

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AN ORDINANCE OF THE SAN BENITO)
COUNTY BOARD OF SUPERVISORS)
AMENDING THE GENERAL PLAN LAND USE)
AND ZONE DISTRICT DESIGNATION FROM)
AGRICULTURAL PRODUCTIVE AND)
AGRICULTURAL RANGELAND TO RURAL)
TRANSITIONAL WITH A PLANNED UNIT)
DEVELOPMENT OVERLAY AND)
COMMERCIAL THOROUGHFARE ON THE)
PARCELS DESCRIBED HEREIN)

ORDINANCE NO. 767

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

All property described and/or shown in Exhibit A (attached), is hereby designated to be Rural Transitional with a Planned Unit Development overlay (RT/PUD) and Commercial Thoroughfare (C-1) that will be governed by provisions of the Rural Transitional, Planned Unit Development, and Commercial Thoroughfare zone districts as set forth in the San Benito County Zoning Ordinance No. 479, Sections 8, 19, and 25.

All property described and shown in Exhibit A shall be subject to the following conditions and limitations:

1. A secondary access road shall be provided from the northerly property boundary to Highway 156, subject to approval of an encroachment permit by the California Department of Transportation (Caltrans).
2. Prior to obtaining the 87th residential market rate building permit, the project applicant shall obtain the building permit and commence construction of the first phase (100 rooms) of the resort facility. Prior to obtaining the 116th residential market rate building permit, the project applicant shall complete construction of the first phase (100 rooms) of the resort facility and shall make the rooms available for occupancy. No further residential market rate building permits shall be issued beyond the permit for the 115th unit, unless and until the project applicant demonstrates that the first phase (100 rooms) of the resort facility has been constructed and made available for occupancy and that it has been inspected and approved by the County Building Department.
3. The project applicant shall dedicate land within the San Juan Oaks property to the County of San Benito for a County fire station site, shall pay the full, one-time cost for the construction of an on-site County fire station and shall purchase and donate fire suppression apparatus to equip the on-site County fire station. The amount of land dedicated, the size of the station, and the type of fire suppression apparatus shall be approved by the County Planning Department and the County Fire Department. The construction and equipping of the on-site County fire station shall satisfy the requirement to pay fire mitigation fees under San Benito County Code, chapter 15C ("Fire Mitigation Fee Ordinance"), section 15C-6.
4. In the event that the project applicant's actual costs of constructing and equipping the on-site fire station exceed its fair share of such costs, the project applicant shall assist

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

the County in establishing a local benefit district and entering into a reimbursement agreement pursuant to Subdivision Map Act sections 66486 and 66487(c) and Subdivision Ordinance section 17-66, whereby the project applicant may be reimbursed, as other properties located within the benefit district develop, for monies spent in excess of its fair share contribution for the construction and equipping of the on-site fire station.

- 5. The project applicant shall cooperate with and assist the County in establishing and/or activating funding mechanisms, such as County Service Area 26, to fund the on-going maintenance and operation of the on-site fire station.
- 6. All one hundred eighty-six (186) residential dwelling units shall be constructed with individual, built-in fire sprinkler systems.
- 7. On-site tertiary quality wastewater effluent shall meet all State Title 22 Recycling Criteria for unrestricted irrigation uses.
- 8. The Planning Commission's decision regarding the vesting tentative subdivision map shall be advisory and shall be submitted to the Board of Supervisors for review and a final decision within 50 days of certification of the Environmental Impact Report.

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

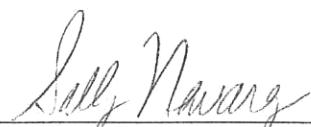
The foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of San Benito, State of California, at the regular meeting of said Board held on the 11th day of May, 2004, by the following vote:

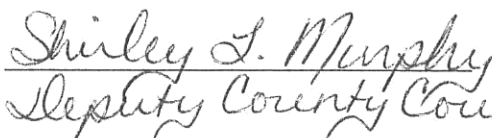
Ayes:	Supervisor(s):	LOE; SCAGLIOTTI; MONACO & CRUZ
Noes:	Supervisor(s):	KESLER
Absent:	Supervisor(s):	NONE
Abstaining:	Supervisor(s):	NONE

