordinance so we can support our community. Staff stated this could be added to the Additional Standards section for the County to work with local contractors.

Sean Cameron, Assistant County Counsel, stated there may be restrictions on being able to that as there are issues with providing preferential treatment to your locality.

Abraham Prado, Director of Planning and Building, stated that staff are working on the Housing Element Update and if it is possible and legal, we can implement a similar policy of partnering with local contractors as a program or goal in our Housing Element.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the amendments to Chapter 21.03 Affordable Housing Regulations, with the addition of the text "San Benito County" to 21.03.006 On-Site Affordable Units.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Richard Way to Approve Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the amendments to Chapter 21.03 Affordable Housing Regulations, with the addition of the text "San Benito County" to 21.03.006 On-Site Affordable Units.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Motion Passed: 5- 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

11. COMMISSIONER ANNOUNCEMENTS

Robert Gibson, Chair of the Planning Commission, stated that the spreadsheet attached to item 5.1 on the agenda shows the upcoming items we are to review so if anyone else has any questions or any items they would like to add now is the time.

No other comments.

12. ADJOURNMENT

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

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0). **Moved by** Robert Scagliotti; seconded by Rodney Bianchi to Confirm Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn the meeting.

Rodney Bianchi, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Motion Passed: 5 - 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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**SAN BENITO COUNTY
PLANNING COMMISSION**

Rodney **Richard** **Robert** **Robert** **Celeste**
Bianchi **Way** **Scagliotti** **Gibson** **Toledo-**
District No. 1 District No. 2 District No. 3 District No. 4 **Bocanegra**
- Vice-Chair - Chair District No. 5

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

PLANNING COMMISSION - SPECIAL SESSION-

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

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

Members of the public may participate remotely via zoom at the following link

<https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 836 9291 6890

Webinar Password: 136452

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

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

Remote Viewing:

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

A. Community Media Access Partnership (CMAP) YouTube

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

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

Written Comments & Email Public Comment

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

Public Comment Guidelines

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

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

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

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

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

Victor Tafoya, Assistant Planner, read the notice of temporary procedures for Planning Commission meetings.

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

Victor Tafoya, Assistant Planner, conducted roll call.

Rodney Bianchi, 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.

Public comment via Zoom:

Juan Pablo, San Benito County Resident stated that the volume online is very difficult to hear. Staff went to fix this issue.

No public comment in chambers.

Public comment period is closed.

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

Acknowledge the certificate of posting and Freelance Proof.

Rodney Bianchi, Planning Commissioner, motioned to acknowledged the certificate of posting.

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

Motion passed five (5) to zero (0).

Moved by Rodney Bianchi; seconded by Robert Scagliotti to Approve Rodney Bianchi, Planning Commissioner, motioned to acknowledged the certificate of posting.

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

Motion passed five (5) to zero (0).

Motion Passed: 5- 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

5. REGULAR AGENDA

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

BUILDING-

Receive an informational presentation on the Notice of Preparation of an Environmental Impact Report for the Ranch 35 Quarry Project. SBC FILE NUMBER:790

Abraham Prado, Director of Planning and Building, stated that staff will continue to take public comment letters after this meeting should any public wish to submit additional comments after this scoping meeting.

Arielle Goodspeed, Principal Planner, provided an overview of the Ranch 25 Quarry Project: 204 acres of 271 acre parcel east of 101 and HWy 156 interchange. The use permit and reclamation plan to develop, operate, and reclaim a new aggregate mining and processing operation not to exceed 1 million tons in annual sale.

Monika Frupa, Environmental Consultant with Benchmark Resources, shared an overview of the California Environmental Quality Act (CEQA) this project will be subject to.

No public comment via Zoom.

Public comment in chambers:

Elia Salinas, San Benito County Resident, shared that the Commissioners should be ready for PORC to object to this project for the purposes proposed. I am interested in know what the tax sales difference would be from Santa Clara County to San Benito County as we do need economic development. The local Amah Mutsun Tribe will also come and oppose to this as it may be sacred land. I think San Juan Bautista will also oppose this location as well. Think about what is best for the county as economic development is what we are looking for.

Public comment period is closed.

There was discussion among the Commissioners about where the site access is going to be. Staff shared that the entrance goes through the southern portion of the parcel through another property and then connects onto HWY 156 via right hand turn. There was discussion among the Commissioners about whether the applicant has permission from the State of California for access. Staff shared the main traffic would not be going into San Juan Bautista and this issue would be addressed through traffic impacts in the EIR. There was discussion among the Commissioners about a lack of addressing mineral resources in the EIR. Staff shared that more or less the project will not cause a negative impacts to mineral resources. There was discussion among the Commissioners regarding the amount of traffic the project is going to produce. Staff stated that the workers are local, and there are 25 employees, anticipating 50 trucks in and out of the site. Staff shared that AB 52 consultation has begun for this project. There was discussion among the Commissioners regarding where the tax is being generated and suggested that it should be collected in San Benito County. The Commissioners also asked for a tour of the project location. Staff discussed reclamation and requirements for leveling off slopes and revegetation and that will all be in the final product. There was discussion regarding whether the employees of this business would be able to live in San benito County and the Commissioners would like to approve project that provide a living

wage.

Jason Voss, Applicant, shared that those employed are local from the 3 Operating Engineering Union and 270 Labor Union with long-term employees who have been with us for over 25 years. We have operations in San Jose, Sunol, Sunnyvale, and Cupertino. Of those operations roughly 70% of the employees live in San Benito County and have to commute, so this would be a good site for us as some of our employees are hopeful to work from home.

6. ADJOURNMENT

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

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Richard Way to Confirm Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn the meeting.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Motion Passed: 5 - 0

Voting For: Rodney Bianchi, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

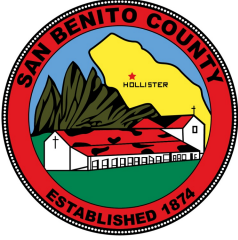
Voting Against: None

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**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Rodney
Bianchi**
District No. 1

**Richard
Way**
District No. 2

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

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

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

Item Number: 7.1

MEETING DATE: 08/16/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

SUBJECT:

**RESOURCE MANAGMENT AGENCY- A. PRADO, DIRECTOR - PLANNING AND BUILDING-
Hold a public hearing and consider adopting a resolution regarding County Planning File
PLN230008 a Conditional Use Permit (CUP) To construct an 85-foot-tall wireless
telecommunications monopine tower in a 1,600-square-foot lease area. The applicant seeks a
variance under SBCC 7.11.004(H) in order to allow the cell tower to be approximately 330 feet
from the nearest residential area, closer than the standard 500-foot minimum setback under San
Benito County Code SBCC 7.11.005(A).**

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

PLN230008 is a Conditional Use Permit (CUP) To construct an 85-foot-tall wireless telecommunications monopine tower in a 1,600-square-foot lease area. The pole would feature three levels (total) for mounting equipment by multiple users (co-location). Twelve 8' antennas and 6 remote radio units (RRUs) are proposed for the top level. One 2' microwave dish would be placed at the second level, and two middle levels would each be available for 12 antenna units and 6 remote radio units (RRUs). An eight-foot chain-link fence would enclose the lease area and allow ground space for equipment serving the two additional carriers in the future. The applicant seeks a variance under §7.11.004(H) in order to allow the cell tower to be approximately 330 feet from the nearest residential area, closer than the standard 500-foot minimum setback under San Benito County Code §7.11.005(A).

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment D, which includes findings for the variance. Staff further recommends that the Planning Commission make the findings included in the resolution and approve the variance for PLN230008 conditional use permit for a new wireless tower.

ATTACHMENTS:

[2023-08-16_RESpC_2023-XX_PLN230008_CUP-VARIANCE_51_OLD RANCH ROAD_MCDONALD_PC adoption \(FINAL\).pdf](#)

[2023-08-16_SRpc_PLN230008_CUP_MCDONALD_51 OLD RANCH RD_STAFF_REPORT \(FINAL\).pdf](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2023-____

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO APPROVE, FOLLOWING CONSIDERATION OF COUNTY PLANNING FILE PLN230008, A CONDITIONAL USE PERMIT WITH VARIANCE FOR A NEW WIRELESS TOWER.

WHEREAS, the subject property, 51 Old Ranch Road (Assessor's Parcel 025-320-001), is located in unincorporated San Benito County, California. This site is located 4 miles east of downtown Hollister and contains 5 acres with an existing residence; and

WHEREAS, Melissa Keith, on behalf of T-Mobile, has filed an application for a Conditional Use Permit with a Variance for a new wireless communications facility for an 85-foot-tall monopine tower with 12 eight-foot antennas, 6 remote radio units, 1 two-foot microwave, 1 GPS antenna, and 2 ground mounted radio cabinets within a 40'x40' leased area, with additional space available for colocation by 2 providers (illustrated in **Attachment C**); and

WHEREAS, the property is currently a legal lot recorded in San Benito County Official Records as Book 4 of Parcel Maps Page 70, Parcel 3, June 1978, approved by the County as Parcel Map No. 416-78; and

WHEREAS, the property currently has a General Plan land use designation of Residential Mixed (RM) and a zoning designation of Rural (R); and

WHEREAS, County Staff distributed materials submitted for file PLN230008 to responsible public agencies for review and comment; and

WHEREAS, the General Plan has policy regarding telecommunications including Policies PFS-9.1 (Telecommunications Service), PFS-9.2 (Telecommunications Access), PFS-9.3 (Service Reliability), and PFS-9.5 (Telecommunications Design); and

WHEREAS, County staff and the Director of Planning, Building, and Code Enforcement determined that this project now meets the criteria for a variance as applicant has demonstrated as required in the findings of a Variance under San Benito County Code § 25.02.009 (Variances) and § 7.11.004 (General Standards (H)); and

WHEREAS, the Planning Commission of the County of San Benito, in its independent judgment, found the proposed activity to qualify for an exemption from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Categorical Exemption Class 3, Section 15303 (New Construction or Conversion of Small Structures); and

WHEREAS, the Planning Commission hearing was publicly noticed over 10 days in advance of the hearing by publication in the August 4, 2023, Hollister *Free Lance* newspaper; mailing to owners of property within 1,000 feet of the subject property's boundaries; and posting in publicly accessible locations at County offices; 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 the following:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an exemption from CEQA under State CEQA Guidelines Class 3 of Categorical Exemptions (California Code of Regulations §15303, New Construction or Conversion of Small Structures).

Evidence: *The project is categorically exempt under Class 3 (New Construction or Conversion of Small Structures), which consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 provides some, but does not limit project scope to, examples of such structures. While cell towers are not explicitly included in this list, the proposed cell towers would be comparable in scope and function to those structures listed, which, in summary, include single family homes and duplexes, commercial developments within the range of 2,500-10,000 square feet (SF) of floor area, utility extensions and improvements, accessory structures such as garages, and sterilization units for medical waste treatment. Class 3 also considers “[w]ater main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction” to have an insignificant effect on the environment.*

Furthermore, in both Aptos Residents Association v. County of Santa Cruz and Don’t Cell Our Parks v. City of San Diego, the use of categorical exemption Section §15303(d) was sustained by the court for cell towers as the projects did not pose cumulative impacts, and unusual circumstances did not apply. The proposed use would not exceed the limits stated in State CEQA Guidelines §15303 nor qualify for State CEQA Guidelines §15300.2’s exceptions to Categorical Exemptions.

Use Permit Findings:

Finding 1: The proposed use is conditionally permitted within the applicable zone and complies with all other applicable provisions of this title and all other titles of the San Benito County Code, the general plan and any applicable specific plan.

Evidence: *This project as submitted is conditionally permitted in Rural (R) zoning. However, in this circumstance a variance is required for this project to be compliant with San Benito County Code. The cell tower due to the proximity of the project site to residential areas would not be able to meet the 500-foot setback from a residential area per San Benito County Code § 7.11.005 (Location Of Wireless Communications Facilities). Therefore, the applicant has filed for a variance under County Code § 7.11.004 General Standards (H).*

Furthermore, the proposed use is also consistent with the San Benito County General Plan under the following telecommunications policies in the General Plan Public Facilities and Services Element:

- *PFS-9.1 (Telecommunications Service)*
- *PFS-9.2 (Telecommunications Access)*

- PFS-9.3 (Service Reliability)
- PFS-9.5 (Telecommunications Design)
- PFS-9.11 (Wireless Hot Spots)

These findings would be consistent with General Plan Policy PFS-9.3 (Service Reliability) which directs the County to support efforts to increase telecommunications service reliability. Due to the technological constraints the applicant can only use this site which is physically limited and does not permit the applicant to adhere to the 500-foot setback from a residential area under County Code § 7.11.005 (Location of Wireless Communications Facilities). The applicant additionally has made several attempts in good faith to secure a different location for the subject tower and has been rejected or no interest by other property owners was shown.

In addition to the findings discussed earlier, this project is consistent with PFS-9.1 (Telecommunications Service) as this policy directs the County to support the development and expansion of telecommunication facilities and as a new wireless facility it facilitates the expansion of wireless hotspot capabilities as PFS-9.11 (Wireless Hot Spots) encourages. As this new tower will be filling a gap in wireless coverage in the County, it would be consistent with PFS-9.2 (Telecommunications Access), a policy directing the County to work with telecommunications providers to ensure that all residents and businesses have access to telecommunications services.

This variance would increase the quality of the public health and welfare by allowing for increased capacity and access in emergency network capability. The addition of this tower will fill a gap in the cellular network and is consistent with the Public Facilities and Services Element, which states: "Telecommunications are also critical to ensure the safety [of] residents and businesses in the event of a major disaster or emergency." This tower would benefit the existing network's ability to provide service within the County during a natural or manmade disaster.

The aesthetics, character, and scale of this project considers impacts on neighboring properties as it adheres to General Plan Policy PFS-9.5 (Telecommunications Design) in that the design of the telecommunications facility minimizes visibility using stealth design (monopine) and has appropriate colors, screening, disguising, and landscaping that is compatible with the surrounding structures and natural environments.

Furthermore, the applicant is in compliance with San Benito County Code § 7.11.016 Freestanding Monopoles (D) which states in part, that applicant must demonstrate why co-location within a one-mile radius is not possible and if feasible a letter from the current facility operator explaining why co-location isn't allowed. The applicant submitted a feasibility study proving technological infeasibility of an alternate site, accompanied by a letter explaining non-co-location reasons, and the study's results revealed no available towers within a one-mile radius for co-location.

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

Evidence: *The proposed use poses no adverse effect to public health, safety, and welfare so long as it adheres to the conditions of approval found in this resolution. (see attachment A) Conditions 14-17 address several areas of the San Benito Code that protect the health, safety, and welfare of the public such as; condition 14 which states that the project shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and*

823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. Condition 15 which addresses Hazardous Materials and state that any hazardous materials are to be stored on the site of the proposed project, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. Condition 17 addresses Drainage and Erosion Control and states that; the applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways. Additionally, condition 13 states that the applicant is required to record a deed restriction that they are aware of the potential issues regarding the placement of a wireless communication facility within 500 feet of the single-family dwelling.

Finding 3: The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this title.

Evidence: This use is consistent with San Benito County General Plan policy PFS-9.5 Telecommunications Design which mandates that telecommunications facilities' design blend with their surroundings and reduce visibility by employing suitable colors, existing structures, screening, landscaping, and compatibility with the environment. This proposed use does this through its stealth monopine design. However, approval of this use will require a variance that the applicant has filed for under County Code § 7.11.004 General Standards (H). This will allow the cell tower though it will not meet the 500-foot setback from a residential area per San Benito County Code § 7.11.005 (Location of Wireless Communications Facilities). This variance is further compliant with General Plan Policy PFS-9.3 (Service and Reliability). (See Finding 1 for General Plan policy compliance.)

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

Evidence: The proposed use, as it is located in an area lacking in coverage for cellular service, is therefore consistent with General Plan policies PFS-9.1 (Telecommunications Service), PFS-9.2 (Telecommunications Access), and PFS-9.3 (Service Reliability). (See Finding 1 for General Plan policy compliance.) Furthermore, condition 16 regulates and restricts access to only Ranch Road per the San Benito County Division of Public Works for the safety of public health and welfare.

Chapter 7.11: Wireless Communications Facilities Standards Variance Findings:

Finding 1: The location of an additional support structure at the site is essential for the provision of service in the applicant's service area.

Evidence: The applicant has demonstrated that this additional support structure at this site is essential for the provision of service in their service area. Per the applicant's service coverage maps that they have provided (See Attachment E) the addition of this new infrastructure will increase the strength of their signal and reliability in an area where they are lacking adequate coverage.

Finding 2: Good faith efforts were made to secure other locations and no other site was technologically feasible, and no co-location was possible.

Evidence: The applicant has demonstrated that they made good faith efforts to secure other locations. (See Attachment D) The applicant stated and demonstrated in their application, that they attempted to secure several other sites within the area of technological feasibility and all of the property owners turned

them down or gave no response to their multiple inquiries. There were no cell towers available within a one-mile radius as per San Benito County Code § 7.11.016 Freestanding Monopoles (D) which states in part that, “the applicant shall specifically state the reasons for not co-locating on any of the existing monopoles and/or lattice towers within a one-mile radius.”

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record and as illustrated in **Attachment(s) B, C, D, & E** the Planning Commission deems the appeal of the Director of Planning, Building, and Code Enforcement’s unnecessary; and

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record and as illustrated in **Attachment(s) B, C, D, & E** the Planning Commission hereby approves the Variance for PLN230008 subject to conditions of approval found in **Attachment A**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16th DAY OF AUGUST 2023 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

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

Conditions of Approval:

Planning:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’S choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]
3. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan (as illustrated in Attachment C), and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be changed, modified or altered without written authorization from the Resource Management Agency. All work shall be in accordance with the approved plans and with San Benito County Code. [Planning]
4. **Compliance Documentation:** Prior to any approved use permit activity, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **Approved Conditional Uses and Activities:** The property owner proposes a use permit as presented and described in the record before the Planning Commission at its regular meeting of August 16, 2023, with said use and activity involving installation of a new wireless telecommunications facility composed of a 85-foot-tall tower on a 1,600-square-foot lease area (40 feet by 40 feet) to support (12) 8’ antennas, (6) RRUS, (1) 2’ MW, (1) GPS antenna, and (2) ground mounted radio cabinet.

6. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site shall;
 - a. cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains;
 - b. arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals;
 - c. notify the County Sheriff–Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 *et seq.*). [Planning]

7. **Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.⁰⁰ shall be submitted to the Resource Management Agency for the filing of the notice. [Planning/CDFW]

8. **Exterior Color:** Non-reflective colors similar to the surrounding trees and land shall be maintained and applied to the exterior of the new structures, antennas, and tower, and the exterior appearance of the structures shall be maintained at all times. [Planning]

9. **Lighting:** The exterior equipment building lighting shall be installed with a manual on/off switch and shall only be lighted while maintenance personnel are working at the site; at all other times any exterior lights shall be switched off except for those necessary for public safety, and all lighting shall comply with County Ordinance 748 (Development Lighting Regulations). [Planning]

10. **Colocation:** The applicant shall allow other wireless carriers to collocate antennas on the monopole where technologically and economically feasible and shall provide a written commitment to the County Resource Management Agency Director to this effect.

11. **Equipment Removal:** The applicant shall remove the equipment and equipment shelter no later than six (6) months after operation of the communication facility ceases. [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. 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
13. **Deed Restriction:** Prior to issuance of a building permit, the applicant shall record a deed restriction stating that the property owner/developer is aware of potential issues regarding the placement of a wireless communication facility within 500 feet of the single-family dwelling. [Planning]

Fire:

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

Division of Environmental Health:

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

Public Works:

16. **Access:** Direct access on Fairview Road per plans submitted shall not be allowed. The entire property frontage on Fairview has a Non-Access strip therefore access to the proposed site shall only be from Old Ranch Road. [Public Works]
17. **Drainage and Erosion Control:** Applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways. [Public Works]

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

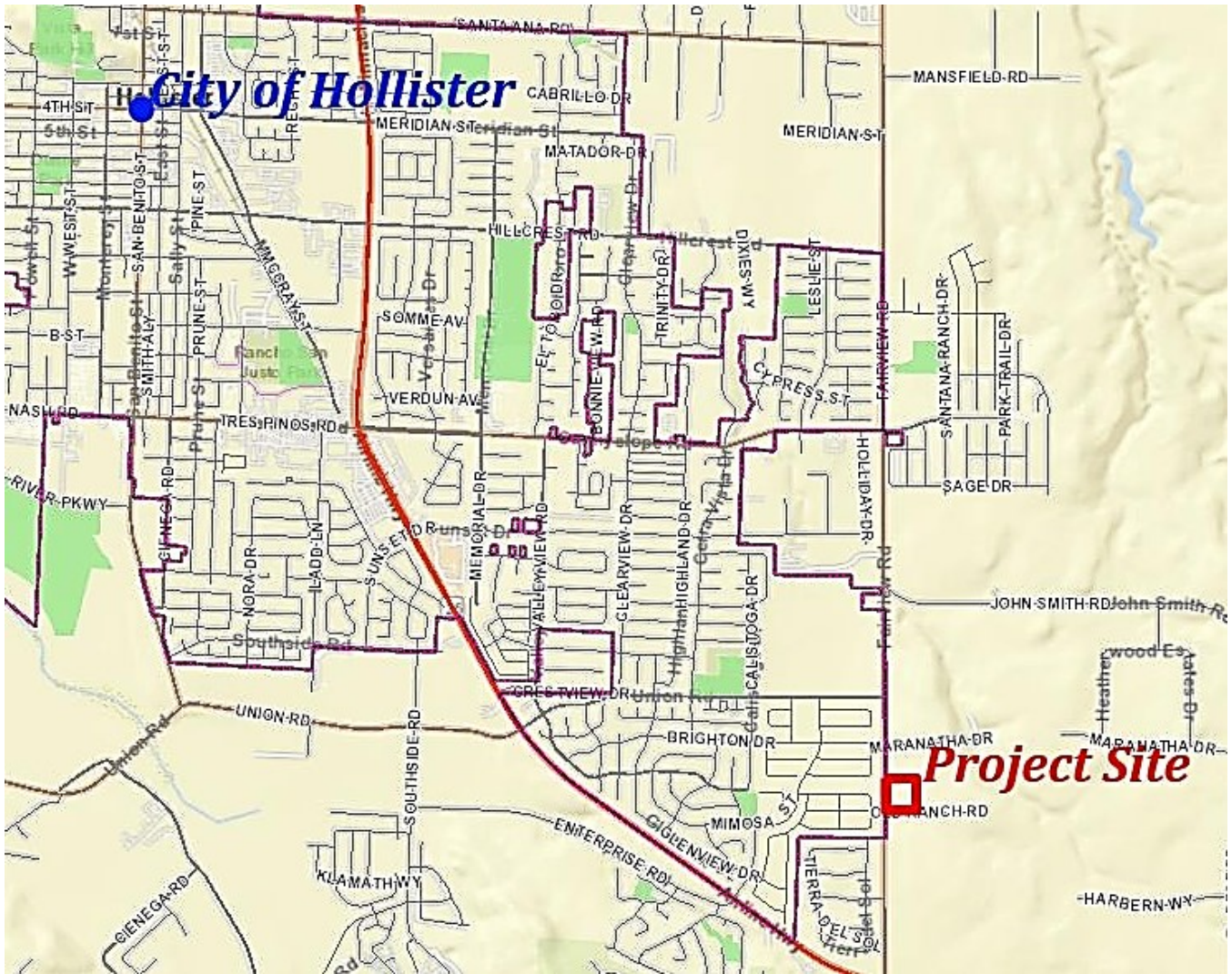
I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

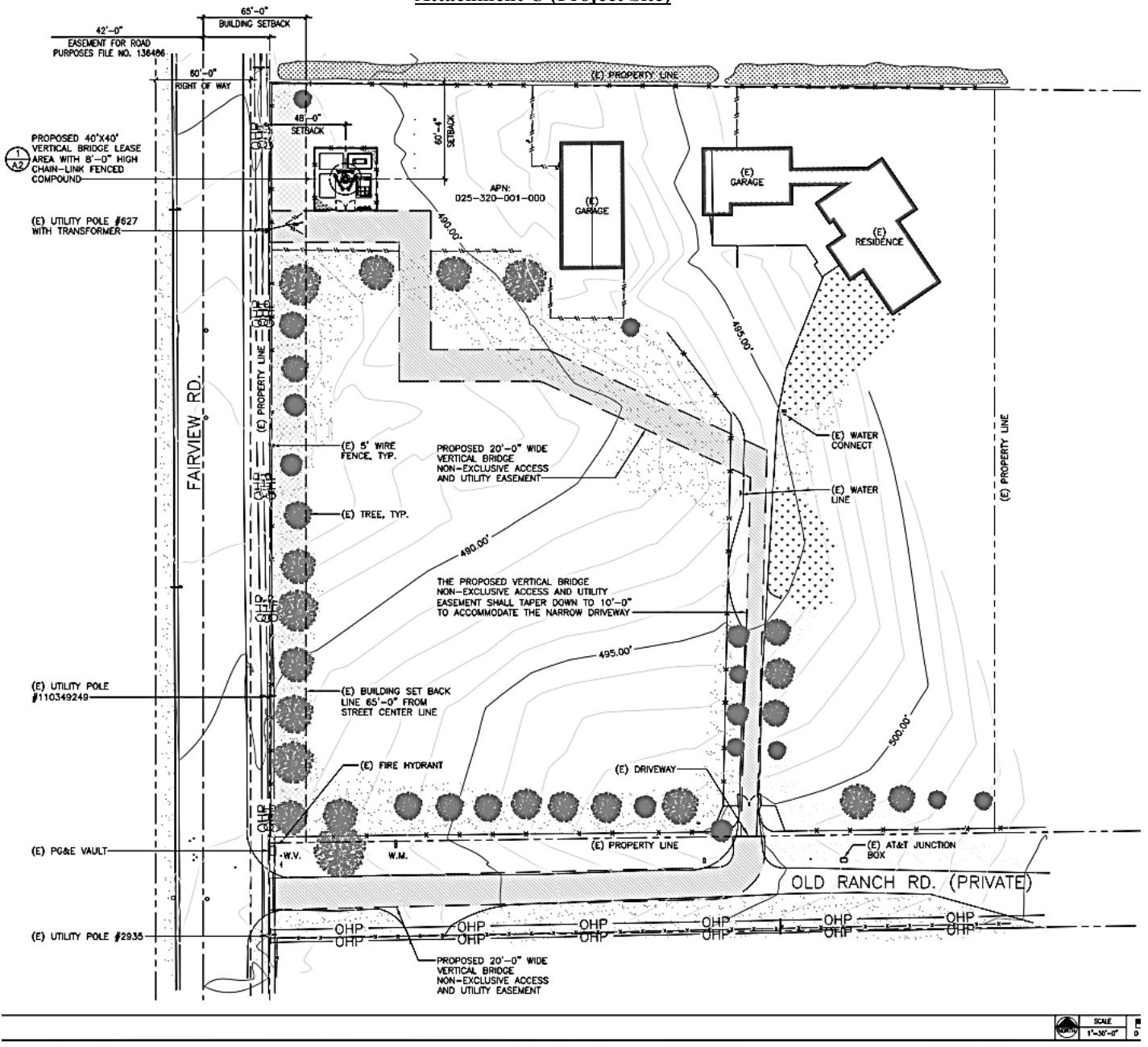
Attachment B to Resolution

Vicinity & Site Map(s)



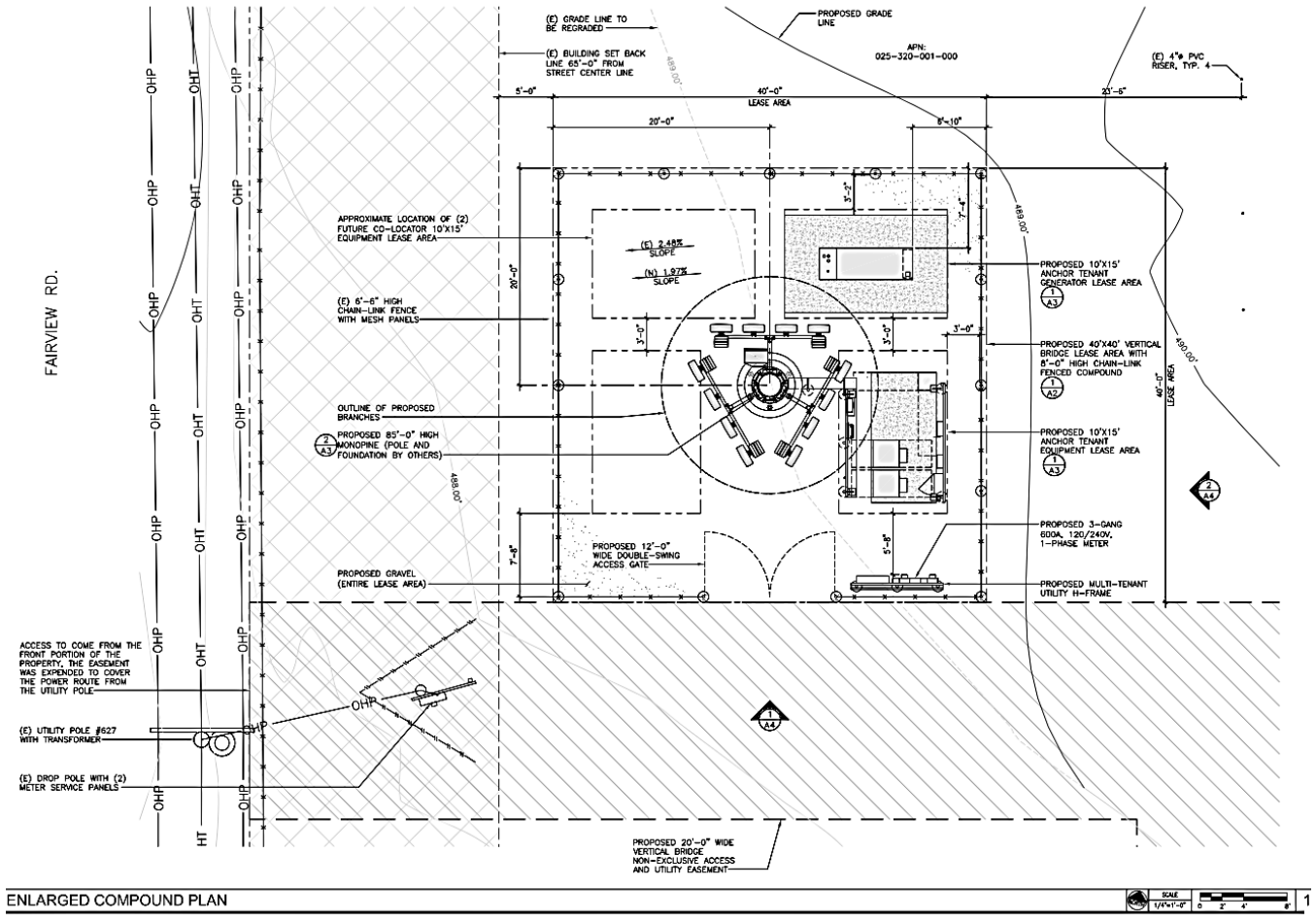
Vicinity Map of the Project Site which is located 4 miles southeast of downtown Hollister.

