

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

August 9, 2018

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

3:00 P.M.

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

CONSENT AGENDA

4. Approval of minutes: April 12, and May 10, 2018

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM

5. LAFCO 525 – The Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment: Involving an amendment to the Sunnyslope County Water District Sphere of Influence and the annexation of 49.23 acres into the District located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County. The proposed annexation is for 90 single-family detached lots with access to Ridgemark Drive and Southside Road. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Impact Report, and to consider amendment of the Sphere of Influence and approval the annexation.

INFORMATIONAL

6. Receive and File the CALAFCO White Paper: “State of the Art of Agricultural Preservation”
7. Commissioner Announcements and Requests for Future Agenda Items
8. Executive Officer oral status report on pending proposals
9. Adjourn to regular meeting at 3:00 PM on September 13, 2018, unless meeting is cancelled by Chair

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or an financially interested person who actively supports or opposes the LAFCO decision on this matter.

Those who have made such contributions are required to disclose that fact for the official record of the proceedings. Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Executive Officer of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically in Government Code section 84308.

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at cgraves@cosb.us.

LOCAL AGENCY FORMATION COMMISSION
2301 Technology Parkway
Hollister, CA 95023



CERTIFICATE OF POSTING

Pursuant to Government Code § 59454.2(a) I, Janet Slibsager, Clerk of the Board of Supervisors, certify that the REGULAR MEETING AGENDA for the

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for August 9, 2018 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this

2nd day of August, 2018.

All locations freely accessible to the general public.

Janet Slibsager

Clerk of the Board of Supervisors

CONSENT AGENDA

**4. Approval of minutes: April 12,
and May 10, 2018**

**SAN BENITO LOCAL AGENCY FORMATION
COMMISSION
MINUTES OF MEETING**

April 12, 2018

Board of Supervisors Chambers - Hollister, CA

1. Chair Ignacio Velazquez called the meeting to order at 3:02 p.m. present were Executive Officer Bill Nicholson and Commissioners: Chair, Ignacio Velasquez, Vice Chair, Anthony Botelho, and Commissioner Richard Bettencourt. Commissioner Jaime De La Cruz arrived late and Commissioner Jim West was absent.

2. Commissioner Botelho led the Pledge of Allegiance.

3. Public Comment Period:

There was no one wishing to speak from the public.

CONSENT AGENDA

4. Approval of Minutes from the February 8, 2018 Meeting.

Commissioner Botelho made a motion to approve the minutes. Commissioner Bettencourt seconded the motion.

Ayes: Bettencourt, Botelho, Velasquez
Noes: None
Abstain: None

BUSINESS ITEMS – NON-HEARING ITEM:

5. LAFCO 523- City of Hollister Out of Agency Service Extension (Perry): To provide a City water connection to one existing residence at 3510 San Juan Road located on the south side of San Juan Road, approximately one thousand feet east of Union Road in the Hollister area, and to make an environmental determination.

Executive Officer Nicholson provided information regarding the request and the circumstances surrounding it. LAFCO is responsible for regulating out of agency service extensions under Government Code Section 56133. The Perry property in question is outside the City's sphere of influence and thus requires LAFCO approval. The sole residence on the property is currently relying on bottled water

due to the contamination of groundwater in the area. The request qualifies for an exemption from environmental review under Section 15301 for existing facilities. Staff recommends approval.

Commissioner Bettencourt commented on the fact that Whittaker ordinance facility was paying for the application as they were the source of the water contamination.

Commissioner Bettencourt made a motion to approve the request to provide water service outside the Hollister City limits and sphere of influence. Commissioner Botelho seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, Velasquez
Noes: None
Abstain: None

6. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation (CALAFCO) and approval of Letters of Support for the following Bills: AB 2258 (Caballero) proposing one-time funding for local LAFCO studies on governmental efficiency; AB 3254 (sponsored by the Assembly Local Government Committee) containing CALAFCO's annual Omnibus Government Code clean-up bill; and AB 2600 (Flora) regarding initiating formation of regional park and open space districts by Board of Supervisor or City Council resolution.

Executive Officer Nicholson provided information regarding AB2258 and how it would affect the San Benito County LAFCO. There was discussion regarding how AB 2258 might impact the Pacheco Stormwater District issue.

Commissioner Botelho made a motion to support AB2258 and send a letter detailing their support. Commissioner De La Cruz seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, Velasquez
Noes: None
Abstain: None

Executive Officer Nicholson provided information regarding AB3254. County Counsel Barbara Thompson provided additional clarification.

Commissioner Botelho made a motion to support AB3254 and send a letter detailing their support. Commissioner De La Cruz seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, Velasquez
Noes: None
Abstain: None

Executive Officer Nicholson provided information regarding AB2600.

Commissioner Botelho made a motion to support AB2600 and send a letter detailing their support. Commissioner De La Cruz seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, Velasquez
Noes: None
Abstain: None

7. Adoption of the Proposed Fiscal Year 2018-19 Budget.

Executive Officer Nicholson provided information on the proposed budget and significant changes. Staff recommends the adoption of the proposed budget.

Commissioner Bettencourt commented that they had budgeted \$10,000 for legal counsel but had only used \$4,794. He asked if they could take the difference and put it in the contingency reserve. He also asked how staff is compensated for the LAFCO meetings (including the Clerk and County Counsel). Additionally, he asked whether LAFCO should have counsel they can consult in the event the County Counsel has a conflict of interest.

County Counsel Thompson and Executive Officer Nicholson provided clarification.

Commissioner Botelho made a motion to accept the Proposed Fiscal Year 2018-19 Budget. Commissioner De La Cruz seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, Velasquez
Noes: None
Abstain: None

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEMS

No items.

**CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL-
ANTICIPATED LITIGATION CHANGE PROPOSALS – PUBLIC
HEARING ITEMS**

8. Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases:
(1) Closed session is authorized by Section 54956.9(d)(2),(e),(1).

The Commissioners entered into closed session at 3:36 PM and reported out of closed session at 4:03 PM.

No reportable action was taken.

INFORMATIONAL

9. Commissioner announcements and requests for future Agenda Items:

None.

10. Executive Officer oral status report on pending proposals:

Executive Officer Nicholson stated that he received a new application for the Roberts Ranch annexation to the City of Hollister.

ADJOURNMENT

11. Upon motion by Commissioner Botelho, and seconded by Commissioner Bettencourt, adjourned meeting to the next meeting on May 10, 2018, unless canceled by the Chair or a special meeting is called.

Final Minutes Approved by the Commission
on _____

By _____
Ignacio Velasquez, Chairman

SAN BENITO LOCAL AGENCY FORMATION COMMISSION MINUTES OF MEETING

May 10, 2018

Board of Supervisors Chambers - Hollister, CA

1. Chair Ignacio Velasquez called the meeting to order at 3:00 p.m. present were Executive Officer Bill Nicholson and Commissioners: Chair, Ignacio Velasquez, Vice Chair, Anthony Botelho, Commissioner Richard Bettencourt, Commissioner De La Cruz, and Alternate Commissioner Dan De Vries. Commissioner Jim West was absent.
2. Commissioner Botelho led the Pledge of Allegiance.
3. Public Comment Period:

Jack Murphy had a question regarding the Bluffs project and annexation into the Sunnyslope Water District, which had been discussed at the March meeting. Specifically, he asked if LAFCO had to take an action before the Planning Commission could move forward with the project. County Counsel Barbara Thompson and Executive Officer Bill Nicholson provided clarification.

CONSENT AGENDA

4. Approval of Minutes from the January 11, March 8, and April 12, 2018 meetings.

Commissioner Botelho made a motion to approve the minutes. Commissioner De La Cruz seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, De Vries, Velasquez
Noes: None
Abstain: None

BUSINESS ITEMS – PUBLIC HEARING ITEM:

5. Adoption of the Final Fiscal Year 2018-19 Budget:

Executive Officer Nicholson pointed out one change to the budget: the overhead cost allocation plan that the county charges to LAFCO. The number that was previously budgeted was too low. The charge will be \$7,329.00, which is 3 times

more than what was budgeted for. He stated that the billing is based on 2 years prior expenses.

Discussion and questions by the Commissioners ensured. County Counsel Thompson provided clarification.

Commissioner De La Cruz made a motion to approve the Final Fiscal Year 2018-19 Budget. Commissioner Bettencourt seconded the motion.

Ayes: Bettencourt, Botelho, De La Cruz, De Vries, Velasquez

Noes: None

Abstain: None

BUSINESS ITEMS – NON-HEARING ITEM

6. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO).

Executive Officer Nicholson provided an update on AB 2258 (Caballero), which proposes one-time funding for local LAFCO studies on governmental efficiency, AB 3254 (sponsored by the Assembly Local Government Committee), which contains CALAFCO's annual Omnibus Government Code clean-up bill, and AB 2600 (Flora), which initiates the formation of regional park and open space districts by Board of Supervisor or City Council resolution. The Commission had voted to send letters of support for the three bills at the April LAFCO meeting.

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEMS

No items.

INFORMATIONAL

7. Commissioner announcements and requests for future Agenda Items:

None.

8. Executive Officer oral status report on pending proposals:

The Roberts Ranch annexation will come before LAFCO at the June meeting.

The Bluffs project/Sunnyslope Water District Annexation is still in the works and will probably be coming before LAFCO in the next few months.

An exception from the out of boundary service for city sewer for the Fairview Corners project will also probably be coming before LAFCO.

Commissioner Botelho stated that he would like LAFCO to be at the beginning of the approval process instead of at the end as they currently are. County Counsel Barbara Thompson provided additional information. Usually the land use process occurs first and the annexation occurs second.

The Commissioners discussed LAFCO's role in the process. Commissioner De La Cruz asked that they put an item on the next agenda to address putting LAFCO earlier in the process.

ADJOURNMENT

9. Upon a motion by Commissioner Botelho, and seconded by Commissioner De La Cruz, adjourned meeting at 3:37 p.m. to the next meeting on June 14, 2018, unless canceled by the Chair or a special meeting is called.

Final Minutes Approved by the Commission
on _____

By _____
Ignacio Velasquez, Chairman

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM

**5. LAFCO 525 – The Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence
Amendment: Involving an amendment to the Sunnyslope County Water District Sphere of Influence and the annexation of 49.23 acres into the District located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County. The proposed annexation is for 90 single-family detached lots with access to Ridgemark Drive and Southside Road. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Impact Report, and to consider amendment of the Sphere of Influence and approval of the annexation.**

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT
(Agenda Item 5)

August 9, 2018 (Agenda)

LAFCO No. 525: Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment

PROPONENT: Board of Directors of the Sunnyslope County Water District by Resolution, and Property Owners by Petition

ACREAGE & LOCATION Expansion of the Sphere of Influence of the Sunnyslope County Water District and Annexation of the same 49.24 acres of property located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County

PURPOSE: To include this property within the Sunnyslope County Water District sphere of influence and to annex the territory into the District in order to receive District potable water and wastewater services for a 90 unit single family residential development with associated parks and landscape areas

PROJECT EVALUATION AND DETERMINATIONS – SPHERE OF INFLUENCE

San Benito LAFCO prepared a comprehensive review of the Sunnyslope County Water District sphere of influence (SOI) in 2008 along with the preparation of the first round of Municipal Service Reviews (MSRs) for the two cities and seven other special districts within San Benito County. In 2014, LAFCO approved an updated Municipal Service Review, but did not change the SOI. As a result of the County's approval of the "Promontory at Ridgemark Tentative Subdivision Map," the Sunnyslope County Water District adopted Resolution No. 549 requesting LAFCO amend their SOI boundary and approve annexation of the 49.24 acre property into the district.

The purpose of a sphere of influence, as described in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governing LAFCO procedures, is to:

- Identify the eventual service area or boundary of a city or special district – typically larger than the current agency boundary when growth in services or population is anticipated.
- Identify which local agency is appropriate to provide services in an area that is not within a current agency boundary in order to avoid overlapping and inefficient boundaries and service extensions; and
- Include an evaluation of public agencies under five determinations consistent with Government Code section 56425(e).

In staff's review of the application materials for the SOI amendment submitted by the Sunnyslope County Water District (SSCWD) in the Sphere of Influence Proposal Questionnaire, along with the annexation application materials, the 49.24 acre project area complies with Government Code section 56425(e) as summarized below:

1. The present and planned land uses in the area including agricultural and open space lands: The application materials and Environmental Impact Report prepared by San Benito County identify the project as a 90 lot single family residential subdivision, including two active and one passive park, new roads, a drainage basin and related public facilities to serve the development. The current land uses include 36.4 acres of fallow land identified as "Important Farmland" under the CEQA definition as it contains soils designated under the Farmland Mapping & Monitoring Program as: prime, statewide important and unique. The balance of the property consists of steep slopes on the southwest and south dropping approximately 55 feet to the property boundary on Southside Road. With the exception of a second project access road with a 40 foot right-of-way, this slope area will remain in open space. (Refer to the determinations under Item 5 on Page 6 of this Executive Officer's Report for a summary of how the County addressed the impact to Important Farmland.)
2. Present and probable need for public facilities and services in the area: In order to develop the property into urban densities allowed under the County General Plan and zoning, access to the SSCWD potable water supply and wastewater treatment system are required. There are no alternate service providers in the vicinity of this project adjacent to and planed to become part of the Ridgemark Community.
3. Present capacity of public facilities and adequacy of public services that the agency provides: The SSCWD has provided evidence they have adequate water and wastewater treatment capacity for this 49.24 acre sphere amendment and annexation with the corresponding 90 lot subdivision. With indoor and outdoor water demand for the homes, and other park and landscape maintenance, the total annual water demand will be 63 acre feet per year.
4. The existence of any social or economic communities of interest: The property consists of two isolated bluff parcels adjacent to the unincorporated Ridgemark community, and is separated from Southside Road running along the southwest boundary of the property at the bottom of bluff. There are no other districts or jurisdictions to provide services to the project site.
5. For updates to a sphere of a city or district providing water, sewer or fire suppression, the needs and deficiencies related to public services in any disadvantaged unincorporated community (DUC): The project area contains no existing residents, and the adjacent lands to the west and south are rural and agricultural. The existing Ridgemark

community to the north and east is an above moderate income development around a golf course. Therefore, there are no DUCs in the vicinity of the project. However, the County has made two requirements to help provide new housing opportunities that are more affordable to lower income residents: at least 13 second dwelling units must be constructed within the 90 lots of the subdivision, and the County has imposed their affordable housing ordinance which requires a fee of \$4,500 per lot be paid to the County to provide affordable housing elsewhere in the community.

PROJECT EVALUATION AND DETERMINATIONS – ANNEXATION

1. Land Use, Planning and Zoning - Present and Future:

The 49.24 acre property involving two Assessor's Parcels consists of fallow farmland (34.4 acres) on top of a bluff, and steeply sloping land on the southern and western portion of the site. The territory is designated Residential Mixed in the San Benito County General Plan (allowing up to 20 dwellings per acre). The annexation area is zoned R-1 (Single Family Residential). The developable area sits on top of a bluff, which is proposed for 90 residential lots for single family homes and up to 15 secondary units, along with two active and one passive park areas (a total of 3.2 acres) for residents within the gated community.

Surrounding land uses include existing residential development and a golf course to the north and east within the Ridgemark community. These areas are also designated Residential Mixed in the General Plan. The area to the southwest is designated Agricultural with some existing agricultural cultivation and orchards, and the area immediately to the south and southeast is designated Residential Mixed. The corresponding zoning to the southwest and south is "Agricultural Productive."

2. Topography, Natural Features and Drainage Basins:

The project area is level on top of the bluff, and steeply sloping toward the southwest with an approximate 55 foot drop with slopes ranging between a 1.5:1 to 3:1 ratio down to Southside Road. The approximately 12.1 acres of natural slope features will be preserved with building setbacks, with the exception of construction of a new two way access street to Southside Road. This road was required by the County as a second means of access to the primary connection through Ridgemark Drive. The southwestern access point is proposed to be gated as is the current access into the Ridgemark Community.

3. Population:

There are no existing homes within the annexation area and no registered voters. Following annexation, development will result in the construction of 90 single family homes and possibly an additional 15 secondary units. Exact occupancy levels are not known, but applying an average of 3.22 occupants per primary dwelling unit would result in a population of 290 based on the Draft EIR calculations.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The modification to the sphere of influence and annexation into the Sunnyslope County Water District (SSCWD) is proposed in order for the project to receive potable water and wastewater treatment from the district, and to provide sufficient pressure, storage, and flow for adequate fire protection. All other municipal services will be provided by the County or by the City of Hollister through agreements with the County (such as fire protection). In Resolution No. 549, the SSCWD indicates that the district entered into an agreement with the property owner in 1992 when they obtained the rights to a water well site (currently identified as Well #8) in return for supporting the future annexation of the properties into the district. The district's commitment to annex the property also recognized that the parcels were located outside the SSCWD sphere of influence, and an amendment to the sphere would be required along with processing an annexation application through LAFCO.

The project is anticipated to require approximately 45 acre feet of treated water per year, which is a small fraction of the water supply and treatment capacity of the district identified as 2,935 acre feet by Year 2020. The water is supplied in a joint treatment system with the City of Hollister using surface supplies from the State Water Project and groundwater supplies, and the water is treated to potable standards at the Lessalt treatment plant. The District will require the developer to enter into an Agreement for Water Facilities and Services with the District to cover construction and connection costs.

According the Section 4.15 Utilities of the Draft Environmental Impact Report: "The statement of sufficient supply from the water purveyor providing water service to the proposed project, combined with the information from the HUA 2015 UWMP [Urban Water Management Plan] and previous water planning documents, provides sufficient evidence of adequate supplies and infrastructure necessary to serve anticipated buildout in the HUA. (Page 431)

With respect to the districts wastewater treatment capacity, the SSCWD Sequential Batch Reactor wastewater treatment plant can treat 350,000 gpd (gallons per day). In 2016 the total treated wastewater was approximately 175,000 gpd. The annexation area will require 22,410 gpd of wastewater treatment at full buildout of the subdivision. According

to the district records, this represents only 12.8% of the remaining treatment capacity. (Draft EIR, Page 432). The referenced EIR analysis constitutes the "Plan of Services" as required by Government Code Section 56653 for district facilities and services.

In terms of County services required for new residential development, the County required the project applicant to either form or annex into a Community Facilities District (CFD) as a condition of approval to ensure the project is fiscally neutral on general County services. The project applicant is required to cooperate in the establishment and the imposition of the related special assessment tax levy over the project site prior to recording the first final subdivision map within the annexation area. However, the County has traditionally relied on County Service Areas (CSA's) to provide this project-level services which typically include: street lighting, street sweeping, and maintenance of road, drainage, open space and landscape improvements. For this project, the only additional services that would be provided through a CFD would be public safety (police and fire).

Another condition on the subdivision map requires the applicant to annex the project site into the Ridgemark Home Owners Association (HOA), or if the Association does not agree, to form a separate HOA. As a related requirement, the project site would be annexed into the existing County Service Area (CSA) #9 covering the Ridgemark Community or provide evidence the territory is already within CSA #9. The public services provided through the HOA and/or the CSA #9 include: street lighting, street sweeping, and maintenance of road, drainage, open space and landscape improvements.

CFDs (also known as Mello-Roos Districts) are exempt from LAFCO review as they only act as financing entities and are not "districts" for LAFCO jurisdictional purposes. However, the formation of or annexation into CSAs requires LAFCO approval. CSAs act as "dependent" districts under the control of the County Board of Supervisors. After a review of LAFCO files and Assessor's records, the annexation territory does not appear to have ever been annexed into CSA #9, and therefore, if the SSCWD sphere of influence amendment and annexation is approved by the Commission and a final map is prepared, LAFCO will likely see the Promontory at Ridgemark project again in order to approve annexation into CSA #9. However, it would be more appropriate for the County to decide whether the project services would be funded through CSA #9 or through formation of a new CFD (Community Facilities District). This would need to be resolved before LAFCO should consider annexation of the project area into CSA #9.

In terms of student generation, the project will be subject to the Proposition 50 impact fees collected at the building permit stage for funding school facilities for K-12 students. The project is within the San Benito High School District and Southside Elementary School District boundaries (refer to Section 3.12 and Impact PF-3 for school facilities in the Draft EIR, Page 358).