By: 
 Bob Cruz, Chair, 5/17/04
 San Benito County Board of Supervisors

ATTEST:
John R. Hodges, Clerk

APPROVED AS TO LEGAL FORM
Karen R. Forcum, San Benito County Counsel

By: 
 Sally Navarez Deputy Clerk
 Clerk of the Board of Supervisors

By: 
 Deputy County Counsel

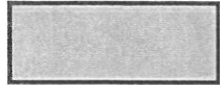
Date: 5/17/04

Date: May 14, 2004

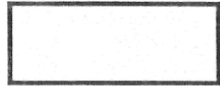
GENERAL PLAN LAND USE AND ZONE CHANGE

ZONE CHANGE

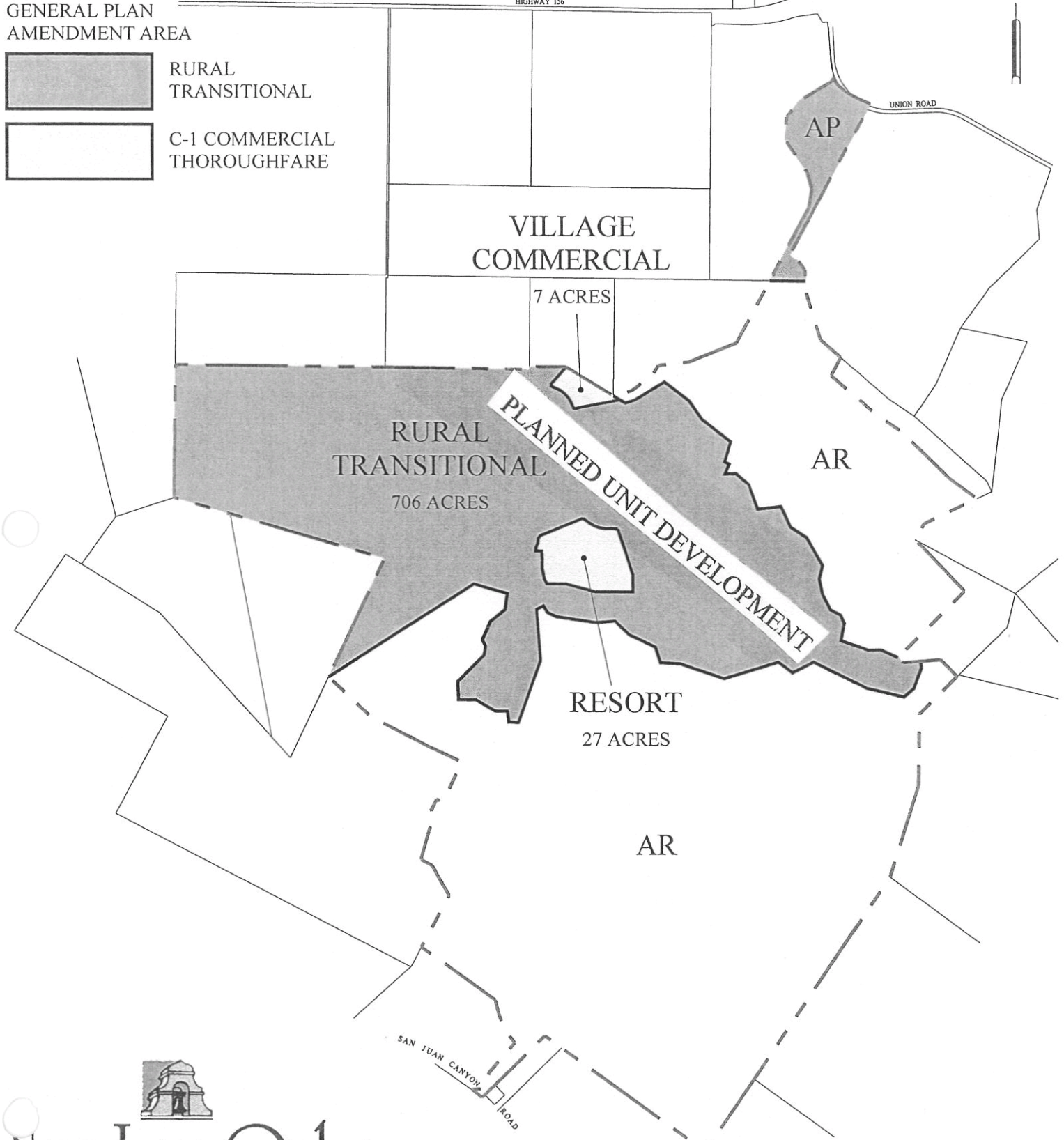
GENERAL PLAN
AMENDMENT AREA



RURAL
TRANSITIONAL



C-1 COMMERCIAL
THOROUGHFARE



A RESOLUTION OF THE SAN BENITO)
COUNTY BOARD OF SUPERVISORS)
CERTIFYING AN ENVIRONMENTAL)
IMPACT REPORT AND ADOPTING A)
MITIGATION MONITORING AND)
REPORTING PROGRAM FOR THE SAN)
JUAN OAKS GOLF CLUB PROJECT)
_____)

Resolution No. 2004 - 35

WHEREAS, Rancho San Justo Company made application for a General Plan Amendment, Zone Change, Vesting Tentative Map, and supportive documents on October 1, 2002;