Attachment C (Project Site)



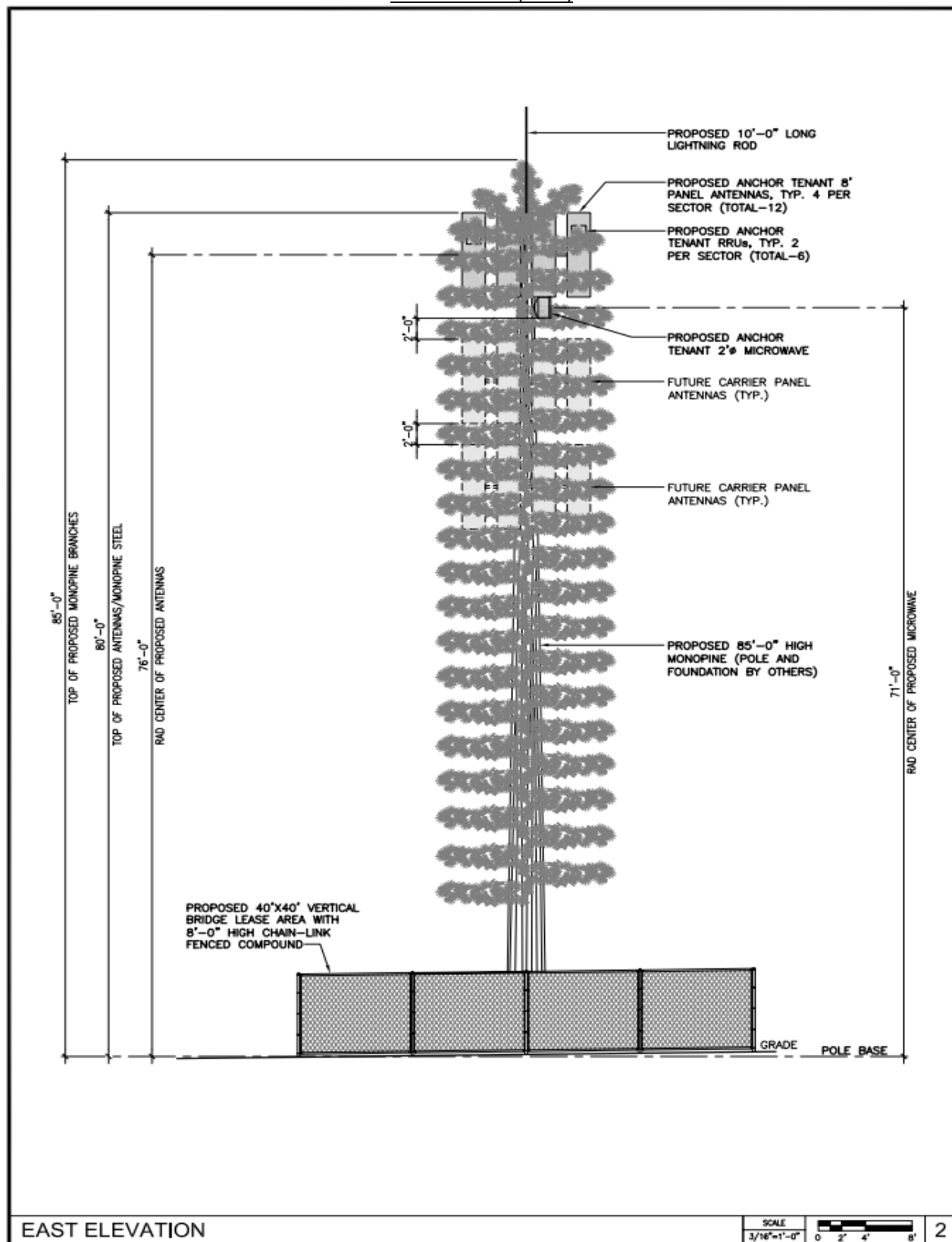
This figure shows the proposed cell tower location, the existing residence, accessory structures, and new easements.

Attachment C (Site Plan)



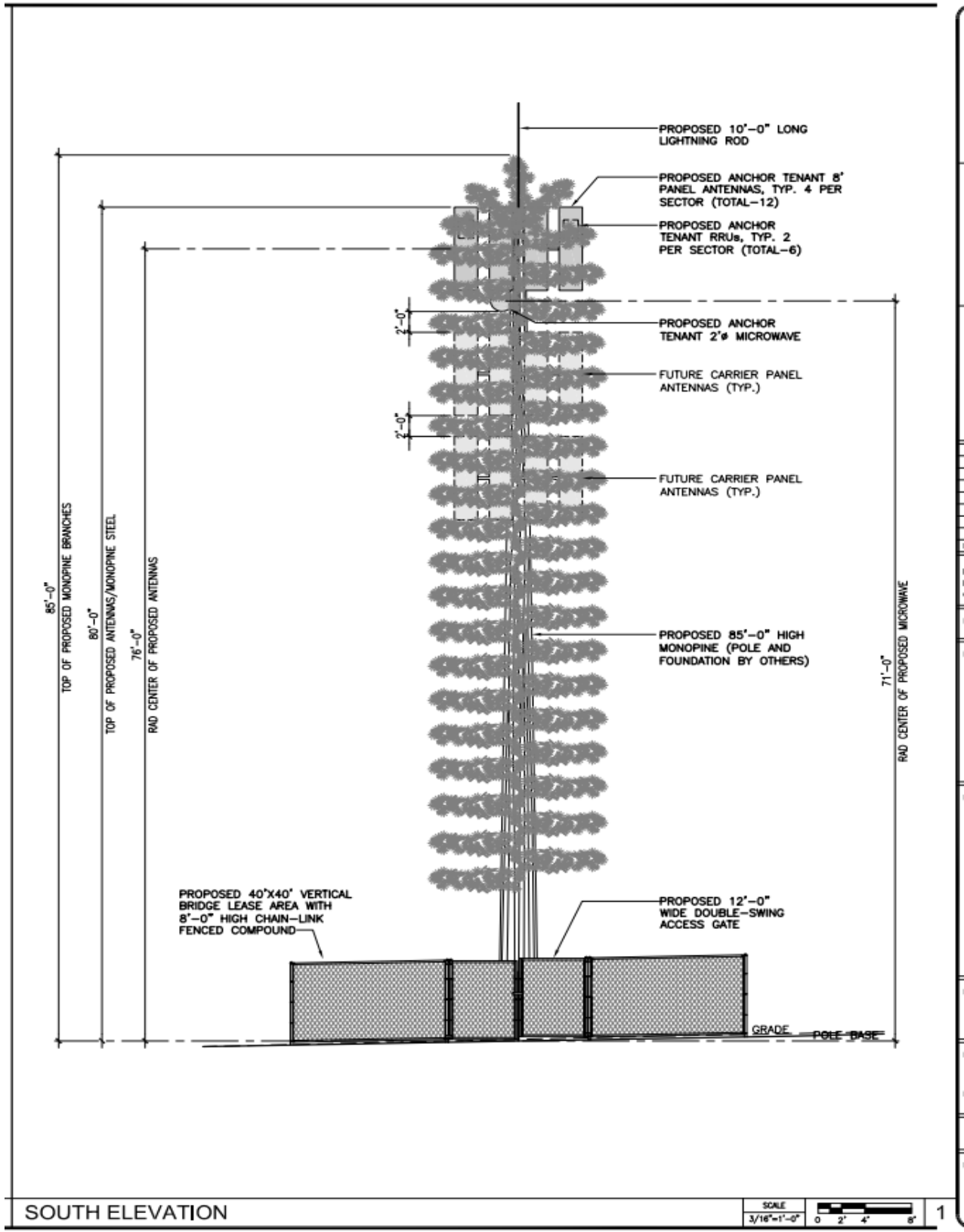
Enlarged view of Site plan for the proposed tower and compound around immediate area of the proposed tower.

Attachment C (cont.)



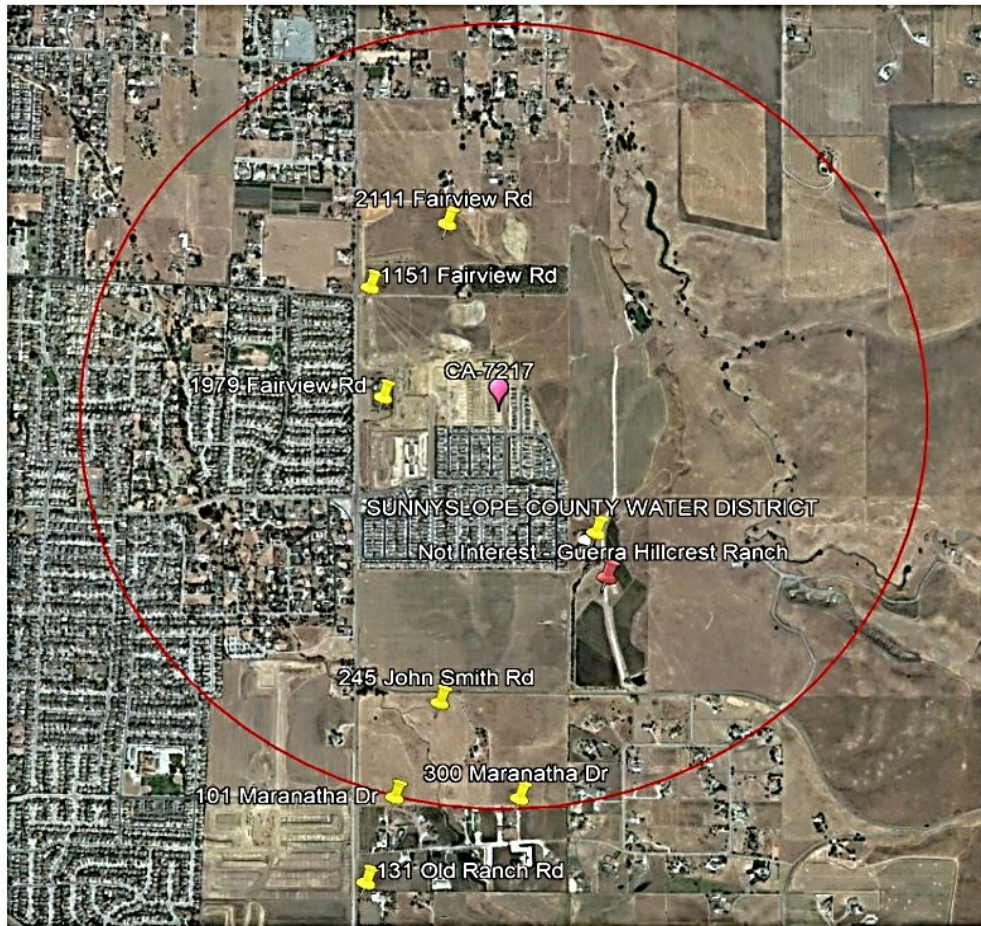
Proposed Design of the proposed new tower East Elevation.

Attachment C (cont.)



Proposed design of the proposed new tower South Elevation.

Attachment D
Alternative Sites Analysis CA-7217



Alternative Candidates Considered

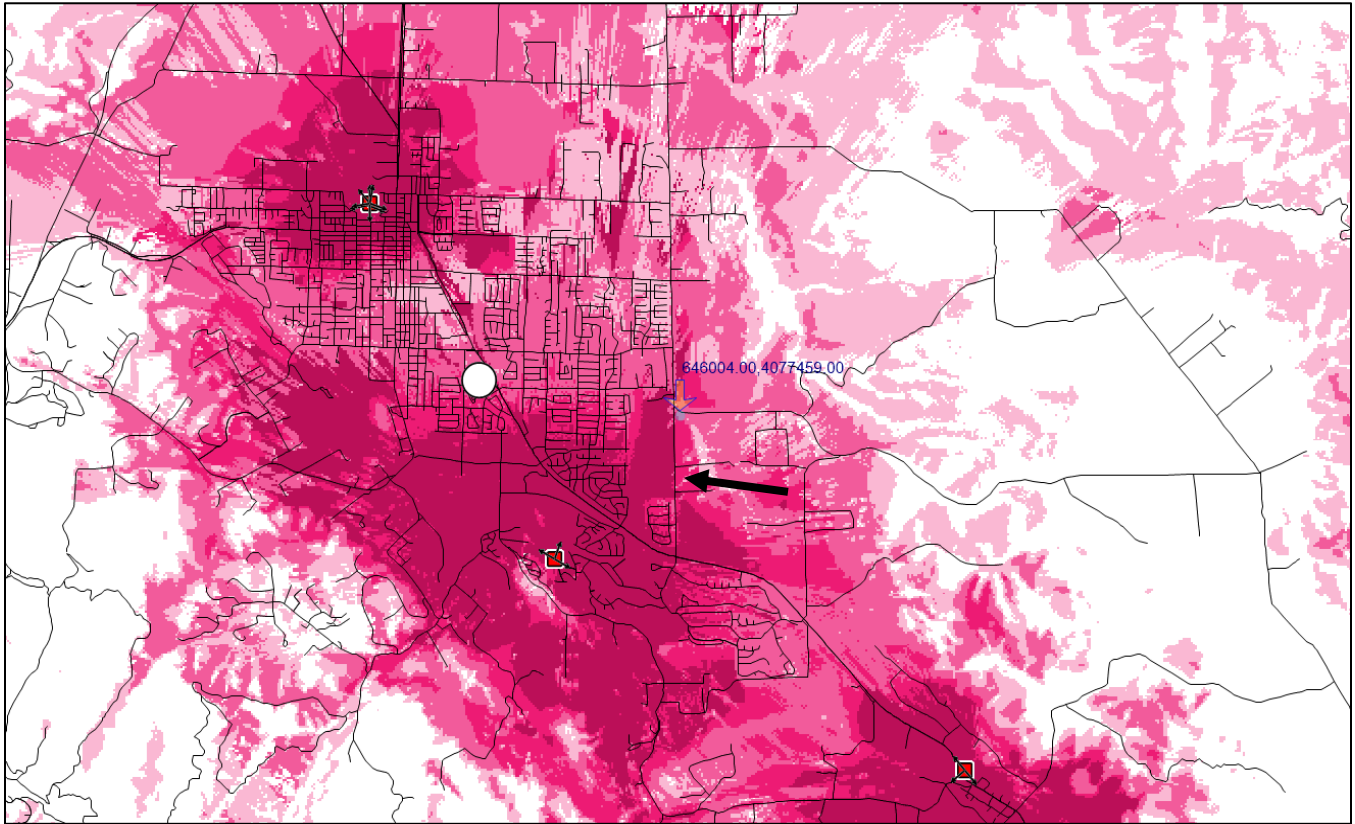
The following addresses were contacted to inquire about the possibility of locating a wireless tower on their specific properties. After making attempts to reach out to each Landlord, we did not receive a response which led us to conclude that they are not interested in allowing us to install a wireless tower onto their property.

- 101 Maranatha Dr, Hollister CA
- 131 Old Ranch Rd, Hollister CA
- 1151 Fairview Rd, Hollister CA

For the remaining addresses, the Landlord reviewed our proposal but determined that they are not interested in allowing us to install a wireless tower on the property. As a result, we could not move forward with the project at this location.

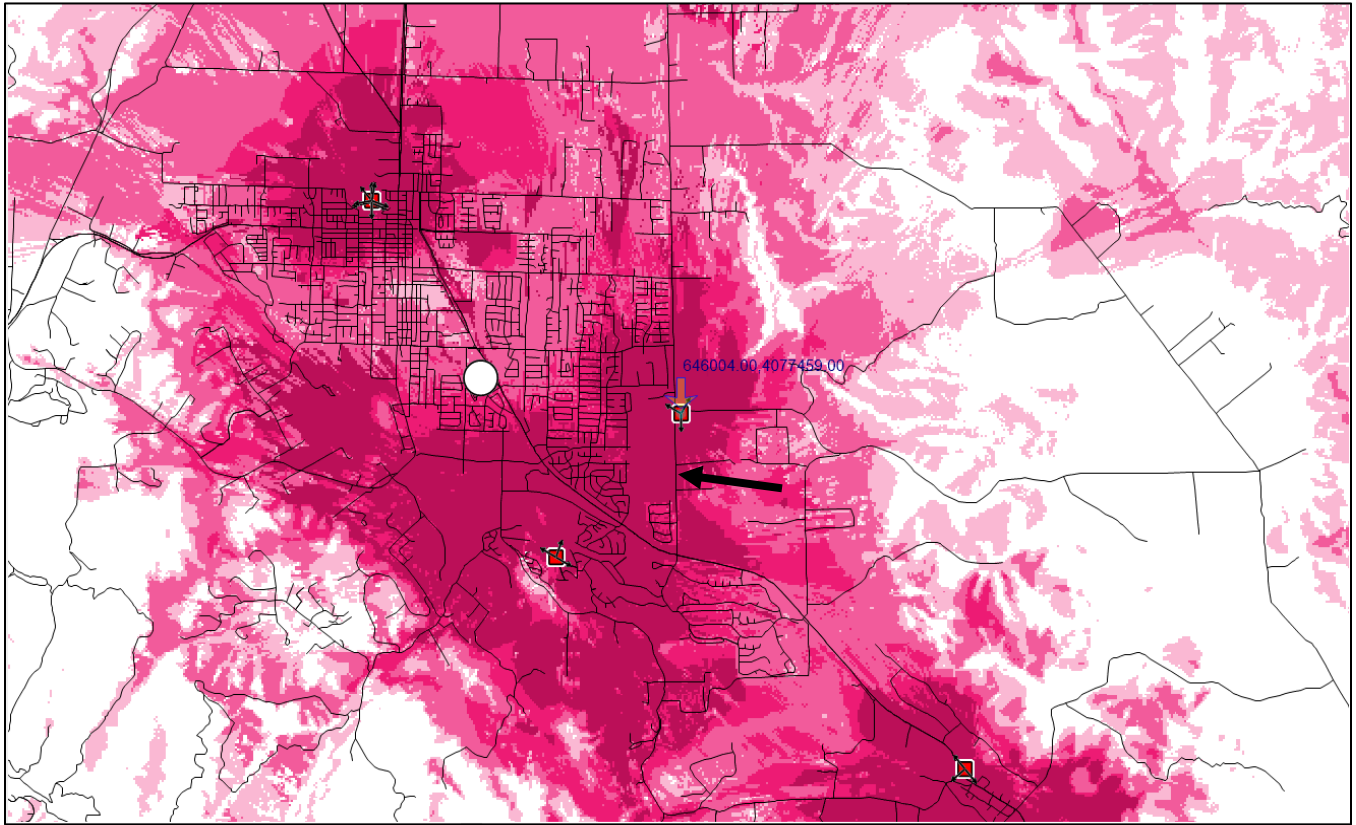
- 300 Maranatha Dr, Hollister CA
- 245 John Smith Rd, Hollister CA
- 1979 Fairview Rd, Hollister CA
- 2111 Fairview Rd, Hollister CA

Attachment E (Coverage Map)



Existing coverage without new tower. The black arrow is the project site. Lighter pink indicates weaker signal. White indicates no coverage.

Attachment E (Coverage Map) (cont.)



Coverage with the new cell tower. The black arrow indicates project site. Lighter pink indicates weaker signal. White indicates no coverage.

STAFF REPORT

PROJECT INFORMATION:

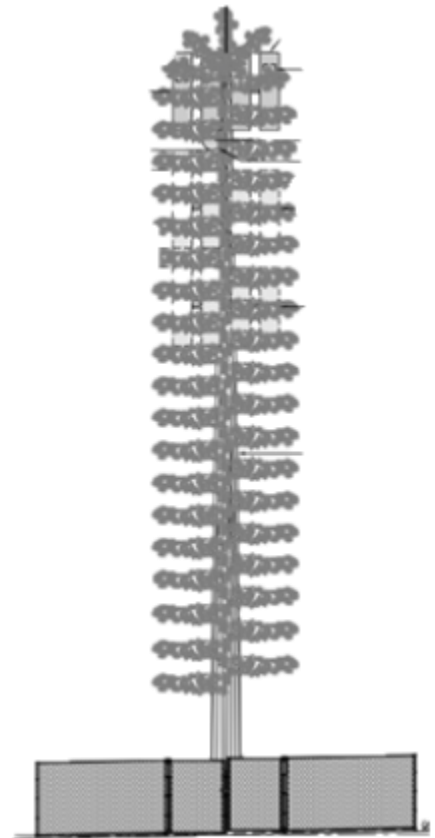
Application: PLN230008 (Conditional Use Permit New Cell Tower)
Date of Hearing: August 16th, 2023
Applicant: Melissa Keith on Behalf of T-Mobile
Owner: McDonald R & C Family Trust
Location: 51 Old Ranch Road (4 miles southeast of Downtown Hollister)
APN: 025-320-001
Zoning: Rural (R)
Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

The applicant proposes to construct an 85-foot-tall wireless telecommunications monopine in a 1,600-square-foot lease area. The pole would feature three levels (total) for mounting equipment by multiple users (co-location). Twelve 8' antennas and 6 remote radio units (RRUs) are proposed for the top level and intended for communications serving T-Mobile based customers only at this stage. One 2' microwave dish would be placed at the second level, and two middle levels would each be available for 12 antenna units and 6 remote radio units (RRUs). An eight-foot chain-link fence would enclose the lease area and allow ground space for equipment serving the two additional carriers in the future. (See Attachment A for illustrations.) The tower would stand 50 feet eastward from Fairview Road and 3000 feet northward from the intersection of State Route 25 and Fairview Road. Due to the proximity of the project site to residential areas, the cell tower would not be able to meet the 500-foot setback from a residential area per San Benito County Code § 7.11.005 (Location of Wireless Communications Facilities). Therefore, the applicant has filed for a variance under County Code § 7.11.004 General Standards (H).

SITE DESCRIPTION

The proposed project is located at 51 Old Ranch Road on an approximately 5-acre parcel (Assessor's Parcel Number [APN] 025-320-001). The site is generally flat with a gradual slope to the east and south. The site is approximately 4 miles southeast of downtown Hollister in the unincorporated area of San Benito County. The surrounding uses are rural residential (5-acre parcels) and urban residential single-family home (lots around 5,000 square feet in size). This project borders the sphere of influence (SOI) of the City of Hollister and is within the Urban Area Boundary as defined by LAFCO Resolution 2012-03. *(See Figure 3 Vicinity Map and Figure 4 Hollister SOI.)*



Seismic: Not within an Alquist Priolo Earthquake Fault Zone.

Fire Hazard: Moderate

Flood Plain: Not in Floodplain

Archaeological Sensitivity: None

Kit Fox Habitat: Within impact fee area.

Other Endangered or Sensitive Species: None of special consideration.

Soils: Rincon silty clay loam, 2 to 9 percent slopes (Grade 2, capability units IIIe-5 (15), soils in this class are moderately deep to very deep, well drained, moderately fine textured to fine textured soils that are gently sloping to strongly sloping.); Per FMMP 2020 this property is listed as Other Land.