One additional public facility cost involves payment of the San Benito County Council of Governments Traffic Impact Mitigation Fee (TIMF) for regional road improvements serving growth throughout the County. This requirement is contained in Mitigation Measure T-1 in the Draft Environmental Impact Report (Page 400). Funds generated under this mitigation measure would fully mitigate traffic impacts based on the analysis in the Draft EIR, with specific reference to the following improvements in Chapter 3.13 of the Draft EIR:

- Installation of a traffic signal at the SR 25/Enterprise Road intersection
- Widening of Union Road to four lanes between San Benito Street and SR 25
- Installation of a traffic signal at the Fairview Road/Hillcrest Road intersection

5. Impact on Prime Agricultural Land, Open Space and Agriculture:

The County's Environmental Impact Report (EIR) contains an evaluation of the agricultural resources within the annexation territory which identified the project contains 36.4 acres of "Important Farmland" as identified in the States Farmland Mapping and Monitoring Program. Important Farmland includes the top three classes of soil including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The property is not under a Williamson Act contract.

The EIR referenced San Benito County General Plan Policy LU-3.10 which calls for the replacement of important farmland through obtaining a permanent conservation easement on similar quality soils on an acre for acre basis, or the payment of an in-lieu fee to a farmland trust to obtain 36.4 acres of farmland easements within the County, together with an endowment amount, as mitigation for the loss of productive farmland. The easement could be held by the San Benito County Agricultural Land Trust or other qualified entity approved by the County. With this mitigation requirement, the impact on agricultural resources was determined to be mitigated to a level was required in the EIR.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation territory consists of two Assessor's Parcels located within Tax Rate Area 83-008: APN 025-420-005 & 019. The assessed value is \$316,968.

The base property tax rate will not be affected by the annexation, although the County's requirement for annexation into a Community Facilities District and a CSA will be added to the tax bill of individual lots following future subdivision and development. The project will not be subject to the existing bonded indebtedness of the SSCWD following annexation.

7. Environmental Justice and Affordable Housing:

The 90 single family dwellings proposed in the Promontory at Ridgemark project will be sold at market rates which will contribute to the "Above Moderate" housing needs under the County's Regional Housing Needs Assessment (RHNA) housing target. In addition, the County required that the applicant provide 15% (or a minimum of 13) secondary units within the project up to the discretion of the Resource Management Agency Director to implement in consultation with the applicant. Another measure to achieve affordable housing was the requirement to pay the County adopted \$4,500 fee per dwelling unit that will go into a County fund to provide affordable housing elsewhere in the community. A total of \$405,000 will be generated through this fee.

The site is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains non-residential land uses and the existing gated golf course housing community of Ridgemark.

8. Landowner and Subject Agency Consent:

Written consent to the annexation has been given by petition of the affected property owners and the district consents to the waiver of conducting authority (protest) proceedings. The district has demonstrated support for the sphere of influence expansion and annexation through adoption of Resolution No. 549 on May 15, 2018.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there are no conflicts with lines of assessment or ownership. The site is contiguous to the SSCWD boundary on the north and east. The map and legal description are being reviewed by the County Surveyor for sufficiency in filing with the State Board of Equalization.

The territory is uninhabited; specifically, there are fewer than 12 registered voters.

ENVIRONMENTAL REVIEW

San Benito County, acting as lead agency for initial approval of the Promontory at Ridgemark Vesting Tentative Map (originally referred to the "Bluffs at Ridgemark") prepared and certified a Draft and Final Environmental Impact Report (EIR) to evaluate the project on April 2, 2018. The environmental record reflects that the project also included future annexation of the parcel into the SSCWD. The Commission must rely on this environmental document when approving the annexation application in its role as a "Responsible Agency" under CEQA.

The County, through adoption of Planning Commission Resolution No. 2018-0-2, determined that all areas of potential impact in the Environmental Checklist would have a less than significant impact with adoption of 30 mitigation measures, and there was no need to adopt a Statement of Overriding Considerations. Mitigation measures were adopted in the following impact areas: aesthetics, agricultural resources, biology, cultural resources, geology, greenhouse gas emissions, noise, transportation and tribal resources. The County also selected Alternative 2 identified in the EIR as "Full Secondary Access to Southside Road" which required the second access to consist of a 40 foot right-of-way road providing access to residents and other visitors rather than only an emergency access route. Only one mitigation measure is under LAFCO's authority to adopt or administer as a responsible agency: measure MM AG-1 requiring agricultural mitigation for the conversion of 36.4 acres of Important Farmland. However, the County maintains responsibility to monitor the impacts from development for all areas as the annexation of the property into the SSCWD is only one small aspect of the development project. The full text of MM AG-1 is found in the County Planning Commission's Resolution No. 2018-2 certifying the EIR (provided as Attachment 6 to this report).

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposed sphere of influence amendment and annexation as submitted based upon the following findings, determinations and orders:

- A. Find that the Commission has reviewed and considered the Draft and Final EIR prepared by San Benito County as lead agency under CEQA approval of the development project, sphere of influence amendment of the Sunnyslope County Water District and annexation. Mitigation measure AG-1 is hereby adopted by the Commission requiring obtaining an agricultural easement or payment of in-lieu fees to a qualified trust on a 1:1 ratio for the 36.4 acres of important farmland converted by the project which is under the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this sphere amendment and annexation.
- B. Adopt this report and approve the Sphere of Influence amendment to the Sunnyslope County Water District based on the five determinations presented on Pages 2 and 3 of this Executive Officer's Report, and approve the annexation proposal known as the "Promontory at Ridgemark Annexation to the Sunnyslope County Water District" based on the determinations presented on Pages 3 through 7 of this Executive Officer's Report, by adopting Resolution No 525. The annexation is not subject to a condition that the territory be liable for any existing

or authorized taxes or bonded assessments applicable to properties presently within the district.

- C. Find: 1) the subject territory is uninhabited, 2) the affected landowner has signed a petition giving consent to the annexation and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- D. Waive the conducting authority (protest) proceedings and direct the staff to complete the proceedings without further notice, hearing or election.
- E. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

OPTION 2 – If the Commission cannot make the determinations and findings presented in the Executive Officer's Report, the Commission should DENY the sphere of influence amendment and annexation applications.

OPTION 3 - CONTINUE these applications to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.

Respectfully submitted,



BILL NICHOLSON
Executive Officer
LAFCO of San Benito County

cc: Scott Stringer and Fred Bates (Bates Stringer Hollister LLC)
Don Ridenhour, General Manager, Sunnyslope County Water District
Taven Kinesin Brown, Principal Planner, San Benito County RMA
Michael Ziman LAFCO Counsel

Attachments:

- 1. Sphere of Influence Amendment Map
- 2. Map of Annexation Area and Conceptual Site Plan
- 3. Proposal Justification Questionnaire – Sphere of Influence Amendment
- 4. Proposal Justification Questionnaire - Annexation
- 5. Resolution No. 549 of the Sunnyslope County Water District “Resolution of Application”

6. Resolution No. 2018-2 of the San Benito Planning Commission Certifying the EIR and Adopting the Mitigation Monitoring and Reporting Program
7. Draft LAFCO Resolution No. 525 Amending the Sunnyslope County Water District Sphere of Influence and Approving the Promontory at Ridgemark Annexation to the Sunnyslope County Water District
8. CD Containing the Draft and Final Environmental Impact Report (EIR) for the Promontory (Bluffs) at Ridgemark Vesting Tentative Map, and related annexation to the Sunnyslope County Water District and District sphere of influence amendment.



Legend

- Sunnyslope WD
- Sunnyslope WD SOI
- Parcels

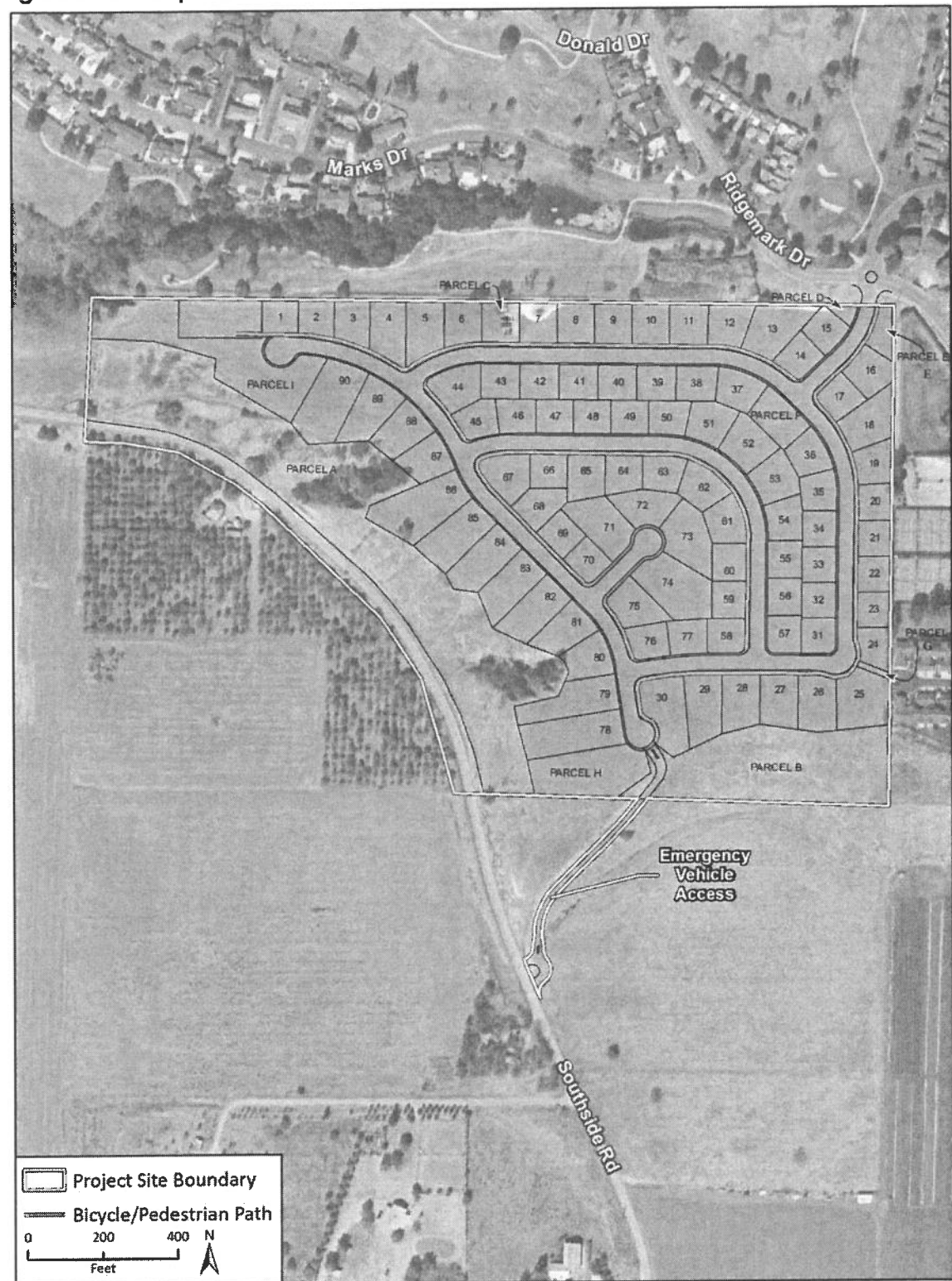
Map Prepared by Sun Benito County, May 2012
Source: San Benito County

THE PROMONTORY at RIDGEMARK

Proposed Expansion Area



Figure 6 Conceptual Site Plan



SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Questionnaire for Amending a Sphere of Influence, (Attach additional sheets as necessary)

Sphere of Influence of the The Sunnyslope County Water District

Purpose of the proposal

1. List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map or development permit. Why is this proposal being filed?
LAFCO ACTIONS: Sphere of Influence Amendment – Annex property to SSCWD boundary / Vesting Tentative Map
Certification of EIR. Purpose for action is to provide sewer & water services in conformance with existing agreement.

Consultation with the County (City sphere changes only)

2. Provide documentation regarding consultation that has occurred between the City and the County with regard to agreement on boundaries, development standards and zoning requirements for land in the proposed sphere as required by Government Code §56425.
Communications can be found in the form of a completed application and subsequent County staff report and San Benito County PC minutes

Description of area to be included in the sphere

3. What area is proposed to be included in the sphere? Attach a map identifying the current sphere and the proposed addition. What is the acreage?
Please see attached map.
49.2 acres
4. Why was it decided to use these particular boundaries?
To coincide with existing APN parcels of record.
5. What are the existing land uses for the proposal area? Be specific.
Fallow Grassland and slope face
6. Are there proposed land uses changes for the proposal area? Be specific.
Change existing fallow use to a 90 lot single-family residential development with private ROWs

Questionnaire to Amend Sphere of Influence
Page Two

Relationship to Existing Plans

7. Describe County general plan and zoning designations for the proposal area.
Residential Mixed – GP
Residential Mixed zoning
8. Describe City general plan and rezoning designations for the proposal area.
N/A

Environmental Assessment

9. What is the underlying project? Who is the lead agency? What type of environmental document has been prepared for the proposed project?
 - . 90 unit single-family subdivision
 - . An EIR was prepared
 - . San Benito County is the Lead Agency
 - . Sunnyslope County Water District & LAFCO are Responsible Agencies

Justification

10. To assist LAFCO in making determinations pursuant to Government Code §56425, please provide information relevant to each of the following:
 - A. Present and planned uses in the area.
Existing Residential (Ridgemark) on North, East and West sides. South is now Agriculture
 - B. Present and probable needs for public facilities and services in the area.
Sewer & Water services, police, fire services will be required
 - C. Present capacity of public facilities and adequacy of public services the affected agency provides or is authorized to provide.
Resolution from SSCWD in which water & sewer services are available by paying all applicable fees.
 - D. Existence of any social or economic communities of interest in the area.
Project will be incorporated as a part of the Ridgemark Golf & Country Club, and will be responsible for future HA fees.

Questionnaire to Amend Sphere of Influence
Page Two

Additional Comments

11. Provide any other comments or justifications regarding the proposal.
This action implements the provisions of an existing agreement between the landowner and SSCWD.
12. Enclose any pertinent staff reports and supporting documentation related to this proposal.
See San Benito County staff report
13. Notices and Staff Reports
Same as # 12

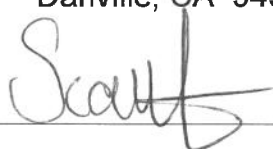
List up to three persons to receive copies of the LAFCO notice of hearing and staff report

	<u>Name and agency</u>	<u>Address</u>	<u>Email Address</u>
A.	Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com
B.	Don Ridenhour	3570 Airline Hwy Hollister, CA 95023	don@sscwd.org
C.	Taven Kinison-Brown	2301 Technology Pkwy Hollister, CA 95023	tkinisonbrown@cosb.us

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email Address</u>	<u>Phone</u>
Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com	(925) 216-1816

Signature



Date 6-22-18

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations

(Attach additional sheets as necessary)

1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)
"Promontory at Ridgemark"
Amendment to SSCWD Sphere of Influence and annexation to SSCWD
2. Describe the acreage and general location; include street addresses if known:
49.2 acres located on Southside Road, adjacent to Ridgemark Golf & Country Club on the North & East property lines
3. List the Assessor's Parcels within the proposal area:
025-420-005 & 019
4. Purpose of proposal: (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?)
Amend the Sunnyslope County Water District for a 90 unit residential subdivision
5. Land Use and Zoning - Present and Future
 - A. Describe the existing land uses within the proposal area. Be specific.
Fallow grassland
 - B. Describe changes in land uses that would result from or be facilitated by this proposed boundary change.
The proposed boundary change would allow the development of 90 single-family residences.
 - C. Describe the existing zoning designations within the proposal area.
RM – Residential Mixed
 - D. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?
No zone change will be required. The proposed use does conform with the RM zoning
 - E. (For City Annexations) Describe the prezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this prezoning?

ATTACHMENT 4

- F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).
Final subdivision Map within San Benito County

6. Describe the area surrounding the proposal

Using Table A, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.

Refer to attached aerial photo of the site.

7. Conformity with Spheres of influence

- A. Is the proposal area within the sphere of influence of the annexing agency?
No, not without the SOI Amendment
- B. If not, are you including a proposal to revise the sphere of influence?
Yes

8. Conformity with County and City General Plans

- A. Describe the existing County General Plan designation for the proposal area.
Residential Mixed – RM
- B. (For City Annexations) Describe the City general plan designation for the area.
- C. Do the proposed uses conform with these plans? If not, please explain.
Yes

9. Topography and Natural Features

- A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.
Approximately 37.1 acres of a relatively flat plateau with 12.1 acres of steep slope areas
- B. Describe the general topography of the area surrounding the proposal.
The property is fallow
Refer to 9A

10. Impact on Agriculture

- A. Does the property currently produce a commercial agricultural commodity?
No
- B. Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?
The property is fallow
- D. Is the property Prime Agricultural Land as defined in G.C. Section §56064?
No
- E. Is the proposal area within a Land Conservation (Williamson) Act contract?
No
- 1) If "yes," provide the contract number and date contract was executed.
- 2) If "yes", has a notice of non-renewal be filed? If so, when?

N/A
- 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.
N/A

11. Impact on Open Space

Is the affected property Open Space land as defined in G.C. Section 65560?
No

12. Relationship to Regional Housing Goals and Policies (City annexations only)

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs.

N/A

13. Population

- A. Describe the number and type of existing dwelling units within the proposal area.
None
- B. How many new dwelling units could result from or be facilitated by the proposal?

Single-family _____ 90 _____ Multi-family _____

14. Government Services and Controls – Plan for Providing Services (per §56653)

A. Describe the services to be extended to the affected territory by this proposal.

Water & Sewer Services

B. Describe the level and range of the proposed services.

The 90 R-1 homes will use 56.8 AFY and generate 22,410 gpd of sanitary sewer demand

C. Indicate when the services can feasibly be provided to the proposal area.

Services can be provided immediately

D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.

Road, sewer, and water infrastructure will be developed on-site. All these facilities are available to the site, however a new public road will connect all of Southside Road

E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation

Privately funded with construction financing.

F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.

N/A

15. Ability of the annexing agency to provide services

Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668j).

Refer to Resolution 549 SSCWD authorizing water and sewer services per the existing agreement.

16. Dependability of Water Supply for Projected Needs (as per §56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

Same attachment covers both for water

17. Bonded indebtedness and zones – These questions pertain to long-term debt that applies or will be applied to the affected property.

- A. Do agencies whose boundaries are being changed have existing bonded debt?
☐ Yes ☒ No If yes, please describe
- B. Will the proposal area be liable for payment of its share of this existing debt?
☐ Yes ☒ No If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?)
- C. Should the proposal area be included within any 'Division or Zone for debt repayment? ☐ Yes ☒ No If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? ☐ Yes ☒ No Please describe.

18. Environmental Impact of the Proposal

- A. Who is the "lead agency" for this proposal?
County of San Benito
- B. What type of environmental document has been prepared?

None, Categorically Exempt -- Class ____

EIR X Negative Declaration _____ Mitigated Neg. Dec. _____

Subsequent Use of Previous EIR _____ Identify the prior report. _____
- C. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations."
See attached Final EIR

19. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?
The project is conforming to a previously approved agreement between the SSCWD and the property owner
- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.
N/A

20. Final Comments

- A. Describe any conditions that should be included in LAFCO's approval.
- B. Provide any other comments or justifications regarding the proposal.
- C. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

21. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

	<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>
A.	Fred Bates	8650 River Meadows Rd. Carmel, CA 93923	fbates@bpi4.com
B.	Don Ridenhour	3570 Airline Hwy Hollister, CA 95023	don@sscwd.org
C.	Taven Kinison-Brown	2301 Technology Parkway Hollister, CA 95023	tkinsonbrown@cosb.us

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com	915) 216-1816

Signature  _____ Date 8/22/18

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Residential: Ridgemark Golf and Country Club	Residential Mixed – RM	RM/Contract Zone R-1
West	Agriculture	Agriculture	Agr. Productive
North	Residential: Ridgemark Golf and Country Club	RM	RM/R-1
South	Agriculture	RM	Agr. Productive

Other comments or notations:

RESOLUTION NO. 549

A RESOLUTION OF THE BOARD OF DIRECTORS OF SUNNYSLOPE COUNTY WATER DISTRICT INITIATING PROCEEDINGS FOR THE ANNEXATION OF ASSESSOR PARCEL NUMBERS 025-420-005 AND 025-420-119 TO THE SUNNYSLOPE COUNTY WATER DISTRICT WATER AND WASTEWATER SPHERE OF INFLUENCE AND SERVICE AREA

WHEREAS, the District entered into an agreement on September 10, 1992 with the Property Owners of Assessor Parcel Numbers 025-420-005 and 025-420-119 (Property Owners) to provide a water well site to the District in support of future annexation of the Properties to the District for water and wastewater services; and

WHEREAS, the District developed a water well on the Properties (Well #8) and continues to utilize Well #8 as part of the District's water supply; and

WHEREAS, the Properties are not consistent with the District's Sphere of Influence; and

WHEREAS, the Property Owners now desire to be annexed to the District's Sphere of Influence and Service Area; and

WHEREAS, the District desires to support and assist in proceedings to annex the Properties to the District's Sphere of Influence and Service Area; and

WHEREAS, the owners of the Properties have received approval by San Benito County for a tentative subdivision map, plan to develop the parcels, and are requesting future water service and wastewater service from the District; and

WHEREAS, an Environmental Impact Report was certified by the San Benito County Planning Commission on April 2, 2018 per County Resolution No. 2018-0-2, and in its role as a Responsible Agency under the California Environmental Quality Act (CEQA), the District can rely on this document for the requested annexation and Sphere of Influence expansion.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sunnyslope County Water District hereby makes the following findings and orders as follows:

1. The foregoing recitals are adopted as findings of the Board as though set forth fully herein.
2. The Board finds annexation of the Properties would allow the District to provide potable water service and wastewater services to an area that is currently unserved, and to provide sufficient pressure, storage, and flow for adequate fire protection.
3. The General Manager is authorized to execute all documents and to perform all other necessary District acts to support and assist proceedings for inclusion of the Properties into the District's Sphere of Influence and the annexation of the Properties into the District pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
4. An Environmental Impact Report in compliance with the California Environmental Quality Act was certified by the San Benito County Planning Commission on April 2, 2018 per County Resolution No. 2018-0-2, and the District in its role as a Responsible Agency can rely on this County EIR for the requested Sphere of Influence expansion and annexation.
5. A map of the annexation territory is set forth in Exhibit "A", attached hereto and by reference incorporated herein.
6. The Board agrees to support and assist annexation proceedings subject to the following terms and conditions:

A) In the event that pursuant to the rules, regulations, or ordinance of the District as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or installments, for the acquisition, transfer, provision of water or wastewater service, use or right of use of all or any part of existing property, real or personal, of the District, such payment shall be made to the District in the manner and at the time as provided by the rules, regulations or ordinance of the District.