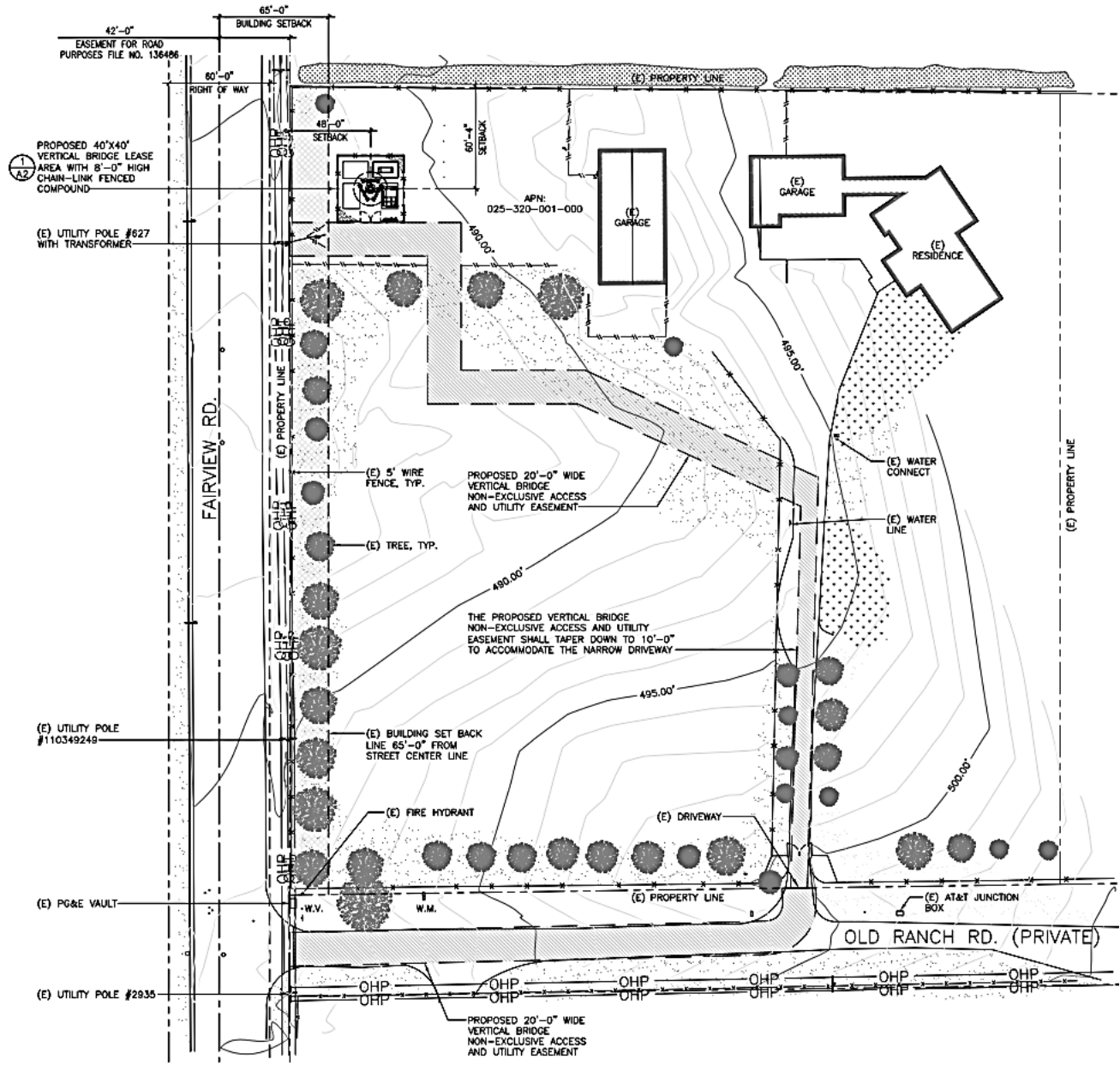


Figure 1 Site Plan

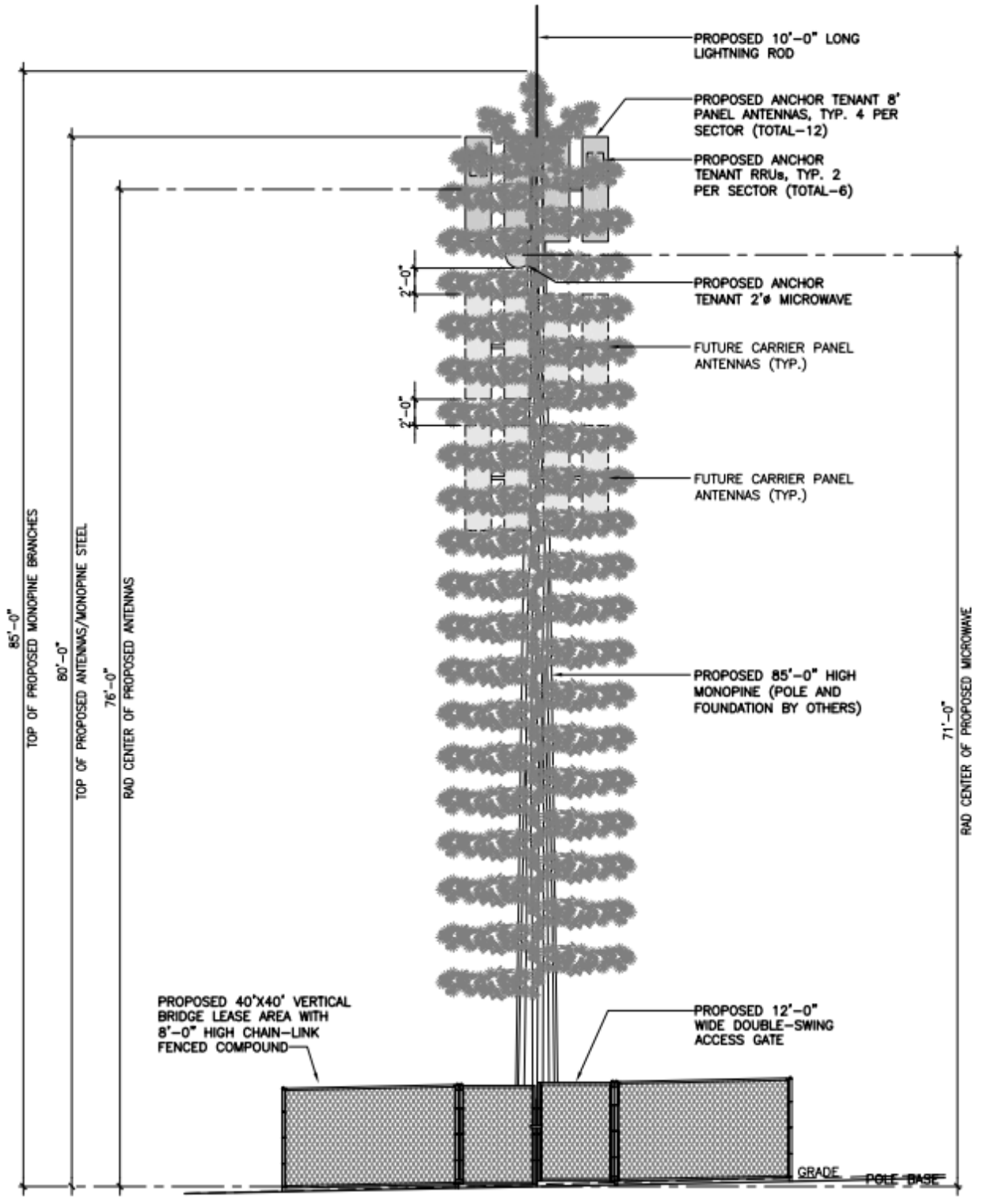


Figure 2 South Elevation

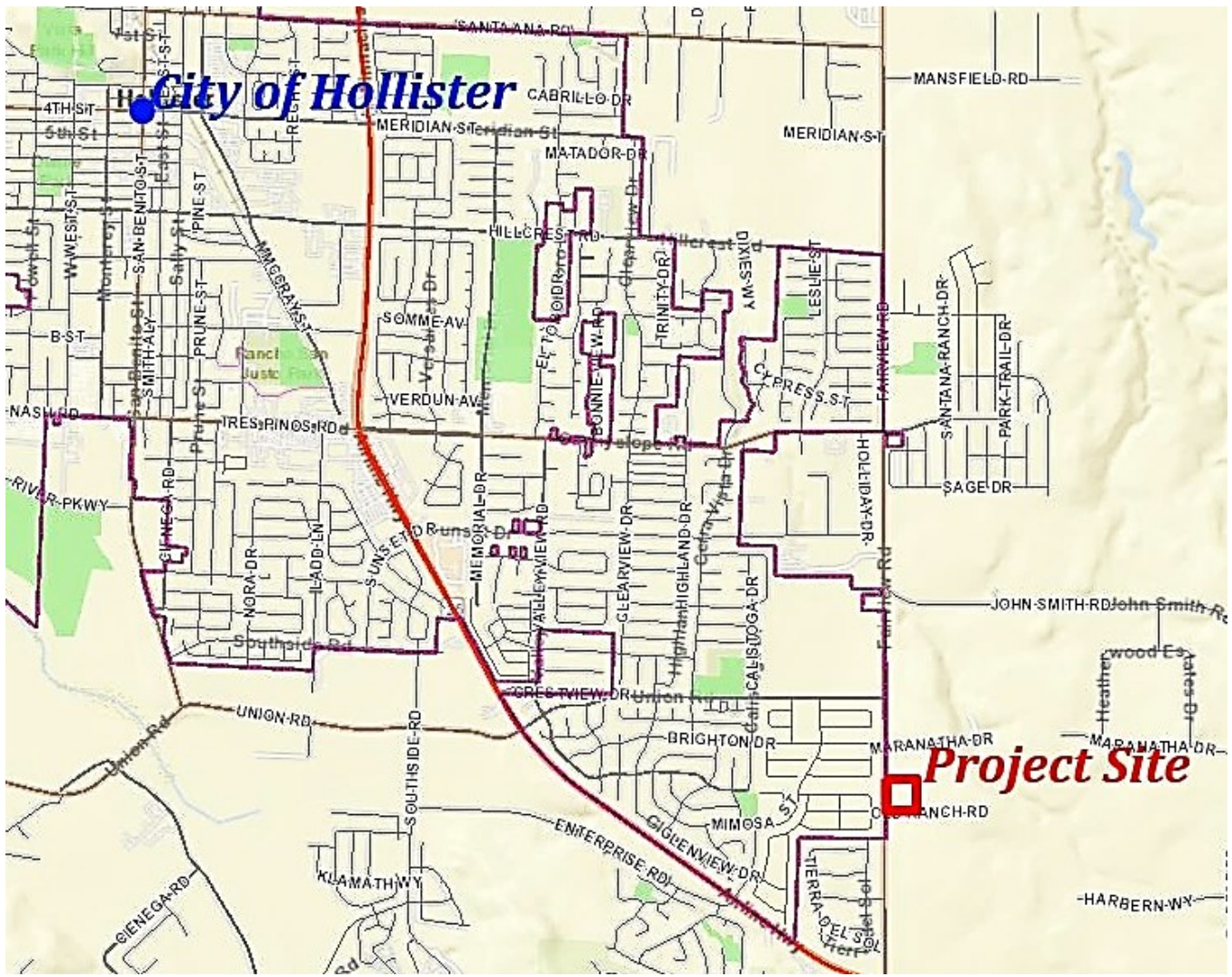


Figure 3 Vicinity Map

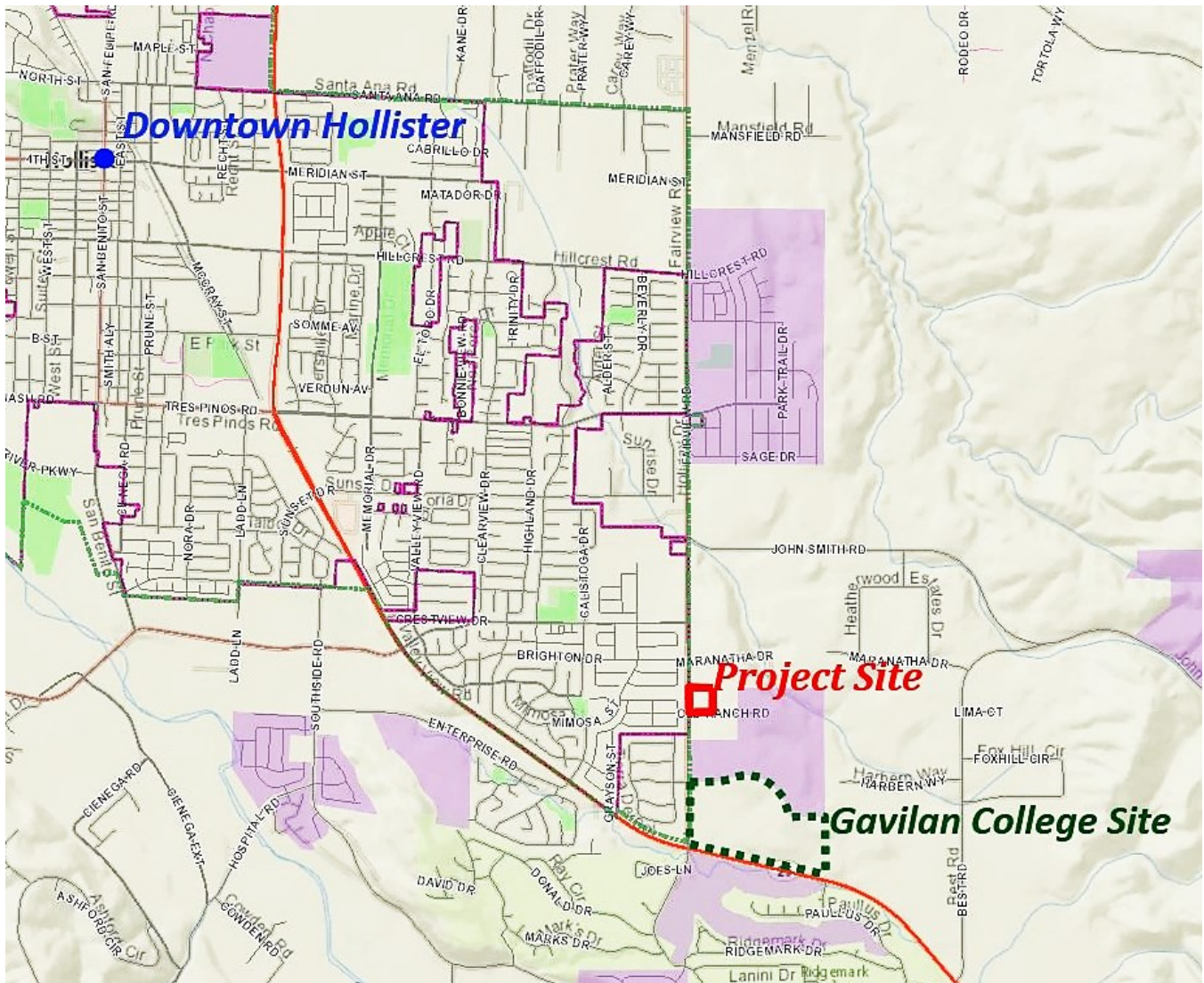


Figure 4 The green line along Fairview Road and Santa Ana Road is the sphere-of-influence boundary for City of Hollister.

PLANNING AND ZONING

The San Benito County General Plan designates the project site as Residential Mixed (RM) and the project site is zoned Rural (R). The RM General Plan designation is applied to areas that are largely developed and have public infrastructure and services necessary to support the increased density. The purpose of this designation is to allow areas of unincorporated urban uses where circulation and utility services exist. The R zoning designation applies to areas that are 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 purpose of this land use designation is to provide areas for mixtures of housing and small-scale agricultural uses. The project site is consistent with the density allowable in the General Plan designation of (RM) which allows for 20 dwelling units per acre and the (R) zoning designation which allows for 1 dwelling unit per 2.5 acres. This project site has 1 dwelling unit per 5 acres.

The proposed use is also subject to telecommunications policies in the General Plan Public Facilities and Services Element:

- PFS-9.1 (Telecommunications Service)
- PFS-9.2 (Telecommunications Access)
- PFS-9.3 (Service Reliability)
- PFS-9.5 (Telecommunications Design)
- PFS-9.11 (Wireless Hot Spots)

Chapter 7.11 of the San Benito County Code sets standards for wireless telecommunications facilities in San Benito County consistent with applicable federal standards. This chapter's standards are designed to promote public health, safety and welfare and the aesthetic quality of the county as set forth in the policies of the General Plan. It is also the intent of the county to provide the community with the benefits of this technology without unduly restricting service providers. The proposed project use is allowed in the current zoning of Rural (R) under County Code § 7.11.016 Freestanding Monopoles (A) which states: "All monopole telecommunication facilities shall be allowed in all zoning districts subject to approval of a use permit by the Planning Commission and must comply with development standards in this chapter."

However, the cell tower due to the proximity of the project site to residential areas would not be able to meet the 500 ft setback from a residential area per San Benito County Code § 7.11.005 (Location Of Wireless Communications Facilities). The applicant has filed for a Variance under County Code § 25.02.009 (Variances) and County Code § 7.11.004 (General Standards) (H) which states "[..]Applicant may obtain a variance from the provisions of this chapter upon demonstrating that the location of an additional support structure at the site is essential for the provision of service in the applicant's service area, that good faith efforts were made to secure other locations, why those efforts were unsuccessful, and that location at another site is not technologically feasible." Both these Variance code sections require that certain findings be made to grant a variance as discussed in Staff Analysis.

ENVIRONMENTAL EVALUATION

The attached draft resolution includes a finding stating that, pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an exemption from CEQA under State CEQA Guidelines Class 3 of Categorical Exemptions (California Code of Regulations § 15303, New Construction or Conversion of Small Structures).

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 provides some, but does not limit project scope to, examples of such structures. While cell towers are not explicitly included in this list, the proposed cell towers would be comparable in scope and function to those structures listed, which, in summary, include single family homes and duplexes, commercial developments within the range of 2,500-10,000 square feet (SF) of floor area, utility extensions and improvements, accessory structures such as garages, and sterilization units for medical waste treatment.

Furthermore, in both *Aptos Residents Association v. County of Santa Cruz* and *Don't Cell Our Parks v. City of San Diego* the use of categorical exemption Section § 15303(d) was sustained by the court for cell towers as the projects did not pose cumulative impacts, and unusual circumstances did not apply. The

proposed use would not exceed the limits stated in State CEQA Guidelines § 15303 nor qualify for State CEQA Guidelines § 15300.2's exceptions to Categorical Exemptions.

STAFF ANALYSIS

This use complies with all applicable design and development standards with the exception of the required 500-foot setback from residential areas (under County Code § 7.11.005). The applicant's request for a variance (under County Code § 7.11.004 General Standards (H)) would allow the cell towers reduced setbacks.

The applicant, who must demonstrate an exceptional or extraordinary circumstance applying to the property in order to obtain the variance, has submitted evidence of technological limitations on the choice of location. Within the area there is currently a gap in coverage and ability for the applicant to provide reliable service. This site is the only technologically feasible site within/near the optimum "ring", as indicated by the applicant's Radio Frequency (RF) engineers, to address the gap in service. (See Attachment C.) Additionally, the applicant has provided a feasibility study and demonstrated that another site is not technologically feasible. Furthermore, the applicant is in compliance with San Benito County Code § 7.11.016 Freestanding Monopoles (D) which states that, "the applicant shall specifically state the reasons for not co-locating on any of the existing monopoles and/or lattice towers within a one-mile radius ... [and] may also be asked to provide a letter from the telecommunications carrier owning or operating the existing facility stating the reasons for not permitting co-location." The applicant has provided reasoning for not co-locating by submitting results of their feasibility study in their application demonstrating that there are no other towers available within a one-mile radius to co-locate on (see Attachment C, RF Engineering Excerpt).

The proposed use is consistent with the General Plan under the following policies under telecommunications in Public Facilities and Services Element of the San Benito County General Plan:

- PFS-9.1 (Telecommunications Service)
- PFS-9.2 (Telecommunications Access)
- PFS-9.3 (Service Reliability)
- PFS-9.5 (Telecommunications Design)
- PFS-9.11 (Wireless Hot Spots)

The project use is consistent with General Plan Policy PFS-9.3 (Service Reliability) which directs the County to support efforts to increase telecommunications service reliability. This area currently has gaps in cell coverage and therefore affects service reliability. The applicant has made several attempts in good faith to secure a different location for the subject tower and has been rejected or no interest was shown. Due to the technological constraints, coverage gaps, and site availability the applicant can only use this site to remedy these gaps in service.

This project is further consistent with General Plan Policy PFS-9.1 (Telecommunications Service) as this policy directs the County to support the development and expansion of telecommunication facilities and as a new wireless facility it facilitates the expansion of wireless hotspot capabilities as PFS-9.11 (Wireless Hot Spots) encourages. As this new tower will be filling a gap in wireless coverage in the County it would be consistent with PFS-9.2 (Telecommunications Access) as this policy directs the County to work with telecommunications providers to ensure that all residents and businesses have access to telecommunications services.

The proposed use of this project would increase the quality of the public health and welfare as it would allow for increased capacity and access in emergency network capability. The addition of this tower will fill a gap in the cellular network and is consistent with the General Plan Public Facilities And Services Element, which states: “Telecommunications are also critical to ensure the safety [of] residents and businesses in the event of a major disaster or emergency.” This tower would benefit the existing network’s ability to provide service within the County during a natural or manmade disaster.

The aesthetics, character, and scale of this project considers impacts on neighboring properties as it adheres to General Plan Policy PFS-9.5 (Telecommunications Design) in that the design of the telecommunications facility minimizes visibility using stealth design (monopine) and has appropriate colors, screening, disguising, and landscaping that is compatible with the surrounding structures and natural environments.

The proposed use poses no adverse effect to public health, safety, and welfare so long as it adheres to the conditions of approval found in this resolution. (See attachment A.) Conditions 14-17 address several areas of the San Benito Code that protect the health, safety, and welfare of the public such as; condition 14 which states that the project shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. Condition 15 which addresses Hazardous Materials and state that any hazardous materials are to be stored on the site of the proposed project, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. Condition 17 addresses Drainage and Erosion Control and states that; the applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways. Additionally, condition 13 states that the applicant is required to record a deed restriction that they are aware of the potential issues regarding the placement of a wireless communication facility within 500 feet of the single-family dwelling.

This use is consistent with San Benito County General Plan policy PFS-9.5 Telecommunications Design which mandates that telecommunications facilities' design blend with their surroundings and reduce visibility by employing suitable colors, existing structures, screening, landscaping, and compatibility with the environment. This proposed use does this through its stealth monopine design. However, approval of this use will require a variance that the applicant has filed for under County Code § 7.11.004 General Standards (H). This will allow the cell tower though it will not meet the 500-foot setback from a residential area per San Benito County Code § 7.11.005 (Location of Wireless Communications Facilities). This variance is further compliant with General Plan Policy PFS-9.3 (Service and Reliability). (See Finding 1 for General Plan policy compliance.)

The proposed use, as it is located in an area lacking in coverage for cellular service, is therefore consistent with General Plan policies PFS-9.1 (Telecommunications Service), PFS-9.2 (Telecommunications Access), and PFS-9.3 (Service Reliability). (See Finding 1 for General Plan policy compliance.) Furthermore, condition 16 regulates and restricts access to only Ranch Road per the San Benito County Division of Public Works for the safety of public health and welfare.

Wireless Communications Facilities Standards Variance

The applicant has demonstrated that this additional support structure at this site is essential for the provision of service in their service area. Per the applicant’s service coverage maps that they have

provided (see Attachment E to the draft resolution) the addition of this new infrastructure will increase the strength of their signal and reliability in an area where they are lacking adequate coverage.

The applicant has demonstrated that they made good faith efforts to secure other locations. (See Attachment D to the draft resolution.) The applicant stated and demonstrated in their application, that they attempted to secure several other sites within the area of technological feasibility and all of the property owners turned them down or gave no response to their multiple inquiries. There were no cell towers available within a one-mile radius as per San Benito County Code § 7.11.016 Freestanding Monopoles (D) which states in part that, “the applicant shall specifically state the reasons for not co-locating on any of the existing monopoles and/or lattice towers within a one-mile radius.”

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment D, which includes findings for the conditional use permit, variance, and California Environmental Quality Act (CEQA). Staff further recommends that the Planning Commission make the findings included in the resolution and approve PLN230008 and its use permit and variance.

ATTACHMENTS

A. Site Photos

B. Site Suitability Analysis

C. RF Engineer Excerpt

D. Planning Commission Resolution 2023-___ (draft) including findings and:

- Attachment A Conditions of Approval
- Attachment B Vicinity Map
- Attachment C Site Plan
- Attachment D Alternative Sites Analysis
- Attachment E Coverage Map

Attachment A Site Photos

AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2022

EXISTING



PROPOSED



DISCLAIMER: THIS IS A RENDERING REPRESENTATION OF THE PROPOSED PROJECT ONLY

This figure shows the existing site (left lower) and with the proposed new tower (right) facing North from Old Ranch Road.

AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2022

EXISTING



PROPOSED



DISCLAIMER: THIS IS A RENDERING REPRESENTATION OF THE PROPOSED PROJECT ONLY

This figure shows the existing site (left lower) and with the proposed new tower (right) facing North from Fairview.

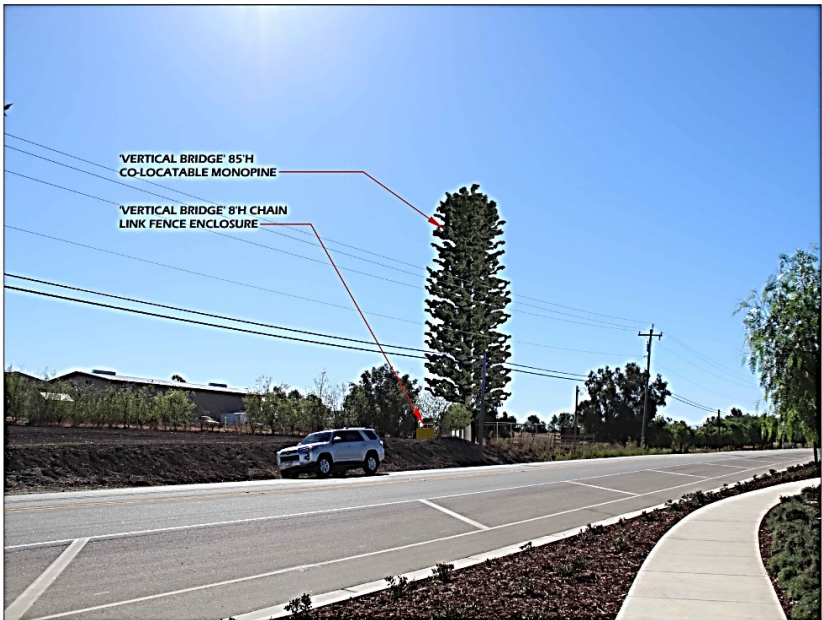
Attachment A Site Photos (Cont.)

AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2022

PROPOSED



DISCLAIMER: THIS IS A RENDERING REPRESENTATION OF THE PROPOSED PROJECT ONLY

This figure shows the existing site (left lower) and with the proposed new tower (right) facing Southeast from Fairview.

EXISTING



AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2022

PROPOSED



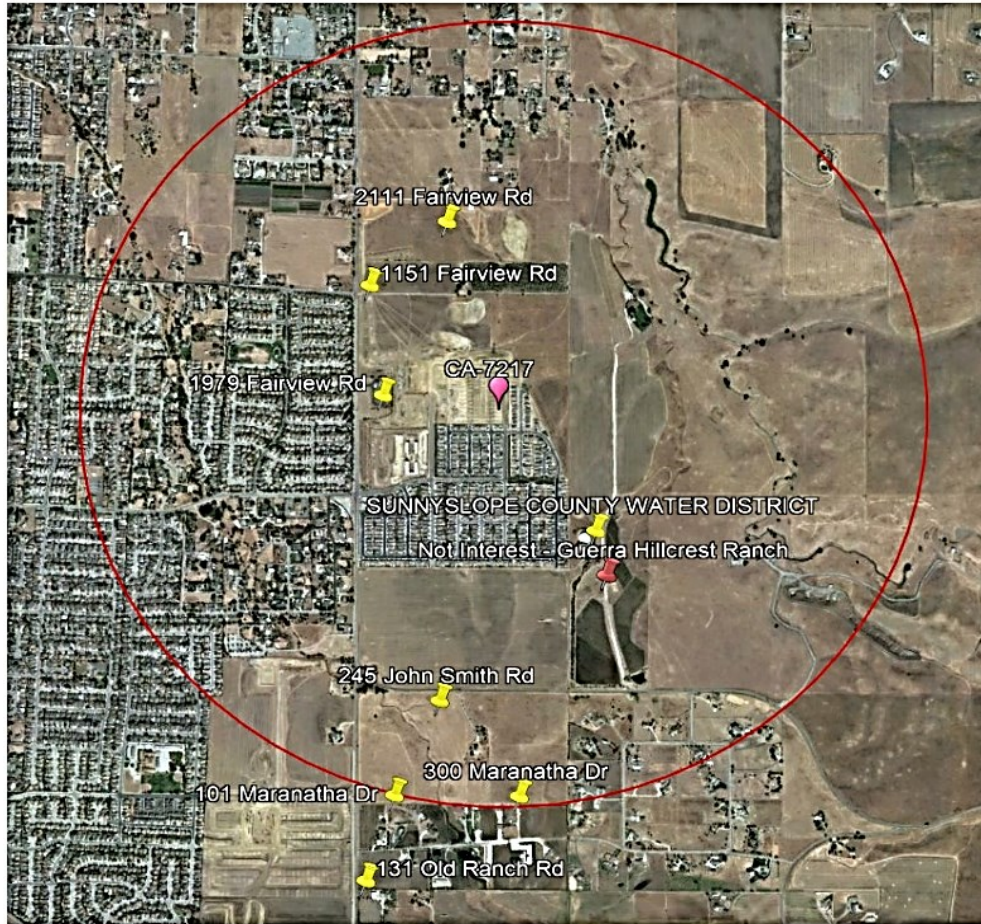
This figure shows the existing site (left lower) and with the proposed new tower (right) facing Northwest from the project site.

EXISTING



Attachment B Site Suitability Analysis

Alternative Sites Analysis CA-7217



Alternative Candidates Considered

The following addresses were contacted to inquire about the possibility of locating a wireless tower on their specific properties. After making attempts to reach out to each Landlord, we did not receive a response which led us to conclude that they are not interested in allowing us to install a wireless tower onto their property.

- 101 Maranatha Dr, Hollister CA
- 131 Old Ranch Rd, Hollister CA
- 1151 Fairview Rd, Hollister CA

For the remaining addresses, the Landlord reviewed our proposal but determined that they are not interested in allowing us to install a wireless tower on the property. As a result, we could not move forward with the project at this location.

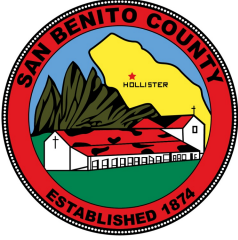
- 300 Maranatha Dr, Hollister CA
- 245 John Smith Rd, Hollister CA
- 1979 Fairview Rd, Hollister CA
- 2111 Fairview Rd, Hollister CA

Attachment C (RF Engineering Letter excerpt)

Alternative Site Analysis/Variance Request Summary CA-7217

Background On Search Ring Determination

The following map titled "Map of Site Ring with Alternative Candidates" shows the vicinity surrounding the proposed facility, and the red circle marks the site's "search ring" which indicates the area in which a deficit in coverage was detected. The carrier's Radio Frequency (RF) Engineers are constantly assessing the quality of coverage that their customers experience by measuring data associated with dropped calls and running propagation maps which help to identify areas of the county that lack quality cellular service. The search ring is established by utilizing pertinent data that identifies poor coverage and the RF Engineers develop a figurative "ring" which shows where a cellular tower could be located in order to address the carrier's coverage needs and thus, produce a more positive wireless experience for their customers. Upon receiving the assigned ring, we took the time to assess potentially feasible locations within the ring that would meet the carrier's goals for this project. Below are the addresses that were considered to meet the carrier's objective. The "Map of Site Ring with Alternative Candidates" marks the parcels that were considered as potential options for the purposes of addressing the inconsistent coverage found in this area of the county. Below we have also provided the reasons as to why the said alternative locations did not work to address the carrier's coverage gap. If a Landlord was not interested or remained unresponsive to our proposal, then a technologically feasible study could not be performed on that plot of land because we did not have permission from the owner to further survey the site.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Rodney
Bianchi**
District No. 1

**Richard
Way**
District No. 2

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

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

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

Item Number: 7.2

MEETING DATE: 08/16/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Hold a public hearing and consider adopting a resolution regarding County Planning file
PLN220024 (Minor Subdivision / Tentative Parcel Map) This project proposes to subdivide an
existing 562.8-acre parcel into three parcels of 165.8 acres, 136.9 acres, and 260.1 acres.**

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

This project proposes to subdivide an existing 562.8-acre parcel into three parcels of 165.8-acres, 136.9-acres, and 260.1-acres. There are two existing residences on the proposed parcels 1 and 2. No development is proposed on the proposed parcel 1, 2, or 3 at this time. The applicant states that any building pad and stormwater detention will be designed with a future building application and proper permits after the completion of the subdivision, if any future development were to occur. The applicant has also agreed to the following condition of approval; "Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal."

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN220024 minor subdivision/tentative parcel map, which includes certifying the Mitigated Negative Declaration subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[2023-08-16_RESpc_2023-](#)

[XX_PLN220024_220708_BRIGANTINO_MS__4701_SANTA_ANA_VALLEY_ROAD_PC \(FINAL\).pdf](#)

[2023-08-16_SRpc_PLN220024_MS_BRIGANTINO_4701_SANTA_ANA_VALLEY_RD \(FINAL\).pdf](#)

[IS_PLN220024_BRIGANTINO_4701_SANTA_ANA_VALLEY_ROAD \(FINAL REVISIONS 2023-08-16\).pdf](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2023-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN220024, A PROPOSAL FOR A TENTATIVE PARCEL MAP.

WHEREAS, the subject parcel is located at 4701 Santa Ana Valley Road and is 562.8 acres in size (Assessor Parcel number's 022-120-005 and 022-130-002); and

WHEREAS, Michael Brigantino has filed an application for a minor subdivision/tentative parcel map (illustrated in **Attachment C**) to subdivide the 562.8-acre property into three lots; Parcel 1 to be 165.8-acres, Parcel 2 to be 136.9-acres, and Parcel 3 to be 260.1-acres; and

WHEREAS, the property is currently a legal lot that was conveyed by and was recorded in San Benito County Official Records Book 134 Pages 26-30 and 34; and

WHEREAS, the property currently contains two residences with the addresses 4701 and 4713 Santa Ana Valley Road; and

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

WHEREAS, this subdivision is found to be consistent under the California Land Conservation Act (Williamson Act) and will continue its existing use of agriculture and rangeland uses consistent under the Williamson Act contract; and

WHEREAS, the applicant and owner have demonstrated adequate street access, and the presence of two 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. The letter was sent to the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Rumsen Ama Turataj Ohlone. Comments were 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 May 9th, 2023 to June 8th, 2023; and

WHEREAS, the CEQA Initial Study and Mitigated Negative Declaration was recirculated for public review from June 5th, 2023 to July 5th, 2023 to properly reflect the mitigation resulting from Tribal Consultation; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the minor subdivision/tentative parcel map application at its regularly scheduled meeting held on August 16th, 2023; 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 revised Initial Study/Mitigated Negative Declaration for County Planning file PLN220024, included as **Attachment E** to this resolution.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN220024 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Attachment B** and as illustrated in **Attachment C**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16th DAY OF AUGUST 2023 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

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

California Environmental Quality Act (CEQA) Finding:

Finding 1: The initial study for PLN220024 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: *An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in accordance with CEQA requirements, including supporting technical reports. Mitigation measures were identified to reduce significant impacts to a less than significant level and will be included in the project as conditions of approval. Potential impacts mitigated to a less than significant level include Biological, Geology/Soils, Cultural Resources, and Tribal Cultural Resources. The County prepared and mailed certified letters to Native American individuals and tribal organizations in accordance with AB 52 on August 12, 2022. Responses were received, addressed, and incorporated into the conditions of approval. The IS/MND was duly noticed and available for public review and comment for 30 days from May 9, 2023, till June 8, 2023. The County received comments on the IS/MND. The comments addressed a correction of details regarding the addition of a Tribal monitoring missing from the original mitigation measure. In response the County subsequently edited the document and recirculated it from June 6th, 2023, till July 6th, 2023. The County received comments from the California Department of Fish and Wildlife (CDFW) and edited the document's analysis text for clarification, amplification, and insignificant modification¹ prior to the August 16th, 2023 Planning Commission meeting. The modifications for the purposes of amplification and clarification added further recommendations from CDFW regarding future construction within the non-buildable areas of the project. These non-buildable areas are in place to protect several endangered species that could potentially be at this site or use this site for breeding purposes. The revised document addresses comments made by the San Benito High School District regarding the cumulative effects resulting from a potential future increase to the overall population of the County. This applies whether this site is developed beyond what is already allowed by right in this zoning, with or without the approval of the subdivision.*

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

Evidence: *Planning Commission reviewed the following: IS/MND document, comments received on the IS/MND, the staff report, and both written and verbal testimony as presented to the Planning Commission prior to and during the August 16th, 2023, Planning Commission meeting. The Planning Commission deliberated and took into consideration any public comments. These deliberations are reflected in the Planning Commission's decision to adopt this IS/MND.*

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.*

¹ State CEQA Guidelines §15088.5(b): "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

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.*

Finding 5: In accordance with State CEQA Guidelines §15074.1, new mitigation measures, substituted for or in addition to those proposed by the project’s initial study/mitigated negative declaration (IS/MND), have been included as conditions of project approval and are equivalent or more effective in mitigating or avoiding potential significant effects of the project; said new mitigation measures will not cause any potentially significant effect on the environment; and no recirculation of the proposed mitigated negative declaration pursuant to State CEQA Guidelines §15072 is required.

Evidence: *The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to deciding to adopt the mitigated negative declaration and the Mitigation Monitoring and Reporting Program. The Planning Commission determined that the mitigation measures, as included in the IS/MND and also included as conditions of project approval, would maintain impact at a level less than significant.*

Prior to approving the project, the Planning Commission was presented with Mitigation Measure BR-2, as stated in the IS/MND. This measure requires, per the California Department of Fish and Wildlife (CDFW) recommendation, that a biological study be conducted to determine the presence of several endangered species at the project site. This study is necessary prior to construction in the interest of protecting these various endangered species. The Commission was also presented with the revised Mitigation Measure BR-2 as the lead agency has determined the mitigation to be superior in mitigating or avoiding potential significant effects and to cause in itself no potentially significant effect on the environment. This revision sets a specific parameter for construction to occur based on the results of the biological study. The revised BR-2 reflects observations and recommendations by United States Fish and Wildlife Service (USFWS) staff from the IS/MND letter on July 14, 2023 potential biological mitigation prior to construction is feasible provided that species-protective mitigation be implemented. Implementation of the entire body of biotic mitigation will continue to assess the site for species potential at the time of construction and prevent impact to these species, in addition to separating construction periods from the various breeding times of the endangered species. In its context of the overall set of mitigation measures, the new measure will avoid or reduce the significant effect to at least the same degree as the original measure and will create no more adverse effect of its own than would the original measure. Careful regard for the site’s habitat properties would take place regardless of the BR-2 substitution.

No recirculation pursuant to CEQA Guidelines §15072 is required of the proposed mitigated negative declaration where the new mitigation is made a condition of project approval or is otherwise incorporated into project approval. The revised mitigation is a condition of project approval.