B) Upon and after the effective date of said annexations of the Properties to the District, the Properties, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within the territory shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all the rates, rules, regulations and ordinances of the District as now or hereafter amended.

THE FOREGOING RESOLUTION on a motion by Director Alcorn and second by Director Ross is duly adopted this 15th day of May, 2018, by the following votes.

AYES:	DIRECTORS	Alcorn, Johnson, Ross, and Spencer
NAYS:	DIRECTORS	None
ABSENT:	DIRECTORS	Rodriguez

SUNNYSLOPE COUNTY WATER DISTRICT

By: Judi H. Johnson
Judi H. Johnson, President

(SEAL)

ATTEST: Donald G. Ridenhour
Donald G. Ridenhour, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of Directors of Sunnyslope County Water District hereby certifies that the foregoing is a full, true and correct copy of the "Resolution Initiating Proceedings for the Annexation of Assessor Parcel Numbers 025-420-005 and 025-420-119 to the Sunnyslope County Water District Water and Wastewater Sphere of Influence and Service Area" duly adopted by the Board of Directors of the District at the regular meeting thereof duly called and held on May 15, 2018, a quorum being present.

WITNESS my hand this 15th day of May, 2018

Donald G. Ridenhour
Donald G. Ridenhour, Secretary

EXHIBIT A
THE PROMONTORY AT RIDGEMARK ANNEXATION
AREA TO BE ANNEXED TO THE SUNNYSLOPE COUNTY WATER DISTRICT
SAN BENITO COUNTY, CALIFORNIA

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AND BEING A PORTION OF SECTION 13, TOWNSHIP 13 SOUTH (T.13 S.), RANGE 5 EAST (R.5 E.) MOUNT DIABLO BASELINE AND MERIDIAN (M.D.B. & M.) DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF

THENCE, ALONG SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 03°00'10" EAST 383.39 FEET,
- 2) SOUTH 88°57'35" EAST 2,124.04 FEET,
- 3) NORTH 00°49'12" EAST 1330.77 FEET,

THENCE, (4) LEAVING SAID SOUTHERLY LINE, SOUTH 87°55'44" EAST 1,151.17 FEET;

THENCE, (5) NORTH 33°15'20" WEST 196.68 FEET;

THENCE, (6) NORTH 45°53'20" WEST 433.62 FEET;

THENCE, (7) NORTH 52°25'20" WEST 89.76 FEET;

THENCE, (8) NORTH 59°52'20" WEST 172.26 FEET;

THENCE, (9) NORTH 79°35'00" WEST 152.38 FEET;

THENCE, (10) NORTH 87°53'20" WEST 100.60 FEET TO SAID **POINT OF BEGINNING**.

CONTAINING 49.24 ACRES OF LAND, MORE OR LESS.

FOR WATER DISTRICT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A
LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND
MAY NOT BE USED AS THE BASIS FOR AN OFFER OF SALE OF THE LAND
DESCRIBED.

END OF DESCRIPTION

MARK H. WEHBER, P.L.S.
L.S. NO. 7960

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS

DATE: _____ BY: _____
NAME: _____
RCE/LS: _____

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
A.	N45°14'00"E	123.50'	Y.	S47°02'00"E	433.82'
B.	N00°00'00"E	20.84'	Z.	S34°28'00"E	184.88'
C.	N87°54'00"W	233.04'	AA.	S19°40'00"E	317.48'
D.	S10°00'00"W	108.88'	BB.	N11°12'00"E	83.71'
E.	S89°00'00"E	28.72'	CC.	S00°45'00"W	213.18'
F.	S89°00'00"E	28.72'	DD.	N11°12'00"E	83.71'
G.	N86°37'00"E	84.81'	EE.	N10°00'00"E	137.09'
H.	N18°00'00"E	48.50'	FF.	N40°32'00"E	111.00'
I.	N01°23'00"E	22.00'	GG.	N00°18'40"E	102.77'
J.	N08°00'00"E	82.50'	HH.	N27°18'00"W	151.52'
K.	N04°30'00"W	108.18'	II.	N27°18'00"W	61.34'
L.	N24°30'00"E	135.58'	JJ.	N18°10'00"E	83.85'
M.	N24°30'00"E	211.88'	KK.	N18°10'00"E	23.85'
N.	N05°00'00"E	23.48'	LL.	S04°12'00"E	183.10'
O.	N05°00'00"E	250.20'	MM.	S04°12'00"E	84.20'
P.	N12°40'00"E	200.20'	NN.	S10°00'00"W	65.00'
Q.	N18°45'00"E	60.00'	OO.	S34°00'00"W	99.00'
R.	N05°00'00"E	183.00'	PP.	S29°00'00"W	105.83'
S.	N18°00'00"E	174.24'	QQ.	S29°00'00"W	105.83'
T.	N18°00'00"E	174.24'	SS.	S60°34'00"W	23.25'
U.	S89°00'00"E	95.60'	TT.	S60°34'00"W	15.71'
V.	S89°00'00"E	153.12'	UU.	S89°34'55"W	90.87'
W.	S81°05'00"E	172.28'	XX.	S89°43'00"W	94.89'
X.	S33°38'00"E	95.76'			

DRAWN BY	JE
REMOVED BY	
10-18-01	
10-04-02	
02-28-07	SD
10-18-08	NG

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

BOOK 025 PAGE 42

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83 008

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BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN
BENITO COUNTY PLANNING
COMMISSION CERTIFYING THE
ENVIRONMENTAL IMPACT REPORT
PREPARED FOR THE BLUFFS AT
RIDGEMARK SUBDIVISION
PROPOSAL TSM-15-94.**

Resolution No. 2018-2

WHEREAS, Frederick Bates & Scott Stringer (Bates Stringer Hollister LLC) filed an application to subdivide properties under the ownership of Roy and Rita Lompa on August 18, 2015 (File Number TSM 15-94) and

WHEREAS, the project site is located in unincorporated San Benito County, California, approximately 0.7 mile south of the City of Hollister (outside the City's sphere of influence) and approximately 0.4 mile south of State Route (SR) 25 ("project site"). The project site is generally bordered on the west by Southside Road, on the south by agriculture, and on the north and east by the Ridgemark community; Assessor's Parcel Numbers: 025-420-005, 025-420-006, 025-420-019) and

WHEREAS, the proposed project involves a vesting tentative subdivision map and other discretionary approvals that would allow for the development of 90 single-family residences, three parks, and on- and off-site improvements necessary to serve the residential uses. It is anticipated that the lots would range in size between approximately 8,464 square feet to 28,869 square feet and

WHEREAS, approximately 12.1 acres on the western and southern edges of the blufftop site are comprised of steep slopes and would not be developed as part of the proposed project; and

WHEREAS, the subject parcels have a General Plan Designation of RM Residential Mixed and a Zoning Designation of R-1 Single Family Residential; and

WHEREAS, the County prepared an Environmental Impact Report (EIR) for the project consistent with the requirements of the California Environmental Quality Act (CEQA) and

WHEREAS, on October 7, 2016, the County of San Benito circulated a Notice of Preparation (NOP) for a 30-day period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy; and

WHEREAS, the NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts; and

ATTACHMENT 6

WHEREAS, comments received by the County of San Benito on the NOP are summarized in Table 2 of the Draft EIR and were taken into account during the preparation of the Draft EIR; and

WHEREAS, the Draft EIR was made available for public review on September 15, 2017, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of neighboring and nearby properties; and

WHEREAS, the Draft EIR (including all appendices) and an announcement of its availability were posted electronically on the County's website, and a paper copy was available for public review at the County's Resource Management Agency, Planning Division; and

WHEREAS, the 45-day CEQA public comment period began on September 15, 2017, and formally ended on October 30, 2017. However, the County extended the public review period by 15 days to November 14, 2017, for a total of 60 days; and

WHEREAS, the County of San Benito received 18 comment letters on the Draft EIR. Copies of all written comments on the Draft EIR received during the comment period are included in Section 3 of the Final Environmental Impact Report (FEIR), also known as the *Response to Comments* document; and

WHEREAS, the FEIR was made available for public review prior to the Planning Commission's action on the matter and possible certification of the EIR, March 21, 2018. The FEIR was available for public review Friday, March 9, 2018 through Wednesday, March 21, 2018. Additionally, a link to the Draft and Final EIR documents was made available for viewing on the County of San Benito Website: www.cosb.us under *Recent News*. Hard copies of the Draft and Final environmental documents (including all appendices thereto) were also made available at the Resource Management Agency public counter at 2301 Technology Parkway, Hollister and the San Benito County Free Library at 470 5th Street, Hollister, CA 95023 (<http://sbcfl.org/>); and

WHEREAS, The Bluffs at Ridgemark application (TSM-15-94) came on for public hearing before the San Benito County Planning Commission on March 21, 2018, and was continued to April 2, 2018; and

WHEREAS, the Final EIR (which consists of the Draft EIR, the Responses to Comments and all appendices thereto) was presented to the Planning Commission which reviewed and considered the information contained in the EIR prior to taking action on the project; and

WHEREAS, the Final EIR reflects the County of San Benito's independent judgment and analysis.

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

FINDINGS FOR CERTIFICATION OF THE EIR

Finding 1: The County of San Benito completed an Environmental Impact Report (EIR) in compliance with CEQA, and the Final EIR was presented to the Planning Commission which reviewed and considered the information contained in the EIR prior to taking action on the project, and the Final EIR reflects the County of San Benito's independent judgment and analysis.

***Evidence:** The California Environmental Quality Act (CEQA) requires preparation of an Environmental Impact Report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.*

***Evidence:** On October 7, 2016, the County of San Benito circulated a Notice of Preparation (NOP) for a 30-day period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy.*

***Evidence:** The NOP was mailed to public agencies (including the State Clearinghouse {SCH}), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts (SCH# 2016101022).*

***Evidence:** Comments received by the County of San Benito on the NOP are summarized in Table 2 of the Draft EIR and were taken into account during the preparation of the Draft EIR.*

***Evidence:** The Draft EIR was made available for public review on September 15, 2017, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of neighboring and nearby properties.*

***Evidence:** The Draft EIR (including all appendices) and an announcement of its availability were posted electronically on the County's website, and a paper copy was available for public review at the County's Resource Management Agency, Planning Division.*

***Evidence:** The 45-day CEQA public comment period began on September 15, 2017, and formally ended on October 30, 2017. However, the County extended the public review period by 15 days to November 14, 2017, for a total of 60 days.*

***Evidence:** The County of San Benito received 18 comment letters on the Draft EIR. Copies of all written comments on the Draft EIR received during the comment period are included in Section 3 of the Final Environmental Impact Report (FEIR), also known as the Response to Comments document.*

***Evidence:** The FEIR (which consists of the Draft EIR, the Responses to Comments, and all appendices thereto) was made available for public review prior to the Planning Commission's action on the matter on March 21, 2018. The FEIR was available for public review Friday, March 9, 2018 through Wednesday, March 21, 2018. Additionally, a link to the Draft and Final EIR documents was made available for viewing on the County of San Benito Website: www.cosb.us under Recent News. Hard copies of the Draft and Final environmental documents*

were also made available at the Resource Management Agency public counter at 2301 Technology Parkway, Hollister and the San Benito County Free Library at 470 5th Street, Hollister, CA 95023 (<http://sbcsl.org/>).

Evidence: Issues that were analyzed by the County's consultants in the Draft EIR include aesthetics and visual sensitivity, air quality, biological resources, cultural resources, geology/soils, groundwater resources and hydrogeology, surface water hydrology and water quality, hazards/hazardous materials, land use, population and housing, public services and utilities, noise, transportation and circulation, greenhouse gas emissions, tribal and cultural resources, alternatives to the project and cumulative impacts.

Evidence: Project changes which avoid or lessen significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible (see findings below). There are no significant and unavoidable impacts. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with CEQA and San Benito County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" (MMRP) as a condition of project approval. The description of mitigation measures below is a summary of same for purposes of these findings; full the full text of each mitigation measure as well as the impact analysis related thereto see the Draft EIR and MMRP.

Evidence: The County prepared a Final EIR for the Bluffs at Ridgemark Subdivision. The FEIR was released to the public on March 9, 2018 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR.

Evidence: No new information was added to the FEIR that requires recirculation, with the information that was included being for the purpose of merely amplifying and clarifying the analysis.

Evidence: The County has considered the comments received during the public review period for the DEIR, and in the FEIR the County has provided responses to the comments received to the extent those comments raised significant concerns about impacts to the environment covered under CEQA. Together, the DEIR and Responses to Comments (and appendices thereto) constitute the Final EIR on the project.

Evidence: San Benito County RMA-Planning Division, located at 2301 Technology Parkway, 1st Floor, Hollister, California, 95023, is the custodian of all documents and other materials (including, without limitation, documents, information, testimony, reports, studies, analyses, both oral and written) that constitute the record of proceedings upon which the decision to certify the EIR is based.

Finding 2: EIR - ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT (Per Section 15091 of the CEQA Guidelines). The EIR identified potentially significant impacts to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation and Tribal and Cultural Resources which could result from the project as originally submitted. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR.

Evidence: Aesthetic Resources. (MM AES-1(a))

Impact: The proposed project would have a substantial effect on scenic vistas and would alter the visual character of the project site. However, the development would be similar to surrounding residential development, and mitigation would ensure that the design is cohesive and screened to the extent feasible from public view. With these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

Mitigation Measure: Potentially significant impacts to Visual and Aesthetic Resources are mitigated to less than significant levels by the requirement of the following in the architectural plans: building materials and colors compatible with surrounding terrain, an avoidance of high contrast color combinations on individual home roofs, walls, and fascia, roof vents with same earth tone shade as the surrounding roof surface, usage of minimally reflective glass on exterior of buildings and colors selected for minimizing reflective glare, building windows shall be tinted with an antireflective material. Mitigation Measure AES-1(a) would help to ensure that the proposed project is designed to be cohesive, visually appealing and attractive, compatible with surrounding development.

Evidence: Aesthetic Resources. (MM AES-1(b))

Impact: Impact: The proposed project would have a substantial effect on scenic vistas and would alter the visual character of the project site. However, the development would be similar to surrounding residential development, and mitigation would ensure that the design is cohesive and screened from public view. With these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

Mitigation Measure: Potentially significant impacts on Aesthetics and Visual Resources are mitigated to less than significant levels through a tract-wide landscaping plan including fencing along the north and east side of the project, usage of drought-tolerant native species, and natural fiber-biodegradable materials. Measure AES-1(b) would visually soften views of the site from Southside Road through visual screening.

Evidence: Agricultural Resources. (MM AG-1)

Impact: The proposed project would permanently convert Important Farmland to non-agricultural use. Mitigation would require the provision of replacement farmland or payment of an in-lieu fee, consistent with General Plan Policy LU-3.10.

Mitigation Measure: Potentially significant impacts on agricultural resources are mitigated to less than significant levels through preservation of one (1) acre of FMMP Important Farmland impacted on the project site that is permanently converted to non-agricultural use as a result of project development.

Evidence: Biological Resources. (MM BIO-1(a))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened California Tiger Salamander (CTS). Impacts would likely only occur if CTS are found within the construction footprint when dispersing between aquatic and upland habitats, which would only occur during the wet season. If present, individuals could be significantly impacted during construction activities including but not limited to grading.

Mitigation Measure: Potentially significant impacts on biological resources, specifically the listed California Tiger Salamander have been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. In addition, if avoidance is not feasible, then at a minimum, mitigation measures shall include purchase of credits at an approved conservation bank or purchase and management of offsite suitable upland habitat for CTS to offset loss suitable upland habitat for this species (i.e., area[s] containing small mammal burrows) at a ratio of 2:1 (two acres preserved for every one acre of impact), or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations.

Evidence: Biological Resources. (MM BIO-1(b))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened California red-legged frog (CRLF). Direct impacts to adult and juvenile frogs dispersing in upland areas could include stress, injury, or mortality resulting from construction activities. Impacts of this nature are unlikely if construction occurs during the time of year when adults or juveniles are not prone to overland dispersal through upland areas. Development of the proposed project would result in the loss of approximately 49.6 acres of CRLF potential dispersal habitat. If present, individuals could be significantly impacted during construction and grading within or in the vicinity of suitable aquatic habitats or adjacent terrestrial upland refuge. However, based on the project site conditions and the facts described above, the potential for impacts is low.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed California red-legged frog has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance.

Evidence: Biological Resources. (MM BIO-1(c))

Impact: Implementation of the proposed project would potentially impact the Western spadefoot toad, a State Species of Special Concern. The nearest documented occurrence of western spadefoot toad is approximately 0.3 mile from the project site located to the northeast in a series of ponds west of SR 25 and within the Ridgemark Country Club golf course. No suitable aquatic breeding habitat occurs within the project site. Furthermore, based on the project site conditions and the facts described above, the potential for impacts is low.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Western spadefoot toad has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. If this species is observed by construction personnel within or adjacent to the project site, all work within the vicinity of the observation shall be halted and the qualified biologist shall be notified immediately to evaluate the occurrence and relocate the animal as necessary.

Evidence: Biological Resources. (MM BIO-1(d))

Impact: Implementation of the proposed project would potentially impact the Burrowing Owl, a State Species of Special Concern. This species could potentially nest in any of the grassland and scrub habitats that are found within the project site containing suitable nesting burrows. If present, individuals could be impacted from construction of the proposed project in or adjacent to nesting or overwintering habitat; however, the potential for impacts would be limited to the nesting season.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Burrowing Owl has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed for the relocation of burrowing owls to a suitable offsite location.

Evidence: Biological Resources. (MM BIO-1(e))

Impact: Implementation of the proposed project would potentially impact the American Badger, a State Species of Special Concern. It is an uncommon, permanent resident found throughout most of the State, except in the northern North Coast area, and is most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. If present, impacts to American Badger would be potentially significant unless mitigation is incorporated.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed American Badger has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(f))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened San Joaquin Kit Fox. The species' range currently includes much of the San Joaquin Valley and adjacent foothills, and interior valleys in San Luis Obispo, Monterey, and San Benito Counties, as well as the hills east of the Livermore Valley.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed San Joaquin Kit Fox has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(g))

Impact: Implementation of the proposed project would potentially impact the Western Red Bat, a State Species of Special Concern. The species has the potential to roost in on-site and off-site oak, walnut and olive trees, and within any large cottonwood or eucalyptus trees adjacent to the project site. It is unlikely construction of the proposed project would impact foraging bats since construction hours would most likely occur outside of this species' nocturnal feeding period.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Western Red Bat has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(h))

Impact: Implementation of the proposed project would impact special status animal species. Many of these species would not be expected to inhabit the agricultural portions of the project site (given the substantial amount of disturbance as a result of annual discing and other agricultural-related activities), and are unlikely to occur within the orchard between the blufftop site and the adjacent area because of a lack of natural habitat within these portions of the project site. The agricultural areas do however offer potential foraging habitat and migration habitat for several species. The non-native annual grassland, coast live oak woodland and California sagebrush communities offer the greatest potential for harboring sensitive species.

The County shall review and approve, as determined appropriate by the County, the proposed primary biologist, project plans (including impact areas and mitigation measures), and conduct site inspections during construction to ensure compliance.

Evidence: Biological Resources. (MM BIO-1(i))

Impact: Implementation of the proposed project would impact special status animal species. Many of these species would not be expected to inhabit the agricultural portions of the project

site (given the substantial amount of disturbance as a result of annual discing and other agricultural-related activities), and are unlikely to occur within the orchard between the blufftop site and the adjacent area because of a lack of natural habitat within these portions of the project site. The agricultural areas do however offer potential foraging habitat and migration habitat for several species. The non-native annual grassland, coast live oak woodland and California sagebrush communities offer the greatest potential for harboring sensitive species.

Mitigation Measure: To avoid impacts to aquatic and terrestrial habitats, a Construction Best Management Practices shall be incorporated into all grading and construction plans.

Evidence: Biological Resources. (MM BIO-2)

Impact: Implementation of the proposed project could directly impact nesting raptors and other avian species protected under existing laws and regulations by causing injury, death, or nest failure. Nesting birds may potentially occur within vegetation on and adjacent to the project site in trees and shrubs. The riparian community located north and adjacent to the project site may provide nesting habitat for a variety of birds including owls, raptors, and songbirds that may be located within the disturbance buffers (typically 500 feet for raptors, 300 feet for other species) recommended by CDFW. If land clearing, construction, and grading of the project site occurs within the nesting bird season (February 1 through August 31), the proposed project could potentially impact nesting birds protected under MBTA and CFGC. Nesting birds present within the grading footprint during grading activities would be directly and indirectly impacted by the proposed project. These species, as well as many non-special-status species that may nest on or near the project site, may potentially be disturbed by noise, human presence, lighting, or grading activities associated with the proposed project, which could cause nesting failure and the loss of eggs or nestlings.

Mitigation Measure: Potentially significant impacts on nesting birds and raptors have been mitigated to a less than significant level through mitigation measures requiring a pre-construction survey and creation of buffers around active nesting sites.

Evidence: Biological Resources. (MM BIO-3(a))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies. A riparian community is located north and adjacent to the project site that may provide nesting habitat for a variety of birds including owls, raptors, and songbirds. Additionally, eight drainages were identified along the western margin of the project site from the blufftop site extending down to Southside Road. No hydrological connections in the form of culverts or canals were identified beyond Southside Road that would lead to the San Benito River to the west. However, a formal jurisdictional delineation has not been conducted at the project site and the jurisdictional status of these drainage features has not been confirmed.

Mitigation Measure: Prior to the start of construction, a qualified biologist would conduct a formal aquatic resources delineation throughout the project site. The aquatic resources delineation shall confirm whether any identified features are under the jurisdiction of the USACE, RWQCB, and/or CDFW. The result shall be a preliminary jurisdictional delineation report that shall be submitted to San Benito County, USACE, RWQCB and CDFW, as appropriate, for review and approval. Permits shall be obtained from each agency where applicable.

Evidence: Biological Resources. (MM BIO-3(b))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies.

Mitigation Measure: Confirm that impacts of project on jurisdictional wetlands (if any are identified) and riparian habitat are mitigated at 2:1 ratio through conservation easement(s) as specified in the mitigation measure and as otherwise required by resource agencies. Prepare Aquatic Resource Mitigation and Monitoring Plan or purchase credits at an approved mitigation bank as specified in the mitigation measure.

Evidence: Biological Resources. (MM BIO-3(c))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies. The project site may include sensitive aquatic habitats under State and or federal jurisdiction. A riparian community is located north and adjacent to the project site that may provide nesting habitat for a variety of birds including owls, raptors, and songbirds.

Mitigation Measure: Prior to start of construction, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by San Benito County to prevent, to the extent feasible, invasion in areas of by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication.

All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

Evidence: Cultural Resource. (MM CUL-1)

Impact: Implementation of the proposed project could have significant impacts on previously unidentified cultural resources. No cultural resources were identified in the project site during the survey. However, project construction activities, including ground clearing, grading and

excavation, could have significant impacts on previously unidentified cultural resources. Pre-construction reconnaissance can only confidently assess the potential for encountering surficial archaeological materials. Therefore, the possibility remains for encountering subsurface archaeological resources during construction activities.

Mitigation Measure: Potentially significant impacts on cultural resources have been mitigated to a less than significant level through mitigation measures requiring a qualified archaeologist to assess the nature, extent, and potential significant of any unanticipated cultural deposits encountered during any phase of project construction or land disturbance activities and require the applicant to complete any identified measures to address any significant finds.

Evidence: Cultural Resource. (MM CUL-2)

Impact: Implementation of the proposed project specifically through ground clearing, grading and excavation could impact previously unidentified human remains.

Mitigation Measure: If human remains are discovered, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur in the area of the find until the County has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be of Native American descent, the coroner would notify the NAHC. The NAHC would determine and notify a MLD. The MLD would complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Evidence: Cultural Resource. (MM CUL-3(a))

Impact: Implementation of the proposed project would involve surface excavation and, although unlikely, these activities have the potential to unearth and/or impact potentially significant paleontological resources.

Mitigation Measure: Prior to initial ground disturbance, the applicant shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources (if any significant finds are made).

Evidence: Cultural Resource. (MM CUL-3(b))

Impact: Implementation of the proposed project would involve surface excavation and, although unlikely, these activities have the potential to unearth and/or impact potentially significant paleontological resources.

Mitigation Measure: Potentially significant impacts on cultural resources have been mitigated to a less than significant level through mitigation measures requiring excavations exceeding two feet in depth anywhere on the project site shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The duration and timing of the monitoring shall be reasonably determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely, which recommendation shall then be adhered to by the project applicant.

Evidence: Geology and Soils. (MM GEO-4)

Impact: An Alquist-Priolo Fault Zone for the Calaveras Fault and trace fault lies approximately 0.25 mile southwest of the project site. Construction in Alquist-Priolo Fault Zones is regulated by the State Geologist and requires special study for structures planned over active faults. Since the proposed residential development is outside of this zone, the project would not conflict with the Alquist-Priolo Act and would not expose future on-site residents to a significant risk of loss, injury, or death involving rupture of the Calaveras Fault/Trace. Seismic activity could result in ground failure at the surface of the project site due to expansive soils.

Mitigation Measure: Potentially significant impacts on geology and soils have been mitigated to a less than significant level through mitigation measures requiring prior to the issuance of the first building permit, the developer(s) of individual lots on the project site shall submit building and improvement plans for review and approval by San Benito County that confirm compliance with the recommendations included in the Geotechnical Investigation prepared by Stevens, Ferrone & Baily in 2015.

Evidence: Greenhouse Gas Emissions. (MM GHG-1)

Impact: Implementation of the proposed project would generate GHG emissions during construction activity and long-term operation. Total estimated GHG emissions as result of area source, energy use, solid waste, water use, and transportation emissions would amount to 2251.1 MT CO₂e per year which exceeds SB 32 compliant thresholds.

Mitigation Measure: Potentially significant impacts on greenhouse gas emissions have been mitigated to a less than significant level through mitigation measures requiring that prior to initial grading permit issuance, the project applicant shall develop and implement a GHG Reduction Plan, approved by the County, which documents a reduction in annual GHG emissions from the project by a minimum of 617 MT CO₂e per year over the operational life of the project.

Evidence: Noise. (MM N-1(a))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences. It is assumed that all types of construction equipment would be located as near as 30 feet from existing residences at some point during construction; therefore, noise levels generated during on-site construction activities could result in ambient noise levels at nearby residences that would exceed 65 dBA Ldn, increase the ambient noise level by greater than 5 dBA Ldn, and last for greater than 12 months.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring that signs stating the restrictions regarding the hours of construction as regulated by the 2035 General Plan shall be provided by the developer and posted on-site. Signs shall be placed prior to beginning of and throughout grading and construction activities. Prior to issuance of any grading permits, the project proponent shall submit a plan, which shall be reviewed and approved by the County, describing the location and dates on which the signs will be posted to the Planning and Building Inspection Services Department. The project proponent shall allow County Building Inspectors to access the project site to monitor compliance by spot checking these signs and the hours during which construction occurs, and to respond to noise complaints.

Evidence: Noise. (MM N-1(b))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring all contractors, as a condition of contract with the developer, to maintain and tune-up all construction equipment to minimize noise emissions to the extent feasible. Whenever feasible, electrical power shall be used to run air compressors and similar power tools rather than diesel equipment.

Evidence: Noise. (MM N-1(c))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

Evidence: Noise. (MM N-1(d))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring stationary construction equipment that generates noise that exceeds 55 dBA Leq at the boundaries of the nearby residential uses to be shielded. Temporary noise barriers used during construction activity shall be made of noise-resistant material sufficient to achieve a Sound Transmission Class (STC) rating of STC 40 or greater. Prior to issuance of grading permits, the project proponent shall submit building and grading plans that show the appropriate construction equipment noise reduction measures to the Planning and Building Inspection Services Department. Compliance shall be monitored by, as feasible, County Building Inspectors.

Evidence: Noise. (MM N-1(e))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring all noise from workers' radios be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Evidence: Noise. (MM N-1(f))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring the contractor to prepare and submit to the County for approval a detailed construction plan identifying the schedule for major noise-generating construction activity prior to issuance of any grading and/or building permits.

Evidence: Noise. (MM N-1(g))

Impact: Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring the contractor to designate a "noise disturbance coordinator". The noise disturbance coordinator shall be responsible for responding promptly to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be

implemented. The applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Evidence: Transportation. (MM T-1)

Impact: Implementation of the proposed project would cause operations at one study area intersection to exceed applicable Level of Service criteria under the Existing (2013-2016) plus Project Conditions.

Mitigation Measure: Potentially significant impacts on transportation have been mitigated to a less than significant level through mitigation measures requiring the developer to pay the applicable TIMF fee as a fair-share contribution toward Union Road widening, in compliance with General Plan Policy C-1.5. The TIMF is calculated as part of the Transportation Impact Fee Nexus Study completed by the Council of San Benito County Governments (2016).

Evidence: Tribal and Cultural Resources (MM TCR-1)

Impact: Construction of the proposed project would involve surface excavation, which has the potential to impact previously unidentified Tribal Cultural Resources. No tribal cultural resources listed on or eligible for listing on the California Register of Historical Resources (CRHR) or a local register or significant tribal cultural resources were identified within the project site as a result of the cultural resources records search, SLF search, Native American scoping and pedestrian survey. However, there is always potential to uncover buried archaeological resources during ground disturbing activities, which could potentially be considered tribal cultural resources.

Mitigation Measure: In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall be retained who shall consult with the project proponent and San Benito County to begin Native American consultation procedures. As part of this process, it may be determined that archaeological monitoring may be required; a Native American monitor may also be required in addition to the archaeologist.

FINDING 3: EIR - CEQA ALTERNATIVES TO THE PROPOSED PROJECT. The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6; it also considered but rejected an alternative for another location for the reasons specified therein. The EIR considered the following alternatives described below. The primary purpose of an alternatives analysis under CEQA is to provide decision-makers and the general public with a reasonable number of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. However, all impacts of the project can be mitigated to below a level of significance; therefore, the project does not have any significant unavoidable impacts.

Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. Accordingly, the County need not make findings rejecting alternatives described in the EIR where all of the project's significant impacts will be avoided or substantially lessened by mitigation measures. (See *Laurel Hills Homeowners Ass'n v City Council* (1978) 83 Cal.App.3d 515 [if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives]; see also *Stevens v City of Glendale* (1981) 125 Cal.App.3d 986, 996; *No Slo Transit, Inc. v City of Long Beach* (1987) 197 Cal.App.3d 241].) Thus, if the County finds that significant adverse effects will be avoided or substantially lessened by mitigation measures, it need not make findings that environmentally superior alternatives are infeasible. (See *Mira Mar Mobile Community v City of Oceanside* (2004) 119 Cal.App.4th 477; *Protect Our Water v County of Merced* (2003) 110 Cal.App.4th 362, 373; *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692.). Analysis of three alternatives to the project is provided for informational purposes and to allow decision-makers to consider the project in light of hypothetical alternative development scenarios, thereby promoting CEQA's purpose as an information disclosure statute.

Evidence: Alternative 1 No project Alternative. *The No Project Alternative assumes that the proposed project is not implemented, and that the project site remains in its current state of open space and agricultural use. Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the proposed project. However, the No Project Alternative would not meet any of the project objectives since no residential development would be constructed, no enhancements to the Ridgemark community would be made, and no economic benefits for the County would be created.*

Evidence: Alternative 2 Full Secondary Access to Southside Road. *The Full Secondary Access to Southside Road Alternative would have the same project description as the proposed project. However, the emergency vehicle access to Southside Road from the southwest corner of the blufftop site would become a full access road. The road would be built to local road standards and would have a gate at the bottom of the hill only. All residents in the Bluffs at Ridgemark and Ridgemark Community would be able to use this as an exit to Southside Road and destinations to the south/west. Because this alternative would result in the same level and type of development on the same site, it would have all of the same impacts, which could be mitigated to the same extent as those in the project. For this same reason, it would meet all proposed project objectives.*

Evidence: Alternative 3 Clustered Development. *The Clustered Development Alternative would cluster the proposed residential development eastward, towards the existing Ridgemark community, in order to decrease the visual impact of the project from Southside Road. The Clustered Development Alternative would result in the same number of dwelling units as the proposed project within a reduced development footprint. It would result in incrementally reduced impacts when compared to the proposed project for those issue areas related to ground disturbance. Because less ground disturbance would be required, total air quality and GHG emissions would decrease, despite the same amount of operational emissions. Because this alternative would construct the same number of units, population-generated impacts would be similar to the proposed project. This includes: public services and recreation, transportation and*

circulation, and utilities and service systems. Notably, this alternative would reduce the significant but mitigable impact related to aesthetics to a less than significant level, due to the increased setback from the top of the bluff and associated reduced visibility from Southside Road. This alternative would continue to meet the proposed project objectives. Although located on smaller lots, the new units would be anticipated to be high-quality and aesthetically pleasing, and would enhance the Ridgemark Country Club area, similar to the proposed project. In addition, the development of 90 units would create economic benefits for the County and local businesses similar to the proposed project. Given the smaller lots, this alternative may not be considered as "high end" as the proposed project, and thus may not meet the objective of expanding this type of housing in the County. However, denser housing would be more affordable by design, which would serve to provide a different type of housing stock in the County which is equally needed by the community.

Evidence: Environmentally Superior Alternative. As noted above, because there are no significant and unavoidable impacts, the following information about the selection of the environmentally superior alternative is provided for informational purposes only. Each of the alternatives either avoided or minimized to a greater extent some impact(s) associated with the proposed project, although all impacts are ultimately less than significant (with mitigation incorporated) similar to the project. When all the alternatives were considered, the Clustered Development Alternative 3 is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, Section 15126(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, then another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the Clustered Development Alternative is considered to be the Environmentally Superior Alternative for the reasons specified above.

A RESOLUTION TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE BLUFFS AT RIDGEMARK SUBDIVISION PROPOSAL TSM-15-94 IS HEREBY ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 2nd DAY OF APRIL, 2018 BY THE FOLLOWING VOTE:

AYES: Valerie Eglund, Robert Rodriguez, Chair Mark Tognazini

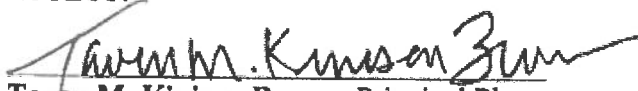
NOES: Ray Pierce, Pat Loe

ABSENT:

ABSTAIN:


Mark Tognazini, Chair
San Benito County Planning Commission

ATTEST:


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

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Comments
Aesthetics						
MM AES-1(a) Design Standards. Prior to issuance of the first building permit for the project, the project proponent shall submit architectural plans for review and approval by the Planning Commission. The architectural plans shall include all proposed building elevations, materials, colors, textures, light fixtures, and perimeter fencing, and shall satisfy the following: <ul style="list-style-type: none">▪ Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences and walls▪ High contrast color combinations, such as very dark brown adjacent to white, shall be avoided on individual home roofs, walls, and fascia▪ Roof vents shall be the same earth tone shade as the surrounding roof surface▪ All structures facing any public street or neighboring property shall use minimally reflective glass and all other materials and colors used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare▪ Building windows shall be tinted with an antireflective material The final map(s) for the project shall include a note indicating that this mitigation measure would be met prior to issuance of the first (1st) building permits. The above referenced standards, components and materials shall be denoted on building plans. A copy of said standards, components, and materials shall be submitted with grading and building plans prior to issuance of building permit(s) for individual lot development.	Confirm that architectural plans and building plans satisfy the design standards, components and materials listed in the mitigation measure. Confirm structures are constructed consistent with plans.	Prior to issuance of building permit.	As necessary during construction.	County of San Benito Resource Management Agency		
MM AES-1(b) Landscaping. Prior to the recordation of the first final map, the project proponent shall submit tract-wide landscaping plans to the County for review and approval. Figure 7 and Figure 8 in Section 2.0, Project Description, show the currently proposed	Confirm that final tract-wide landscaping plans are consistent with the requirements of the mitigation.	Prior to recordation of the first final map.	Once, prior to the first final map.	County of San Benito Resource Management Agency		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Comments
conceptual landscape plan. Tract-wide landscaping plans shall comply with the following requirements:	Confirm landscaping is implemented consistent with the landscaping plans.	After landscape installation.	Once, after landscape installation.	County of San Benito Resource Management Agency		
<ul style="list-style-type: none"> Landscaping installed as part of tract improvements shall include fencing along the north and east side of the project. Landscaping shall consist of drought-tolerant native species, as feasible, along with other acceptable species identified by the County as appropriate. Hydroseeding areas shall be clearly indicated on the plan. Only natural fiber, biodegradable materials shall be used. 						
Agricultural Resources						
MM AG-1 Agricultural Conservation. Prior to issuance of any grading permits, the project proponent shall provide that for every one (1) acre of FMMP Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) on the project site that is permanently converted to non-agricultural use as a result of project development, one (1) acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said mitigation shall be satisfied by the applicant through:	Confirm that project proponent has preserved land in perpetuity as specified in the measure.	Prior to issuance of any grading permits.	Once, prior to issuance of the first grading permit.	County of San Benito Resource Management Agency		
<ul style="list-style-type: none"> a. Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the County or qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of 36.4 acres of FMMP Important Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or 						
<ul style="list-style-type: none"> b. Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, to be applied toward the future purchase of a minimum of 36.4 acres of FMMP Important Farmland in San 						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
Benito County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or						
c. Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Land Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of 36.4 acres of FMMP Important Farmland in San Benito County. The amount of the payment shall be equal to 110 percent of the amount determined by the qualifying entity or a licensed appraiser; or						
d. Any combination of the above						
Biological Resources						
MM BIO-1(a) California Tiger Salamander (CTS) Pre-construction Survey and Impact Avoidance. The following measures are required to reduce impacts to individual CTS and their habitat (additional measures may be required by the CDFW and/or USFWS):	Ensure qualified biologist is retained and conducts necessary preconstruction surveys to specifications in mitigation measure	At least six months prior to start of construction activities, and again, at least one month prior to start of construction.	Once at specified points during construction phase	County of San Benito - Qualified biologist		
▪ Not less than six months prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct pre-construction surveys within suitable habitat on-site. The surveys shall include mapping of all areas containing small mammal burrows.	Ensure qualified biologist oversees the installation of exclusion fencing in applicable areas according to specification in mitigation measure	At least 15 days prior to the start of construction.	Once	County of San Benito - Qualified biologist		
▪ Not less than one month prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct another round of pre-construction surveys within suitable habitat on-site. The surveys shall confirm previously mapped areas containing small mammal burrows.	If CTS is found, confirm work is halted and remains halted until CDFW and/or USFWS provides authorization for work to resume	Immediately after CTS is identified within work area	As need arises	Project proponent - Qualified biologist		
▪ Not less than 15 days prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall also oversee installation of exclusion fencing where suitable aquatic habitat is adjacent to the site (i.e., along the northern	Ensure preconstruction survey reports have been prepared and submitted to County	Within 15 days of each survey	Once at specified points during construction phase	County of San Benito - Qualified biologist		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<ul style="list-style-type: none"> boundary) to prevent CTS from entering active work areas. If any life stage of the CTS is identified within the work area, construction and grading in these areas shall be halted and the County, CDFW, and USFWS shall be contacted immediately. Additional avoidance strategies shall be approved by the County in consultation with CDFW and USFWS to achieve compliance with the State and federal Endangered Species Acts. If avoidance is not possible, incidental "take" authorization would be required under the State and federal Endangered Species Acts. A CESA incidental take permit may be acquired through preparation and submittal of a section 2081 application to the CDFW. A FESA incidental take permit may be acquired through FESA section 7 consultation if there is a federal nexus related to the project and if the lead federal agency is willing to initiate FESA consultation with the USFWS. If a federal nexus does not exist for the project, an incidental take permit must be obtained through section 10(a)(2)(B) of the FESA by developing a habitat conservation plan (HCP) that would define the measures designed to minimize and mitigate the effects of the project's actions and to ensure the species would be conserved. At a minimum, mitigation measures shall include purchase of credits at an approved conservation bank or purchase and management of offsite suitable upland habitat for CTS to offset loss of suitable upland habitat for this species (i.e., area[s] containing small mammal burrows) at a ratio of 2:1 (two acres preserved for every one acre of impact), or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations. A pre-construction survey report shall be submitted to the County Resource Management Agency within 15 days of completion of the survey. The report shall include the dates, times, weather conditions, aquatic and terrestrial habitat conditions (including a map of small mammal 							