Subdivision Findings:

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

Evidence: *The property is designated as Agricultural (A) by the General Plan and Agricultural Rangeland (AR) by the Zoning Ordinance. These designations allow single-family dwellings with a*

minimum building site of 40 acres; the size of the proposed lots will be 165.8 acres, 136.9 acres, and 260.1 acres. General Plan Land Use Element Policy LU-3.1 (Agricultural Diversification) states that “The County shall support existing farms, vineyards, and other agricultural operations and encourage the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county.” This project proposes to continue the existing agricultural use which consists of row crops and rangeland. As this property will remain in the California Land Conservation Act (Williamson Act) and will continue its existing use of agriculture and rangeland, this project is consistent with Land Use Element Policy LU-3.14 (Land Trusts and Financial Incentives), which states “The County shall consider land trusts and financial incentives to preserve agricultural soil resources and to protect the integrity of important agricultural areas for future use.” The proposal’s large lot dimensions, combined with relevant conditions of project approval, maintain compliance with Land Use Element Policy LU-1.10 (Development Site Suitability) and its encouragement of project avoidance of natural hazards, environmentally sensitive locations, and sites unsuitable for well and septic system use.

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

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

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

Evidence: The site will continue to be used for agriculture as expected by the property’s Williamson Act contract. Although a 100-year floodplain mapped as FEMA Flood Zone A runs through the middle of the property, and although the site contains some environmentally sensitive and culturally sensitive areas, the current continued agricultural use would not impact or disturb these areas. Splitting the property into three lots could result in one new dwelling on the proposed third parcel. However, the County does reserve the right that further review would be required for any future subdivision of this land or more intensive use allowable only under a use permit. This review would include but not be limited to an archaeological study and potentially further environmental review. The existing dwellings would continue to use the existing septic systems, installed in accordance with regulations requiring systems be properly designed to function in the site’s specific conditions. Conditions of project approval reflect review by the County Environmental Health Division of septic system use.

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

Evidence: The location’s General Plan land use district allows one dwelling per forty acres, with the County Zoning Ordinance setting the forty-acre figure as the minimum lot size. The proposal would create three lots over three times and six times that size respectively, at an average of under a quarter of the allowable maximum density. As stated, should any future development occur the County reserves the right to require further review including but not limited to archeological review and further environmental review and would be subject to County Code Chapter 19.15 (Flood Damage Prevention) and its flood hazard reduction provisions and construction standards.

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

Evidence: *The site does have areas identified as exceptional habitat for fish or wildlife (freshwater wetlands). However, the applicant has agreed to the following condition of approval (See Attachment D Condition of Approval (COA) 12) which states in short that any construction project or significant ground disturbing activities within the identified (See Attachment C) non-buildable areas will require the property owner to obtain new or modified approval from the County. However, if the proposed structure or activities are outside of this area, they will be processed through the County of San Benito and other relevant agencies using standard permitting procedures, which may involve submitting a standard building application. This condition coupled with further mitigation measures, TCR-3 (protective buffer for tribal resources) and BR-1 (non-buildable areas for biological resource protection), ensures that the proposed subdivision will not disturb these areas. The parcel at present is developed with two single-family dwellings, three accessory buildings, a driveway, a total of ten wells (wells 2 and 3 serve existing houses), and septic systems for each dwelling. The applicant currently proposes no further improvements, though approval of the project would allow an additional single-family residence on the proposed third parcel. The project would also allow an additional accessory dwelling unit on each parcel for family members or agricultural employee and an accessory structure for agricultural use on the proposed third parcel. As there is no proposed increase to the intensity or density of development on any of the parcel's at this time and the development of the parcel is limited under the Williamson Act to agricultural uses only, and the County requires detailed review of any future substantial development, no substantial impact, damage, or harm will be caused by this project as long as the applicant/owner maintains current use or seeks requisite County approval for additional use.*

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. The County does reserve 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 subject to a Land Conservation Act (Williamson Act) contract and meets all current rules and regulations thereof, including satisfaction of County approval for Williamson Act purposes to divide the contracted agricultural preserve. The resulting parcels do follow the subdivision rules as the proposed parcels are larger than the minimum forty acres to sustain their agricultural use. The site will continue to be used for agriculture, which under County Code § 19.01.023 is a use compatible with the Williamson Act.*

Finding 9: Subject to 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.

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

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

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

Evidence: The subject property is within a local responsibility area designated as non-wildland/non-urban. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are CAL FIRE at 1979 Fairview Road, approximately 7 miles by road, and Hollister Fire Station 2 in southeast Hollister, approximately 7½ miles by road.

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

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

Conditions of Approval:

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

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

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **CEQA Mitigation Measures:** The development of the site shall conform to the mitigation measures as adopted by the Planning Commission and included in the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Reporting Program to the satisfaction of the Planning Director. The mitigation measures shall be regarded as Conditions of Approval for Tentative Subdivision Map. See Attachment D. [Planning]
6. **Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to the recordation of the Parcel map, the applicant/owner, County Counsel and the County Planning Director shall agree to and sign the Condition of Approval/Mitigation Monitoring and Reporting Program form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. If multiple Final Maps are filed, separate agreements with new builders/owners may be required. See Attachment D. [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map. Payment of these invoices shall be a prerequisite to commencing the Condition of Approval/Mitigation Monitoring and Reporting Program for this project. [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 (\$2,764.00 as of 2023 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. **Buildable Areas:** Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal.
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. **Environmentally Sensitive Areas:** The parcel map shall include a note or delineation restricting a residence to areas of the property outside of 30 percent slope, Alquist Priolo fault zone, and 100-year flood plain.
15. **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]
16. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
17. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$600.00 for each lot over 5.1 acres, or \$1,800. [Planning]
18. **Future Development:** All future development shall be subject to further review by the County including but not limited to archaeological study and environmental review or determination under the California Environmental Quality Act. [Planning]
19. **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]

County Division of Environmental Health:

20. **Sewage Disposal:** Any future improvements to all proposed parcels will require soils testing and/or additional information about the existing septic systems to the satisfaction of the County Division of Environmental Health. [Environmental Health]
21. **Water:** It is the owner's responsibility to ensure all water systems serving the proposed parcels meet the required flow in gallons per minute for the number of connections allowed and that the water quality meets the standards of Title 22 of California Code of Regulations. [Environmental Health]
22. **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:

23. **Fire:** Prior to issuance of a building permit or beginning any construction, fire access and water supply for that parcel shall be in place and operable. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. A note to this effect shall be placed on an additional sheet to the parcel map. [County Fire]

Public Works Division:

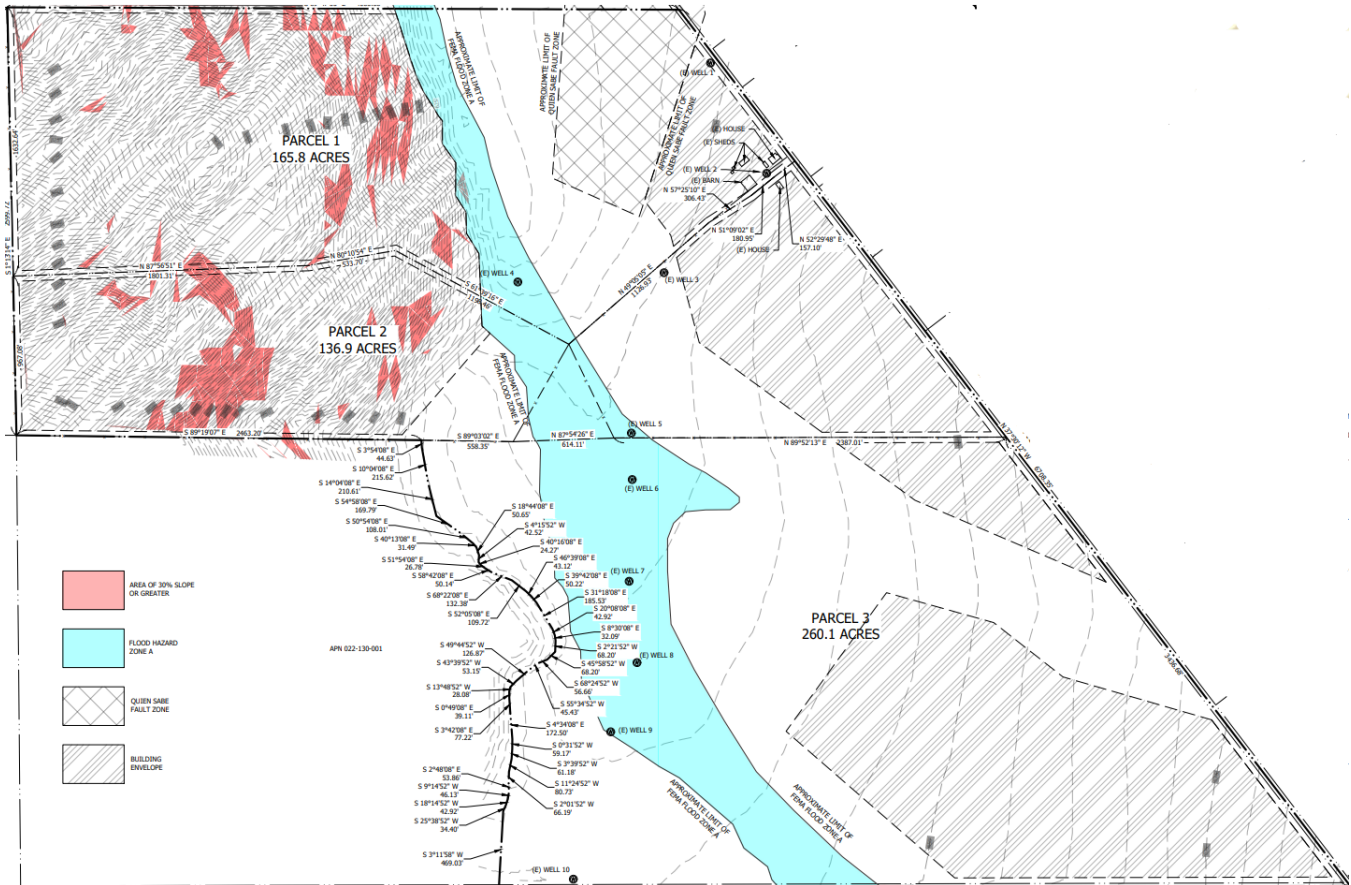
24. **Roadway Dedication:** Prior to the recordation of the Parcel Map, the applicant shall irrevocably dedicate half of the 60-foot right-of-way along property frontage on Santa Ana Valley Road and John Smith Road to the County of San Benito and the public for public use in accordance with County Code §23.15.002, regarding dedication of streets, alleys and other public rights-of- way or easements. [Public Works]
25. **Roadway Improvement:** Prior to the recordation of the Parcel Map, the applicant shall improve Santa Ana Valley Road and John Smith Road by constructing half of 32-foot asphaltic concrete on 42-foot aggregate base along the whole property frontages on both County roads. Design of improvements shall comply with County Code improvement standards. This requirement may be waived or deferred at the discretion of the Planning Commission. [Public Works]
26. **Improvement Plan:** As part of the submission of Improvement Plan for this project, a design-level geotechnical engineering investigations report shall be submitted for review and approval by County Resource Management Agency engineering staff (Public Works Division), which shall be the basis of the design of any proposed or required improvements for the project. Prior to recordation of the Parcel Map and/or prior to acceptance of required improvements, a complete compilation of test reports along with a letter from Soils/Geotechnical Engineer attesting compliance with requirements and recommendations, shall be submitted to Public Works Division upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023] [Public Works]
27. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide erosion control details for the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for the impermeable surfaces created as part of this project. Details and direction of flows of drainage swales and grades shall also be included. All drainage improvements must be installed in conjunction

with any improvements that would create impermeable surfaces as part of this project. [§ 23.17.003 (B); § 23.31 Article III] [Public Works]

28. **Detention Pond:** Proposed detention pond for the subdivision shall be reflected as Storm Drain Easements (SDE) on the parcel map and a note shall be added that states the following: Storm drain easements (SDEs) shall be kept clear of buildings and structures of any kind and shall be maintained by owners and his/her/their successor(s) of interest. [Public Works]
29. **Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cable television facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 REQUIRED IMPROVEMENTS, (E); (F)] [Public Works]
30. **Utility Plans:** Applicant must submit with the Improvement Plans all applicable utility plans approved by the respective utility company. It is the applicant's responsibility to provide utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. Said easement(s) shall be shown on the Parcel Map. [Public Works]
31. **Storm Water Retention Plan:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the Public Works Division prior to start of any construction activities as part of this project. A note to this effect shall be added on the Improvement Plans. [Public Works]
32. **Encroachment Permit:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way, and for any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
33. **Warranty Security:** Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)] [Public Works]
34. **As-Built Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and shall be submitted to Engineering. [§ 23.31.002.(K)(1)] [Public Works]
35. **Community Facilities District Annexation:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general County costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study. [Public Works]

36. Dedication of Parkland: Pursuant to San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider shall be required to dedicate land, pay a fee in lieu thereof, or a combination of both, at the option of the County, for park and recreational purposes. [Public Works]

ATTACHMENT C to Planning Commission Resolution



Site Map with buildable areas shown inside the grey hatching. All other areas including the fault zone in cross-hatching at north (top edge) and unhatched areas and are considered non-buildable areas and subject to conditions 12 and 14.

ATTACHMENT D to Planning Commission Resolution

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Cultural Resources</i>				
CR-1	If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)	Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures	Prior to issuance of construction permits and throughout construction	Project sponsor
CR-2	If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found: If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall: <i>[continued on next page]</i>	Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures	Prior to issuance of construction permits and throughout construction	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
CR-2 <i>(continued)</i>	<p>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.</p> <p>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.</p> <p>c. Notify Resource Management Agency Director within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.</p> <p>d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]</p>	Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures	Prior to issuance of construction permits and throughout construction	Project sponsor
<i>Biological Resources</i>				
BR-1	<p>Prior to the recordation of the final map the following areas shall be delineated on the parcel map as non-buildable:</p> <ul style="list-style-type: none"> · The Floodplain Boundary per current FEMA map. · Prior to the recordation of the final map the wetland area shall be identified on the parcel map and the wetland shall be designated as non-buildable on the parcel map. 	Inclusion of stated measure as part of condition of approval #14.	Prior to the recordation of the final map.	County of San Benito Resource Management Agency.

BR-2	<p>Prior to any construction California Department of Fish and Wildlife (CDFW) recommends that a qualified biologist, assess the project site to determine if the following federally endangered, state threatened, and special-status species are present including, but not limited to:</p> <ul style="list-style-type: none"> • San Joaquin kit fox (<i>Vulpes macrotis mutica</i>) • California tiger salamander (<i>Ambystoma californiense</i>), • California red-legged frog (<i>Rana draytonii</i>), • Tricolored blackbird (<i>Agelaius tricolor</i>) • Swainson’s hawk (<i>Buteo swainsoni</i>) • Crotch bumble bee (<i>Bombus crotchii</i>) • American badger (<i>Taxidea taxus</i>) • Burrowing owl (<i>Athene cunicularia</i>) • Western pond turtle (<i>Emys marmorata</i>) • Western spadefoot (<i>Spea hammondi</i>) <p>These resources may need to be evaluated and addressed using the protocols listed below prior to any approvals that would allow future structure and/or significant ground-disturbing activities.</p> <ol style="list-style-type: none"> 1) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to nesting birds that are with State or Federally endangered, construction shall commence prior to the nesting season, which lasts February 1 through September 15. If this is not possible, a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 10 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat within 300 feet of the project boundary. If nesting birds are identified during the pre-construction survey, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 15 (when young are assumed fledged). 2) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to San Joaquin Kit Fox (SJKF), construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens 	<p>Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures</p>	<p>Prior to any future development or construction.</p>	<p>Project sponsor</p>
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underground. The following distances are minimums, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as:

- **Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.
 - **Known den(s):** 100 feet Natal/pupping den (occupied and unoccupied) Service must be contacted.
 - Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.
- 3) To avoid impacts to California Tiger Salamander (CTS) CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the United States Fish and Wildlife Service (USFWS). Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) during late fall and early winter to determine the existence and extent of CTS breeding and refugia habitat ahead of any ground-disturbing activities. If CTS protocol level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within the project site prior to commencing with any ground- and/or vegetation-disturbance activities. Further, CDFW recommends potential or known breeding habitat within the Project site be delineated with a minimum 250-foot no-disturbance buffer. Alternatively, presence of CTS can be assumed and an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b) can be acquired.
 - 4) To avoid impacts to California Red legged Frogs (CRLF), CDFW recommends that a qualified biologist conduct surveys for CRLF within 48-hours prior to commencing work in accordance with the USFWS “Revised Guidance on Site

Assessment and Field Surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within the Project site. If any CRLF are found during pre-activity surveys or at any time during vegetation or ground-disturbing activities, CDFW recommends that activities cease and that CDFW be contacted to discuss a relocation plan for CRLF with relocation conducted by a qualified biologist, holding a Scientific Collecting Permit for the species. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor vegetation and ground-disturbing activity daily for CRLF.

- 5) To avoid impacts to Crotch Bumble Bee (CBB), CDFW recommends that a habitat assessment be conducted for suitable CBB habitat and that surveys be conducted for CBB, CBB nesting habitat, and CBB foraging resources. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.
- 6) To avoid impacts American Badger (*Taxidea taxus*) (AMBA), CDFW recommends assessing presence of AMBA by having a qualified biologist conduct surveys for AMBA and their requisite habitat features (dens) prior to any ground-disturbing activities and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.
- 7) To avoid impacts to Western Pond Turtle (*Emys marmorata*) (WPT), CDFW recommends assessing presence of WPT by having a qualified biologist conduct surveys for WPT prior and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. In

addition, CDFW recommends that focused surveys for nests occur during the egg laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched. CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own accord.

- 8) To avoid Impacts to Western Spadefoot (*Spea hammondi*) (WESP), CDFW recommends assessing presence/absence of WESP by having a qualified biologist conduct surveys for WESP and their requisite habitat features then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease, and individuals be allowed to leave the Project site on their own accord.
- 9) To avoid impacts to Special-Status Plants (SSP), CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities” (CDFW 2018). In the absence of protocol-level surveys being performed, additional surveys may be necessary. CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species.
- 10) Lake and Streambed Alteration: Per aerial imagery, Santa Ana Creek flows through the Project site. In addition to this ephemeral creek, there is wetland area on the east side of the parcel that is above the smaller ponded area to the south. Any ground-disturbing activities that have the potential to impact this stream and/or wetland area may be subject to CDFW’s regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 which requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature.			
<i>Geology and Soils</i>				
GEO-1	The applicant shall implement all of the recommendations of the Geotechnical Investigation Report prepared by SALEM Engineering, Inc. (SALEM project 1-221-1326). This design-level geotechnical analysis has identified recommendations for the design and construction of the proposed project improvements. This report has made these recommendations to ensure that potential seismic-related hazards would be in compliance with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code.	Inclusion of stated measures in construction and grading plans and subsequent adherence to said measures	Construction schedule prior to construction and inclusion of stated measures in construction and grading plans prior to site disturbance	Project sponsor

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<i>Tribal Cultural Resources</i>				

TCR-1	<p>Tribal and Archaeological Monitoring: All subsurface excavation at 4701 Santa Ana Valley Road site shall be monitored by a Tribal Monitor supported by a Lead Archaeologist, both designated by the Amah Mutsun Tribal Band. The Tribal Monitor will work in coordination with the Lead Archaeologist and representatives of San Benito County for the duration of the Project.</p>	<p>Inclusion of stated measure in construction and grading plans. Reporting of during construction, and upon discovery of unidentified cultural resources.</p>	<p>Inclusion of stated measure in construction and grading plans prior to site disturbance. Ongoing during construction for each discovery.</p>	<p>County of San Benito Resource Management Agency.</p>
	<ol style="list-style-type: none"> 1. The Amah Mutsun Land Trust (AMLT) will designate a Lead Archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards to support the tribal monitoring program and comply with applicable mitigation measures. AMLT shall arrange a pre-excavation meeting with construction personnel to brief them regarding the proper procedures in the event that buried cultural materials are encountered. 2. Tribal Monitors shall be provided with a minimum of 72-hour notice for all work that is to be done that requires a Tribal Monitor, including, but not limited to, ground disturbance activities in accordance with the Mitigation Measures. 3. The property owner/construction manager shall provide the Tribal Monitor with access to the Project site as reasonably necessary for the Monitor to effectively perform the services required. During the Project, the Tribal Monitor may briefly halt ground disturbing activity to more closely investigate the point of excavation. Any investigation will be in full compliance with Project safety protocols. 4. If archaeological or potentially significant previously unidentified subsurface tribal cultural resources are discovered during ground-disturbing activities or construction (whether or not an archaeologist is present), soil disturbing work within 100 feet of the find shall cease. If present, the on-site Tribal Monitor will halt or redirect construction activities away from the area of the find to allow evaluation. 5. The Tribal Monitor in coordination with the Lead Archaeologist shall evaluate the discovered resource(s). While determinations typically occur in the field with minimal stoppages, the Tribal Monitor may require further guidance from tribal cultural experts or subject matter experts to complete a determination. If the discovered resource is determined to be potentially significant, the Lead Archaeologist may provide and implement a plan for additional subsurface investigation as needed to define and assess the 			

extent of the resource within the project area and how it would be affected by the project. In these instances, the Lead Archaeologist or the Tribe may request a further stoppage of work in order to complete an assessment of the find.

6. If an encountered resource is determined significant, the Lead Archaeologist will notify the County and consult with AMTB to develop a culturally appropriate treatment plan. Treatment plans shall consider avoidance and preservation of the resource(s) in place as a preferred option. All potential means of avoiding or reducing ground disturbance within the site boundaries will be considered including modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or more substantial modifications where feasible that will permit avoidance or substantial preservation in place of the resource.
7. The archaeologist, in coordination with AMTB (and NAHC-designated MLD if applicable) shall prepare a report describing any resource(s) unearthed, the treatment of such resource(s), and the evaluation of the resource(s) with respect to the California Register of Historic Resources. If the resource(s) are found to be significant, a separate report detailing the results of the recovery and evaluation process shall be prepared.
8. The applicant's contractor shall, at no fiscal cost to the applicant or applicant's contractor, provide for the presence of a tribal monitor during all earth moving and ground disturbing activities. The applicant's contractor shall notify tribal monitors a minimum of 7 days prior to any earth moving and ground disturbing activities. In the event that proper notification is not sent to the tribal monitor, all work shall cease until proper notification is sent. However, the applicant's contractor shall retain the authority to continue work, as needed, in the case that a tribal monitor cannot be present. The applicant shall provide the contractor's contact information for the purpose of providing direct information to the tribal monitor regarding project scheduling and safety protocol, as well as project scope, location of earth moving and ground disturbing activities areas, and nature of work to be performed. It shall be the discretion of the tribal monitor to determine if they shall be present for any, some, or all earth moving and ground disturbing activities.

TCR-2	<p>Discovery of Human Remains:</p> <ol style="list-style-type: none"> 1. If human remains are discovered during ground-disturbing activities or project construction, work shall be halted within at least 150 feet of the discovery location, and at a greater distance if determined necessary by the Archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards, and within any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The San Benito County Coroner shall be notified immediately to determine if the cause of death must be investigated. Notice will also be provided immediately to the Amah Mutsun Tribal Band. 2. If the County Coroner determines that the remains are of Native American origin, the Coroner shall ensure that notification is provided to the Native American Heritage Commission (NAHC) as required by California Public Resources Code Section 5097.98(a). A determination of the Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the NAHC upon notification to NAHC of the discovery of said remains at the Project site. Work may not resume until the MLD has made a recommendation to the County regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. 3. Given the well-established cultural and historical ties of AMTB to the Juristac Tribal Cultural Landscape, AMTB requests that, when and if Native American human remains are discovered at the Project site, the Amah Mutsun Tribal Band is consulted as part of the repatriation process irrespective of whether the NAHC-designated MLD is an AMTB member. 4. The Amah Mutsun Tribal Band shall be allowed to (1) inspect the site of the discovery and (2) make recommendations as to how the human remains and grave goods should be treated with appropriate dignity. The County shall discuss and confer with the Tribe all reasonable options with regard to its preferences and recommendations for treatment. 5. The term "Native American human remains" encompasses more than human bones because AMTB ancestral traditions call for the burial of associated cultural resources (grave goods and funerary objects) with the deceased, and the ceremonial burning of Native American human 	<p>Inclusion of stated measure as part of condition of approval #12.</p>	<p>Inclusion of stated measure in construction and grading plans prior to site disturbance. Ongoing for any future Construction. Prior to the recordation of the final map.</p>	<p>County of San Benito Resource Management Agency.</p>
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Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>remains, funerary objects, grave goods and animals. Ashes and other remnants of these burning ceremonies, as well as grave goods and funerary objects, associated with or buried with the Native American remains, are to be treated in the same manner as human bones, human bone fragments and cremations of human remains.</p> <p>6. Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The County Coroner is expected to withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r).</p>			
TCR-3	<p>Disposition of Ceremonial Items and Other Cultural Resources:</p> <ol style="list-style-type: none"> <li data-bbox="358 869 954 1423">1. Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Amah Mutsun Tribal Band. The County agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the Project site to AMTB for possession during course of the Project and, if necessary, appropriate treatment, unless the County is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Tribe requests the return of all other potentially significant Native American-associated cultural resources that are recovered during the course of archaeological investigations on or adjacent to the Project site when the Tribe and the Lead Archaeologist have determined the finds to be potentially significant cultural resources. <li data-bbox="358 1436 954 1791">2. Where appropriate (from the perspective of the Tribe), and agreed upon in advance by the County, the Tribe, and Lead Archaeologist, certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts. The preferred location for repatriation of cultural material by the Tribe will be in close proximity to the site of discovery but protected from future intrusion. Repatriation of any material will occur at the conclusion of the Project. 	Inclusion of stated measure as part of condition of approval #14.	Inclusion of stated measure in construction and grading plans prior to site disturbance. Ongoing for any future construction.	County of San Benito Resource Management Agency.

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
TCR-4	Any construction or significant ground-disturbing activities proposed outside of the designated building envelopes shall not occur unless the property owner obtains new or amended County discretionary approval. (See Figure 5 for building envelope map)	Inclusion of stated measure as part of condition of approval #12.	Inclusion of stated measure in construction and grading plans prior to site disturbance. Ongoing for any future construction.	County of San Benito Resource Management Agency.

STAFF REPORT

PROJECT INFORMATION:

Application: PLN220024 (Minor Subdivision)
 Date of Hearing: August 16, 2023
 Applicant: Michael Brigantino
 Owner: D&D Brigantino Family Limited Partnership
 Location: 4701 Santa Ana Valley Road
 APN: 022-120-005 and 022-130-002
 General Plan: Rangeland (RG)
 Zoning: Agricultural Rangeland (AR)
 Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

This project proposes to subdivide a parcel of 562.8 Acres into 3 parcels of 165.8, 136.9, and 260.1 acres. The applicant expresses interest in continuing the existing agricultural uses and currently proposes no development. The existing farming operations will be on the proposed parcel one (136.9 acres) and parcel three (260.1 acres). The proposed parcel two (165.8 acres) will continue to have to have rangeland.

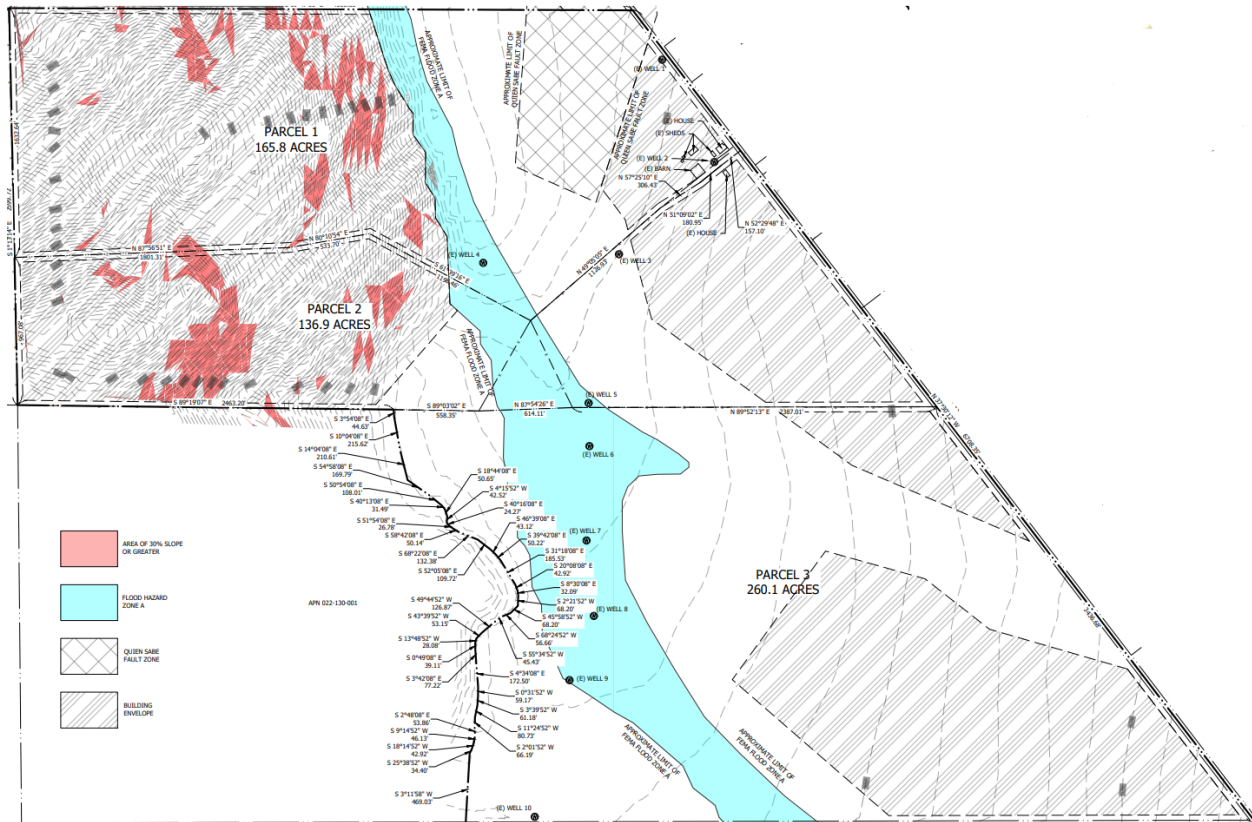


Figure 1 Site Plan

SITE DESCRIPTION

This property lies east of Hollister at 4701 Santa Ana Valley Road just before the Diablo Range foothills. The project site is made up of an approximately 562.8-acre parcel (Assessor's Parcel Number [APN's] 022-120-005 & 022-130-002). The project site is approximately 7 miles east of downtown Hollister in the eastern portion of the unincorporated area of San Benito County. The project lies on the north side of the intersection of John Smith and Santa Ana Valley Road. The project is in a rural area, surrounded by agricultural land consisting of primarily row crops. The site's terrain ranges from flat east of the Santa Ana Creek to grades ranging from flat up to 30% grade in small portions of the hills to the west.