Mitigation Measure		Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
						Initial	Comments
<p>burrow or burrow complex locations), agency consultation(s) if individuals are discovered, and personnel involved in the surveys.</p> <p>MM BIO-1(b) California red-legged frog (CRLF) Pre-construction Surveys and Impact Avoidance. The following measures are required to reduce impacts to individual CRLF and their habitat (additional measures may be required by the USFWS):</p> <ul style="list-style-type: none"> ▪ Not less than one month prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct pre-construction surveys within suitable habitat on-site. ▪ Prior to ground disturbance within 200 feet of identified CRLF breeding and aquatic non-breeding habitats, temporary barriers shall be constructed between the identified habitat and the projects ground disturbance area to prevent CRLF from entering the project site during construction. A solid temporary exclusion fence (such as silt fence) shall be buried into the ground to a depth of at least 6 inches below the soil surface and extend at least 3 feet above the ground to exclude CRLF from the work area. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of ground disturbance. During any construction conducted between July 2 and April 30, the fence shall be inspected daily to ensure that it's functioning properly to exclude CRLF from the work area. The fence shall remain in place throughout construction. ▪ To minimize the potential for direct impacts to dispersing individuals, initial ground disturbing activities shall be completed during the period May 1 through July 1, to the extent feasible. The initiation of any subsequent ground disturbing activity or construction during July 2 through April 30, the period when California red-legged frogs are potentially dispersing or utilizing upland areas, shall be preceded by two night surveys of the 		<p>Confirm pre-construction surveys are conducted according to the measure, to include pre-construction surveys within suitable habitat on-site prior to any activity, and two night surveys of the work area for any construction conducted between July 2 and April 30.</p> <p>Confirm temporary fences are constructed and inspected according to the mitigation measure</p> <p>Ensure that proper take coverage through consultation with USFWS is obtained, if applicable.</p> <p>Ensure records are provided for relocation of CRLF permitted under take coverage, if applicable.</p> <p>Ensure daily surveys of any pits or trenches that are left open over night during the period from October 15 through March 15.</p> <p>Confirm training of all construction personnel before any construction activities begin</p> <p>Ensure a spill and response plan is</p>	<p>At least one month prior to start of construction, and night surveys within 48 hours of construction if occurring between July 2 and April 30.</p> <p>Prior to ground disturbance within 200 ft of CRLF habitat</p> <p>Prior to ground disturbance, during initial ground disturbance and until initial ground disturbance completed</p> <p>October 15 through March 15.</p> <p>Before construction phase begins</p>	<p>Prior to construction</p> <p>Once</p> <p>Throughout initial ground disturbance phase</p> <p>Throughout date range specified in measure</p> <p>Once</p>	<p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p>		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>work area. The purpose of these surveys is to determine whether any CRLF have bypassed the exclusion fencing into the work area. Surveys shall be conducted on two separate nights within 48 hours prior to the start of work activities.</p> <ul style="list-style-type: none"> If any life stage of the CRLF is identified within the work area, construction and grading in these areas shall be halted and the County and USFWS shall be contacted immediately. Additional avoidance strategies shall be approved by the County in consultation with USFWS to achieve compliance with the FESA. If avoidance is not possible, incidental "take" authorization would be required under the FESA. A FESA incidental take permit may be acquired through FESA section 7 consultation if there is a federal nexus related to the project and if the lead federal agency is willing to initiate FESA consultation with the USFWS. If a federal nexus does not exist for the project, an incidental take permit must be obtained through section 10(a)(2)(B) of the FESA by developing a HCP that would define the measures designed to minimize and mitigate the effects of the project's actions and to ensure the species would be conserved. At a minimum, mitigation measures shall also include those listed below, or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations. If CRLF are present they shall be moved out of the work area by an approved biologist following the methods described below, but only if "take" authorization is procured from the USFWS. The approved biologist would maintain detailed records of all translocated individuals (e.g., size, coloration, any distinguishing features, and photographs) to assist in determining whether translocated individuals return to the work site. Before any construction activities begin on the project, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the 	<p>designated and workers are briefed on it</p> <p>Ensure all construction practices, ongoing construction phase monitoring tasks, biological monitor responsibilities, daily surveys and inspections, and associated reporting are completed according to the measure.</p>	<p>Throughout construction phase</p>	<p>Ongoing, throughout construction phase</p>	<p>County of San Mateo</p>		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>importance of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished.</p> <ul style="list-style-type: none"> During all initial ground disturbing activities, an approved biologist shall be on-site to recover any CRLF that may be found at that time, but only if "take" authorization is procured from the USFWS. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the USFWS shall be consulted immediately. Any dead CRLF must be reported immediately to the USFWS and deposited in an approved museum. An approved biologist shall be present at the work site until such time as all removal of CRLF, instruction of workers, and initial ground disturbance have been completed. After this time, the County shall designate a person to monitor compliance of all mitigation measures. The approved biologist shall ensure that this individual receives training outlined above and is qualified to identify CRLF. The monitor and the approved biologist shall have the authority to halt any action that would otherwise involve a violation of applicable laws and regulations. If work is stopped for this reason, the County shall be notified immediately to determine the appropriate course of action in accordance with applicable laws and regulations. An approved biologist or trained monitor shall conduct daily surveys of any pits or trenches that are left open over night during the period from October 15 through March 15. During construction, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas. The number of access routes, number and size of 						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside drainage areas.</p> <ul style="list-style-type: none"> All refueling, maintenance, and staging of equipment and vehicles would occur at least 100 feet from riparian habitats (north of the project site) or drainage areas (along the western slopes), and not in a location where a spill would drain directly toward an aquatic habitat. The approved biologist or designated monitor shall check the staging area periodically to ensure that contamination of aquatic habitats does not occur. Prior to the onset of work, a spill response plan must be designated, and all workers must be briefed on the provisions of this plan. Temporarily impacted areas shall be re-contoured to their original configurations and revegetated with native plant species suitable for the area. Locally collected plant material shall be used to the extent practicable. Invasive exotic plant species shall not be used in site landscaping. Best Management Practices would be implemented during and after project implementation to control sedimentation. Water shall not be impounded in a manner that may attract CRLF. California Natural Diversity Database forms shall be completed and sent to the CDFW for all CRLF observed during the project. <p>MM BIO-1(c) Western Spadefoot Toad and San Joaquin Whipsnake (Coachwhip): Pre-construction survey, Capture, and Relocation. Not less than 14 days prior to the start of any construction activities (including, without limitation, staging and mobilization), a qualified biologist shall conduct surveys for western pond turtle, western spadefoot toad, and San Joaquin whipsnake (coachwhip) within suitable habitat on the project site as feasible. The biologist shall also oversee installation of exclusion</p>	<p>Confirm pre-construction surveys are conducted according to the measure. Ensure exclusion fencing is installed according to measure. Ensure CNDDB Field Study Forms are provided to the CDFW. Submit all pre-</p>	<p>At least 14 days prior to start of any construction activities and, within 30 days of completion of survey effort, consistent with the required schedules in the measure</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Comments
<p>fencing where suitable habitat is present to prevent these species from entering active work areas. If any of these species are identified within the work area they shall be captured and relocated to County-approved suitable habitat within the same or nearest suitable habitat. CNOOB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed. The relocation site shall include suitable micro habitat and ecological features for each species as follows:</p> <ul style="list-style-type: none"> Western spadefoot toad habitat shall include open sandy or gravelly areas within the San Benito River. San Joaquin Whipsnake (coachwhip) habitat shall include suitable small mammal burrows to provide immediate escape and cover. <p>If either of these species are observed by construction personnel within or adjacent to the project site, all work within the vicinity of the observation shall be halted and the qualified biologist shall be notified immediately to evaluate the occurrence and relocate the animal as necessary. Only a qualified biologist shall capture and relocate wildlife. Construction personnel are not permitted to handle said animals. A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include for each captured special status animal, the Universal Transverse Mercator (UTM) coordinates and habitat descriptions of the capture and release sites (in UTM coordinates), the length of time between capture and release, and the general health of the individual[s].</p> <p>BIO-1 (d) Burrowing Owl Pre-Construction Surveys, Avoidance, and/or Exclusion. A qualified biologist shall conduct a pre-construction clearance survey prior to ground disturbance activities within all suitable habitats to confirm the presence/absence of</p>	<p>construction survey reports to County Resource Management Agency, Planning and Land Use Division to the specifications of the mitigation measure</p> <p>Halt construction activity and notify biologist if species described in mitigation measure identified on project site</p>	<p>Immediately after observance of species by construction personnel</p>	<p>Ongoing, throughout construction phase</p>	<p>County of San Benito - Qualified biologist</p>		
<p>BIO-1 (d) Burrowing Owl Pre-Construction Surveys, Avoidance, and/or Exclusion. A qualified biologist shall conduct a pre-construction clearance survey prior to ground disturbance activities within all suitable habitats to confirm the presence/absence of</p>	<p>Conduct Burrowing Owl clearance surveys not more than 14 days prior to start of construction activity</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity.</p>	<p>Once, prior to construction</p>	<p>County of San Benito - Qualified biologist</p>		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>burrowing owls. The surveys shall be consistent with the recommended survey methodology provided by CDFW (2012). Clearance surveys shall be conducted within 14 days prior to any construction and ground disturbance activities. If no burrowing owls are observed, no further actions are required.</p> <p>If burrowing owls or active burrows are detected during the pre-construction clearance surveys, avoidance buffers shall be implemented in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993) minimization mitigation measures. If burrowing owls are detected, prior to ground disturbance, coordination with the CDFW by a qualified biologist shall occur to establish the appropriate avoidance buffer distances specific for the project's activities and level of expected disturbance.</p> <p>If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993). The Plan shall be provided to the applicable local CDFW office prior to implementation. A qualified biologist shall coordinate with the CDFW to determine the appropriate exclusion methods (passive or active relocation) for the project to relocate burrowing owls to a suitable offsite location. Relocation of owls can only occur during the non-breeding season.</p> <p>A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include, if applicable, each observed burrowing owl and/or its burrow, the UTM coordinates and habitat descriptions. If relocation is required, separate reporting as required within the Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall also be submitted to the County Resource Management Agency, Planning and Land</p>	<p>If Burrowing Owls are detected excavate inactive dens by hand during the first clearance surveys; implement an on-site passive relocation program for active dens, as specified in the measure, and prohibit construction from occurring within 30 feet of active dens.</p> <p>Submit a preconstruction survey report within 30 days after surveys have been completed</p>	<p>Ongoing during construction</p>	<p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p>		
	<p>Submit a preconstruction survey report within 30 days after surveys have been completed</p>	<p>Submit preconstruction notifications prior to issuance of the first permit for ground disturbing activity, and complete preconstruction survey report within 30 days of the completion of surveys.</p>	<p>Once after completion of surveys</p>	<p>County of San Benito - Qualified biologist</p>		

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Use Division, as well as to the CDFW.							
<p>MM BIO- 1 (e) American Badger Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct pre-construction clearance surveys for American badger within the project site. Clearance surveys should be conducted for American badger within 14 days of the start of any ground-disturbing activity. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of that portion of the site being disturbed. If no potential American badger individuals or dens are present, no further mitigation is necessary.</p> <p>If this species are detected or potential American badger dens are present, the following measures shall be implemented:</p> <ul style="list-style-type: none"> ▪ If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction. ▪ If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one way doors at burrow entrances, remote camera monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. ▪ Construction activities shall not occur within 30 feet of active badger dens. <p>A report of all pre-construction survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the survey effort to document</p>		<p>Conduct American badger clearance surveys not more than 14 days prior to the start of construction activity</p> <p>If American badger are detected excavate inactive dens by hand during the first clearance surveys; implement an on-site passive relocation program for active den, as specified in mitigation measure; and prohibit construction from occurring within 30 feet of active dens</p> <p>Submit a preconstruction survey report within 30 days after surveys have been completed</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity</p> <p>Ongoing during construction</p>	<p>Once, prior to construction</p> <p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito - Qualified biologist</p>		
			<p>Submit preconstruction notifications prior to issuance of the first permit for ground disturbing activity; and complete preconstruction survey report within 30 days of the completion of surveys.</p>	Once after completion of surveys	County of San Benito - Qualified biologist		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include, if applicable, each observed badger and/or its den, the UTM coordinates and habitat descriptions, a description of any passive relocation if applicable.</p> <p>MM 810-1 (f) San Joaquin Kit Fox Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct a pre-construction clearance survey for San Joaquin kit fox within the project site no more than 30 days and no less than 14 days before the start of any ground-disturbing activity. All known and potential San Joaquin kit fox dens (i.e., suitably sized dens in suitable habitat) shall be mapped and an exclusion zone shall be established around each den in accordance with the <i>USFWS San Joaquin Kit Fox Survey Protocol for the Northern Range</i> (USFWS 1999). Occupied dens shall be protected by the buffer distance described below to prevent entrance from all construction equipment and personnel who are not approved biologists. In the exclusion zones, only essential vehicle and foot traffic may be permitted. No activity may occur when the exclusion zone that may harm a San Joaquin kit fox. All exclusion zone fencing and flagging shall be kept in good working order for the duration of nearby construction activities or until the den is determined by the approved biologist to be unoccupied. The USFWS and CDFW shall be notified if a reduction of exclusion zone buffer distance or additional activities within the exclusion zone are requested. The following radii are standard San Joaquin kit fox buffer distances for occupied dens:</p> <ul style="list-style-type: none"> ▪ Occupied natal/pupping den – 500 feet ▪ Known occupied den – 100 feet ▪ Occupied atypical den – 50 feet <p>The project shall also adherence of the recommendations and best management practices described in the <i>USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground</i></p>	<p>Conduct San Joaquin Kit Fox clearance surveys between 14 and 30 days before the start of construction</p> <p>If San Joaquin Kit Fox are detected install a buffer between construction activities and occupied dens as specified in measure</p> <p>All project-related traffic shall be restricted to established roads and observe speed limits identified in the mitigation measure</p> <p>Cover all holes to the specifications of the mitigation measure</p> <p>Implement an employee education program prior to beginning of construction activities as specified in mitigation measure</p> <p>Revegetate all disturbed areas to specifications described in mitigation measure</p> <p>Identify a representative to acts as main contact for any person who may inadvertently injure or kill a kit fox</p>	<p>Between 14 days and 30 days of the start of ground-disturbance</p> <p>Once</p> <p>Ongoing during construction</p> <p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito - Qualified biologist</p>			

Mitigation Measure		Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>Disturbance (USFWS 2011). To minimize temporary construction related disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas would be included in preconstruction surveys and, to the extent possible, would be established in locations disturbed by previous activities to prevent further impacts. The project shall specifically adhere to the following kit fox protective measures described in the USFWS Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance:</p> <ol style="list-style-type: none"> 1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, USFWS and CDFW shall be contacted as noted under bullet 13 referenced below. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a 	<p>Report all new sightings of the Kit Fox to the CNDDB as specified in the mitigation measure</p> <p>Notify the Sacramento Fish and Wildlife Office and CDFW as specified in the mitigation measure if kit fox is injured or killed</p>	<p>Within three working days of the accidental death or injury to a San Joaquin kit fox during</p>	<p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p>			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <p>4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.</p> <p>5. No firearms shall be allowed on the project site.</p> <p>6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p> <p>7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.</p> <p>8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit</p>						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.						
9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.						
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be						

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determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.						
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.						
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or appropriate wildlife biologist with their department. The USFWS should be contacted at the numbers below.						
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is located at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.						
14. New sightings of kit fox shall be reported to the CNDD8. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS at the address below. Any project-						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the USFWS at:</p> <p>Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p> <p>MM BIO-1(g) Western Red Bat Pre-Construction Surveys and Impact Avoidance. A qualified biologist shall conduct a western red bat roost-habitat assessment and conduct presence/absence surveys for special status western red bats where suitable maternity roosting habitat is present (e.g., orchards, mature trees) during the breeding season (approximately August 1 to October 1). Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where western red bats may roost. Surveys shall be conducted not more than 30 days prior to initiation of construction activities during the western red bat breeding season.</p> <p>Areas where bats' maternity roosts are located shall be avoided where feasible. If a maternity colony has become established, all construction activities shall be postponed within a 300-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed under the supervision of the qualified biologist after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.</p> <p>A report of survey efforts shall be submitted to the County Resource Management Agency, Planning and Land Use Division within 30 days of completion of the surveys to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys, and if maternity roosts are observed and avoided.</p>	<p>Conduct presence/absence surveys not more than 30 days prior to the start of construction activity during Western Red Bat breeding season.</p>	<p>Conduct preconstruction surveys not more than 30 days prior to construction activity</p>	<p>Once, prior to construction</p>	<p>County of San Benito - Qualified biologist</p>		

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<p>MM BIO-1(n) Monitoring. The County shall review and approve, as determined appropriate by the County, the proposed primary biologist, project plans (including impact areas and mitigation measures), and conduct site inspections during construction to ensure compliance.</p>	<p>Review and approve proposed biologist and project plans</p> <p>Conduct site inspections as specified in the mitigation measure</p>	During construction	As determined appropriate by the County	County of San Benito Resource Management Agency		
<p>MM BIO-1 (l) Construction Best Management Practices. To avoid impacts to aquatic and terrestrial habitats, the following construction Best Management Practices shall be incorporated into all grading and construction plans:</p> <ul style="list-style-type: none"> ▪ Designation of a 15 mile per hour speed limit in all construction areas. ▪ All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. ▪ The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project. ▪ Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from riparian habitat or drainages as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site. ▪ Daily construction work schedules shall be limited to daylight hours only, consistent with applicable County code provisions noted in Section 4.11, Noise. ▪ Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition. ▪ Drip pans shall be placed under all stationary vehicles and mechanical equipment. ▪ All trash shall be placed in sealed containers and shall be removed from the project site a minimum 	<p>Implement BMPs as specified in the measure</p>	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency		

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>of once per week.</p> <ul style="list-style-type: none"> No pets are permitted on project site during construction. <p>MM BIO-2 Pre-Construction Surveys for Nesting Birds and Raptors. For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds and raptors covered by the CFGC and the MBTA (including, but not limited to special status species including the California horned lark, burrowing owl, and prairie falcon) shall be conducted by a qualified biologist no more than 14 days prior to initiation of any construction activities, including, without limitation, construction staging and vegetation removal. The surveys shall include the entire disturbance areas plus a 200-foot buffer around any disturbance area(s), as is feasible. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest (said buffer to be determined by the qualified biologist). The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have discretion for establishing a suitable buffer consistent with his/her judgement as an expert and industry standards. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.</p> <p>MM BIO-3(a) Jurisdictional Delineation. Prior to the start of construction, a qualified biologist would conduct formal aquatic resources delineation throughout the project site. The aquatic resources delineation shall confirm whether any identified features are under the jurisdiction of the USACE, RWQCB, and/or CDFW. The result shall be a preliminary jurisdictional delineation report that shall</p>	<p>Conduct nesting birds clearance surveys not more than 14 days prior to the start of construction activities.</p> <p>If nesting birds are detected construction work shall be conducted outside a buffer zone from the nest as specified in measure</p>	<p>Conduct preconstruction surveys not more than 14 days prior to construction activity</p> <p>Ongoing during construction</p>	<p>Once, prior to construction</p> <p>As necessary during construction</p>	<p>County of San Benito - Qualified biologist</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito - Qualified biologist</p>		
	<p>Conduct formal aquatic resources delineation to the specifications of the mitigation measure</p>	<p>Prior to the start of construction activities</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>		

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be submitted to San Benito County, USACE, RWQCB and CDFW, as appropriate, for review and approval. Permits shall be obtained from each agency where applicable.						
<p>MM BIO-3(b) Wetland and Riparian Habitat Restoration. In the event the formal aquatic resources delineation confirms there are on-site jurisdictional wetlands and/or riparian habitat, project impacts to jurisdictional wetland and riparian habitat shall be mitigated at a minimum ratio of 2:1 for each segment, and shall occur as close to the impacted habitat as feasible but at least within the same watershed, or as otherwise required by the relevant resource agency(ies). The permanent protection and management of the mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase. This mitigation can occur either on or off the project site.</p> <p>A project-specific Aquatic Resource Mitigation and Monitoring Plan shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:</p> <ol style="list-style-type: none"> 1. Wetlands and waters impacts summary and habitat mitigation actions; 2. Goals of the restoration to achieve no net loss; 3. A map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; 4. A detailed description of the mitigation design, including: <ol style="list-style-type: none"> a. Location of the new wetlands; b. Proposed site construction schedule; c. Description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site; d. A detailed description of the steps required 	<p>Confirm that impacts of project on jurisdictional wetlands and riparian habitat are mitigated at 2:1 ratio through conservation easement as specified in mitigation measure.</p> <p>Prepare Aquatic Resource Mitigation and Monitoring Plan or purchase credits at an approved mitigation bank as specified in mitigation measure</p>	<p>Prior to start of construction</p>	<p>Once</p>	<p>County of San Benito - Qualified biologist</p>		

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<p>for site preparation and a conceptual grading plan—a formal package for plan sets, specifications, and estimates for the grading, and mitigation construction work shall be prepared based on the concepts set forth in the Aquatic Resource Mitigation and Monitoring Plan no fewer than fifteen days prior to starting work at the mitigation site;</p> <p>e. A description of recommended soil amendments and other site preparation;</p> <p>f. Development of a planting plan, including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application;</p> <p>g. Maintenance plan for the created wetlands and riparian plantings;</p> <p>h. A description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within 10 years of restoration, and others;</p> <p>i. Monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met;</p> <p>j. A list of reporting requirements and reporting schedule; and</p> <p>k. A contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and 10 years for riparian enhancement. This plan shall include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur.</p>						

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<p>Alternatively, prior to initiating construction that affects aquatic resources, the project applicant shall purchase credits at an approved mitigation bank sufficient to offset temporary impacts to wetlands at a 1:1 ratio and permanent impacts to wetlands at a 2:1 ratio.</p> <p>MM BIO-3 (c) Invasive Weed Prevention and Management Program. Prior to start of construction, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by San Benito County to prevent, to the extent feasible, invasion in areas of by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication.</p> <p>All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.</p>	<p>Review and approve the Invasive Weed Prevention and Management Program as specified in mitigation measure</p> <p>Confirm weed removal and hydroseeding is conducted as specified in mitigation measure</p>	<p>Prior to start of construction</p> <p>During construction.</p>	<p>Once</p> <p>Ongoing during construction</p>	<p>County of San Benito - Qualified biologist</p>		
<p>Cultural Resources</p> <p>MM CUL-1 Unanticipated Cultural Deposits. If unanticipated cultural deposits are encountered during any phase of project construction or land disturbance activities, work shall stop in the area of the find and San Benito County shall be notified. A qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, shall be retained to assess the nature, extent, and potential significance of any cultural remains. If the resources are determined to be Native American in origin, the archaeologist would consult with the project proponent and the County to begin Native American consultation procedures, as appropriate (see Chapter 4.14: Tribal Cultural Resources). If the discovery is determined to be not significant, work would be</p>	<p>Stop work and notify San Benito County upon discovery of cultural resources</p> <p>Implement a Phase II subsurface testing program.</p> <p>If the resource is determined significant, cap area or follow recommendations of the Phase II study.</p> <p>Submit monitoring report</p>	<p>During construction, upon discovery of unidentified cultural resources.</p> <p>During construction, upon the discovery of unidentified cultural resources</p> <p>During construction, after completion of the Phase II subsurface testing program.</p> <p>Upon completion of construction, prior to</p>	<p>Ongoing during construction</p> <p>Once for each discovery</p> <p>Once for every discovery</p> <p>Once</p>	<p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource Management Agency</p> <p>County of San Benito Resource</p>		

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permitted to continue in the area. Potentially significant resources may require a Phase II subsurface testing program to determine the resource boundaries within the project site, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts. If, in consultation with the County, a discovery is determined to be significant, a mitigation plan shall be prepared and carried out in accordance with State guidelines. If the resource cannot be feasibly avoided, a data recovery plan shall be developed to ensure collection of sufficient information to address archaeological and historical research questions, with results presented in a technical report describing field methods, materials collected, and conclusions. Any cultural material collected as part of an assessment or data recovery effort shall be curated, as determined appropriate, at a qualified facility.		issuance of building permits.		Management Agency		
MM CUL-2 Discovery of Human Remains. If human remains are discovered, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur in the area of the find until the County has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be of Native American descent, the coroner would notify the NAHC. The NAHC would determine and notify a MLD. The MLD would complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Adhere to State Health and Safety Code Section 7050.5.	During construction, upon the discovery of previously unidentified human remains.	Ongoing during construction.	County of San Benito Resource Management Agency		
MM CUL – 3(a) Professional Paleontologist. Prior to initial ground disturbance, the applicant shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources.	Confirm applicant has retained a project paleontologist as specified in mitigation measure	Prior to initial ground disturbance	Once	County of San Benito Resource Management Agency		
MM CUL-3(b) Paleontological Monitoring. Excavations exceeding two feet in depth anywhere on	Monitor and recover any paleontological remains	During initial ground disturbing activity in	Ongoing during construction	County of San Benito Resource		

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the project site shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. Ground disturbing activity that does not exceed two feet in depth shall not require paleontological monitoring. The duration and timing of the monitoring shall be reasonably determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely, which recommendation shall then be adhered to by the project applicant.	unearthed during excavation and ground disturbing activities as specified in mitigation measure	area specified in measure		Management Agency		
If fossils are discovered, the paleontological monitor or project paleontologist shall recover them using standard field methods. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.	Reduce monitoring to spot-checking if the conditions specified in the measure are met, under the discretion of the qualified paleontologist	Spot-check to verify presence of archeological monitor during ground disturbance activities.	Ongoing during construction	County of San Benito Resource Management Agency		
Geology and Soils						
MM GEO-4 Adherence to Geotechnical Report. Prior to the issuance of the first building permit, the developer(s) of individual lots on the project site shall submit building and improvement plans for review and approval by San Benito County that confirm compliance with the recommendations included in the <i>Geotechnical Investigation</i> prepared by Stevens, Ferrone & Baily in 2015 (see Appendix C of this EIR). These recommendations include, but are not limited to, the following:	Confirm submittal of acceptable building and improvement plan as specified in mitigation measure. Implement approved plans.	Prior to issuance of first building permit During Construction.	Once Ongoing during construction	County of San Benito Resource Management Agency		
<ul style="list-style-type: none"> ▪ Dry, loose, weak, and compressible soils shall be removed and recompacted. Where soils will not 						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<p>be removed as part of grading operations, over-excavate 12 inches, scarify and re-compact the bottom 12 inches in place, and place well blended engineered fill within the excavations.</p> <ul style="list-style-type: none"> Grading shall be performed so that each building foundation and surrounding flatwork can be supported on fills with similar expansion potential. Provide a layer at least 3 feet thick of well-mixed, moisture conditioned, and well blended engineered fill below all building foundations and surrounding flatwork. Structure setbacks shall be established by projecting a 3:1 (horizontal to vertical) line from the toe of the existing slopes upward toward the development. Where the projected line intersects the finished ground surface, structures shall be setback from the intersection. <p>Consideration should be given to controlling erosion on the slopes to reduce the potential for continued migration of the slope crest toward the development. Erosion control measures can include the use of geotextiles, rip-rap, retaining systems, and rebuilding slopes with geogrid reinforced earth in combination with installing deeply rooting vegetation. These measures can be installed near the top of the slope without having to install over the full length of the slopes.</p>							
Greenhouse Gas Emissions							
<p>MM GHG- 1 GHG Reduction Plan. Prior to initial grading permit issuance, the project applicant shall develop and implement a GHG Reduction Plan, approved by the County, which documents a reduction in annual GHG emissions from the project by a minimum of 617 MT CO₂e per year over the operational life of the project.</p> <p>A. On-site GHG reduction measures may include, but are not limited to, the following components:</p> <ul style="list-style-type: none"> a. Energy Use <ul style="list-style-type: none"> i. On-site energy conservation policies in addition to those described in the Specific 	<p>Applicable elements of the GHG Reduction Plan shall be reflected on project site plans prior to permit approval. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved prior to permit approval.</p>	Prior to permit approval	Once	County of San Benito Resource Management Agency			

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance/Verification	
					Initial	Date Comments
Plan Development Standards						
ii. Exceed adopted 2013 Title 24 energy requirements by a minimum of 10 percent through implementation of energy reduction measures, including:	1. Use locally made building materials for construction of the Project and associated infrastructure when such materials are locally available;					
	2. Use of materials which are resource efficient, recyclable, with long life cycles;					
	3. Install energy-reducing shading mechanisms for windows, porches, patios, walkways, etc.;					
	4. Install energy reducing day lighting systems (e.g. skylights, light shelves, transom windows);					
	5. Use of water efficient landscapes;					
	6. Use tankless water heaters or solar water heaters;					
	7. Use of low-energy interior lighting;					
	8. Use low-energy street lights and parking lot lights (i.e. sodium); and					
	9. Use of light-colored, water-based paint and roofing materials.					
	iii. On-site renewable energy production, including wind-generated energy or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project's total energy demand					
B. The project applicant shall be responsible for ensuring that the GHG Reduction Plan quantifies the emissions reduction achieved by all GHG reduction measures included in the GHG Reduction Plan. The GHG Reduction Plan shall include all necessary evidence to facilitate review of the emissions reductions measures and the total GHG emissions reduction achieved by the						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
San Benito County Planning and Building Departments.						
C. GHG/Carbon Offset Mechanism. The GHG emissions reduction achieved through implementation of on-site GHG reduction measures would depend on the specific mix of measures available for each development application within the project. Because it is not yet possible to know with certainty which on-site GHG reduction measures would be feasibly incorporated into the project, or to quantify the reduction in GHG emissions that these measures would achieve, on-site GHG reduction measures may not be sufficient to reduce project GHG emissions by the required 617 MT CO ₂ e/year. If GHG emissions cannot be reduced below threshold levels through compliance with the Project GHG Reduction Plan described in Part A, the project applicant shall purchase a fair share of carbon offsets that meet approved offset protocols through the California Cap-and-Trade Program to reduce GHG emissions below threshold levels. Carbon offsets reduce GHG emissions globally through funding off-site projects that eliminate new GHG emissions and/or sequester existing GHGs in the atmosphere.						
Plan Requirements and Timing						
Applicable elements of the GHG Reduction Plan shall be reflected on project site plans prior to permit approval. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved prior to permit approval.						
Monitoring						
Condition compliance shall monitor and verify implementation of measures included in the GHG Reduction Plan to ensure implementation.						
Emissions reductions from individual GHG reduction measures are quantifiable for the purpose of demonstrating compliance with Mitigation Measure GHG-1 using CAPCOA's <i>Quantifying Greenhouse Gas</i>						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Compliance Verification Comments
Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures (August 2010), available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf . Depending on the specific combination of GHG reduction components available to a particular phase of the project, sufficient on-site GHG emissions reductions may not be available to reduce GHG emissions by the required 617 MT CO ₂ e/year over the operational life of the project. Therefore, to further reduce project GHG emissions, project applicants would be required to purchase carbon offsets that meet approved offset protocols through the California Cap-and-Trade Program.							
Noise							
MM N-1 (a) Construction Activity Timing Disclosure. Signs stating the restrictions regarding the hours of construction as regulated by the 2035 General Plan shall be provided by the developer and posted on-site. Signs shall be placed prior to beginning of and throughout grading and construction activities. Prior to issuance of any grading permits, the project proponent shall submit a plan, which shall be reviewed and approved by the County, describing the location and dates on which the signs will be posted to the Planning and Building Inspection Services Department. The project proponent shall allow County Building Inspectors to access the project site to monitor compliance by spot checking these signs and the hours during which construction occurs, and to respond to noise complaints.	Post onsite signs stating the restrictions regarding the hours of construction	Ongoing during construction	Spot-check for compliance prior to beginning of grading and throughout construction	County of San Benito Resource Management Agency			
	Submit a plan describing the location and dates on which the signs will be posted	Prior to the issuance of the first permit for ground disturbing activity	Once	County of San Benito Resource Management Agency			
	Maintain construction equipment as specified in the measure.	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency			
MM N-1(b) Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. Whenever feasible, electrical power shall							

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
be used to run air compressors and similar power tools rather than diesel equipment. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions to the extent feasible.						
MM N-1 (c) Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.	Confirm construction equipment is not left idling as described in mitigation measure	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency		
MM N-1(d) Stationary Equipment. Stationary construction equipment that generates noise that exceeds 55 dBA Leq at the boundaries of the nearby residential uses shall be shielded. Temporary noise barriers used during construction activity shall be made of noise-resistant material sufficient to achieve a Sound Transmission Class (STC) rating of STC 40 or greater, based on sound transmission loss data taken according to ASTM Test Method E90. Such a barrier may provide as much as a 10 dB insertion loss, provided it is positioned as close as possible to the noise source or to the receptors. To be effective, the barrier must be long and tall enough (a minimum height of eight feet) to completely block the line-of-sight between the noise source and the receptors. The gaps between adjacent panels must be filled-in to avoid having noise penetrate directly through the barrier. The recommended minimum noise barrier or sound blanket requirements would reduce construction noise levels by at least 10 dBA.	Submit building and grading plans that show the appropriate construction noise reduction measures Locate noise-generating stationary equipment as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise when located near adjoining sensitive land uses.	Prior to issuance of the first permit for ground disturbing activity	Once	County of San Benito Resource Management Agency		
The equipment area with appropriate acoustical shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.		Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency		
Prior to issuance of grading permits, the project proponent shall submit building and grading plans that show the appropriate construction equipment noise reduction measures to the Planning and Building Inspection Services Department. Compliance shall be monitored by, as feasible, County Building						

Mitigation Measure	Action Required	Implementation Timing	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
Inspectors.						
MM N-1(e) Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.	Ensure radio noise minimized at sensitive receptors	Ongoing during construction	Ongoing during construction	County of San Benito Resource Management Agency		
MM N-1(f) Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the County for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.	Confirm submittal of detailed construction plan as specified in mitigation measure	Prior to issuance of grading and or building permit	Once	County of San Benito Resource Management Agency		
MM N-1(g) Disturbance Coordination. A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding promptly to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.	Confirm designation of noise disturbance coordinator and compliance with mitigation measures	At beginning of construction phase	Once	County of San Benito Resource Management Agency		
Transportation						
MM T-1 Regional Transportation Impact Mitigation Fee. The developer shall be required to pay the applicable TIMF fee as a fair-share contribution toward Union Road widening, in compliance with General Plan Policy C-1.5. The TIMF is calculated as part of the Transportation Impact Fee Nexus Study completed by the Council of San Benito County Governments (2016).	Confirm payment of applicable TIMF fees	Prior to issuance of the first permit	Once	County of San Benito Resource Management Agency		
Tribal and Cultural Resources						
MM TCR-1. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall be retained who shall consult with the project proponent and the San Benito County to begin Native American consultation procedures. As part of this process, it	Ensure qualified archeologist is retained and will consult with project proponent and County of San Benito as described in measure	Prior to beginning of construction	Once	County of San Benito Resource Management Agency		

LAFCO No. 525

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE PROMONTORY AT RIDGEMARK
ANNEXATION TO THE SUNNYSLOPE COUNTY WATER DISTRICT

WHEREAS, the Promontory at Ridgemark Annexation to the Sunnyslope County Water District (LAFCO File No. 525) has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act and the County Service Area Law (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 49.24 acres into the Sunnyslope County Water District ("District") and represents two parcels identified by the San Benito County Assessor as APN Numbers 025-420-005 & 019; and

WHEREAS, because the property is outside the District's Sphere of Influence, the District has requested the Commission approve a sphere of influence amendment in addition to approval of an annexation in District Resolution No. 549; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public hearings held on the proposal on August 9, 2018; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document and San Benito County determination, Spheres of Influence and applicable General Plan; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the sphere

of influence amendment and annexation and has determined that the applications are a “project” subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the applications to be in the best interests of the affected area and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds it has reviewed and considered the Environmental Impact Report prepared by San Benito County as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of the sphere of influence amendment and annexation and no new significant impacts have been identified, and that there is one mitigation measure that is the responsibility of LAFCO to adopt or monitor as a result of action on this proposal (Mitigation Measure AG-1 “Agricultural Conservation.” These environmental findings are based on the Commission’s independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in San Benito County Planning Commission Resolution No. 2018-2, presented on Pages 3 through 17, and the Commission agrees with the County in selecting Alternative 2 entitled “Full secondary access to Southside Road” based on the conclusions of the County, presented on Pages 15 through 17 of Resolution No. 2018-2.

(2) The Commission adopts the one mitigation measure, Mitigation Measure AG-1, requiring the applicant to obtain an agricultural easement or payment of in-lieu fees to a qualified agricultural trust on a 1:1 ratio for the 36.4 acres of important farmland converted by the project which is under the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this sphere amendment and annexation.

(3) The annexation proposal is assigned the distinctive short-form designation:

PROMONTORY AT RIDGEMARK ANNEXATION TO THE SUNNYSLOPE COUNTY
WATER DISTRICT

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, with verification from the County Surveyor.

(6) All proceedings in connection with this proposal shall be conducted in compliance with the approved boundaries set forth in the attachments.

(7) The annexation boundary is consistent with the sphere of influence as amended by the Commission as part of their approval of the proposal, and identified in Exhibit C, and the sphere of influence amendment is processed in compliance with the provisions contained in Section 56425 of the Government Code, and the Commission adopts all five determinations as presented on Pages 2 and 3 of the Executive Officer's Report dated August 9, 2018.

(8) Since the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(9) The territory being annexed shall not be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the District.

(10) The proposal is APPROVED, and Staff is directed not to record the annexation until the following conditions of approval have been satisfied:

(a) Project owner shall enter an indemnification agreement with the San Benito Local Agency Formation Commission in the standard format approved by the Commission at the September 14, 2017 Commission meeting, prior to recording the Certificate of Completion for the annexation.

(b) The maps and legal descriptions presented as Exhibit A and B are found by the County Surveyor to be acceptable.

I, Ignacio Valezquez, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly

adopted by said Commission at a regular meeting thereof held upon the 9th day of August, 2018,
by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Ignacio Velazquez., Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

ATTACHMENT 8

Please use the following links to access each document.

Bluffs at Ridgemark Draft EIR: <http://cosb.us/wp-content/uploads/Bluffs-Public-Draft-EIR.pdf>

Bluffs at Ridgemark Final EIR: http://cosb.us/wp-content/uploads/Bluffs-at-Ridgemark-RTC_3.6.18.pdf

INFORMATIONAL

6. Receive and file the CALAFCO White Paper: “State of the Art of Agricultural Preservation”.

7. Commissioner Announcements and Request for Future Agenda Items.

8. Executive Officer oral status report on pending proposals.


9. Adjourn to regular meeting at 3:00 PM on September 12, 2018, unless meeting is cancelled by the Chair.

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

Date: August 9, 2018 (Agenda)

To: LAFCO Commissioners

From:  Bill Nicholson, Executive Officer

RE: California Association of Local Agency Formation Commissions
(CALAFCO)
White Paper: "State of the Art on Agricultural Preservation"
(Agenda Item 6)

In February 2018, CALAFCO published a White Paper entitled "State of the Art on Agricultural Preservation" (Attached). The White Paper is the result of a collaborative effort between CALAFCO and the American Farmland Trust (AFT), a national agricultural advocacy non-profit. A small group of LAFCO Executive Officers, including Neelima Palacherla of Santa Clara LAFCO, worked closely with the AFT's Senior Policy and Planning Manager for Northern California, over many months in order to outline and develop this important white paper. The purpose of the white paper is to inform and inspire LAFCOs seeking to establish new or enhance existing policies that preserve agricultural land while simultaneously promoting orderly growth and development.

It contains several chapters which include a detail of the State Government Code requirements for protection of agricultural resources LAFCOs must consider in the review of proposals and establishment of spheres of influence. Recommendations for adopting a local policy base for agricultural resource protection includes a hierarchy of actions to either avoid or minimize impacts to agriculture, or to mitigate for the loss of important farmland when options to avoid conversion are not possible. The White Paper also provides a summary of the requirements under the California Environmental Quality Act (CEQA) and LAFCOs role in the environmental review process. It finishes with some "best practices" for consideration by local Commissions.