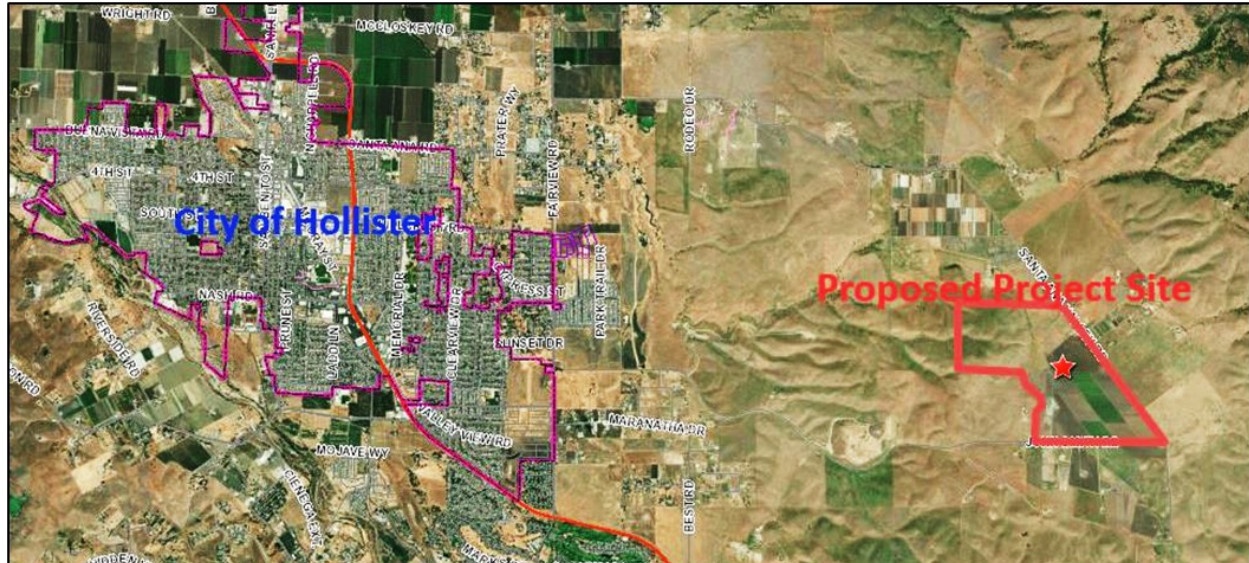


Figure 2 Vicinity Map

The project site has historically been used for row crop farming and rangeland. The property currently contains two houses, two accessory sheds, and a driveway in addition to a septic tank, drain field, and ten wells. Except for the structures, clustered toward the northeastern corner of the property, the site is otherwise undeveloped. Surrounding parcels are used for agriculture, including grazing and row crops, and for residences. A majority of the surrounding parcels are in an agricultural preserve under the Land Conservation Act (Williamson Act); the project site itself is also an agricultural preserve under the Land Conservation Act and would continue to be one as the parcels will all be larger than 40 acres in size and there is no proposed change in use or increase in intensity of use proposed.

Legal Lot of Record: A legal lot that was conveyed by and was recorded in San Benito County Official Records Book 134 Pages 26-30 and 34.

Minimum Building Site Allowed: 40 acres under AR zone.

Sewage Disposal: Septic System.

Water: Private well on site.

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

Land Conservation Act (Williamson Act): Williamson Act contract No. 03-03. (Was approved in 2021 to subdivide)

Soils: San Benito Clay Loam, 30 to 50 percent eroded (Grade 4, capability units VIe-5 (15) soils in this unit are moderately deep to deep, well drained, San Benito Clay Loam 15 to 30 percent eroded (Grade 3,

capability units IVE-5 (15) soils in this unit are moderately deep to deep, well drained to somewhat excessively drained, Clear Lake Clay, saline (Grade 3, capability units IIIw-5 (14), soils in this category are deep, poorly drained or somewhat poorly drained), Rincon silty clay loam, 0 to 2 percent slopes (Grade 2, soils in this unit are very deep, well drained to moderately well drained), Pacheco clay loam over clay (Grade 3, soils in this unit are very deep, somewhat poorly drained).

Seismic: A small portion of the northeast corner of the property lies within the Quien Sabe Fault Zone.

FEMA Flood Zone: FEMA Zone A (this property is within 100-year floodplain runs north to south through the middle portion of the property along the Santa Ana Creek).

Fire Severity: Moderate

Archaeological sensitivity: High.

Kit Fox Habitat: Within Kit Fox impact fee area.

Other Endangered or Sensitive Species: None of special consideration.

PLANNING AND ZONING

The property is designated as Rangeland (RG) by the General Plan and Agricultural Rangeland (AR) by the Zoning Ordinance. These designations allow single-family dwellings with a minimum building site of 40 acres, the size of the proposed lots will be 165.8 acres, 136.9 acres, and 260.1 acres. Under General Plan Policy LU-3.1 (Agricultural Diversification) which states that “The County shall support existing farms, vineyards, and other agricultural operations and encourage the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county.” This project proposes to continue the existing agricultural use which consists of row crops and rangeland. This project is consistent with General Plan Policy LU-3.14 (Land Trusts and Financial Incentives) which states “The County shall consider land trusts and financial incentives to preserve agricultural soil resources and to protect the integrity of important agricultural areas for future use.” This property will remain in the California Land Conservation Act (Williamson Act) and will continue its existing use of agriculture and rangeland.

ENVIRONMENTAL EVALUATION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in accordance with CEQA requirements, including supporting technical reports. Mitigation measures were identified to reduce significant impacts to a level less than significant and are included in the draft resolution as conditions of approval. Potential impacts mitigated to a less-than-significant level include Geology/Soils, Cultural Resources, and Tribal Cultural Resources. The County prepared and mailed certified letters to Native American individuals and tribal organizations in accordance with AB 52 on August 12, 2022. Responses were received, addressed, and incorporated into the conditions of approval. The IS/MND was duly noticed and available for public review and comment for 30 days beginning May 9, 2023, and ended on June 8, 2023. The County received comments on the IS/MND. The comments addressed a minor correction of details regarding a shared septic system, clarity of following geotechnical report recommendations versus producing a new one, and the addition of a Tribal monitor missing from the original mitigation measure. In response the County subsequently edited the document and recirculated it from June 6th, 2023, till July 6th, 2023. The County received the document with comments from California Department of Fish and Wildlife (CDFW) and edited the document for clarification, amplification, and insignificant modification¹ prior to the August 16th, 2023 Planning Commission meeting. The modifications for the purposes of amplification and

¹ State CEQA Guidelines §15088.5(b): “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

clarification added further recommendations from CDFW regarding future construction within the non-buildable areas of the project. These non-buildable areas are in place to protect several endangered species that could potentially be at this site or use this site for breeding purposes. The revised document addresses comments made by the San Benito High School District regarding the cumulative effects resulting from a potential future increase to the overall population of the County. This applies whether this site is developed beyond what is already allowed by right in this zoning, with or without the approval of the subdivision.

STAFF ANALYSIS

The property is designated as Rangeland (RG) by the General Plan and Agricultural Rangeland (AR) by the Zoning Ordinance. These designations both allow for support uses that directly support agricultural operations and one principal residential dwelling unit per lot. There are two existing residences and that would be on the proposed parcels 1 & 2. This would be consistent with both the zoning and general plan designations. This subdivision also proposes no construction which will allow this property to continue its current rangeland and agricultural functions. Additionally, the large lot sizes of 165.8 acres, 136.9 acres, and 260.1 acres will not violate the current Williamson Act contract nor make these parcels nonviable as agricultural lands. Therefore, this project would be consistent with the General Plan in terms of use and density. This project would also be consistent with General Plan policies LU-3.1 (Agricultural Diversification) and LU-3.2 (Agricultural Integrity and Flexibility) which encourages the County to support existing farms and other agricultural operations to further the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county and protect the integrity of existing agricultural resources, and provide for flexibility and economic viability of farming and ranching operations. As this property is already under the Williamson Act and will remain so should the proposed subdivision be approved, this will further allow the current agricultural uses to continue and be consistent with the aforementioned general plan policies.

The proposed project has demonstrated that it will provide adequate access, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). County Planning Staff, County Environmental Health Division, and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards in Title 23 Subdivisions Chapter 23.25: Design Requirements provided compliance with conditions of approval.

The existing dwellings would continue to use their existing septic and well systems, installed in accordance with regulations requiring systems be properly designed to function in the site's specific conditions. The potential future dwelling would be located on the proposed parcel 3 with its own well and new septic system. However, no new construction is proposed at this time. The conditions of project approval reflect review by the County Environmental Health Division of septic system use, including attention to soil compatibility. The site is overall lacking in physical hazards. The area of archaeological sensitivity on the site has already been surveyed by a state-certified archaeologist and was found to contain no culturally sensitive resources that would conflict with the proposed subdivision.

Additionally, the applicant also agreed to the following condition of approval for this project “Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal.” (See Attachment C Site Map and COA #12 of the attached Resolution.) This condition is in place to further protect the archaeological and culturally sensitive areas of the project site from future development and disturbance. Furthermore, as part of the required AB 52 tribal consultation process the applicant also agreed to further mitigation to protect the tribal cultural resources as identified and recommended by the tribes. (See Attachment D Mitigation Monitoring Report of the attached resolution.)

This site also has identified wetlands and floodplain areas which the aforementioned building envelopes protect as well as mitigation measure BR-1 which states in part that prior to recordation of the final map the following areas shall be delineated on the parcel map as non-buildable these areas include both the floodplain and wetland areas. This area of sensitivity is further protected by condition 14 of the Conditions of Approval (COA) which states in part that notes or delineation shall be placed on the parcel map restricting residences to the areas of the property outside of 30 percent slopes, Alquist Priolo fault zone, and the 100-year flood plain. (See Attachment D Mitigation Monitoring Report and COA #14 of the attached resolution.)

If the proposed subdivision were approved the property would have the following development possibilities: one new dwelling on the proposed parcel 3, in addition to the site’s two existing dwellings, and a potential for each lot to have its own accessory dwelling unit and accessory structures for agricultural purposes. It is worth noting that these potential uses would be allowed without the subdivision under the current Zoning.

This subdivision has further been reviewed by relevant agencies for compliance with regulations, reduction of environmental effects, public health, and proper design. These agencies have offered conditions of approval that are included in the staff recommendation. All future development on the project site, if approved, must substantially conform to California Department of Fish and Wildlife (CDFW) recommendations found in Mitigation Measure BR-2 which states in part that a qualified biologist assess the project site prior to any construction to determine if the following federally endangered, state threatened, and special-status species are present including, but not limited to:

- San Joaquin kit fox (*Vulpes macrotis mutica*)
- California tiger salamander (*Ambystoma californiense*),
- California red-legged frog (*Rana draytonii*),
- Tricolored blackbird (*Agelaius tricolor*)
- Swainson’s hawk (*Buteo swainsoni*)
- Crotch bumble bee (*Bombus crotchii*)
- American badger (*Taxidea taxus*)
- Burrowing owl (*Athene cunicularia*)
- Western pond turtle (*Emys marmorata*)
- Western spadefoot (*Spea hammondi*)

This project will further be subject to additional review by the County as part of any building permit issuance.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN220024 minor subdivision/tentative parcel map, which includes certifying the Mitigated Negative Declaration subject to the conditions of approval found in the resolution.

ATTACHMENTS

A. Site Images

B. Planning Commission Resolution 2023-____ (draft) including:

- Attachment A California Environmental Quality Act (CEQA) Findings
- Attachment B Conditions of Approval
- Attachment C Tentative Map
- Attachment D Mitigation Monitoring Reporting Plan

C. Initial Study/Mitigated Negative Declaration

Attachment A

Site Photos



Project site facing towards the northwest as you enter the property from Santa Ana Valley Road.



Project site facing west.



Project site facing east showing hay barn and hay bales. There are also two additional accessory structures to the right.



Southern end of project site facing northeast from John Smith Road.

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

For

**County Planning File PLN220024
Minor Subdivision
4701 Santa Ana Valley Road**

Prepared by: Jonathan Olivas, Assistant Planner

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

Applicant: San Benito Engineering

Revised June 2023
and August 2023

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Project Data

1. **Project Title:** County Planning File PLN220024 (Minor Subdivision 4701 Santa Ana Valley Road)
2. **Lead Agency & Lead Agency Contact:** Jonathan Olivas, Assistant Planner, (831) 902-2288, jolivas@cosb.us; San Benito County Resource Management Agency, 2301 Technology Parkway, Hollister CA 95023
3. **Applicant Contact Information:** San Benito Engineering, (831) 637-1075, 502 Monterey Street, Hollister, CA 95023
4. **Project Location:** The proposed project is located at 4701 Santa Ana Valley Road, Hollister, CA 95023, within San Benito County, California. The project site is made up of an approximately 562.8-acre parcel (Assessor's Parcel Number [APN's] 022-120-005 & 022-130-002). The project site is approximately 7 miles east of downtown Hollister in the eastern portion of the unincorporated area of San Benito County approximately 14 miles east of US 101. The project lies on the north side of the intersection of John Smith and Santa Ana Valley Road. The project is in a rural area, surrounded by agricultural land consisting of primarily row crops.
5. **Project Description:** This project proposes to subdivide an existing 562.8-acre parcel into three parcels of 165.8-acres, 136.9-acres, and 260.1-acres. There are two existing residences on the proposed parcels 1 and 2. No development is proposed on the proposed parcel 1, 2, or 3 at this time. The applicant states that any building pad and stormwater detention will be designed with a future building application and proper permits after the completion of the subdivision, if any future development were to occur. The applicant has also agreed to the following condition of approval; "Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal." (See Figure 1 for building envelope map)
6. **Acreage of Project Site:** The parcel is approximately 562.8-acres (APN 022-120-005 & 022-130-002).
7. **Land Use Designations:** The San Benito County General Plan designates the project site as Agricultural (A). The site is located within the Agricultural Rangeland (AR) Zoning District.
8. **Date Prepared:** Revised June 2023 with further revision including clarifying and amplifying information added August 2023
9. **Prepared By:** Jonathan Olivas, Assistant Planner for San Benito County. (Lead Agency)

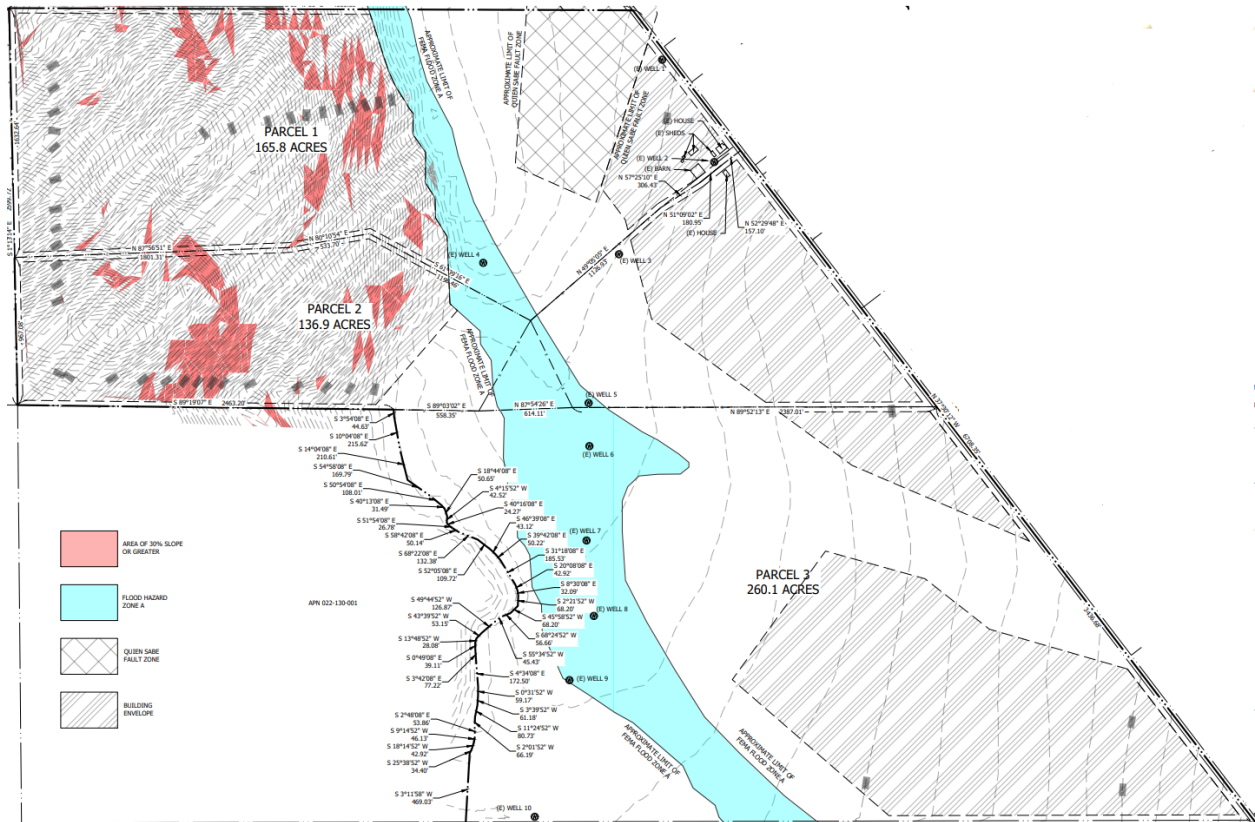


Figure 1

Chapter 1. Introduction and Project Description

1.1 Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to evaluate the potential environmental effects associated with PLN220024 Minor Subdivision Brigantino (project or proposed project), within San Benito County, California (County). This IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et. seq., and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 et seq.

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

significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071.

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

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

1.2 Project Location

The proposed project is located at 4701 Santa Ana Valley Road, Hollister, California, 95023, in San Benito County (County). See **Figure 1, Vicinity Map**. The project site is comprised of an approximately 562.8-acre parcel (APN's 022-120-005 & 022-130-002) that contains two existing single-family residences located in a rural area surrounded by row crop farming and rural residential uses. Local access to the project site is John Smith Road to Santa Ana Valley Road. The project site is located at the corner of John Smith Road and Santa Ana Valley Road approximately 7 miles east of Hollister.

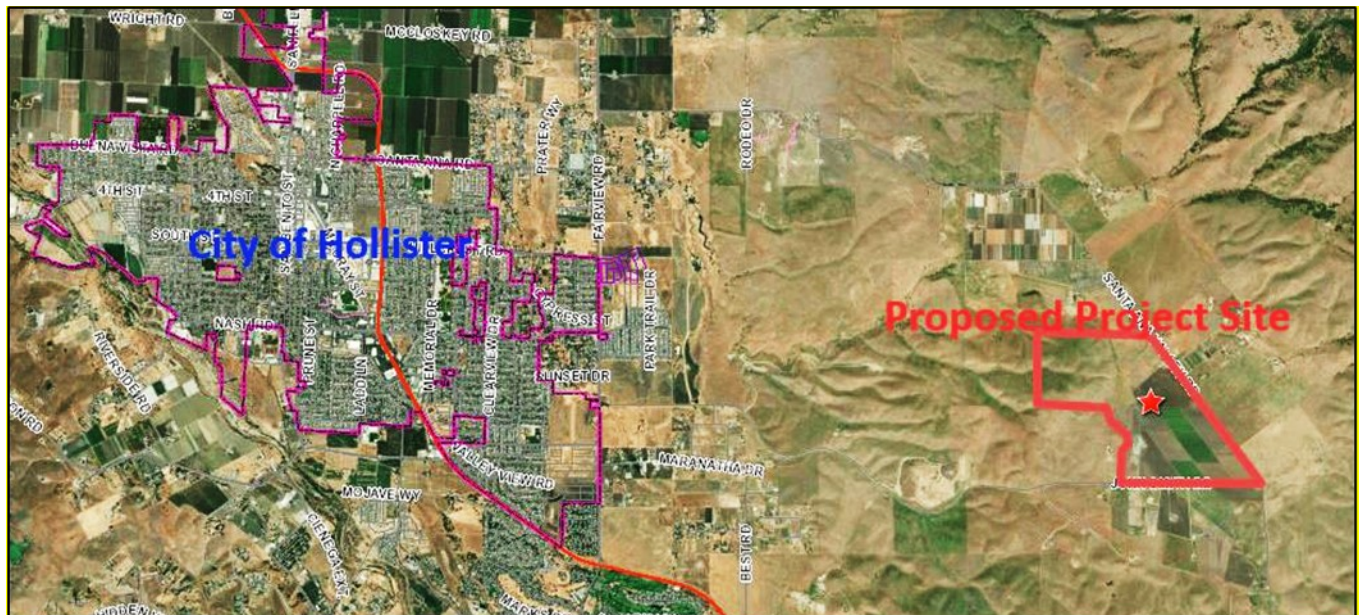


Figure 1 Vicinity Map

Surrounding land uses are primarily agricultural, with rural residential uses in the vicinity as well. The San Benito County General Plan designates the project site as Agriculture (A) and the project site is zoned Agricultural Rangeland (AR). The AR designation applies to areas that are

characterized by open space and grazing land on hills, mountains, and remote areas of the county. These areas typically have little transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). This designation does allow for uses that directly support agricultural operations and one principal residential dwelling unit per lot. Secondary dwellings are allowed for relatives, caretaker/employee, and farm worker housing.

1.3 Project Description

This project proposes to subdivide an existing 562.8-acre parcel into three parcels of 165.8-acres, 136.9-acres, and 260.1-acres. There are two existing residences on the proposed parcels 1 and 2. No development is proposed on the proposed parcel 1, 2, or 3 at this time. Nor has the applicant applied for any permits for building, grading, or residential construction as of April 2023.

The applicant has also agreed to the following condition of approval; “Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal.” (See Figure 5 for building envelope map)

However, it is worth noting that this subdivision could result in an additional dwelling unit, three accessory dwelling units, and multiple potential accessory buildings. All of these actions would require further review by County Staff before building permits could be issued. See **Figure 2, Site Plan**. The project site has been utilized for agricultural cultivation and grazing land currently and historically.

Construction

The applicant has not applied for any of the required permits to build on the proposed parcels 1, 2, or 3, as of April 2023. Construction activities, required equipment, and time frame are unknown at this time as a result.

Water Supply

No new water use is proposed for this subdivision. The existing residences on the proposed Parcels 1 and 2 have existing wells. There are ten total wells located on the property. Only two have been identified as viable potable sources of water. It would be the applicant’s responsibility to identify a third potable source for any future development on the proposed Parcel 3.

Septic

The applicant has not applied for any permits for any new septic system on the proposed parcels 1, 2, or 3. The proposed parcels 1 and 2 have existing septic systems. As part of any future building application the applicant would need to provide a soils report to show the suitability of the third parcel for a septic system.

Drainage

Impervious surface increase is unknown at this time as the applicant has not submitted any site plans for the proposed Parcel 3. Parcels 1 and 2 have existing drainage for the existing residences.

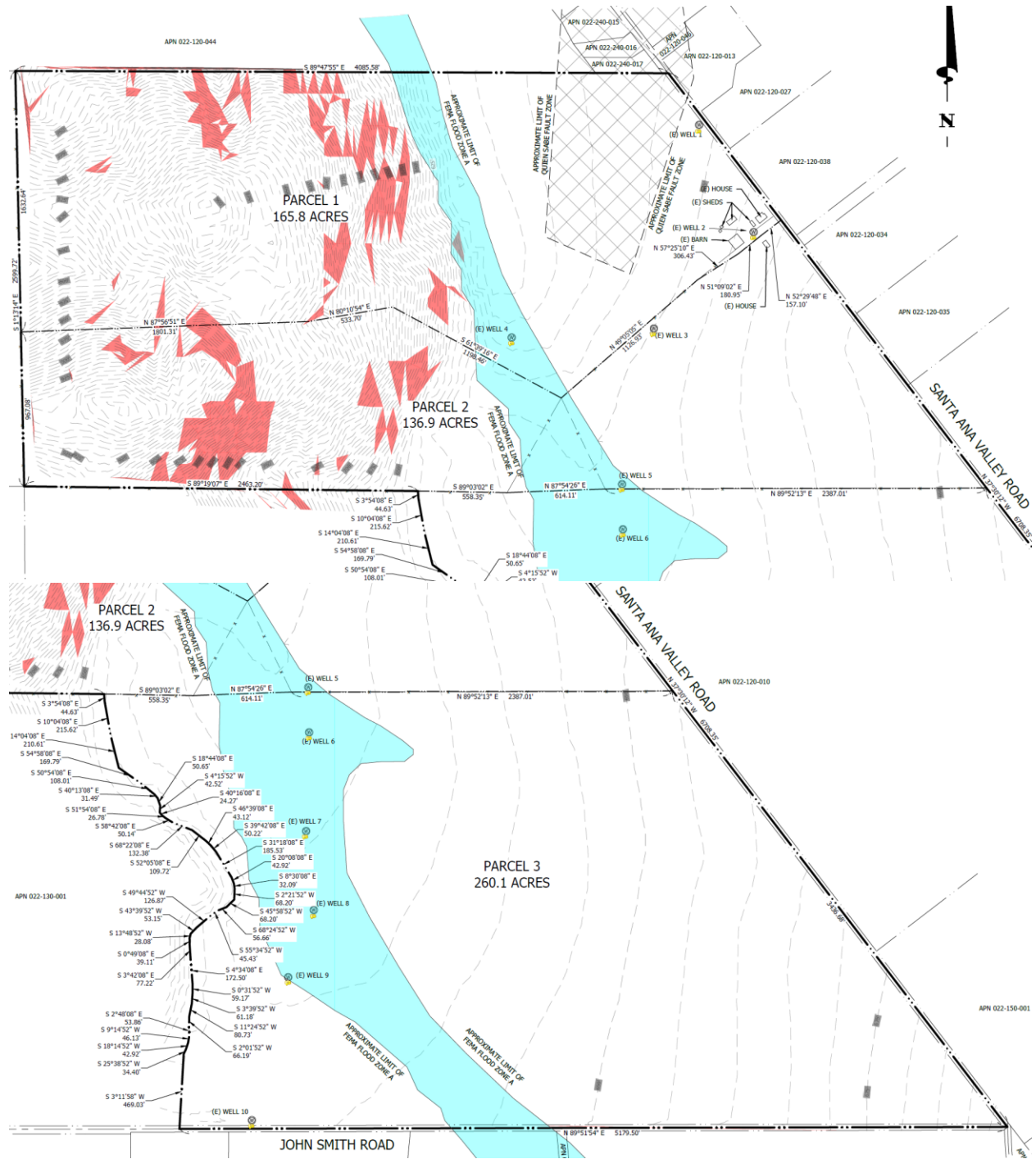


Figure 2 Site Plan

Grading

There is no grading proposed as part of this subdivision. The proposed Parcels 1 and 2 have existing grading for the existing shared driveway. No grading permits have been applied for the proposed parcel 3.

Lighting

The proposed project would include limited outdoor lighting for safety and security purposes. All proposed outdoor lighting would be required to conform to County requirements for Zone II nighttime lighting under County Code Chapter § 19.31.008

Access and Parking

During potential future construction, the project could be accessed via the existing driveway off of Santa Ana Valley Road for proposed parcel 1 and proposed parcel 2. The proposed Parcel 3 can be accessed off of either John Smith or Santa Ana Valley Road. Parking would be available on-site for construction and operation. No construction plans have been submitted at this time.

1.4 Required Permits

This IS/MND is an informational document for both agency decision-makers and the public. The County RMA is the Lead Agency responsible for adoption of this IS/MND. It is not anticipated that the project as proposed would require permits and approvals. However, future projects would require review from the following agencies: San Benito County Planning and Building Department, San Benito County Public Works Division, San Benito County Environmental Health Division, San Benito County Water District, San Benito County Fire (Hollister Fire). This list is not considered exhaustive and additional agencies and/or jurisdictions may have permitting authority.

Site Photos



Project site facing towards the Northwest.



Project site facing west.



Project site facing east.



Southern end of project site facing east.

1.5 Project Goals and Objectives

The primary goals of the proposed project are to achieve approval of the final map for a minor subdivision from the Planning Commission. The project's key objectives from the project applicant are as follows:

- Attain approval of a Minor Subdivision of 562.8-acre parcel into three parcels of 165.8 acres, 136.9 acres, and 260.1 acres.

Chapter 2. Environmental Factors Potentially Affected

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

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

Chapter 3. Determination

DETERMINATION

- On the basis of this initial evaluation: I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.**
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or**

NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

Agency

Chapter 4. Initial Study Environmental Checklist

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

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2. All answers must take into account the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or

refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate information sources for potential impacts (e.g., general plans, zoning ordinances) into the checklist references. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 Aesthetics

4.1.1 Environmental Setting

The 2035 County General Plan Update Recirculated Draft EIR (RDEIR) notes that the County's most striking features are the Diablo and Gabilan Mountain Ranges and the San Benito Valley, which lies between them. There are no State designated scenic highways located in the County. However, three highways are County designated scenic highways, including Highway 101, located approximately 15 miles west of the project site; SR 156, located over 8 miles west of the project site; and SR 129, located approximately 14 miles northwest of the project site.

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

The existing site is currently used for majority agricultural activities with two residences on the proposed Parcels 1 and 2. Surrounding lands are rural and agricultural uses primarily. The proposed project would result in the creation of three new lots. This would also result in the possibility of one new residence on the proposed parcel 3 as well as potential new additional dwelling units on the proposed parcels 1, 2, and 3. The project, as of April 2023, proposes no new

development beyond the subdivision itself at this time. The applicant has not applied for any building permits either. There are no new sources of lighting proposed for the subdivision at this time. There could be a potential new light source if the applicant were to build a new residence or accessory dwelling unit on the proposed parcel 1, 2, or 3 as a result of this proposed subdivision. No site plans have been submitted for these construction plans nor have any permits been applied for at this time.

To the north, south, east, and west of the project site, the surrounding lands are currently consist primarily of agricultural and some residential uses, which produce varying degrees of nighttime lighting.

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

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

4.1.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.1.3 Explanation

a) **No Impact.** As described in the County’s General Plan, most of the County consists of agricultural and rangeland uses and many of the County’s scenic vistas consist of views of these areas. The proposed project consists of a subdivision and no proposed development on the proposed parcel 1, 2, or 3. The use would stay agricultural and grazing as it is now and would be consistent with the zoning of the project site, as well as adjacent land use and zoning designations. The project is not visible from existing scenic roads. In addition, the project has no proposed development, and therefore would not block any neighboring views of distant mountain ranges. Lastly, the proposed project would not impair County scenic vistas within the agricultural and rangeland uses; therefore, the project would result in no impact. (1, 2, 3)

b) **No Impact.** As discussed above, there are many scenic resources in the County; however, the project site is not located within the vicinity of a County designated scenic roadway or an officially designated State Scenic Highway. Therefore, the project is not visible from a state designated scenic highway or County designated scenic roadway. As a result, the project would have no impact on scenic resources such as rock outcroppings, trees, or historic buildings within view from a scenic highway. (1, 2, 3)

c) **No Impact.** The proposed project is located within a non-urbanized area and would involve agricultural and rural uses within and adjacent to parcels zoned for agriculture with rural or agricultural uses. Consistent with General Plan Policy NCR-8.11 Landscaping in Areas Designated for Agriculture or Rural Land Uses, the proposed project would appear similar to existing agricultural and rural uses in the vicinity. The project would be consistent with the County zoning and regulations governing land use and scenic quality as discussed above and in discussion a and

b in this section. The proposed project would result in a less-than-significant impact on the visual character and quality of public views of the project site. (1, 2, 3)

d) **Less than Significant Impact.** The increased lighting into a minimally lit area would not increase the extent of lighting as compared to existing conditions. Any future project at this location would be required to conform with all applicable provisions of the County “Dark Skies” Ordinance (County Code Chapter 19.31), which requires the use of outdoor lighting systems and practices designed to reduce light pollution and glare, and protection of the nighttime visual environment by regulating outdoor lighting that interferes with astronomical observations and enjoyment of the night sky. Compliance with the County’s “Dark Skies” Ordinance would ensure that potential adverse effects associated with site lighting would be less than significant.