Action Requested

This is presented as an informational item, and if the Commission wants to revisit the local LAFCO policies or consider an agricultural mitigation strategy, this can be scheduled for a future agenda.

Attachment: CALAFCO White Paper: *State of the Art on Agricultural Preservation*



CALAFCO WHITE PAPER

State of the Art on Agricultural Preservation

February 2018



A collaboration of American Farmland Trust and the California Association of Local Agency Formation Commissions



CALAFCO WHITE PAPER

State of the Art on Agricultural Preservation

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Acknowledgments

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Purpose and Objectives

The purpose of this white paper is to inform and inspire Local Agency Formation Commissions (LAFcos) that are seeking to establish or enhance policies that preserve agricultural land, while simultaneously promoting orderly growth and development. The California Association of Local Agency Formation Commissions (CALAFCO) invited American Farmland Trust (AFT) to work collaboratively on this white paper to exchange and share perspectives on their respective experiences in successful policy implementation and development. This paper explores the parameters of agricultural land preservation and provides guidance in the development of agricultural land preservation policies for individual LAFcos to consider.

This white paper discusses the importance of agriculture to our local communities and why the California Legislature has equipped LAFcos with the powers to curtail urban sprawl and discourage expansion onto the state's agricultural lands. The paper examines LAFcos' statutory role in preserving agricultural lands and presents opportunities for how LAFcos can incorporate the preservation of agricultural land into their local policies. Brief case studies are provided throughout to demonstrate how individual LAFcos have interpreted this responsibility locally through their own policies.

White Paper Objectives:

- 1) Provide an understanding of the economic, environmental, and cultural importance of agriculture to local communities and the state at large.
- 2) Explain the components of an effective and comprehensive LAFco agricultural preservation policy, including the role of policies that encourage "Avoiding," "Minimizing," and "Mitigating" the loss of farmland.
- 3) Explain the role of the California Environmental Quality Act (CEQA)¹ in both annexation proposals that impact agriculture and in requirements for adopting agricultural preservation policies.
- 4) Explain the role of LAFco in city and county planning processes and how to encourage continuous communication and collaborative planning and studies between public agencies.
- 5) Demonstrate the circumstances in which LAFco may wish to consider an agricultural preservation policy.

A Unique Perspective from AFT

AFT believes in the importance of protecting farmland while supporting sustainable community growth. AFT promotes LAFcos as key players in conserving agricultural land since most productive farmland is located around cities. Having actively promoted farmland conservation in California for nearly two decades, AFT offers insight on why it is important to preserve farmland and presents best practices.

A Unique Perspective from CALAFCO

The Legislature intends LAFcos to be responsive to local challenges as well state priorities. An individual LAFco's policies can lay out LAFco's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands with the need for orderly development. LAFcos have used their planning authority to anticipate and reduce or avoid the loss of agricultural land. Across the state, LAFco experiences reflect the variance of practices on agricultural preservation between rural, suburban and urban counties.

Introduction

The Legislature created a LAFco in each county in 1963 with the intent that they fulfill state policy to encourage orderly growth and development. These objectives were deemed essential to the social, fiscal, and economic well-being of the state. The Legislature recognized that the logical formation and determination of local agency boundaries was an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

It was also the intent of the Legislature that each LAFco "establish written policies and procedures and exercise its powers pursuant to statute [Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act)] in a manner consistent with those policies and procedures and in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns." (Gov. Code §56300.) These written policies and procedures were required to be adopted by LAFcos by January 1, 2002.

Since 1963, each LAFco has overseen the growth of its cities and special districts through incorporations, annexations and, since 1973, the establishment of spheres of influence (which were only enforced beginning in 1985). At the time, converting lands once used for agricultural purposes to urban land uses was seen as a necessary part of accommodating the growth of California's cities. It was common for city and county leaders to see agricultural lands around cities as areas for future urbanization, with the assumption that this type of urban development would assure the economic health of the community and provide much needed housing.

Two years after the creation of LAFcos, the state enacted California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) to address the growing concern that the growth of California cities was coming at the expense of losing agricultural lands. The original purpose of

the Williamson Act was to counteract tax laws that often encouraged the conversion of agricultural land to urban uses (i.e., if you were being taxed at urban rates you might as well sell to urban developers). This act enabled local governments to enter into contracts with private landowners for the purpose of creating agricultural preserves that restrict specific parcels of land to agricultural or related open-space use in exchange for reduced property taxes. Over time, this approach has had mixed success. In an earlier regulatory era, when the subdivision of land far from a city and formation of special districts to provide municipal services was a common practice, creating agricultural preserves under Williamson Act contract was deemed necessary to limit development of those parcels. The likelihood that agricultural land could be converted to urban or rural development was high enough to justify the reduction in property tax revenue in exchange for limiting the land's development potential.

Today, much of the land under Williamson Act contract in many counties is far from a city's sphere of influence, where conversion of the most productive farmland most frequently occurs. Yet, the agricultural lands that are under pressure of being converted to non-agricultural uses are most often located on the urban fringe. Due to development speculation of these lands, they are less likely to be protected under a Williamson Act contract, making the role of LAFCo ever more important.

LAFCOs were created to implement the state's growth management and preservation goals. To achieve these objectives, LAFCOs were given the sole authority to regulate the boundaries and service areas of cities and most special districts. Though they do not have local land use authority, LAFCOs exercise their authority by denying, approving, or conditionally approving expansion proposals by cities and special districts. With this broad authority, each LAFCo uses its own discretion to act in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. Figure 1 depicts the balance that LAFCOs are expected to achieve through their actions.

Figure 1. LAFCO's Balancing Act

**Growth and
Development**

**Protect ag lands
and open space**

**Order, Logic,
and Efficiency**

Varying Definitions of "Prime" Agricultural Lands

As discussed further below, preserving prime agricultural land is a key statutory mandate of LAFCo. To measure and understand the importance of California's remaining prime agricultural land, this paper defines what constitutes prime agricultural land. This can be a challenge because federal, state, and local agencies, including LAFCOs, all operate under different laws and requirements each setting out different definitions of prime farmland.

As defined by the United States Department of Agriculture, prime farmland is

Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the

soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”²

AFT relies on the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) definition of prime farmland, which originated from the USDA definition. The FMMP was established by the State of California in 1982 to produce agricultural resource maps, based on soil quality and land use. The FMMP maps are updated every two years using aerial photographs, a computer-based mapping system, public review, and field reconnaissance. The FMMP definition of Prime Farmland is “land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.”³ FMMP also maps farmland that is classified as less than prime, such as Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance (which is defined by local jurisdictions and accepted by FMMP), Urban and Built-up Land, and Other Land.

LAFcos operate according to their own definition,⁴ which identifies prime agricultural land as:

an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Land that would not qualify as Prime under USDA or FMMP definitions of Prime, may qualify as Prime under the LAFco definition; for example, Unique Farmland, and Farmland of Statewide

Importance, and grazing land can still meet the LAFCo definition of prime agricultural land. Although LAFCos monitor the conversion of Prime Farmland within their own jurisdictions, CALAFCO does not monitor that conversion statewide. Therefore, the following section utilizes the FMMP definition of Prime Farmland to illustrate the trends affecting farmland in California, which, from AFT's perspective, demonstrate the urgency of protecting what remains.

An AFT View: Why It Is Important to Preserve What We Have Left—What's at Risk?

California boasts some of the most productive farmland on the planet, as measured in terms of the ratio of agricultural inputs to outputs. This productivity is largely possible because of California's Mediterranean climate and fertile soils, which require fewer inputs and are less subject to unfavorable climate conditions and pest pressures. This is important for many reasons, including state and national food security, California's prospects for economic growth and competitiveness on the agricultural market, and the efficient utilization of scarce resources such as water.

For nearly four decades, AFT has monitored the conversion of agricultural lands to development, and estimates that nationally, we lose approximately an acre every minute. In California, where the state has been monitoring the conversion of farmland to urban development since the early 1980s, the average rate of loss is 40,000 acres per year. At this rate, California will lose an additional two million acres by 2050, most of which will be prime farmland.

Current Trends

Of California's approximately 100 million acres of land, 31 million acres or one-third, are used for agriculture. Of this agricultural land, 19 million acres are used for grazing land and 12 million acres are used to grow crops. That figure may seem significant, but only about 9 million acres of this cropland are considered to be prime, unique or of statewide importance (as defined by the California Department of Conservation's FMMP).⁵ This resource is diminishing and is likely to continue to do so, mostly due to conversion to urban development, but also from other causes. Considering that not all remaining farmland is ideal for agriculture due to current and future water stress, climate and temperature changes, and other constraints such as strong soil salinity, protecting what is left is paramount.

In the last 30 years, California has lost more than one million acres of farming and grazing land, and about half of that loss was prime farmland. Figure 2 below provides a snapshot from the California Department of Conservation of what has happened to farmland over that period.

Economic and Cultural Benefits

California is the leading agricultural producer in the United States. Its agricultural abundance includes more than 400 commodities. Over a third of the nation's vegetables and two-thirds of the nation's fruits and nuts are grown in California.⁶ California is the sole producer of an array of commodities consumed by people all over the world. Nearly all of the domestically grown grapes, pomegranates, olives, artichokes, and almonds are grown in California, and over three-quarters

of the nation's strawberries and lettuce come from the golden state.⁷ Ensuring the protection of the state's agricultural lands is essential to protecting California's agricultural economy, and supports numerous other social and environmental benefits to our communities.

Agriculture plays a significant role in many of the state's regions, fueling local economies, providing employment, and maintaining over a century of cultural heritage. In 2014, the farm gate value of the state's 76,400 farms and ranches was a record \$54 billion, double the size of any other state's agriculture industry. Of the \$54 billion, over \$21 billion was attributed to California's agricultural exports.⁸ Not only is California the country's largest agricultural producer, it is the largest exporter of agricultural products. Agricultural products are one of California's top five exports.⁹

Agriculture creates significant ripple effects (i.e. multipliers) throughout California's economy. Each dollar earned within agriculture fuels a more vigorous economy by stimulating additional activity in the form of jobs, labor income and value-added processes. Farm production is closely linked to many other industries: the production of farm inputs, the processing of food and beverages, the textile industry, transportation and financial services. According to the University of California Agricultural Issues Center, which is located at UC Davis and studies the multiplier effects of California farm industry and closely related processing industries, the combined sectors generated 6.7 percent of the state's private sector labor force (including part-time workers), 1.3 percent of the Gross State Product (GSP) and 6.1 percent of the state labor income in 2009. The Center calculated that during that year, a \$1 billion increase of the value added from agricultural production and processing results in a total of \$2.63 billion of GSP.¹⁰

Including multiplier effects, each job in agricultural production and processing in 2009 accounted for 2.2 jobs in the California economy as a whole, and each farming job generated 2.2 total jobs. Agricultural production and processing are especially significant to the economy of California's Central Valley where, including ripple effects, they generated 22 percent of the private sector employment and 20.1 percent of the private sector labor income in 2009. Excluding ripple effects, agriculture directly accounted for 10.2 percent of jobs and 9.2 percent of labor income that year.¹¹

When California loses productive agricultural lands, it loses the income and jobs associated with those lands. Despite the economic contribution to the state, agricultural lands are under pressure from a variety of forces that have the potential to significantly affect the food production capacity that contributes to the food security of the state, nation and world. Preserving farmland means preserving not only our food security but regional economic productivity, income levels, and jobs throughout the farming and food sectors.

Figure 2. Quick Facts on California Farmland, 1984–2012

Did you know, over the course of 30 years...

- Over 1.4 million acres of agricultural land in California were removed from farming uses (a rate of nearly one square mile every four days)
- Of converted land, 49 percent was prime farmland
- For every 5 acres leaving agricultural use, 4 acres converted to urban land

Source California Department of Conservation, Farmland Mapping and Monitoring Program Farmland Mapping and Monitoring Program, *California Farmland Conversion Summary 1984–2014 and California Farmland Conversion Report, 2015*

In California, agriculture is an important cultural identity to many communities, ranging from large-scale farming operations to small-scale family farms and geographically spanning many regions throughout the state, from coastal metropolitan regions to the heart of the San Joaquin Valley. The expanse of agricultural products that California farmers offer adds to the uniquely California cultural scenery, abundance of fresh food, and greatly contributes to quality of life.

Environmental Benefits

Although agricultural practices may sometimes have environmental downsides, agricultural use of land also contributes numerous benefits to the environment and communities. Agriculture is both vulnerable to climate change, and can help mitigate the impacts of climate change. Protecting agricultural lands will help communities reduce vehicle miles traveled (VMT) and greenhouse gas emission associated with vehicle travel by avoiding sprawl. Agricultural lands also have huge potential to sequester carbon. These two benefits make the preservation of these lands important strategies in meeting the long-term climate change goals under *California's 2017 Climate Change Scoping Plan*.¹² Additionally, their preservation is vital to maintaining groundwater recharge. The areas where our highest quality farmland is located are the areas that provide for the greatest groundwater recharge. Protecting agriculture keeps land porous and helps rebuild aquifers. One of the most important actions leaders and communities can take to address future water stresses is protecting the prime farmland that is best suited to replenishing groundwater supplies.

Accounting for Natural Resources Using a Multiple Benefit Approach

The Bay Area Greenprint is a new online mapping tool that reveals the multiple benefits of natural and agricultural lands across the region. It was designed to help integrate natural resource and agricultural lands data into policies and planning decisions that will influence the future of San Francisco Bay Area's vibrant environment, economy and regional character.

Intact ecosystems can provide important benefits for the human population in the Bay Area and throughout the state. The Bay Area Greenprint is an opportunity to aid planners from cities, counties, and LAFCOs in understanding and conveying that protecting agricultural land, as a part of intact ecosystems, can provide important benefits for residents in the Bay Area. By conducting multi-benefit assessments (agricultural + habitat + biodiversity + recreation + groundwater + carbon sequestration), the Greenprint provides a more complete understanding of the costs and tradeoffs of developing the region's natural and working lands. It will also assist stakeholders in understanding and communicating both climate change threats and opportunities as well as the multiple values of the Bay Area landscape.

For more information, please visit the tool at www.bayareagreenprint.org

LAFcos' Mandate to Preserve Agricultural Lands

Cortese-Knox-Hertzberg Local Government Reorganization Act 2000 (CKH Act)

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. (Gov. Code §56301, emphasis added.)

Preserving prime agricultural lands and open space is a key statutory mandate of LAFcos and the CKH Act provides direction to LAFcos on certain policies, priorities, and information that LAFcos should, and/or must consider when analyzing boundary change proposals that could potentially impact agricultural lands. The CKH Act includes policies specific to agricultural preservation, including:

- Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing non-prime agricultural lands, unless the action would not promote the planned, orderly, efficient development of an area. (Gov. Code §56377(a).)
- Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (Gov. Code §56377(b).)
- Factors to be considered [by the Commission] in the review of a proposal shall include the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Gov. Code § 56668(e).)

Approaches to LAFco Agricultural Preservation Policies

Though the CKH Act provides some policies specific to agricultural preservation, these are baseline parameters and guidelines from which individual LAFcos can carry out their mandate. Ultimately, a LAFco's broad powers will guide and influence annexation decisions and how a LAFco will respond to the need to balance urban growth and preserving agriculture and open space.

To equip individual LAFcos with the ability to respond to local conditions and circumstances, the CKH Act calls for a LAFco to:

... establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. (Gov. Code §56300(a).)

Over the years, LAFCOs, on an individual basis, have adopted various local policies and procedures to assist them in their effort to preserve agricultural lands. These policies generally call for the avoidance, minimization, and mitigation of adverse impacts to agricultural lands.

Avoidance consists of anticipating and taking measures to avoid creating adverse impacts to agricultural lands from the outset, such as steering development away from agricultural lands to avoid their conversion to other uses. This most efficiently occurs at the time a city or county is updating its general plan and the issue can be viewed at a regional level and not based on an individual proposal.

Minimization consists of measures to reduce the duration, intensity, and significance of the conversion and/or the extent of adverse impacts to agricultural lands (including direct, indirect and cumulative impacts as appropriate) that cannot be completely avoided.

Mitigation consists of measurable preservation outcomes, resulting from actions applied to geographic areas typically not impacted by the proposed project, that compensate for a project's significant adverse impacts to agricultural lands that cannot be avoided and/or minimized.

Figure 3. Hierarchy for Agricultural Land Preservation Strategies



LAFCo's unique mandates to preserve prime agricultural lands and discourage urban sprawl, and the fact that agricultural lands are a finite and irreplaceable resource, make it essential to avoid adversely impacting agricultural lands in the first place.

Applying These Approaches

These three approaches form an agricultural preservation hierarchy that should, if followed sequentially—avoid, minimize, and then mitigate adverse impacts. These approaches and the recommended applications below may serve as a guide for LAFcos to adopt an agricultural preservation policy, including criteria to guide LAFco’s review of boundary change proposals, thereby possibly streamlining the evaluation of proposals. It may also serve as a guide for proactive participation and collaborative discussion during a city’s general plan update. Collaborative planning may help jurisdictions better understand and prepare for the requirements of LAFco early in the planning process.

Avoidance is preferable because it is the best way to ensure that agricultural lands are not adversely impacted, whereas minimization and mitigation actions include, by definition, some level of residual impact to agricultural lands. Avoidance can also help LAFcos address other important mandates, such as curbing urban sprawl and encouraging the efficient delivery of services by encouraging vacant and underutilized lands within urban areas to be developed before prime agricultural and agricultural land is annexed for non-agricultural purposes. Avoidance is also consistent with the growing recognition at the state level that future development should, when and where possible, be directed into infill areas located within existing urban footprints to limit the amount of transportation related greenhouse gases generated. LAFcos can adopt specific policies and procedures that encourage cities to first utilize their existing vacant and underutilized lands within urban areas for development. What LAFcos can do to **AVOID** conversion of agricultural lands:

- Consider removal of excessive amounts of land from city spheres of influence, (i.e. where SOI is much larger than what is needed over a long-range development horizon).
- Adopt policies that encourage cities to implement more efficient development patterns, adopt stable growth boundaries that exclude agricultural lands, promote infill first, and consider alternative locations within city limits in order to remove development pressure on agricultural lands.
- Encourage continuous communication and collaborative planning and studies between public agencies to ensure that consideration of avoidance begins as early as possible in a jurisdiction’s planning process.
- Participate in city general plan update processes to discourage the premature conversion of agricultural lands and to limit development pressure on agricultural lands.

Case Study: Reducing the Spheres of Influence

In 2007, the Kings County LAFco reduced its spheres of influence through its Comprehensive City and Community District Municipal Service Review (MSR) and SOI Update. The LAFco utilized the MSR requirement from the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 to coordinate future urban growth considerations in a more streamlined and accountable manner. In developing the MSRs, Kings LAFco rewarded the good planning efforts of its four cities by reaffirming well planned areas with planned services, while areas within existing spheres of influence not currently planned for urban growth would require more extensive MSR updates. This approach allowed Kings LAFco an opportunity to successfully remove almost 11,000 acres from future growth consideration where urban services were not planned and agriculture was the established use.

- Discourage extension of urban services outside city boundaries for new development.
- Request that the Lead Agency CEQA assessment includes analysis of alternatives that do not result in conversion of agricultural lands as defined in the CKH Act.
- Require that the jurisdiction demonstrate that infill or more efficient use of land is not possible *prior* to considering SOI expansion and/or annexation into agricultural lands.

Minimizing adverse impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible. Minimization, by definition, means reducing the significance of the conversion and/or reducing the adverse impacts by making changes to a project. In other words, some impacts will be incurred, however, they will be less severe than if changes had not been implemented. Minimization measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness.

What LAFcos can do to **MINIMIZE** conversion of agricultural lands:

- Encourage continuous communication and collaborative planning and studies between public agencies and LAFCo.
- During a city's general plan update process, encourage jurisdictions to adopt a long-term growth management strategy that provides for more efficient development.
- Encourage jurisdictions to adopt a "Plan for Agricultural Preservation."
- Encourage more efficient use of land to limit development of surrounding farmland. Require that the jurisdiction demonstrate that infill or more efficient use of land is not feasible *prior* to considering SOI expansion and/or annexation into agricultural lands.
- Encourage proposals to show that urban development will be contiguous with existing or proposed development; that a planned, orderly, and compact urban development pattern will result; and that leapfrog, non-contiguous urban development patterns will not occur.
- During a CEQA process, request that jurisdictions demonstrate how a proposal will affect the physical and economic integrity of impacted and surrounding agricultural lands.
- As part of a city's general plan process, encourage jurisdictions to map, analyze, and describe all agricultural lands within or adjacent to land proposed for annexation, including analysis of any multiple land-based values such as

Case Study: Greenbelts and Agreements

Ventura County has established greenbelts around its urban areas. Greenbelts are created through voluntary agreements between the Board of Supervisors and one or more City Councils regarding development of agricultural and/or open space areas beyond city limits. They protect open space and agricultural lands and reassure property owners located within these areas that lands will not be prematurely converted to uses that are incompatible with agriculture.