Additionally, as part of the County permitting process, any future development project would go through design review and approval under San Benito County Code section § 25.02.001 Development Plan Review in order to confirm consistency with applicable standards, requirements and design guidelines. As a result, potential impacts from any future lighting and glare would be less than significant. (1, 2, 3)

4.2 Agricultural and Forest Resources

4.2.1 Environmental Setting

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

- Prime Farmland (P) comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.
- Farmland of Statewide Importance (S) possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and more pronounced slopes.
- Unique Farmland (U) has a production history of propagating crops with high-economic value.

- Farmland of Local Importance (L) is important to the local agricultural economy. Local advisory committees and a county specific Board of Supervisors determine this status.
- Grazing Land (G) is suitable for browsing or grazing of livestock.

The existing project site consists of “Prime Farmland”, “Farmland of State Importance”, and “Grazing Land” according to the 2018 FMMP. This parcel does meet the criteria of Prime, Statewide or Unique Farmland. There are no adjacent parcels to the north, south, east, and west contain lands designated as Prime Farmland. (See Figure 4)



Figure 4. The red star indicates the approximate Project Site.

The property primarily serves as agricultural land use with two residences as well. Per the FMMP 2018 this property is categorized as grazing land, farmland of statewide importance and prime farmland land. Formally defined, grazing land is land on which the existing vegetation is suited to the grazing of livestock. Farmland of Statewide Importance possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and more pronounced slopes. Prime Farmland is defined as land that comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.

The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners to offer tax incentives in exchange for an agreement that the land will remain as agricultural or related open space use for a 10-year period. The project site is currently under a Williamson Act contract No. 03-03. The application to subdivide was approved in 2021.

According to the California Public Resources Code §4526, the California Board of Forestry and Fire Protection defines “Timberland” as land not owned by the federal government, nor designated as experimental forest land, which is capable and available for growing any commercial tree

species. The board defines commercial trees on a district basis following consultation with district committees and other necessary parties. There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local regulations located within the County.

4.2.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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:</p>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.2.3 Explanation

a) **Less than significant Impact.** As noted above, the FMMP of the California Resources Agency

classifies the project site as “Prime Farmland land”, “Farmland of State Importance”, and “Grazing Land”. The adjacent parcel to the east is designated as Prime Farmland, as shown on Figure 4, Important Farmlands Map. The proposed subdivision is allowable under the current Agricultural Rangeland zoning. The current project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. (1, 2, 3, 4, 5)

b) **Less than significant Impact.** The proposed use for the project is consistent with the zoning designation, Agricultural Rangeland, and County General Plan designation, Rangeland, of the existing site. The project does not propose any development on either the proposed parcel 1, 2, or 3. This subdivision does also allow the potential for future development of an additional residence on the proposed parcel 3 and additional accessory dwelling units, and accessory structures. The applicant has not applied for any such permits at this time. As part of the County permitting process, the proposed project would go through design review and approval in order to confirm consistency with applicable standards, requirements and design guidelines. As a result, potential impacts could be mitigated at that time. The result is that the project as proposed would have no impact. (1, 2, 3, 5)

c-d) **No Impact.** As noted above, there are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations within the County, or otherwise present onsite. As the project site is not designated as forest land, the proposed project would not convert these lands to a non-forest use. Furthermore, the proposed use for the project is consistent with the zoning designation and County General Plan designation of the existing site. The project would not conflict with or require rezoning of forest land or timberland; would not result in the loss or conservation of forest land; and would not involve other changes in the existing environment which could result in conversion of forest land to non-forest land; therefore, there is no impact. (1, 2, 3, 4, 5)

e) **Less than significant Impact.** This project does not propose any development at this time. Additionally, as per project description “Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal.”(See Figure 5 for building envelope map) These building envelopes will limit the amount of farmland that is able to be converted to non-agricultural use should any future development occur. This would result in a less than significant impact.

4.3 Air Quality

4.3.1 Environmental Setting

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under these Acts, the United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific “criteria” pollutants. These pollutants are carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen oxides (NOX), particulate matter less than 10 microns in diameter (PM10), lead, and particulate matter less than 2.5 microns in diameter (PM2.5). The project site is located within the North Central Coast Air Basin (NCCAB), which is comprised of Santa Cruz, San Benito, and Monterey Counties, and is regulated by the Monterey Bay Air Resources District (MBARD), which was formally known as the Monterey Bay Unified Air Pollution Control District. The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The NCCAB is in attainment for all NAAQS and for all California Ambient Air Quality Standards (CAAQS) except O3 and PM10. The primary sources of O3 and PM10 in the NCAAB are from automobile engine combustion. To address exceedance of these CAAQS, MBARD has developed and implemented several plans including the 2005 Particulate Matter Plan, the 2007 Federal Maintenance Plan, and the 2012-2015 Air Quality Management Plan (AQMP), a revision to the 2012 Triennial Plan. NCCAB Attainment Status to National and California Ambient Air Quality can be found in **Table 1 below**.

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

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

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

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors include residences, schools, and health care facilities. There are no sensitive receptors in the vicinity of the project site.

4.3.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Air Quality. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in 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"/>

4.3.3 Explanation

a) **Less than Significant Impact.** CEQA Guidelines §15125(b) requires an evaluation of project consistency with applicable regional plans, including the AQMP. As stated above, MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the 2012-2015 AQMP. MBARD is required to update their AQMP once every three years; the most recent update was the 2012-2015 AQMP (MBARD, 2017) was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (AMBAG) and other indicators. The proposed project would not result in any increase in employment, nor would the proposed project result in increased population growth. The proposed project would be consistent with the MBARD 2012-2015 AQMP. In addition, as noted below, the proposed project would not result in a significant increase in emissions. For these reasons, implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. There is no impact is considered less-than-significant. (1, 2, 6, 7)

b) **Less than significant.** No grading or filling are proposed as part of this project. If construction were to occur, construction equipment could result in impacts to air quality. The drainage plan for the project would need to provide the grading quantities for cut and fill associated with the project: Site disturbance activities could result in a short-term, localized decrease in air quality due to the generation of particulate emissions (PM10). The MBARD 2016 Guidelines for Implementing CEQA contain standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA. According to MBARD, a project would not violate an air quality standard and/or contribute to an existing or projected violation during construction if it would:

- Emit (from all sources, including exhaust and fugitive dust) less than:
 - 137 pounds per day (lb./day) of oxides of nitrogen (NOx);
 - 137 lb./day of reactive organic gases (ROG);
 - 82 lb./day of respirable particulate matter (PM10);°
 - 55 lb./day of fine particulate matter (PM2.5); and
 - 550 lb./day carbon monoxide (CO)

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

- Emit (from all sources, including exhaust and fugitive dust) less than:
 - 137 pounds per day (lb./day) of oxides of nitrogen (NOx);
 - 137 lb./day of reactive organic gases (ROG);
 - 82 lb./day of respirable particulate matter (PM10);
 - 55 lb./day of fine particulate matter (PM2.5); and
 - 550 lb./day carbon monoxide (CO)
- Not cause or contribute to a violation of any California or National Ambient Air Quality Standard;
- Not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment;
- Not exceed the health risk public notification thresholds adopted by the Air District;
- Not create objectionable odors affecting a substantial number of people;
- Be consistent with the adopted federal and state Air Quality Plans.

c) **Less than significant Impact.** A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (“k-12”) schools; daycare centers; and health

care facilities such as hospitals or retirement and nursing homes. There are 6 existing residences within 1,000 feet of the project site. MBARD's 2008 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO₂, PM₁₀, or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor.

As stated above, if the project were to have construction, the project would implement standard air quality Best Management Practices (BMPs). Additionally, the proposed project would not exceed any MBARD thresholds, including CO₂, PM₁₀. For these reasons, if construction were to occur construction activities would have a less-than-significant impact to sensitive receptors. (1, 2, 6, 7)

d) **Less than Significant Impact.** Pollutants associated with substantial emissions include sulfur compounds and methane. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD, 2008).

The proposed project will continue the existing agricultural and residential use, with no intensification of the current land use found on the subject property and in its surroundings. This would generate odors similar to the current land use and would have no increased or adverse effects to sensitive receptors. Therefore, the project would not result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people and there would be less than significant impact. (1, 2, 6, 7)

4.4 Biological Resources

4.4.1 Environmental Setting

The entire site is within an area of active agriculture. Active agriculture areas are subject to an anthropogenic disturbance regime related to the cultivation of row cropping and rangeland. Due to this disturbance regime all other species or vegetation, besides those species associated with the row cropping and a few weedy species able to persist on the edges, are nonexistent within this habitat type. Ruderal/disturbed habitat occurs within the project site, this habitat type is associated with areas which have been developed or have been subject to historic and ongoing disturbance by human activities and are devoid of vegetation or dominated by non-native and/or invasive weed species. Parcels 1 and 2 have existing infrastructure, for the existing residences, septic, wells, and driveway. Parcel three has no existing infrastructure and none is planned for any of the proposed parcels.

According to a letter from the California Department of Fish and Wildlife (CDFW) on July 14, 2023, which gave the following comments and recommendations (see Mitigation Measure BR-2) to assist San Benito County in adequately identifying and/or mitigating the Project's significant,

or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. There are special-status resources that may utilize the Project site and/or surrounding area, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the federal endangered (FE) and State threatened (ST) San Joaquin kit fox (*Vulpes macrotis mutica*), the federal threatened (FT) and ST California tiger salamander (*Ambystoma californiense*), the FT and State Species of Special Concern (SSC) California red-legged frog (*Rana draytonii*), the ST tricolored blackbird (*Agelaius tricolor*) and Swainson’s hawk (*Buteo swainsoni*), the State candidate endangered (CE) Crotch bumble bee (*Bombus crotchii*), and the SSC, American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), western pond turtle (*Emys marmorata*), and western spadefoot (*Spea hammondi*). These resources may need to be evaluated and addressed prior to any approvals that would allow future structure and/or significant ground-disturbing activities.

4.4.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.3 Explanation

a) **Less than Significant Impact with Mitigation Incorporated.** The project site is currently graded, and no future grading has been proposed. The site is in use as agricultural and has two residences with a shared driveway. There are native, sensitive, or wetland habitats on the site. Per the buildings envelopes agreed to by the applicant (see **Figure 5**) as a part of the project description, the applicant has agreed to the following condition of approval; “Any structure, and/or significant ground disturbing activities, proposed within this area shall require the property owner to seek new or amended County approval. Any structure, and/or significant ground disturbing activities, proposed outside of this area shall be processed through the County of San Benito and other jurisdictional agencies by means of standard agency permitting protocols that may include a standard building application submittal.” Due to this mitigation measure, the project as proposed even at maximum build-out would have a less-than-significant impact with this mitigation incorporated, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. To avoid impacts and to mitigate disturbance of any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, Mitigation Measure BR-2 further mitigates per CDFW’s recommendations on a per-species basis should any future development occur, or construction activities occur. The project would result in a less-than-significant impact with mitigation incorporated.

b) **Less than Significant Impact with Mitigation Incorporated.** The project site does contain a riparian or other sensitive natural communities. As stated in discussion (a) above, with the non-

buildable area as described (see **Figure 5**) in the project description, Mitigation Measures BR-1 and BR-2 would minimize any impact to the riparian corridor or other sensitive natural communities. Therefore, the proposed project would result in less than significant impacts to sensitive habitats. (1, 2, 4)

c) **Less than significant Impact with Mitigation Incorporated.** The project site does contain federally protected wetlands. However, as stated in prior discussion in section (a), with the non-building area described (see **Figure 5**) in the project description, BR-1 and BR-2 would minimize the impact of this project on the federally protected wetlands. Therefore, the proposed project would not result in a less than significant impact to any federally protected wetlands. (1, 2, 4)

d) **Less than significant Impact with Mitigation Incorporated.** The project site is primarily developed or in agricultural use. However, this site does potentially, according to CDFW in its letter on July 14, 2023, provide valuable migratory wildlife corridors or native wildlife nursery sites for native fish or wildlife species. The proposed project would not impede the use of any wildlife corridors or interfere with wildlife movement as there is no construction proposed. However, if any future development occurs in the non-buildable areas the mitigation measures in BR-2 must be followed. Given the mitigation measure BR-2 and the required future review by the County, the project impacts would be reduced to less than significant impact with mitigation incorporated per CDFW recommendations in BR-2. (1, 2)

e) **No Impact.** The proposed project does not include the removal of any trees. Therefore, the proposed project will not conflict with a tree preservation policy or ordinance, resulting in no impact. (1, 2, 8)

f) **No Impact.** There are no adopted habitat conservation plans associated with the project site. The project will result in no impact. (1, 2)

Mitigation Measure

BR-1 Prior to the recordation of the final map the following areas shall be delineated on the parcel map as non-buildable:

- The Floodplain Boundary per current FEMA map.
- Prior to the recordation of the final map the wetland area shall be identified on the parcel map and the wetland shall be designated as non-buildable on the parcel map.

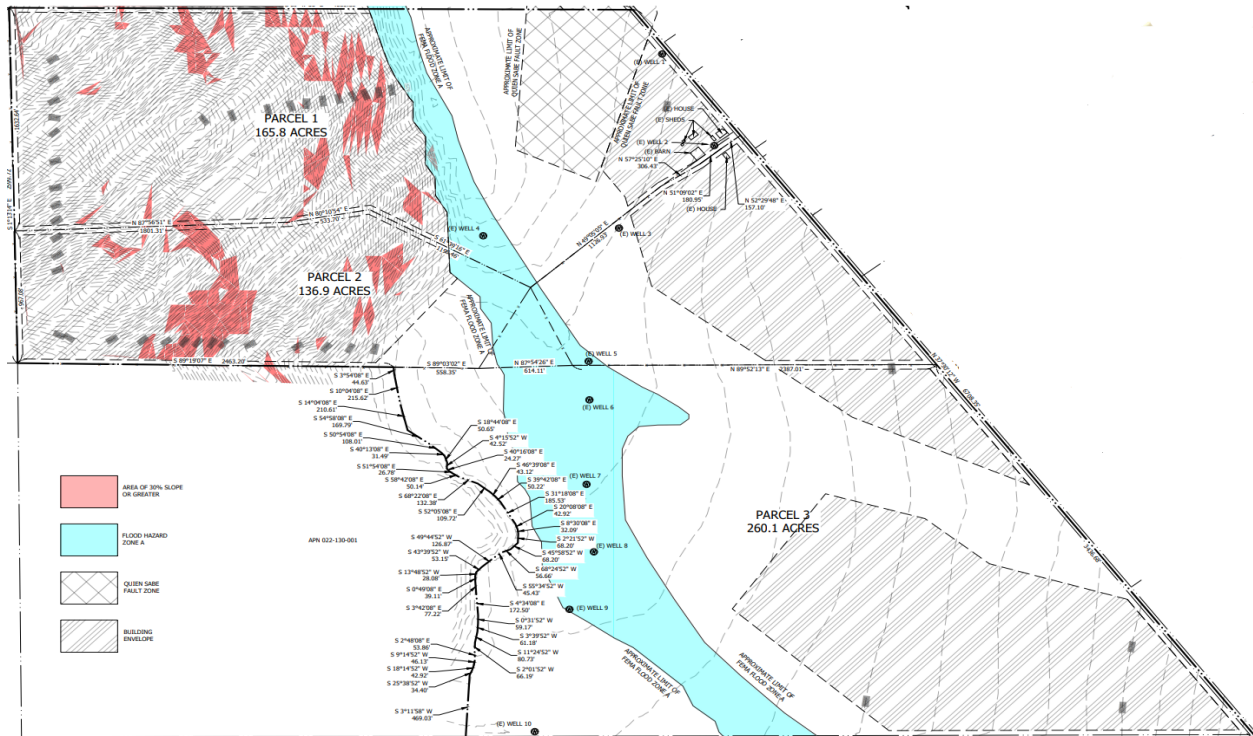


Figure 5, the building envelopes are shown in grey hash marks.

BR-2 Prior to any construction California Department of Fish and Wildlife (CDFW) recommends that a qualified biologist assess the project site to determine if the following federally endangered, state threatened, and special-status species are present including, but not limited to:

- San Joaquin kit fox (*Vulpes macrotis mutica*)
- California tiger salamander (*Ambystoma californiense*),
- California red-legged frog (*Rana draytonii*),
- Tricolored blackbird (*Agelaius tricolor*)
- Swainson’s hawk (*Buteo swainsoni*)
- Crotch bumble bee (*Bombus crotchii*)
- American badger (*Taxidea taxus*)
- Burrowing owl (*Athene cucularia*)
- Western pond turtle (*Emys marmorata*)
- Western spadefoot (*Spea hammondi*)

These resources may need to be evaluated and addressed using the protocols listed below prior to any approvals that would allow future structure and/or significant ground-disturbing activities.

- 1) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to nesting birds that are with State or Federally endangered, construction shall commence prior to the nesting season, which lasts February 1 through September 15. If

this is not possible, a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 10 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat within 300 feet of the project boundary. If nesting birds are identified during the pre-construction survey, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 15 (when young are assumed fledged).

- 2) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to San Joaquin Kit Fox (SJKF), construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are minimums, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as:

- **Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.
- **Known den(s):** 100 feet Natal/pupping den (occupied and unoccupied) Service must be contacted.
- Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.

- 3) To avoid impacts to California Tiger Salamander (CTS) CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the United States Fish and Wildlife Service (USFWS). Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) during late fall and early winter to determine the existence and extent of CTS breeding and refugia habitat ahead of any ground-disturbing activities. If CTS protocol level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within the project site prior to commencing with any ground- and/or vegetation-disturbance activities. Further, CDFW recommends potential or known breeding habitat within the Project site be delineated with a minimum 250-foot no-disturbance buffer. Alternatively, presence of CTS can be assumed and an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b) can be acquired.

- 4) To avoid impacts to California Red legged Frogs (CRLF), CDFW recommends that a qualified biologist conduct surveys for CRLF within 48-hours prior to commencing work in accordance with the USFWS “Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within the Project site. If any CRLF are found during pre-activity surveys or at any time during vegetation or ground-disturbing activities, CDFW recommends that activities cease and that CDFW be contacted to discuss a relocation plan for CRLF with relocation conducted by a qualified biologist, holding a Scientific Collecting Permit for the species. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor vegetation and ground-disturbing activity daily for CRLF.
- 5) To avoid impacts to Crotch Bumble Bee (CBB), CDFW recommends that a habitat assessment be conducted for suitable CBB habitat and that surveys be conducted for CBB, CBB nesting habitat, and CBB foraging resources. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.
- 6) To avoid impacts American Badger (*Taxidea taxus*) (AMBA), CDFW recommends assessing presence of AMBA by having a qualified biologist conduct surveys for AMBA and their requisite habitat features (dens) prior to any ground-disturbing activities and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.
- 7) To avoid impacts to Western Pond Turtle (*Emys marmorata*) (WPT), CDFW recommends assessing presence of WPT by having a qualified biologist conduct surveys for WPT prior and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. In addition, CDFW recommends that focused surveys for nests occur during the egg laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched. CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own accord.
- 8) To avoid Impacts to Western Spadefoot (*Spea hammondi*) (WESP), CDFW recommends assessing presence/absence of WESP by having a qualified biologist conduct surveys for WESP and their requisite habitat features then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever

possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease, and individuals be allowed to leave the Project site on their own accord.

- 9) To avoid impacts to Special-Status Plants (SSP), CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities” (CDFW 2018). In the absence of protocol-level surveys being performed, additional surveys may be necessary. CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species.

- 10) Lake and Streambed Alteration: Per aerial imagery, Santa Ana Creek flows through the Project site. In addition to this ephemeral creek, there is wetland area on the east side of the parcel that is above the smaller ponded area to the south. Any ground-disturbing activities that have the potential to impact this stream and/or wetland area may be subject to CDFW’s regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 which requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. “Any river, stream, or lake” includes those that are ephemeral or intermittent as well as those that are perennial in nature.

4.5 Cultural Resources

4.5.1 Environmental Setting

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

This is further addressed in San Benito County Code under § 19.05.001 *et seq.* The intent of this chapter is to protect, preserve and show respect for Native American, Spanish, Mexican,

Euroamerican and other archaeological sites and resources within the county of San Benito. See also related discussion in Section 4.18 Tribal Cultural Resources.

4.5.2 Environmental Impacts

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

4.5.3 Explanation

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

The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. The proposed project consists of the proposed subdivision of an existing 562.8-acre parcel into three parcels of 165.8-acres, 136.9-acres, and 260.1-acres. There are two existing residences on the proposed parcels 1 and 2. No development is proposed on the proposed parcel 1, 2, or 3 at this time. The possible future construction would not have any impact on a historical resource as defined in accordance with the requirements of CEQA. The project proposal includes a building envelope that would avoid the areas of concern in regard to archaeological resources. The mitigation measure CR-1 (see discussion b and c below) would also provide additional protection against the disturbance of any archaeological resources. There would be no impact as a result of the proposed project. (1, 2, 3)

b) **Less than Significant Impact with Mitigation Incorporated.** Public Resources Code §21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. While no archaeological resources have been documented or found on-site, previously unknown or buried archaeological resources could, nevertheless, be present. The project could impact potentially unknown or buried resources during construction. In order to minimize potential impacts to a less-than-significant level, mitigation is necessary. The implementation of the following mitigation measure CR-1 (see discussion c below) would ensure that potential impacts would be less-than-significant. See also Section 4.18 Tribal Cultural Resources for further tribal-related discussion and mitigation. (1, 2, 3)

c) **Less than Significant Impact with Mitigation Incorporated.** No human remains, including those interred outside of formal cemeteries, are known to occur within the project site. While the likelihood of human remains, including those interred outside of a formal cemetery, within the project site is low, it is possible that previously unknown human remains may be present. Previously unknown human remains could be impacted if construction were to occur. In order to reduce potential impacts to a less-than significant level, mitigation is necessary. The implementation of the following mitigation measure would ensure that potential adverse impacts would be reduced to a less than significant level. (See also Section 4.18 TCR-1 TBD) (1, 2, 3)

Mitigation

CR-1 If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)

Any construction or significant ground-disturbing activities proposed outside of the designated building envelopes shall not occur unless the property owner obtains new or amended County discretionary approval. (See **Figure 5** for building envelope map)

CR-2 If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)

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

If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:

- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
- c. Notify Resource Management Agency Director within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.
- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

4.6 Energy

4.6.1 Environmental Setting

Starting in 2018, all Pacific Gas & Electric (PG&E) customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy (3CE), formerly known as Monterey Bay Community Power. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE’s standard electricity offering is carbon free and is classified as 30 percent renewable. Of the electricity provided by 3CE in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (MBCP, 2019).

4.6.2 Environmental Setting

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Energy. Would the project:				
a) Result in 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 type="checkbox"/>	<input checked="" 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"/>

4.6.3 Explanation

a) **No Impact.** As there is no construction currently proposed for this project, the amount of energy used is expected to be typical for the site’s current residential and agricultural land use. Even with the addition of one additional dwelling unit and three ADU’s, under the maximum entitlement granted by this subdivision, the energy use would still be less than significant. As a result, implementation of the proposed project would not result in a substantial environmental impact on energy resources.

Based on the discussion above, the project as proposed would not result in potentially significant environmental impact, during operation or construction, due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use or energy resources during project operation or construction. This results in no impact. (1, 2, 3, 4, 7, 8)

b) **No Impact.** As mentioned in discussion (a) above, future construction and operation of the proposed project would have a less than significant impact since the project proposes no construction at this time. This would result in a minimal energy increase, even with the addition of one additional dwelling units and three ADU’s with the maximum entitlement granted by this subdivision, the project would still comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The result would be less than significant impact. (1, 2, 3, 4, 7, 8)

4.7 Geology and Soils

4.7.1 Environmental Setting

Site Conditions: Site topography is mostly flat with the exception of an area at the northwesterly portion of the property where there are rolling hills and small areas of 30% grade. The existing site is graded for the existing driveway access directly off Santa Ana Valley Road, which serves the existing residences and accessory buildings. The applicant has not applied for any building permits, nor have they submitted any construction/site plans as of April 2023.

The site has historically been used for agricultural production and as grazing land and has minimal natural vegetation. The property primarily serves as a rural residence with agricultural land use and grazing land use.

General Subsurface Conditions: There are several soil types that occur at this site. The most common type of soil at the project site is Rincon silty clay loam (RsA), 0 to 2 percent slopes, these soils are classified as Grade 2. These soils are located in the majority of easterly most portion of the property along Santa Ana Valley Road. According to the USDA these soils have a general rating of “very limited” for dwellings without basements up to three stories or less. This is due to a high shrink-swell factor in the soil. These ratings from the USDA soil study are based on the soil properties that affect the capacity of the soil to support a load without movement and on the property’s excavation and construction costs. The properties considered in this evaluation of load-supporting capacity include depth to water table, ponding flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility.

Compressibility is inferred from the Unified classification of the soil. The properties used by the USDA that affect the ease and amount of excavation include depth to water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments. For the purposes of this discussion, we will be using these standards from the USDA web soil survey for general information and not in place of a design level geotechnical report. Nor do these standards in any way imply or indicate any type of actual site suitability for any past, future, or current development.

The second soil type is Clear Lake clay, saline, drained (Ck), 0 to 1 percent slopes (MLRA 14). These soils are classified as Grade 3 soils. These soils are located in much of the most central portion of the property. According to the USDA these soils have a general rating of “very limited” for dwellings without basements up to three stories or less. This is due to high ponding, flooding, and shrink-swell potential. This information is based on the above-mentioned parameters as described in previous discussions in this section.

The third soil type is Pacheco clay loam, over clay (Pd). These soils are classified as Grade 3 soils. These soils are located in the southwest corner of the property. According to the USDA these have a general rating of “very limited” for dwellings without basements up to three stories or less. This is due to high flooding and shrink-swell potential. These ratings are based on the above-mentioned parameters as described in previous discussion in this section.

The fourth soil type is Rincon silty clay loam (RsC), 2 to 9 percent slopes (MLRA 14). These soils are classified as Grade 2. They are located in the northeasterly most section of the property just before the corner of the property. According to the USDA these soils have a general rating of “very limited” for dwellings without basements up to three stories or less. This is due to high shrink-swell potential. This information is based on the above-mentioned parameters as described in the previous discussion in this section.

The fifth soil type is San Benito clay loam (SbE2), 15 to 30 percent slopes (MLRA 15). These soils are classified as Grade 3. They are located primarily in the northwest corner of the property. According to the USDA these soils have a general rating of “very limited” for dwellings without basements up to three stories or less. This is due to slope stability, high shrink-swell potential, and depth to hard bedrock. This information is based on the above-mentioned parameters as described in the previous discussion at the beginning of this discussion.

The sixth and final soil type is San Benito clay loam (SbF2), 30 to 50 percent slopes, eroded (MLRA 15). These soils are classified as Grade 4. They are located in the northwest corner of the property.

Groundwater Conditions: According to the latest State data this property is located within the SGMA ground water basin of North San Benito. The San Benito County Water District’s annual report has this property as located in the local subbasin Santa Ana Valley, which lies outside of the Hollister Water Management area. By both the SBCWD’s assessment and the State (SGMA) this basin is not critically over drafted. There are no new wells proposed for this proposed subdivision at this time. The applicant has not indicated at this time that any new water connections will be made as of April 2023.

Slope Stability: According to the Landslide Identification Map, the site area is mostly mapped as least susceptible to landslides. However, in the northwestern portion of the property the site is mapped as marginally and generally susceptible to landslides. The areas mapped as generally susceptible to landslides are non-buildable as they are also the areas of 30% or greater slopes.

Flood Zone Hazard: This property is located in FEMA Flood Zone A. However, per the project description, the applicant has agreed to non-buildable areas in these zones. (See figure 5)

Faulting and Ground Shaking: Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California (see Figure 6 – Fault Map). There is one active fault/fault zone that lies within the northeast corner of the project site, Quien Sabe Fault, per the California Department of Conservation (Earthquake Hazard Zone App). Additionally, the project site is located in the seismically active Monterey Bay region. The faults in the vicinity of the proposed project include: the San Andreas Fault, located approximately 11 miles west of the site; Calaveras Fault, located approximately 4 miles west of the project site; the Sargent Fault, located approximately 7 miles southwest of the site.

An earthquake of moderate to high magnitude generated within Northern California region could cause considerable ground shaking at the site, similar to that which has occurred in the past. Potential seismic hazards include surface ground rupture, strong seismic shaking and potential liquefaction, and dynamic settlement. Faults do cross the property, there is a potential for surface ground rupture at the site. Due to the proximity of the referenced nearby faults, there is potential for some seismic shaking at the site during the life of the proposed subdivision.

Liquefaction, Lateral Spreading, and Seismic Induced Settlement: The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subject to cyclic strains, such as those generated during a seismic event. Studies of areas where liquefaction has occurred have led to the conclusion that saturated soil conditions, low soil density, grain sizes within a certain range, and a sufficiently strong earthquake, in combination, create a potential for liquefaction. The effects of liquefaction can include ground settlement, lateral soil

spreading, and localized loss of foundation support. The project site has not been studied for liquefaction nor has a geotechnical investigation been done as there is no development proposed.

Environmental Impacts 4.7.2

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Geology and Soils. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

4.7.3 Explanation

a) **Less than Significant Impact.** One known active fault crosses the northeastern corner of the project (proposed parcel 1) and is located within an Earthquake Fault Special Study Zone. The risk of loss, injury, or death related to rupture of a known fault is considered low as this property is subject to San Benito County Code 25.08.028 Seismic Safety Development Standards. Which are based on the Alquist-Priolo earthquake fault zones, which are regulatory zones surrounding the surface traces of active faults in California (see Figure 5 – Fault Map). There is one active fault/fault zone that lies within the northeast corner of the project site, Quien Sabe Fault, per the California Department of Conservation (Earthquake Hazard Zone App). There are no proposed structures as part of this subdivision as of April 2023. Therefore, the impact would be less than significant. **Figure 6.**

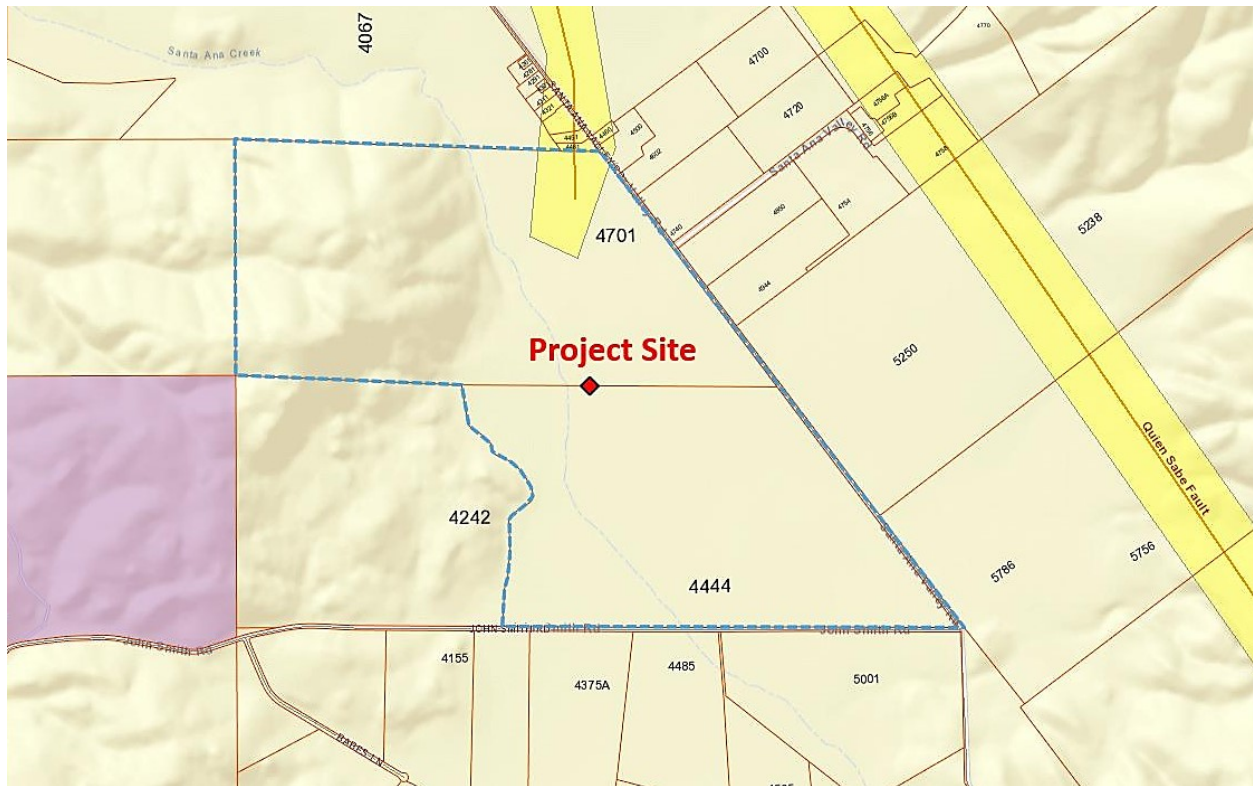


Figure 6 (above)

ai) **Less Than Significant Impact.** The potential for surface rupture is low there is an active fault crossing the project site (northeast corner of parcel 1) and the project site is located in an Alquist-Priolo Earthquake Zones. Potential effects associated with the rupture of known faults are discussed separately below; please refer to response a ii for more information. This project would represent a Less Than Significant Impact.

aii) **Less Than Significant Impact.** The site is located within the Alquist-Priolo Earthquake Zones. Due to the site's location in a seismically active region and within an Earthquake Zone, the proposed project would be subject to a low likelihood of strong seismic ground shaking during its design life. This is in part due to the fact that any potential future development would be required to be in compliance with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code which would ensure that potential adverse impacts would be reduced to a Less Than

Significant Impact level. Additionally, this project would be subject to San Benito County Code 25.08.028 Seismic Safety Development Standards as stated earlier, which would further ensure that potential adverse impacts would be reduced impact and a Less Than Significant level.

a.iii) **Less Than Significant Impact.** Based on State and USDA Soil Report (17) liquefaction potential of the soil should be low. As a result, the proposed project is not expected to result in any adverse environmental effects due to liquefaction hazards. Any future development proposals for the proposed subdivision would be required to have a design-level geotechnical analysis. As part of that analysis, liquefaction potential of site soils should be mapped to ensure building envelopes are not cited within these areas; if development is proposed within areas of liquefaction potential the design-level geotechnical analysis shall incorporate recommendations to reduce adverse impacts. The result would be less than significant impact. (17)

a.iv) **Less Than Significant Impact.** The proposed subdivision is located on relatively flat land. This area has been mapped as a landslide hazard area (see discussion above on slope stability). Should the applicant propose development in the future the applicant shall submit a design-level geotechnical analysis to the County for review and approval. The design-level geotechnical analysis shall incorporate the recommendations of Geotechnical Investigation Report and the analysis shall identify recommendations for the design and construction of project improvements. As there is no proposed development at the project site the project would result in Less Than Significant impact.

b) **Less than Significant.** The proposed subdivision proposes no development as of April 2023. However, if development were to occur in the future, Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion, and contains requirements regarding discharge and construction site stormwater runoff control. Grading associated with site preparation and construction activities on the project site would be minimal and is not expected to significantly disturb soil and increase its susceptibility to erosion. Construction contractors would be required to conform to all legal requirements for avoiding erosion and sedimentation to protect water quality. Any temporary erosion related to construction would be minimized through the implementation Mitigation Measure **GEO-1**, as described below.

Compliance with the Mitigation Measures, as well as local grading requirements would ensure that construction activities associated with the proposed project would not cause substantial soil erosion or the loss of topsoil and would result in a less-than-significant impact. (1, 2, 9, 11)

Lateral spreading is a phenomenon in which soils move laterally during seismic shaking and is often associated with liquefaction. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. Due to the relatively flat site topography the likelihood of lateral spreading should be very low based on soils type, the Mitigation Measure previously discussed, would further reduce this potential impact to less than significant impact. (1, 2, 9, 11)

Mitigation

GEO-1 Erosion control measures and associated BMPs include the following: Mitigation during construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:

- Stockpiling and disposing of demolition debris, concrete, and soil.

- Protecting existing storm drain inlets and stabilizing disturbed areas.
- Hydroseeding/re-vegetating disturbed areas.
- Minimizing areas of impervious surfaces.
- Implementing runoff controls (e.g., percolation basins and drainage facilities).
- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.
- Limiting grading to the minimum area necessary for construction and operation of the project. County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.

c) **Less than Significant Impact.** As described in aiii) and aiv) above, the potential for the project to result in liquefaction, on- or off-site landslides, lateral spreading, subsidence, or collapse is low based on the County soil survey. The geologic unit on which the project is located would not become unstable because of the project as proposed. Less than significant Impact. (1, 2, 9, 10)

d) **Less than Significant Impact.** There is no development proposed as part of this subdivision as of April 2023. As stated in previous discussion in this report if any future development were to occur the potential project would be required to go through additional review by County Staff. This review will ensure compliance with all applicable State and Local building codes. The future potential project as proposed will also be required to produce a design-level geotechnical report. The geotechnical report would be required to address and to determine shrink-swell potential due to potential liquefaction and if the soil is expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). This report, in conjunction with the County Staff review, would be able to make a determination as to if the proposed potential future project would create substantial direct or indirect risks to life or property. As a result, the project would have a Less than significant impact.

e) **Less than Significant Impact.** The proposed project involves the creation of a 3-parcel subdivision and no construction and would not require connections to a septic system. The San Benito County Division of Environmental Health would review any future plans for any septic tank in accordance with San Benito County Code section § 15.07.001 *et seq.* as well as San Benito County General Plan Policies PFS-5.5 Individual Onsite Septic Systems and PFS-5.6 Septic System Design. Accordingly, the Division of Environmental Health will require as a condition of approval that property owners show proof that all properties are feasible for installation of a septic system as their existing SFD having earlier been subject to the same requirement. This will result in a less than Significant Impact. (1, 2, 8, 11)

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

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

4.8.2 Environmental Impacts

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

4.8.3 Explanation

a) **Less than Significant Impact.** The project is located in the NCCAB, where air quality is regulated by MBARD. Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. However, it is important to note, that other air districts within the State of California have recently adopted recommended CEQA significance thresholds for GHG emissions. For instance, on March 28, 2012, the San Luis Obispo Air Pollution Control District (SLOAPCD) approved thresholds of significance for the evaluation of project-related increases of GHG emissions. The SLOAPCD’s significance thresholds include both qualitative and quantitative threshold options, which include a qualitative threshold that is consistent with the AB 32 scoping plan measures and goals and a

quantitative brightline threshold of 1,150 metric tons of carbon dioxide equivalent (“MTCO_{2e}”)/year. The GHG significance thresholds are based on AB 32 GHG emission reduction goals, which take into consideration the emission reduction strategies outlined in the CARB’s Scoping Plan. Development projects located within these jurisdictions that would exceed these thresholds would be considered to have a potentially significant impact on the environment which could conflict with applicable GHG reduction plans, policies, and regulations. Projects with GHG emissions that do not exceed the applicable threshold would be considered to have a less-than-significant impact on the environment and would not be anticipated to conflict with AB 32 GHG emission reduction goals. Given that the MBARD has not yet adopted recommended GHG significance thresholds, the above thresholds were relied upon for evaluation of the proposed project.

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

The project would generate temporary and minor construction related GHG emissions and will not generate GHG emissions in excess of the above thresholds. However, since the proposed project is not expected to generate additional trips compared to the existing operation of the site (see Section 4.17, Transportation/Traffic), this is not considered a significant impact. Any potential impacts from GHG generation during construction would be short-term and temporary. The proposed project would be consistent with the surrounding land use as well as current zoning for the property. As a result, the project is not anticipated to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, the project would have a less-than-significant impact. (1, 2, 6, 7)

b) **No Impact.** Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. As described above, the project would not exceed acceptable thresholds. Also, consistent with the General Plan Goals and Policies, the project would be required to include energy and water-efficient appliances, fixtures, lighting, and windows that meet applicable State energy performance standards if construction were to occur. The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases as described above. This represents no impact. (1, 2, 6, 7)

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any

hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

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

To address airport safety hazards, San Benito County created an Airport Land Use Commission (ALUC) to provide orderly growth of San Benito’s two publicly usable airports. The Commission ensures compatible land uses around the Hollister Municipal Airport and the Frazier Lake Airpark through the implementation of their respective Comprehensive Land Use Plans. The closer of the two airports relative to the project site is the Hollister Municipal Airport, approximately 7 miles northwest of the proposed project. This project is not located within the airport land use plan area.

The California Department of Forestry and Fire Protection (CAL FIRE) prepares maps of Fire Hazard Severity Zones (FHSZ), which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is located in a moderate fire hazard severity zone as delineated by CAL FIRE.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.9.3 Explanation

a) **No Impact.** The proposed project consists of a proposed subdivision resulting in three lots. The project could, at maximum build out, add one additional residence, septic system, and detention pond on the proposed parcel 3. With maximum entitlements future development could also include three additional dwelling units as well as additional accessory buildings. This project will be used primarily for agriculture and as a residence, will involve no routine transport, use, or disposal of hazardous materials. Therefore, it will have No Impact. (1, 2, 3, 4)

b) **Less than Significant Impact.** The project as submitted consists of a proposed subdivision resulting in three lots. However, if a future project was proposed and permits and site plans were submitted, it is not anticipated to create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. While construction activities would require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints), these materials would be required to be stored properly within the staging area in accordance with BMPs (Best Management Practices) and applicable regulations, and the staging area would be required to be secured from public access and identified per the San Benito County Division of Environmental Health’s requirements as they oversee the hazardous materials business plans per California Health and Safety Code, Division 20, Chapter 6.95, Article 1 [§§25500-25519]. This will also be included in the standard conditions of approval. Runoff controls would be implemented to prevent water quality impacts and a spill plan would be developed to address any accidental spills. (See

Section 4.10, Hydrology.) Any waste products resulting from construction and operations would be stored, handled, and recycled or disposed of in accordance with federal, state, and local laws. For these reasons, this is considered a less-than significant impact. (1, 2, 3)

c) **No Impact.** There are no schools within a one-quarter mile radius of the project boundaries. As a result, the project would not result in the generation of a hazardous emission within a one-quarter mile radius of a school. There would be no impact in connection with the proposed project. (1, 2, 4)

d) **No Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project. (1, 2, 10)

e) **No Impact.** As stated earlier, the project site is not located within two (2) miles of an airport. The proposed project involves a subdivision and the construction of a residence, septic system, and detention pond and would not create a safety hazard or excessive noise for people residing in the vicinity of the project area. As a result, there would be no impact in connection with the proposed project. (1, 2, 3, 4, 16)

f) **Less than Significant Impact.** San Benito County has prepared a multi-jurisdiction Local Hazard Mitigation Plan (LHMP) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. The project site, located along John Smith Road, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not interfere with any emergency response or evacuation plans. There would be no impact in connection with the proposed project. (1, 2, 3, 4, 16)

g) **Less than Significant Impact.** CAL FIRE prepares maps of Fire Hazard Severity Zones (FHSZs), which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is located within a Fire Hazard Severity Zone identified as Moderate and within a State Responsibility Area as delineated by CAL FIRE. While the project is located in a rural area and wildfire could expose people or structures directly or indirectly, the proposed project would comply with the applicable fire safety provisions of the California Building Code as well as standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. This is a less-than-significant impact. (1, 2, 14)

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

San Benito County has a moderate California coastal climate with a hot and dry summer season lasting May through October. Average annual rainfall ranges from seven inches in the drier eastern portion of the County, to 27 inches per year in high elevations to the south. Most of the annual

rainfall occurs in the fall, winter, and to a lesser extent, spring, generally between November and April (3).

Groundwater is the major source of water supply in the County. Groundwater is generally available throughout the County. The project is located in the Santa Ana Valley Subbasin (locally). According to the SBCWD Annual report for 2021, the ground water elevation for this site is unknown as it is not tracked by either the State or SBCWD at this time. However, as stated earlier in this report this basin is not currently critically over-drafted per SGMA.

The applicant has indicated that there are 10 existing wells on the property. Wells 1, 2, and 4 are located on the proposed parcel 1, wells 3 and 5 are located on the proposed parcel 2, and wells 6-10 are located on the proposed parcel 3. The applicant has indicated the existing dwelling on the proposed parcel 1 is served by the existing well 2, the existing dwelling on proposed parcel 2 is served by the existing well 3. For the proposed parcel 3 will be served by one of the existing wells located on the proposed parcel 3 should any development occur on this parcel.

San Benito County Division of Environmental Health and the San Benito County Water District as part of the development review process, ensure that adequate water supply, treatment and delivery facilities are sufficient to serve new development, and are able to be expanded to meet capacity demands when needed. These agencies ensure that facilities have the capacities necessary to comply with all water quality and public safety requirements. This is also consistent with PFS-4.1 Adequate Water Treatment and Delivery Facilities and General Plan Policy PFS-E: Groundwater Monitoring Program.

San Benito County Division of Environmental Health has reviewed this proposed subdivision for water requirements and has found it satisfactory for the scale as submitted. If any development were to occur on the proposed parcel three the applicant would need to indicate a potable source of water from one of the existing wells. The existing site is currently rural and is currently and historically been used for agricultural uses. The site drains to the west towards Santa Ana Valley Creek and has additional existing drainage to the east on Santa Ana Valley Road as observed at the site visit. For any future development to occur the applicant must indicate a building pad and stormwater detention to be designed as part of any future building application after completion of the subdivision.

4.10.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

Explanation 4.9.4

a) **Less than Significant Impact.** Temporary soil disturbance could occur during any future construction under the maximum entitlement of this proposed subdivision as a result of earth-moving activities. These earth moving activities could include such activities as excavation and trenching for utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soil would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site. Moreover, the project would increase the extent of impervious surfaces on the site thereby potentially generating additional sources of polluted runoff. The types of pollutants contained in runoff would be typical

of urban areas, and may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported to downstream drainages and ultimately into collecting waterways, contributing to degradation of water quality.

Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion, and contains requirements regarding discharge and construction site stormwater runoff control. Compliance with existing laws and regulations would limit erosion, which would reduce temporary impacts to surface water quality. As such, if construction were proposed, the project would not violate water quality standards or contribute additional sources of polluted runoff. Construction impacts to water quality would be less-than-significant. Please refer to discussion (c) below for more information. (1, 2, 8, 13)

b) Less than Significant Impact. A potential proposed project would not substantially decrease groundwater supplies or interference substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. A future proposed project would likely involve construction of a new residence, well, septic system, and detention pond. This potential project could potentially affect groundwater recharge by increasing impervious surface. It could also draw existing water from the water table via the existing well for a potential new residence on Parcel 3. However, the project as proposed would not significantly decrease groundwater and would adhere to San Benito County Code Article I. Groundwater Aquifer Protections, which limits extraction of groundwater. Additionally, this is required to adhere to San Benito County Code §15.05.001 *et seq.* (Groundwater Aquifer Protections), regarding prevention of unfettered extraction of groundwater and undue lowering of the water table.

Stormwater runoff from the site would be required to be captured in a detention pond, which would allow for some groundwater recharge. A potential project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level at the site. Therefore, the impacts would be less than significant. (1, 2, 8, 13, 15)

ci-ciii) Less than Significant Impact. In the case of a potential future project, it would not substantially alter the existing drainage pattern of the site or area that would result in substantial erosion or siltation or flooding on or off-site. Site topography is relatively flat at around 640ft elevations, with rolling hills in the northeastern portion of the site reaching up to elevations of approximately 900 feet.

Santa Ana Valley creek runs through the middle of the proposed subdivision. As described in responses a) and b) above, future development would need to include stormwater improvements and retain stormwater runoff in accordance with Best Management Practices (BMPs) standards and requirements of the County ordinances and permit requirements. The potential future residence on the Parcel 3 would not alter the course of a stream or river. The project would be required to comply with standard BMPs, including standard County requirements related to erosion control. A future project could alter the course of a stream or river. If a future project were to propose such an action it would need to comply with California Code, Fish and Game Code - FGC § 1602.

The potential future project would be required to comply with standard BMPs, including standard County requirements related to erosion control. The project site is relatively flat, and no grading is proposed at this time. As a result, the project would have a less-than-significant impact to drainage and erosion potential. (1, 2, 8)

A potential future project could create or contribute runoff water during construction and operation of the potential project. The future project would need to prepare a route for all runoff from the site to a new required detention pond at the project site. This detention pond would need to be designed to detain the difference between a 10-year pre and 100-year post development, in accordance with County standards, and detain flows in excess of this to release post-development flows at pre-development levels, satisfying Central Coast Regional Water Quality Control Board's (RWQCB) post construction requirements, Low Impact Development (LID) requirements, and County stormwater management requirements. The project would need to include various stormwater management BMPs to control runoff in accordance with applicable standards. Compliance with applicable regulations and implementation of the proposed project drainage features and BMPs that would reduce impacts due to runoff and water quality to a less-than-significant level. (1, 2, 8, 13)

civ) **Less than Significant Impact.** The project site is located within a FEMA designated 100-year flood hazard area. This project would be required to comply with San Benito County Code § 25.08.026 Floodplain Development Standards for any future construction to occur in the area that falls within the FEMA 100-year flood hazard area. Along with the measures discussed in discussion in a, b, c-ciii, and the non-buildable areas in the project description impacts would be less-than-significant. (1, 2, 4, 13, 15)

d) **Less than Significant Impact.** The proposed project site is located in an area subject to flood hazard, seiche hazard zone, tsunami, or mudflow risk. Any future project would need to comply with San Benito County Code § 25.08.026 Floodplain Development Standards as well as any and all applicable building codes. As long as all County and State Building Code rules and regulations are followed in addition to the building envelopes contained in the project description this project would have a less than significant impact. (1, 2, 4, 8)

e) **No Impact.** The project site is not subject to any water quality control plans or sustainable groundwater management plans. The project is located in the Santa Ana Valley Water Basin (locally), which is not critically over-drafted as defined by the SGMA (see North San Benito Water Basin) and has been marked as low priority. The project would therefore result in no impact. (1, 2, 3, 4)

4.11 Land Use and Planning

4.11.1 Environmental Setting

The project site is located in an agricultural, rural area of unincorporated San Benito County, California. The project site consists of two existing residences, an existing septic system, 10 existing wells, and existing accessory buildings. This site is currently being used for agriculture

as observed during the site visit. Surrounding land uses are primarily agricultural and rural residential uses in the vicinity.

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

4.11.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Land Use and Planning. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.11.3 Explanation

a) **No Impact.** The proposed project consists of a subdivision with the potential to construct an additional residence, septic system, and detention pond. This parcel has existing two residences, accessory buildings, septic, and 10 wells. The rest of the property is agricultural land and rural land and would not physically divide an established community. There would be no impact in connection with the proposed subdivision. (1, 2)

b) **Less than Significant Impact.** The project site is designated for agricultural use and would not conflict with applicable land use plans and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Thus, the impact of the proposed project would be less-than-significant. (1, 2, 3)

The County’s adopted General Plan, the County’s Zoning Ordinance, and other relevant County Code provisions regulate land use planning in unincorporated San Benito County. The requirements and restrictions of each of these regulatory documents that pertain to land use are set forth below, and the project’s consistency with these and other General Plan goals, objectives, and policies applicable to the project are further described in the analysis.

The 2035 General Plan, adopted July 21, 2015, Land Use Element, Economic Development Element, Housing Element, Public Facilities and Services Element, Natural and Cultural Resources Element, Circulation Element, and Health and Safety Element provide the following goals, policies and objectives pertaining to land use that are relevant to this analysis:

Land Use Element

- **LU-1.1 Countywide Development.** The County shall focus future development in areas around cities where infrastructure and public services are available, within existing unincorporated communities, and within a limited number of new communities, provided they meet the requirements of goal section LU-7.
- **LU-1.2 Sustainable Development Patterns.** The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.
- **LU-1.3 Future Development Timing.** The County shall ensure that future development does not outpace the ability of either the County or other public/private service providers to provide adequate services and infrastructure. The County shall review future development proposals for their potential to reduce the level of services provided to existing communities or place economic hardships on existing communities, and the County may deny proposals that are projected to have these effects.
- **LU-1.8 Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- **LU-2.1 Sustainable Building Practices.** The County shall promote, and where appropriate, require sustainable building practices that incorporate a “whole system”

approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.

- **LU-2.7 Sustainable Location Factor.** The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.
- **LU-3.8 Urban Residential Buffer Requirement.** The County shall encourage the establishment of a buffer, by the residential developer, between new urban density residential development (i.e., greater than two dwelling units per acre) and existing conventional agricultural operations.
- **LU-3.9 Right to Farm and Ranch.** The County shall protect the rights of operators of productive agricultural properties (as defined in the Glossary) and ranching properties to commence and continue their agricultural and ranching practices (a “right to farm and ranch”) even though established urban uses in the general area may foster complaints against those agricultural and ranching practices. The “right to farm and ranch” shall encompass the processing of agricultural and ranching products and other activities inherent in the definition of productive agriculture and in ranching activities. The County shall require all parcel maps approved for locations in or adjacent to productive agricultural areas and ranching areas to indicate the “right to farm and ranch” policy. The County shall require the program to be disclosed to buyers of property in San Benito County.
- **LU-4.1 Housing Stock Diversity.** The County shall encourage a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds.
- **LU-4.2 Urban Residential Development.** The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.
- **LU-7.10 New Development Design.** The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.
- **LU-9.7 County General Plan Consistency Report.** The County shall monitor and report to the Local Agency Formation Commission (LAFCO) regarding the consistency with the General Plan with any proposed changes in the sphere of influence or other urban boundaries for governmental entities that provide water or sewer services.

Housing Element

- **HOU-2C.** The County shall assure that new housing efficiently uses land and causes minimum environmental impact.
- **HOU-2L.** The County shall require, through specific plans, neighborhood design standards and development review, a mix of housing types, densities, designs and prices/rents in each planning area where land is available.
- **HOU-5A.** The County shall require energy-conserving construction, as required by State law.
- **HOU-5G.** The County shall require solar access to be considered in environmental review and/or decision-making for all subdivisions.

Circulation

- **C-1.5 Mitigating Transportation Impacts.** The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.

Public Facilities and Services Element

- **PFS-1.1 Essential Facilities and Services.** The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.
- **PFS-1.11 Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

4.12 Mineral Resources

4.12.1 Environmental Setting

The California Public Resource Code, Division 2- Geology, Mines and Mining, Chapter 9-The California Surface Mining and Reclamation Act (SMARA) of 1975. This act mandates that the State Board of Mining and Geology Board (SMGB) and Division of Mines and Geology (SMGB or DMG) prepare a mineral resource report for each county. SMARA is administered by the California Department of Conservation, Office of Mine Reclamation (OMR). SMARA requires cooperative efforts from the California Geological Survey (CGS) and the SMGB to identify and classify mineral areas in the state. According to the map produced from this survey the project site does not fall within any are of mapped mineral resources.

4.12.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a 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 on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.12.3 Explanation

a-b) **No Impact.** As stated in the earlier discussion according to the SMGB and DMG maps the project site contains no mapped minerals and therefore would not result in loss of availability of any known mineral resource of value to the region and the residents of this state. This project would also not result in any loss of availability of a locally important mineral resource recovery site as there is none indicated in the local general plan, specific plan, or and other land use plan for the area. This project would result in no impact.

4.13 Noise

4.13.1 Environmental Setting

Noise is generally defined as unwanted sounds that are disturbing or annoying. The policies in the County 2035 General Plan identify noise standards to avoid conflicts between noise-sensitive uses and noise source contributors. Among the policies, General Plan Policy HS-8.3 (Construction Noise), which states: “The County shall control the operation of construction equipment at specific sound intensities and frequencies during daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays.”

Health and safety policies under Goal HS-8 of the San Benito County 2035 General Plan identify noise and land use compatibility guidelines. San Benito County Code, Title 19, Chapter 19.39, Article IV, Sound Level Restrictions, limits received noise generated by any sources at any property line. The noise guidelines generally utilize an exterior noise limit of 70 decibels Ldn (day/night level) at residential properties.

The project site is located in an agricultural and rural residential area. Existing noise levels on the site were not measured but given the site’s location in a rural/agricultural area, they are expected to be low, in the range of 45 to 55 decibels Ldn. The Ldn represents the average sound level over a 24-hour period, accounting for greater noise sensitivity during night hours by adding five (5) decibels to noise between 7 to 10 p.m. and 10 decibels to noise between 10 p.m. to 7 a.m.

4.13.3 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Noise. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive 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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.13.4 Explanation

a-b) **Less than Significant Impact.** Potential future construction and implementation of the proposed project would require temporary increases in ambient noise levels in the vicinity of the project in excess of the standards established in the local general plan and noise ordinance.

This project is located within the Agricultural Rangeland zoning which also allows for higher noise levels up to 75 dB to be “normally acceptable” according to the Land Use Compatibility Guidelines for Community Noise Environments under the San Benito County General Plan. This noise exposure level per the general plan is “great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.”

When construction plans are submitted, they will be reviewed and are subject to all applicable local and state ordinances for noise including County Code Chapter 19.39 (Noise Control Regulations). Given the current County standards in the General Plan, California Health and Safety Code §§ 14930 and 14931, and County Code Chapter 19.39, any noise resulting from this project would have a less-than-significant impact. (1, 2, 3)

c) **No Impact.** This project is not located within an airport land use plan. The project is not located within 2 miles of a public airport or public use airport. With the provisions and standards in the San Benito County General Plan, local ordinance 19.39, and all applicable state law the project would not expose people to excessive noise levels. Therefore, this project would generate no impact. (1, 2)

4.14 Population and Housing

4.14.1 Environmental Setting

San Benito County’s estimated population in 2022 is 65,997 with a growth rate of 1.37% in the past year according to the most recent United States census data. San Benito County, California is the 42nd largest county in California. The 2010 Population was 55,269 and has seen a growth of 19.41% since this time. This property is located within the population of unincorporated San Benito County which is currently 22,230 based on the 2020 US Census numbers (subtracting Hollister and San Juan Bautista which are incorporated).

4.14.2 Environmental Impacts

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

4.14.3 Explanation

a) **Less than significant Impact.** This project could potentially have one additional single-family residence and potentially three ADU’s. This subdivision at maximum entitlement will not induce substantial unplanned population growth in the area either directly or indirectly. This subdivision and residence will not require any extension of infrastructure other than minimal impact to police,

fire, and emergency services as required for a single-family home. Therefore, this project would result in a less than significant impact.

b) **No Impact.** The project potential at a maximum would only consist of one additional single-family residential home and three ADU's. This would not result in any displacement of existing people or housing. It would also not create a need for replacement housing elsewhere. Therefore, this project would result in no impact. (1, 2)

4.15 Public Services

4.15.1 Environmental Setting

Construction of the proposed project as submitted would result in no population increase. However, under the maximum entitlement, this project could cause a minimal increase in population. The overall cumulative effects of population in the area would eventually require the expansion of public facilities. The most recent project of this scale, within the vicinity of the project site, were completed 16 years ago. It is worth noting that projects like Santana Ranch and Fairview Corners, while having significant impacts themselves, have been accounted for through environmental mitigation actions assessed in conjunction with those projects.

Fire Protection: This project site is located within an area of moderate fire hazard in an area of State responsibility under CalFire. The nearest CalFire station is located at 1979 Fairview Road, Hollister, CA 95023, approximately 6 miles northwest of the project site by road.

Police Protection: Police protection services are provided to the project site by the San Benito County Sheriff's Office. The County operates one Sheriff's Office located at 2301 Technology Parkway in the City of Hollister, which is located approximately 12 miles northwest of the project site by road.

Schools: The project is located within the Tres Pinos Union School District and the San Benito Joint Union High School District. The closest school to the proposed project is Tres Pinos Union Elementary, which is located approximately 3 miles southwest of the project site.

Parks: The closest park to the proposed project is Santa Ranch Park, which is located approximately 3 miles west of the project site.

4.15.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Public Services. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.15.3 Explanation

a-e) **Less than Significant Impact.** Implementation of the proposed project would require fire and police protection services. This project has no proposed construction at this time and even at maximum potential build out, of one additional residence and three new accessory dwellings, this is still a relatively minor addition and would not require an increase in service to accommodate the proposed parcels. The current impact fees charged for a project of this scale also offset and allow the infrastructure to have appropriate staff to accommodate this minimal increase to service demand. As a result, this project would not require additional police staff and vehicles such that new or expanded fire or police facilities would need to be constructed.

Hollister Fire Department, CAL FIRE, and San Benito County Sheriff already serve adjacent properties, including the project site. The proposed project would not trigger the need to construct new stations or expand existing services. The impacts from this project in particular represents a less-than-significant impact. (1, 2, 3, 4)

The proposed project would not require any additional public services, such as schools, parks, or other public services. The project does not include new or physically altered schools, parks or other public services or facilities. In addition, the proposed project would not require new schools, parks or other facilities, as the population would minimally increase as a result of the project. Therefore, this project would result in a less than significant impact. (1, 2)

4.16 Recreation

4.16.1 Environmental Setting

Please refer to the discussion under Section 4.15.1, Public Services, above.

4.16.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.16.2 Explanation

a, b) **Less than Significant Impact.** The project consists of the creation of a subdivision and potential construction of a single residence and possibly three ADU's at maximum build out. This could result in a minor increase in population, and, therefore, the project could potentially result in only a minimal increase in use of existing parks and recreational facilities and would not require

the increase or plans for the construction of recreational facilities. This result is less than significant impact. (1, 2)

4.17 Transportation/Traffic

4.17.1 Environmental Setting

The project site fronts the collector road Santa Ana Valley Road. Which is locally accessible via the arterial road Fairview Road. Other roadways in the study area include John Smith Road (collector) and private driveways to neighboring properties. There are no sidewalks or marked crosswalks within the project area. There are no bicycle facilities in the project area. There are no bus stops within the vicinity of the project site.