Cities commit to not annex any property within a greenbelt while the Board agrees to restrict development to uses consistent with existing zoning.

Ventura County LAFCo will not approve a sphere update if the territory is within one of the greenbelt areas unless all parties to the greenbelt agreement are willing to accept an amendment to the agreement.

The Ventura policies generally follow Gov. Code §56377.

agricultural, biodiversity, recreation, groundwater, and carbon sequestration, to identify areas of high natural resource value where development is best avoided.

- Encourage agreements among jurisdictions that outline conditions for expanding boundaries. Agreements can be recognized by LAFco.
- Recommend project requirements to protect agricultural lands adjoining land covered in applications to LAFco, both to prevent their premature conversion to non-agricultural uses and to minimize potential conflicts between proposed urban development and adjacent agricultural uses, such as:
 - Agricultural buffers. A buffer is typically an on-site strip of land along the perimeter of a development proposal. These provide a way to minimize conflict by creating spatial separation and other barriers such as walls and landscaping between agricultural operations and urban residents. Buffers may be established through city-county agreements and encouraged under locally adopted LAFco policies.
 - Encourage the adoption of right-to-farm ordinances. These ordinances are developed to offset the perception that typical farming practices are a “nuisance” by 1) providing dispute resolution mechanisms for neighbors as an alternative to filing nuisance-type lawsuits against farming operations; and 2) notifying prospective buyers about the realities of living near farms before they purchase property.
 - Development of educational and informational programs to promote the continued viability of surrounding agricultural land.
 - Encourage the development of a real estate disclosure ordinance to fully inform all directly affected prospective property owners about the importance of maintaining productive agriculture in the area.

Mitigation of impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible and if minimization measures have been applied, but adverse impacts remain significant. Mitigation measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness. Regardless of the type of mitigation measures pursued, this path will inevitably lead to a net loss of agricultural land if it is converted. Some key agricultural mitigation principles to consider include:

- Is the proposed mitigation a fair exchange for the loss of the agricultural resource?
- Is the proposed mitigation designed, implemented and monitored to achieve

Case Study: Mitigation through Memorandums of Understanding/Agreement

Some LAFcos, including San Luis Obispo and Monterey, have entered into MOUs or MOAs with local land use jurisdictions. Such agreements enable the local jurisdictions to express their intent to jointly pursue orderly city-centered growth and agricultural preservation. In San Luis Obispo, the agreement is with San Luis Obispo County. In Monterey, LAFco has developed agreements with the County and four of the five cities within the agriculturally rich Salinas Valley (Salinas, Soledad, Greenfield and Gonzales) to encourage development of MOAs and MOUs. Though on one occasion, Monterey LAFco was a third party to the MOA (with Greenfield), the regular practice has been to encourage each city and the County to enter into the MOA/MOU.

clear, stated and measurable outcomes for agricultural preservation?

- Will the proposed mitigation result in a genuine positive change on the ground, which would not have occurred anyway?
- Will the proposed mitigation result in permanent protection of agricultural land, given that the loss of agricultural land is generally irreversible?

Examples of typical measures include:

- The acquisition and transfer of *ownership* of agricultural land to an agricultural conservation entity for permanent protection of the land.
- The acquisition and transfer of *agricultural conservation* easements to an agricultural conservation entity for permanent protection of the land.
- The payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund the cost of acquisition and administration/management of agricultural lands or agricultural conservation easements for permanent protection.

Case Study: A Mitigation Menu

Contra Costa LAFCo recently adopted a policy that allows the applicant to choose from a menu of mitigation measures. Those measures can include a 1:1 policy whereby each acre lost is mitigated by an acre preserved for agricultural use. Other options can include fees in lieu of land, conservation easements, agricultural buffers, compliance with an approved habitat conservation plan, and participation in other development programs such as transfer or purchase of development credits. Under this policy, Contra Costa LAFCo will consider any reasonable proposal. If the applicant does not suggest a measure, the Commission has the option to impose one or deny the project.

CEQA and Agricultural Preservation

Working proactively with local agencies to avoid or minimize impacts to agricultural land in the first place is preferable to mitigation. Agricultural mitigation requirements (for example, protecting other off-site lands at a certain ratio) are beneficial, but do not prevent agricultural land from being converted.

However, as a last resort, CEQA can be a tool to help LAFCos leverage agricultural preservation in furtherance of LAFCos' state-mandated purpose. Even in the absence of locally adopted agricultural preservation policies, agencies are required to consider project impacts on agricultural resources. Therefore, LAFCos can still promote agricultural preservation even when the local political climate may not allow for strong local policies. CEQA does not require LAFCos to adopt local agricultural conservation or mitigation policies, but some LAFCos may find it useful to adopt clear and transparent expectations via a local policy.

Public Resources Code, Section 21002 states (emphasis added):

*The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are **feasible alternatives or feasible mitigation measures available which would***

Note

LAFCo can suggest, request, or require feasible mitigation measures, even in the absence of local agricultural preservation policies.

substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Pursuant to CEQA, public agencies shall not approve projects as proposed if there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant environmental effects of the project.

LAFco as a Responsible Agency

Typically, a LAFco will review a CEQA document, such as an Environmental Impact Report (EIR) or Negative Declaration as a “responsible agency”. Under CEQA, the “lead agency” means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.¹³ A responsible agency is any public agency, other than the lead agency, which has the responsibility for carrying out or approving the project.¹⁴ Normally, the lead agency is the agency with general governmental powers such as a city or a county. Agencies with limited powers such as LAFcos, or agencies providing a public service or utility service, tend to be a responsible agency. However, LAFcos may be the lead agency and typically serve in this role for certain projects such as approvals of sphere of influences or out-of-agency municipal service extensions.

In the role of responsible agency, LAFcos can apply some leverage because LAFco approval is necessary to implement the project. As a responsible agency, LAFco has an obligation to address environmental impacts within its jurisdiction. If a LAFco has adopted local agricultural preservation policies such as required conservation ratios, buffering setbacks, etc., LAFco can comfortably assert recommendations on a project while the lead agency is still processing the CEQA document because: (1) the lead agency, in desiring LAFco approval, likely will be amendable to compliance with LAFco requirements and policies; and (2) the project proponent presumably would prefer to make any project changes and/or revisions to the CEQA document in compliance with LAFco policy up front rather than waiting until the matter is before the LAFco, thereby optimizing the time spent securing approvals. However, a LAFco does *not* have to have formally adopted local policies in order for LAFco to recommend that the lead agency require a given mitigation measure such as a conservation easement to mitigate for conversion of agricultural lands. CEQA's mandate requires the lead agency to implement feasible alternatives and mitigation measures whether or not a LAFco has a locally adopted policy. Further, even if a lead agency or project proponent is not amenable to complying with LAFco recommendations, if LAFco believes that a project would have a significant impact to agricultural lands that the lead agency has not identified, the LAFco, as a responsible agency, could require subsequent environmental review. In the context of that subsequent environmental review, a LAFco could impose its own mitigation measures to protect agricultural lands if necessary to protect against a true threat to its resource.

Notice of Preparation (For EIRs only, not Negative Declarations)

If a LAFCo is a responsible agency on a project, it should respond in writing to the Notice of Preparation. The response should identify the significant environmental issues and reasonable alternatives and mitigation measures that the responsible agency will need to have explored in the draft EIR.¹⁵ This is LAFCo's opportunity to notify the lead agency of any relevant policies and potential concerns with a project that should be included in the EIR analysis. The LAFCo should be clear and forthright about project issues and LAFCo policies and requirements at the outset in the interest of providing the earliest possible notice to the interested parties. This will enhance the LAFCo's long-term credibility in the community and help keep political and other relationships in a positive state.

The intent is to avoid, minimize, and mitigate project impacts to agricultural land. Questions to consider during the NOP process include: Do options exist to minimize or avoid impacts to agricultural land? Should project alternatives be considered? What mitigation measures should be included?

Here are a few code sections to keep on hand. The following statutes can be cited to provide support when promoting LAFCo agricultural preservation goals:

- CKH Act, California Government Code, Section 56377: In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider... (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15041: The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15096(g)(2): When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Draft EIR or Negative Declaration

At the draft EIR or Negative Declaration stage of the process, a LAFCo may comment on the adequacy of the draft environmental document's analysis, mitigation measures and conclusions. The

A Note About Ag Mitigation Ratios

Conservation easements are effective and commonly used mitigation strategies. However, they do not make up for the loss of agricultural land and may not necessarily reduce the impact of agricultural land loss to a less than significant level.

lead agency is required to consult with LAFco if it is a responsible agency. Among questions to think about during either draft EIR or Negative Declaration review: Are the analysis and stated impacts to agricultural land sound, reasonable and acceptable to LAFco? Have all feasible project alternatives and mitigation measures been considered and required?

A LAFco should ordinarily only make substantive comments regarding those activities involved in the project that are within LAFco's scope of authority under the CKH Act, or aspects of the project required to be approved by LAFco, and should be supported by specific documentation when possible. In a CEQA responsible agency role, LAFcos are required to advise the lead agency on environmental effects, and shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible agency is not aware of mitigation measures that address identified effects, the responsible agency must so state.¹⁶

Examples of potential project alternatives to reduce impacts to agricultural lands include, among others: reduced footprint, clustered density, setbacks and buffers. Examples of feasible mitigation measures include: right to farm deed restrictions, setbacks and buffers, and conservation easements on a 1:1, 2:1 or 3:1 ratio.

Evaluation of and Response to Comments/Final EIR (For EIRs only, not Negative Declarations)

After the public comment period closes, the lead agency then evaluates and provides a written response to comments received. The written response by the lead agency must describe the disposition of the issues raised, detailing why any specific comments or suggestions were not accepted. There must be a good faith, reasoned analysis in the response. Unsupported conclusory statements will not suffice. The lead agency cannot simply make generalizations stating that requiring conservation easements is not economically feasible, for example. As a responsible agency, LAFco should review the written response provided and determine if it adequately resolves the issues raised in its Draft EIR comment letter. If not, LAFco should reiterate its remaining concerns via letter and/or orally at the public hearing to certify the EIR.

Approval of a Negative Declaration or EIR

When approving a project, the lead agency must find that either (1) the project as approved will not have a significant effect on the environment; or (2) the agency has eliminated or substantially lessened all significant effects where feasible, and determined that any remaining significant effects are found to be unavoidable. Therefore, even if the lead agency is adopting a Statement of Overriding Considerations, it does *not* relieve the agency from the requirement to adopt all feasible mitigation measures. In other words, an EIR Statement of Overriding Considerations is not a "free pass" to avoid mitigation. As a responsible agency, LAFcos should be involved in the CEQA process to ensure, as much as possible, the lead agency has implemented all feasible mitigation measures.

Mitigation Monitoring and Reporting Program

Although mitigation monitoring is the lead agency's responsibility (and LAFCo should ensure mitigation language is written to ensure the responsibility for monitoring and tracking clearly lies with the lead agency and the timing mechanism is clear), as a responsible agency it is good practice to keep tabs on local development timing to follow up and ensure any required mitigation actually occurs.

LAFCo as a Lead Agency

At times, LAFCos may act as the lead agency on a CEQA document. Examples include adoption of SOIs or approval of service extensions. However, often times LAFCos choose to not serve as the lead agency on a project where significant impacts may occur. For example, a LAFCo may choose not to enlarge a city's SOI until a development project has been proposed (and the land use authority as lead agency has conducted CEQA review instead) so that the LAFCo can process the SOI update concurrent with annexation. However, if a LAFCo finds itself as the lead agency on a project, the discussion above regarding lead agency requirements now would apply to LAFCo.

Caution Regarding Reliance on Habitat Conservation Plans as Agricultural Mitigation

Habitat Conservation Plans (HCPs) often permit developers to pay an in-lieu fee for the purchase of comparable habitat to mitigate for a development's impact to sensitive species. Generally, the priority under HCPs is to mitigate for special status species, not necessarily agricultural land. An HCP would not necessarily address loss of agricultural land as an agricultural resource itself, but would rather address the loss of agricultural land in terms of the associated impacts to special-status species and sensitive habitats. This is a generalization as there is no "one size fits all" answer whether an HCP can or should be used as a mitigation strategy to mitigate for project impacts to agricultural land. Thus, LAFCos cannot automatically assume that HCPs will provide adequate mitigation for the loss of agricultural lands and fact-specific analysis would be required.

If use of an HCP for mitigation is proposed by the lead agency, that HCP needs to be reviewed to determine how the fees will be used and if comparable, compensatory mitigation will be provided. In other words, question how the HCP will use the fee. Does the fee get used just to place the land into a conservation easement that prohibits future development or will it be used for habitat restoration that will eliminate agricultural uses (such as mitigation for wetland or vernal pool mitigation)? The second key question is how the fee relates to the impact. Does it result in an appropriate ratio that compensates for the lands to be developed or is the proposed conservation easement "stacked" with other easements? Many conservation easements used for raptor habitat, for example, will prohibit vineyards and orchards, thereby limiting a raptor's ability to hunt, thus placing constraints on agricultural productivity. If the lead agency cannot demonstrate that the HCP fee would fully mitigate for the loss of agricultural land, other mitigation options should be explored outside of the HCP.

Working with Cities and Counties

City and county planning processes directly influence whether local agriculture is sustainable and viable. LAFcos can play an important role early on in a jurisdiction's planning processes and can encourage continuous communication and collaborative planning between agencies.

In addition to adopting their own local LAFco policies, LAFcos can help cities and counties adopt meaningful agricultural preservation policies in their general plans. By taking the initiative to engage and build relationships with cities and counties, LAFco can influence local agencies in their planning processes and advocate for the protection of farmland and the farming economy. The Governor's Office of Planning and Research considers early consultation and collaboration between local agencies and LAFco on annexations to be a best practice. This includes coordinating on CEQA review, general process and procedures, and fiscal issues.

By providing feedback throughout the general plan adoption process, LAFcos are able to coordinate with and encourage local agencies to adopt strong farmland protection policies in their general plans, specific plans, plans for development in unincorporated areas, and even within city limits. By engaging in a dialogue over plan development with cities and counties long before those agencies submit formal applications, LAFco can help ensure that applications will be successful.

LAFcos can formalize this kind of proactive participation in local planning processes by tracking city and county agendas and planning cycles, anticipating when such jurisdictions will pursue plan updates or make amendments, and including general plan participation in LAFco annual work plans. Formalizing this participation through the LAFco annual work plan provides structure for ongoing engagement, and over time, normalizes the interaction so that cities and counties will come to expect LAFco to be actively engaged.

Not only can LAFcos engage in early, informal discussions about what kinds of policies would be useful and compatible with LAFco policies and mandates, but they can also submit formal comments as part of the public planning process. The executive officer can submit these formal comments on behalf of the commission.

To help local agencies assess the impacts of their plans on agricultural resources, LAFcos can draw information from many sources. The California Department of Conservation's Farmland Mapping and Monitoring Program can provide information about valuable farmland, including statistical trend data that can be used for analyzing impacts on agricultural resources. Storie index maps can help LAFcos understand the location of the best soils, so that urban growth can be directed away from those areas. LAFcos should also track the location of agricultural conservation easements, and properties under Williamson Act contracts. The county agricultural commissioner's office can help other local agencies understand local agriculture and how planning decisions will have an effect.

LAFcos can help cities make good decisions with regard to annexations, following the avoid-minimize-mitigate protocol mentioned earlier in this white paper. LAFcos have the power to review and approve annexations with or without amendment, wholly, partially, or conditionally, or disapprove proposed annexations, reorganizations, and incorporations, consistent with written policies, procedures, and guidelines adopted by the commission. By working with a city early on in

the process, LAFCo can provide ongoing guidance in the development of an annexation proposal, encouraging attributes that will lead to its success.

LAFCo can also influence county planning processes via the formation or expansion of special districts.

Best Practices for LAFCos

When considering an agricultural preservation policy, the following actions provide background operational context:

1. *An appropriately-scaled policy framework is necessary.*

A policy framework implements a goal, which ideally describes the end-state desired by a LAFCo. Each policy implemented over time, and as applicable, incrementally fulfills a LAFCo's goal. The end-state should reflect the LAFCo's values and by extension the values of the greater community of local agencies that it serves.

A policy adopted without a corresponding over-arching goal is less effective.

2. *The agricultural preservation policy must be consistent with the authority and limitations of a LAFCo.*

LAFCos have broad statutory authority to approve, approve with conditions, or deny proposals for a change of organization or reorganization initiated by a petition or by resolution of application.¹⁷ However, LAFCos shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.¹⁸

3. *LAFCos should have commitment from the local agencies involved in the implementation of the policy.*

LAFCo policies should be developed in consultation with the affected local agencies and stakeholders in the county. Also, policies should be developed so that they work in coordination with the local agencies' approval process. Preferably, LAFCo policies are consistent and complementary with cities' general plans and the master plans of special districts under LAFCo's jurisdiction.

4. *The policy should be simple, uncomplicated, and easy for the local agency staff to administer and the public to understand.*

Over 78 percent of LAFCos are staffed with four or fewer employees.¹⁹ This means that most LAFCos have very limited resources with which to implement and monitor complicated policies, implementation or mitigation measures.

5. *The policy should include a programmatic incentive for proposal applicants to either agree with the effect of the policy or not protest implementation.*

Once adopted, the policy should influence how local agencies implement their growth plans.

6. *Importantly, local agencies, stakeholders and the public must know about and understand the agricultural preservation policy and its potential use. In other words, a public education program is essential.*

Community involvement in the development of the goal and its supporting policy is critical. Such input should be requested, synthesized, and reflected in the goal to represent the community's interest. LAFco interests are best served when the community's understanding is clear about how that goal is achieved, how long it should take to reach, and how one or more policies is used to reach it.

7. *There should be flexibility in the specific details of how a given proposal can implement overarching policy goals.*

Individual LAFco policies can lay out a LAFco's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. A policy can state that a proposal provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. But the policy does not have to prescribe a specific course of action that an applicant should take in order to be considered satisfactory in addressing this overarching policy goal. The policy places the onus on the applicant to explain or justify how the proposal balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. The policy can be explicit in asserting a LAFco's authority to deem incomplete and/or deny proposals that do not adequately put forth a rationale for a LAFco to weigh against the policy goals.

Endnotes

1. California Public Resources Code, Section 21000 et seq.
 2. SSM, USDA Handbook No. 18, October 1993. United States Department of Agriculture. Accessed on August 9, 2017: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143_014052.
 3. California Department of Conservation Farmland Mapping and Monitoring Protection Program. Accessed January 15, 2018: http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf.
 4. California Government Code Section 56064.
 5. California Department of Conservation, Farmland Mapping and Monitoring program (FMMP).
 6. California Department of Food and Agriculture, 2015.
 7. U.S. Census of Agriculture, *National Agricultural Statistics Service*, 2015.
 8. California Department of Food and Agriculture, 2015.
 9. U.S. Census Bureau, 2016.
 10. *The Measure of California Agriculture*, 2012 update. University of California Agricultural Issues Center. Accessed on December 13, 2017: <http://aic.ucdavis.edu/publications/moca/MOCABrochure2013.pdf>.
 11. Ibid.
 12. California Air Resources Board. *California's 2017 Climate Change Scoping Plan*. Accessed on December 15, 2017: <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>.
 13. California Public Resources Code, Section 21067.
 14. California Public Resources Code, Section 21069.
 15. CEQA Guidelines Section 15082 (b).
 16. CEQA Guidelines Section 15086 (c) and (d).
 17. California Government Code Section 56375 (a)(1): The commission shall have the powers and duties to review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.
- California Government Code Section 56021: "Change of organization" means any of the following:
- (a) A city incorporation.
 - (b) A district formation.
 - (c) An annexation to a city.
 - (d) An annexation to a district.
 - (e) A detachment from a city.
 - (f) A detachment from a district.
 - (g) A disincorporation of a city.
 - (h) A district dissolution.
 - (i) A consolidation of cities.
 - (j) A consolidation of special districts.
 - (k) A merger of a city and a district.
 - (l) Establishment of a subsidiary district.
 - (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.
18. California Government Code Section 56375 (a)(6).
 19. CALAFCO survey, CaLAFCO.org, 2015.