4.17.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Transportation. Would the project:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.17.3 Explanation

a) **Less than Significant Impact.** The Circulation element of the 2035 General Plan includes policies directing the development of the County transportation network. The 2035 General Plan (Policy C-1.12) states the County shall endeavor to maintain a General Plan target goal on LOS D at all locations. The proposed subdivision and single-family home do not affect the traffic during AM or PM peak hours. The level of service as laid out in the general plan would still be

maintained. As mentioned in discussion 4.15 Public Services with the exception of projects of Santana Ranch and Fairview Corners, the only projects of this scale were done 20 years ago, and the level of service has already been accounted for in the most recent General Plan update in 2015 (see Land Use discussion section 4.11.3 (b)). The further cumulative effect on circulation has been accounted for with the environmental review and mitigations of Santana Ranch and Fairview corners with respect to those projects. This project being of a much smaller scale would have minimal impact on the circulation system and would minimally affect the current level of service (LOS). As a result, the proposed project would not conflict with existing policies addressing circulation. This project would have less than significant impact. (1, 2, 3)

b) **Less than Significant Impact.** Section 15064.3 (b)(1) of the CEQA Guidelines identifies that VMT exceeding an applicable threshold of significance may indicate that a project has a significant transportation related effect. Currently, the County of San Benito does not have adopted VMT thresholds. As a result, the analysis completed for the proposed project used state published guidance to determine the threshold for significance. Technical Advisory on Evaluating Transportation Impacts in CEQA (Page 10) provides “screening thresholds” for the project description that indicate whether a project may have a significant impact. It states that “Screening thresholds such as project size, maps, transit availability, and provision of affordable housing, quickly identify when a project is expected to cause a less-than-significant impact without conducting a detailed study. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (“SCS”) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.” As described above, trips generated by the proposed project are not expected to change from those generated by current operations; project trips also would be under the 110 trips per day threshold. Therefore, the proposed project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2). This is a less-than-significant transportation impact under CEQA. (1, 2, 3)

c) **Less than Significant Impact.** The project’s existing driveway meets Santa Ana Valley Road and runs into the project site directly on the boundary between the proposed Parcel 1 and proposed Parcel 2. This proposed driveway is 16 feet in width and would be considered adequate as defined in Section 202 of the California Fire Code for the anticipated traffic demand to and from the proposed residence. This driveway and any future driveway shall be designed to comply with all current design and safety criteria. The proposed project would not increase hazards or introduce incompatible uses onto a public roadway. This represents a less-than-significant impact. (1, 2, 3)

d) **Less than Significant Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (LHMP) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes, consistent with General Plan Policy HS-1.7 Multi-Hazard Mitigation Plan. Panoche Road was identified in the LHMP general strategies as the primary evacuation roadway for the County. The project site, located on Santa Ana Valley Road, and would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not interfere with any emergency response or evacuation plans. Additionally, a 16-foot-wide access driveway would be constructed on the

property which would be available for emergency vehicle access. This represents a less-than-significant impact. (1, 2, 3, 4)

4.18 Tribal Cultural Resources

4.18.1 Environmental Settings

California Assembly Bill (AB) 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code §21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the California Register of Historical Resources (CRHR) or a local historic register, or that the lead agency has determined to be of significant tribal cultural value. In compliance with AB 52, the County RMA sent notices to California Native American Tribes notifying the tribes of the proposed project and soliciting requests for consultation. The County received responses from the AB 52 Consultation letters, and the discussion below reflects the results of this consultation process.

4.18.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Tribal Cultural Resources.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) 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 § 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.18.3 Explanation

a) **Less Than Significant Impact.** As determined during tribal consultation under AB 52, including a site visit with tribal representation, this project would not cause a substantial or adverse change to a tribal cultural resource as defined by Public Resources Code § 21074. Indigenous representation has not identified the project site as a site, feature, place, or cultural landscape that is defined as a sacred place or object of cultural value to a California Native American tribe. Therefore, the impact of this project would be less than significant.

i) **No Impact.** The project site is not listed or eligible for a listing in the California register of Historical Resources or the local register of historical resources as defined in Public Resources Code § 5020.1(k). Therefore, the result is no impact. (1, 2, 3)

ii) **Less than Significant Impact with Mitigation.** Per the tribal consultation conducted under AB 52, including site visits with tribal representation, tribal cultural resources or Native American resources have been documented on the project site. However, as described above in Section 4.5 Cultural Resources, previously unknown or buried resources could be present. The interested tribe requests that an archaeological and Native American monitor be present during and grading or ground disturbance at this location due to the prior archaeological sensitivity designation. With this monitoring, impact would be less than significant with mitigation. (1, 2, 3)

Mitigation

TCR-1 Tribal and Archaeological Monitoring All subsurface excavation at 4701 Santa Ana Valley Road site shall be monitored by a Tribal Monitor supported by a Lead Archaeologist, both designated by the Amah Mutsun Tribal Band. The Tribal Monitor will work in coordination with the Lead Archaeologist and representatives of San Benito County for the duration of the Project.

1. The Amah Mutsun Land Trust (AMLT) will designate a Lead Archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards to support the tribal monitoring program and comply with applicable mitigation measures. AMLT shall arrange

a pre-excavation meeting with construction personnel to brief them regarding the proper procedures in the event that buried cultural materials are encountered.

2. Tribal Monitors shall be provided with a minimum of 72-hour notice for all work that is to be done that requires a Tribal Monitor, including, but not limited to, ground disturbance activities in accordance with the Mitigation Measures.
3. The property owner/construction manager shall provide the Tribal Monitor with access to the Project site as reasonably necessary for the Monitor to effectively perform the services required. During the Project, the Tribal Monitor may briefly halt ground disturbing activity to more closely investigate the point of excavation. Any investigation will be in full compliance with Project safety protocols.
4. If archaeological or potentially significant previously unidentified subsurface tribal cultural resources are discovered during ground-disturbing activities or construction (whether or not an archaeologist is present), soil disturbing work within 100 feet of the find shall cease. If present, the on-site Tribal Monitor will halt or redirect construction activities away from the area of the find to allow evaluation.
5. The Tribal Monitor in coordination with the Lead Archaeologist shall evaluate the discovered resource(s). While determinations typically occur in the field with minimal stoppages, the Tribal Monitor may require further guidance from tribal cultural experts or subject matter experts to complete a determination. If the discovered resource is determined to be potentially significant, the Lead Archaeologist may provide and implement a plan for additional subsurface investigation as needed to define and assess the extent of the resource within the project area and how it would be affected by the project. In these instances, the Lead Archaeologist or the Tribe may request a further stoppage of work in order to complete an assessment of the find.
6. If an encountered resource is determined significant, the Lead Archaeologist will notify the County and consult with AMTB to develop a culturally appropriate treatment plan. Treatment plans shall consider avoidance and preservation of the resource(s) in place as a preferred option. All potential means of avoiding or reducing ground disturbance within the site boundaries will be considered including modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or more substantial modifications where feasible that will permit avoidance or substantial preservation in place of the resource.
7. The archaeologist, in coordination with AMTB (and NAHC-designated MLD if applicable) shall prepare a report describing any resource(s) unearthed, the treatment of such resource(s), and the evaluation of the resource(s) with respect to the California Register of Historic Resources. If the resource(s) are found to be significant, a separate report detailing the results of the recovery and evaluation process shall be prepared.
8. The applicant's contractor shall, at no fiscal cost to the applicant or applicant's contractor, provide for the presence of a tribal monitor during all earth moving and ground disturbing

activities. The applicant's contractor shall notify tribal monitors a minimum of 7 days prior to any earth moving and ground disturbing activities. In the event that proper notification is not sent to the tribal monitor, all work shall cease until proper notification is sent. However, the applicant's contractor shall retain the authority to continue work, as needed, in the case that a tribal monitor cannot be present. The applicant shall provide the contractor's contact information for the purpose of providing direct information to the tribal monitor regarding project scheduling and safety protocol, as well as project scope, location of earth moving and ground disturbing activities areas, and nature of work to be performed. It shall be the discretion of the tribal monitor to determine if they shall be present for any, some, or all earth moving and ground disturbing activities.

TCR-2 Discovery of Human Remains

1. If human remains are discovered during ground-disturbing activities or project construction, work shall be halted within at least 150 feet of the discovery location, and at a greater distance if determined necessary by the Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, and within any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The San Benito County Coroner shall be notified immediately to determine if the cause of death must be investigated. Notice will also be provided immediately to the Amah Mutsun Tribal Band.
2. If the County Coroner determines that the remains are of Native American origin, the Coroner shall ensure that notification is provided to the Native American Heritage Commission (NAHC) as required by California Public Resources Code Section 5097.98(a). A determination of the Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the NAHC upon notification to NAHC of the discovery of said remains at the Project site. Work may not resume until the MLD has made a recommendation to the County regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.
3. Given the well-established cultural and historical ties of AMTB to the Juristac Tribal Cultural Landscape, AMTB requests that, when and if Native American human remains are discovered at the Project site, the Amah Mutsun Tribal Band is consulted as part of the repatriation process irrespective of whether the NAHC-designated MLD is an AMTB member.
4. The Amah Mutsun Tribal Band shall be allowed to (1) inspect the site of the discovery and (2) make recommendations as to how the human remains and grave goods should be treated with appropriate dignity. The County shall discuss and confer with the Tribe all reasonable options with regard to its preferences and recommendations for treatment.
5. The term "Native American human remains" encompasses more than human bones because AMTB ancestral traditions call for the burial of associated cultural resources (grave goods and funerary objects) with the deceased, and the ceremonial burning of Native American

human remains, funerary objects, grave goods and animals. Ashes and other remnants of these burning ceremonies, as well as grave goods and funerary objects, associated with or buried with the Native American remains, are to be treated in the same manner as human bones, human bone fragments and cremations of human remains.

6. Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The County Coroner is expected to withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r).

TCR-3 Disposition of Ceremonial Items and Other Cultural Resources

1. Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Amah Mutsun Tribal Band. The County agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the Project site to AMTB for possession during course of the Project and, if necessary, appropriate treatment, unless the County is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Tribe requests the return of all other potentially significant Native American-associated cultural resources that are recovered during the course of archaeological investigations on or adjacent to the Project site when the Tribe and the Lead Archaeologist have determined the finds to be potentially significant cultural resources.
2. Where appropriate (from the perspective of the Tribe), and agreed upon in advance by the County, the Tribe, and Lead Archaeologist, certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts. The preferred location for repatriation of cultural material by the Tribe will be in close proximity to the site of discovery but protected from future intrusion. Repatriation of any material will occur at the conclusion of the Project.

TCR-4. Any construction or significant ground-disturbing activities proposed outside of the designated building envelopes shall not occur unless the property owner obtains new or amended County discretionary approval. (See **Figure 5** for building envelope map)

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

Water and Wastewater: If any new residences were to be proposed they would require water which would be available via one of the existing 10 wells on the property. The applicant shall indicate which well will be used as a potable source of water for the proposed Parcel 3 if any residence or dwelling was proposed on that parcel. The applicant would also need to provide a new septic

system and a detention pond with a soils report related to the suitability of a new septic system for any future development. No new utility connections for sewer or water have been proposed for the project as submitted.

Storm Drainage: The San Benito River, Pajaro River, and the Santa Ana Creek tributary are the three natural channels that receive storm water from the County. This property lies within the Middle Fork of the Santa Ana Creek Drainage Basin. This project like most residents and businesses in the unincorporated County rely on individual drainage solutions or small-scale drainage systems. Impervious surface would be increased if a future residence or future dwellings were to be proposed. In that case the applicant would also need to build a new retention pond(s) to offset this increased impervious surface. These specifications would be reviewed for compliance with conditions set forth by San Benito County Division of Public Works before any building permits would be issued. However, at this time no new residences or dwellings are proposed as part of this project as submitted.

Solid Waste: The current solid waste disposal and recycling service provider for the City of Hollister, the City of San Juan Bautista, and most parts of unincorporated San Benito County is Recology. Recology transports solid waste to the John Smith Road Landfill (JSRL), which is owned by the San Benito County Integrated Waste Management Department (IWMD) and operated by Waste Connections, Inc. The JSRL is the only operating active solid waste landfill in the County. The JSRL is located at 2650 John Smith Road, approximately 5 miles southwest of downtown Hollister, in the unincorporated County. It has a maximum permitted throughput of 1,000 tons per day. As of March 31, 2018, the JSRL has a remaining capacity of approximately 3,499,000 cubic yards (CalRecycle, 2022). According to available information from the Central Coast RWQCB regarding the JSRL, based on current waste disposal rates, the estimated closure date (when capacity is expected to be reached) is 2032 (CalRecycle, 2022).

Electric and Gas: Starting in 2018, all PG&E customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in 3CE. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE's standard electricity offering, is carbon free and is classified as 30 percent renewable. Of the electricity provided by 3CE in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (3CE, 2019).

4.19.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which 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, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.3 Explanation

a) **Less than Significant Impact.** The project could require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects. Additionally, future development even at maximum build out of one new residence, and three ADU’s would only potentially require minimal facilities to serve the potential residence and potential ADU’s. Resulting in a less than significant impact.

As discussed above, any future potential residence and potential ADU's would require hookups to the new septic system on the project site, new potable well water from one of the existing wells, and new septic tank(s). The County would additionally the detention and drainage plans to ensure the facility is designed to detain the difference between a flood of a 10-year pre-development event and 100-year flood post development, in accordance with County standards set forth in Article 3 Storm Drainage Design Standards § 23.31.040 (*et seq.*) Design Storm, and detain flows in excess of this to release post-development flows at predevelopment levels, satisfying post-construction requirements, Low Impact Development (LID) requirements, and County stormwater management requirements.

Electricity for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. Any future development would require natural gas and new telecommunications service. The project as proposed would not require any additional electricity compared to what is currently used on-site. While additional electricity would be consumed with potential future development, the use would be consistent with what would be expected from a standard residency. Thus, impacts to electricity, natural gas, and telecommunications infrastructure would be less-than-significant. Based on the above, any future proposed project would include the necessary installation or improvements to infrastructure in order to provide stormwater treatment and electrical power to the proposed project. The rest of the subdivision will use the existing infrastructure. With the installation of these services, the project would have a less-than-significant impact would occur in these areas. (1, 2, 3, 13)

b) Less than Significant Impact. The potential at maximum build out for a project of this scale is not anticipated to have a substantial increase in water supply. The project is located in the North San Benito (Santa Ana Valley) Basin, which is not critically over drafted as defined by the Sustainable Groundwater Management Act (SGMA) and has been marked as low priority. The existing residences will not require a new well to be constructed, as it would use their current existing wells on the proposed parcel 1 and 2, and therefore would not increase demand on available water supplies. Distance to the nearest municipal water system makes connection to the system infeasible. If the project were to propose an additional residence and 3 accessory dwellings, as would be the maximum entitlement, the project would still not require or increase demand on the current municipal water supply as it would not require any additional connections. Any future proposals for this subdivision, this proposed residence, and all future dwellings would be served by the existing wells as necessary per San Benito County Water and Environmental Health Division's standards. This represents a less-than-significant impact. (1, 2, 15)

c) Less than Significant Impact. The project proposes no new construction at this time. However, with the maximum entitlement granted by this subdivision at a potential of, one additional residence and three ADU's, a future development project would need to be served by a new septic system. Any future development would be subject to further Review by San Benito County Environmental Health Division. This represents a less-than-significant impact. (1, 2)

d-e) Less Than Significant Impact. Any potential future project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, negatively impact solid waste services, impair the attainment of solid waste reduction goals. Additionally, a

potential project would be required to comply with federal, state, and local management and reduction statutes and regulations related to solid waste. General trash and recycling would be transported to the JSRL in Hollister, CA. There would be less than-significant impact associated with solid waste generation. (1, 2)

4.18 Wildfire

4.18.1 Environmental Setting

The project site is located within an area of State responsibility. It is located in an area of moderate FHSZ, as designated by the California Department of Forestry and Fire Protection (Cal Fire, California Fire Hazard Severity Zone Viewer, 2020). CAL FIRE, its nearest fire station located 6 miles west by road at 1979 Fairview Road, would have a primary role in any fire protection services required at the project site.

4.18.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.18.3 Explanation

a) **Less than Significant Impact.** San Benito County has prepared a Multi-Jurisdiction LHMP with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes, as described in Section 4.9 Hazards and Hazardous Materials. Panoche Road is the primary evacuation roadway for the County. The project site, located on Santa Ana Valley Road, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not interfere with any emergency response or evacuation plans. Additionally, a 20-foot-wide access driveway would be constructed on the property which would be available for emergency vehicle access. The proposed subdivision and the proposed new residence would therefore result in a less than significant impact.

b-d) **Less than significant Impact.** The project site is not located within or near a Very High Fire Hazard Severity Zone for wildfires; therefore, the proposed project has low potential for exposing project occupants or structures to a significant wildfire. The proposed project would comply with the applicable fire safety provisions of the California Building Code, as well as standard conditions of approval, thereby reducing the risk of damage from fire. As a result, an impact less than significant would occur. (1, 2, 3, 4, 12)

4.19 Mandatory Findings of Significance

4.19.1 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mandatory Findings of Significance.				
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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

4.19.2 Explanation

a) **Less than Significant Impact with Mitigation Incorporated.** The proposed project would result in temporary and permanent impacts that would be mitigated to a less-than significant level through the incorporation of mitigation measures identified in this IS/MND. With these mitigation measures, the proposed project would not 1) degrade the quality of environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number

or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory.

Compliance with the mitigation measures contained in this document would ensure that all impacts are less than significant. Moreover, the proposed project would not adversely impact a cultural or historic resource that is an important example of a major period in California history. The County has conducted AB 52 tribal consultation with all the relevant tribes as stated in section 4.18 Tribal Cultural Resources, with the consultation including a site visit, and the interested tribe had no specific concerns with the project site. However, as discussed in section 4.18 the interested tribe requests archaeological and Native American monitoring during grading/ground disturbance at this location due to prior archaeological sensitivity designation. With implementation of the mitigation measure **TCR-1**, **TCR-2**, **TCR-3**, and **TCR-4** as described in this IS/MND, the project would not have the potential to degrade the quality of the environment and, overall, impacts would be less-than-significant impact. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

b) Less than Significant Impact. Under CEQA “cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The most recent projects of this scale are from 2007 and the addition of this project would cause minimal increase to this already accounted for impact. It is worth noting that projects like Santana Ranch and Fairview Corners, while having significant impacts themselves, have been accounted for through environmental mitigation actions assessed in conjunction with those projects. The proposed project would not result in a cumulatively considerable adverse environmental effect.

This IS/MND contains mitigation to ensure that all impacts would be reduced to a Less Than Significant Impact level. The project would have temporary air quality impacts, and GHG emissions that would contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the MBARD’s thresholds of significance. In addition, the proposed project would not induce population growth beyond that incorporated in the San Benito County General Plan; therefore, the project would not conflict with and/or obstruct the implementation of the MBARD 2012-2015 AQMP, or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a Less Than Significant Impact cumulative impact on the air quality and GHG. This project is consistent with the General Plan land use designation; thus, the potential effects of the project were already considered programmatically as part of the General Plan REIR. Overall, the project would not result in impacts that are individually limited, but cumulatively considerable.

c) Less Than Significant Impact with Mitigation Incorporated. The proposed project would not cause any adverse effects on human beings. Construction impacts, including impacts to sensitive receptors, would be temporary in nature and mitigated to a Less Than Significant Impact extent. The project would not have a substantial adverse effect on human beings, either directly or indirectly. This is considered a less-than-significant impact with mitigation incorporated.

Table 2. Summary of Mitigation Measures

Mitigation Measure	Requirements of Measure
<i>Biological Resources</i>	
BR-1	Prior to the recordation of the final map the following areas shall be delineated on the parcel map as non-buildable: <ul style="list-style-type: none"><li data-bbox="477 520 1166 552">• The Floodplain Boundary per current FEMA map.<li data-bbox="477 558 1430 663">• Prior to the recordation of the final map the wetland area shall be identified on the parcel map and the wetland shall be designated as non-buildable on the parcel map.

BR-2

Prior to any construction California Department of Fish and Wildlife (CDFW) recommends that a qualified biologist, assess the project site to determine if the following federally endangered, state threatened, and special-status species are present including, but not limited to:

- San Joaquin kit fox (*Vulpes macrotis mutica*)
- California tiger salamander (*Ambystoma californiense*),
- California red-legged frog (*Rana draytonii*),
- Tricolored blackbird (*Agelaius tricolor*)
- Swainson's hawk (*Buteo swainsoni*)
- Crotch bumble bee (*Bombus crotchii*)
- American badger (*Taxidea taxus*)
- Burrowing owl (*Athene cunicularia*)
- Western pond turtle (*Emys marmorata*)
- Western spadefoot (*Spea hammondi*)

These resources may need to be evaluated and addressed using the protocols listed below prior to any approvals that would allow future structure and/or significant ground-disturbing activities.

- 1) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to nesting birds that are with State or Federally endangered, construction shall commence prior to the nesting season, which lasts February 1 through September 15. If this is not possible, a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 10 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat within 300 feet of the project boundary. If nesting birds are identified during the pre-construction survey, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 15 (when young are assumed fledged).
- 2) Per the California Department of Fish and Wildlife (CDFW) recommendation to avoid impacts to San Joaquin Kit Fox (SJKF), construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are minimums, and if they cannot be followed the Service must be contacted. Adult and pup kit

foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as:

- **Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.
 - **Known den(s):** 100 feet Natal/pupping den (occupied and unoccupied) Service must be contacted.
 - Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.
- 3) To avoid impacts to California Tiger Salamander (CTS) CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the United States Fish and Wildlife Service (USFWS). Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) during late fall and early winter to determine the existence and extent of CTS breeding and refugia habitat ahead of any ground-disturbing activities. If CTS protocol level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within the project site prior to commencing with any ground- and/or vegetation-disturbance activities. Further, CDFW recommends potential or known breeding habitat within the Project site be delineated with a minimum 250-foot no-disturbance buffer. Alternatively, presence of CTS can be assumed and an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b) can be acquired.
- 4) To avoid impacts to California Red legged Frogs (CRLF), CDFW recommends that a qualified biologist conduct surveys for CRLF within 48-hours prior to commencing work in accordance with the USFWS “Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within the Project site. If any CRLF are found during pre-activity surveys or at any time during vegetation or ground-disturbing activities, CDFW recommends that activities cease and that CDFW be contacted to discuss a relocation plan for CRLF with relocation conducted by a qualified biologist, holding a Scientific Collecting Permit for the

species. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor vegetation and ground-disturbing activity daily for CRLF.

- 5) To avoid impacts to Crotch Bumble Bee (CBB), CDFW recommends that a habitat assessment be conducted for suitable CBB habitat and that surveys be conducted for CBB, CBB nesting habitat, and CBB foraging resources. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.
- 6) To avoid impacts American Badger (*Taxidea taxus*) (AMBA), CDFW recommends assessing presence of AMBA by having a qualified biologist conduct surveys for AMBA and their requisite habitat features (dens) prior to any ground-disturbing activities and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.
- 7) To avoid impacts to Western Pond Turtle (*Emys marmorata*) (WPT), CDFW recommends assessing presence of WPT by having a qualified biologist conduct surveys for WPT prior and then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. In addition, CDFW recommends that focused surveys for nests occur during the egg laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched. CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own accord.
- 8) To avoid Impacts to Western Spadefoot (*Spea hammondi*) (WESP), CDFW recommends assessing presence/absence of WESP by having a qualified biologist conduct surveys for WESP and their requisite habitat features then repeat the focused surveys, regardless of the initial results, 10 days prior to any ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-

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disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease, and individuals be allowed to leave the Project site on their own accord.

- 9) To avoid impacts to Special-Status Plants (SSP), CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities” (CDFW 2018). In the absence of protocol-level surveys being performed, additional surveys may be necessary. CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species.

- 10) Lake and Streambed Alteration: Per aerial imagery, Santa Ana Creek flows through the Project site. In addition to this ephemeral creek, there is wetland area on the east side of the parcel that is above the smaller ponded area to the south. Any ground-disturbing activities that have the potential to impact this stream and/or wetland area may be subject to CDFW’s regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 which requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. “Any river, stream, or lake” includes those that are ephemeral or intermittent as well as those that are perennial in nature.

Cultural Resources

Mitigation Measure	Requirements of Measure
CR-1	<p>If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)</p> <p>Any construction or significant ground-disturbing activities proposed outside of the designated building envelopes shall not occur unless the property owner obtains new or amended County discretionary approval. (See Figure 5 for building envelope map)</p>

Mitigation Measure	Requirements of Measure
CR-2	<p>If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)</p> <p>Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <p>If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:</p> <ol style="list-style-type: none">a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.c. Notify Resource Management Agency Director within 24 hours if human and/or questionable remains have been discovered. The Sheriff-Coroner shall be notified immediately of the discovery as noted above.d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

Mitigation Measure	Requirements of Measure
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Geology and Soils

GEO-1	<p>Erosion control measures and associated BMPs include the following: Mitigation during construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:</p> <ul style="list-style-type: none">• Stockpiling and disposing of demolition debris, concrete, and soil.• Protecting existing storm drain inlets and stabilizing disturbed areas.• Hydroseeding/re-vegetating disturbed areas.• Minimizing areas of impervious surfaces.• Implementing runoff controls (e.g., percolation basins and drainage facilities).• Properly managing construction materials.• Managing waste, aggressively controlling litter, and implementing sediment controls.• Limiting grading to the minimum area necessary for construction and operation of the project. County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.
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Mitigation Measure	Requirements of Measure
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Tribal Cultural Resources

TCR-1

Tribal and Archaeological Monitoring: All subsurface excavation at 4701 Santa Ana Valley Road site shall be monitored by a Tribal Monitor supported by a Lead Archaeologist, both designated by the Amah Mutsun Tribal Band. The Tribal Monitor will work in coordination with the Lead Archaeologist and representatives of San Benito County for the duration of the Project.

1. The Amah Mutsun Land Trust (AMLT) will designate a Lead Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards to support the tribal monitoring program and comply with applicable mitigation measures. AMLT shall arrange a pre-excavation meeting with construction personnel to brief them regarding the proper procedures in the event that buried cultural materials are encountered.
2. Tribal Monitors shall be provided with a minimum of 72-hour notice for all work that is to be done that requires a Tribal Monitor, including, but not limited to, ground disturbance activities in accordance with the Mitigation Measures.
3. The property owner/construction manager shall provide the Tribal Monitor with access to the Project site as reasonably necessary for the Monitor to effectively perform the services required. During the Project, the Tribal Monitor may briefly halt ground disturbing activity to more closely investigate the point of excavation. Any investigation will be in full compliance with Project safety protocols.
4. If archaeological or potentially significant previously unidentified subsurface tribal cultural resources are discovered during ground-disturbing activities or construction (whether or not an archaeologist is present), soil disturbing work within 100 feet of the find shall cease. If present, the on-site Tribal Monitor will halt or redirect construction activities away from the area of the find to allow evaluation.
5. The Tribal Monitor in coordination with the Lead Archaeologist shall evaluate the discovered resource(s). While determinations typically occur in the field with minimal stoppages, the Tribal Monitor may require further guidance from tribal cultural experts or subject matter experts to complete a determination. If the discovered resource is determined to be potentially significant, the Lead Archaeologist may provide and implement a plan for additional subsurface investigation as needed to define and assess the extent of the resource within the project area and how it would be affected by the project. In these

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instances, the Lead Archaeologist or the Tribe may request a further stoppage of work in order to complete an assessment of the find.

6. If an encountered resource is determined significant, the Lead Archaeologist will notify the County and consult with AMTB to develop a culturally appropriate treatment plan. Treatment plans shall consider avoidance and preservation of the resource(s) in place as a preferred option. All potential means of avoiding or reducing ground disturbance within the site boundaries will be considered including modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or more substantial modifications where feasible that will permit avoidance or substantial preservation in place of the resource.
7. The archaeologist, in coordination with AMTB (and NAHC-designated MLD if applicable) shall prepare a report describing any resource(s) unearthed, the treatment of such resource(s), and the evaluation of the resource(s) with respect to the California Register of Historic Resources. If the resource(s) are found to be significant, a separate report detailing the results of the recovery and evaluation process shall be prepared.
8. The applicant's contractor shall, at no fiscal cost to the applicant or applicant's contractor, provide for the presence of a tribal monitor during all earth moving and ground disturbing activities. The applicant's contractor shall notify tribal monitors a minimum of 7 days prior to any earth moving and ground disturbing activities. In the event that proper notification is not sent to the tribal monitor, all work shall cease until proper notification is sent. However, the applicant's contractor shall retain the authority to continue work, as needed, in the case that a tribal monitor cannot be present. The applicant shall provide the contractor's contact information for the purpose of providing direct information to the tribal monitor regarding project scheduling and safety protocol, as well as project scope, location of earth moving and ground disturbing activities areas, and nature of work to be performed. It shall be the discretion of the tribal monitor to determine if they shall be present for any, some, or all earth moving and ground disturbing activities.

TCR-2

Discovery of Human Remains:

1. If human remains are discovered during ground-disturbing activities or project construction, work shall be halted within at least 150 feet of the discovery location, and at a greater distance if determined necessary by the Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, and within any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The San Benito County Coroner shall be notified immediately to determine if the cause of death must be investigated. Notice will also be provided immediately to the Amah Mutsun Tribal Band.
2. If the County Coroner determines that the remains are of Native American origin, the Coroner shall ensure that notification is provided to the Native American Heritage Commission (NAHC) as required by California Public Resources Code Section 5097.98(a). A determination of the Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the NAHC upon notification to NAHC of the discovery of said remains at the Project site. Work may not resume until the MLD has made a recommendation to the County regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.
3. Given the well-established cultural and historical ties of AMTB to the Juristac Tribal Cultural Landscape, AMTB requests that, when and if Native American human remains are discovered at the Project site, the Amah Mutsun Tribal Band is consulted as part of the repatriation process irrespective of whether the NAHC-designated MLD is an AMTB member.
4. The Amah Mutsun Tribal Band shall be allowed to (1) inspect the site of the discovery and (2) make recommendations as to how the human remains and grave goods should be treated with appropriate dignity. The County shall discuss and confer with the Tribe all reasonable options with regard to its preferences and recommendations for treatment.
5. The term "Native American human remains" encompasses more than human bones because AMTB ancestral traditions call for the burial of associated cultural resources (grave goods and funerary objects) with the deceased, and the ceremonial burning of Native American human remains, funerary objects, grave goods and animals. Ashes and other

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remnants of these burning ceremonies, as well as grave goods and funerary objects, associated with or buried with the Native American remains, are to be treated in the same manner as human bones, human bone fragments and cremations of human remains.

6. Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The County Coroner is expected to withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r).

TCR-3

Disposition of Ceremonial Items and Other Cultural Resources:

1. Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Amah Mutsun Tribal Band. The County agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the Project site to AMTB for possession during course of the Project and, if necessary, appropriate treatment, unless the County is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Tribe requests the return of all other potentially significant Native American-associated cultural resources that are recovered during the course of archaeological investigations on or adjacent to the Project site when the Tribe and the Lead Archaeologist have determined the finds to be potentially significant cultural resources.
2. Where appropriate (from the perspective of the Tribe), and agreed upon in advance by the County, the Tribe, and Lead Archaeologist, certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts. The preferred location for repatriation of cultural material by the Tribe will be in close proximity to the site of discovery but protected from future intrusion. Repatriation of any material will occur at the conclusion of the Project.

Mitigation Measure	Requirements of Measure
TCR-4	Any construction or significant ground-disturbing activities proposed outside of the designated building envelopes shall not occur unless the property owner obtains new or amended County discretionary approval. (See Figure 5 for building envelope map)

Chapter 5. Bibliography

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