WHEREAS, an Environmental Impact Report (SCH#2002101031) was prepared and reviewed in accordance with the California Environmental Quality Act;

WHEREAS, the Planning Commission reviewed the Environmental Impact Report and the Mitigation Monitoring and Reporting Program at regularly scheduled public meetings on December 17, 2003 and January 7, 2004;

WHEREAS, on January 7, 2004, by Resolution Number 2004-01, the Planning Commission recommended that the Board of Supervisors certify the Environmental Impact Report and adopt a Mitigation Monitoring and Reporting Program; and

WHEREAS, the Board of Supervisors reviewed the Environmental Impact Report and the Mitigation Monitoring and Reporting Program at regularly scheduled public meetings on February 3, February 10, and April 13, 2004

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Benito that it hereby finds as follows:

Finding 1: That the Environmental Impact Report for San Juan Oaks Golf Club has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: All provisions including both State and County environmental guidelines and policies for the preparation of an Initial Study and Environmental Impact Report have been followed. The environmental documents used in the preparation of the Environmental Impact Report are filed in the project record located at the San Benito County Planning Department in file number GPA 02-24/ZC 02-132/TM 02-67.

Finding 2: That the Board of Supervisors has considered the Environmental Impact Report together with all comments received during the public review process.

Evidence: The Environmental Impact Report, comments received on the Environmental Impact Report, the staff report as well as verbal testimony was presented to the Board of Supervisors in preparation for, and during, the Board of Supervisors meetings.

Finding 3: The Environmental Impact Report reflects the independent judgment of the Board of Supervisors.

Evidence: The Planning Department prepared the Initial Study and supervised the preparation of the Environmental Impact Report and responses to comments on the Environmental Impact Report. This report and the staff recommendation reflect the Board of Supervisors' independent evaluation of the project.

Finding 4: That the Board of Supervisors has found that although significant and unavoidable impacts will be generated by the proposed project there are overriding considerations and that the benefits of the proposed project outweigh the significant effects on the environment.

Evidence: The Board of Supervisors considered all the evidence prior to deciding to certify the Environmental Impact Report and adopt the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations. The Board of Supervisors determined that the Mitigation Measures would substantially lessen or reduce the impacts of the proposed project and that project benefits would render the adverse impacts acceptable.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that it does hereby certify and adopt the Environmental Impact Report and the Mitigation Monitoring and Reporting Program (Exhibit "A") for the San Juan Oaks Golf Club project.

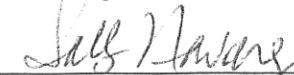
PASSED AND ADOPTED by the San Benito County Board of Supervisors at the meeting of said Board held on the 11th day of May, 2004, by the following vote:

Ayes: Supervisor(s): Loe; Scagliotti; Monaco & Cruz
Noes: Supervisor(s): Kesler

By: 
Bob Cruz, Chair,
San Benito County Board of Supervisors *5/11/04*

ATTEST:
John R. Hodges, Clerk

APPROVED AS TO LEGAL FORM
Karen R. Forcum, San Benito County Counsel

By: 
Sally Navarez, Deputy Clerk
Clerk of the Board of Supervisors

By: 

Date: 5/11/04

Date: April 28, 2004

A RESOLUTION OF THE SAN BENITO)
COUNTY BOARD OF SUPERVISORS)
STATING THE ABILITY TO MAKE)
OVERRIDING CONSIDERATIONS FOR)
THE SIGNIFICANT, UNAVOIDABLE)
NEGATIVE IMPACTS OF THE SAN JUAN)
OAKS GENERAL PLAN AMENDMENT AND)
ZONE CHANGE (GPA 02-24/ZC 02-132))
_____)

Resolution No. 2004 - 36

WHEREAS, the Environmental Impact Report for the San Juan Oaks Golf Club General Plan Amendment and Zone Change was circulated by the San Benito County planning department to the public and to the State Clearinghouse (State Clearinghouse 2002101031) for review and comment from September 5 to October 20, 2003;

WHEREAS, San Benito County responded to comments on the Draft Environmental Impact Report by causing to be prepared the Final Environmental Impact Report (FEIR);

WHEREAS, on December 17, 2003 and January 7, 2004, the San Benito County Planning Commission recommended the Environmental Impact Report be certified;

WHEREAS, on February 3, February 10, and April 13, 2004, the San Benito County Board of Supervisors reviewed the Environmental Impact Report; and

WHEREAS, the Environmental Impact Report stated that the project would have significant, unavoidable environmental effects.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of San Benito hereby determines and certifies:

1. IDENTIFICATION OF SIGNIFICANT ADVERSE EFFECTS: That the project may have the following significant unavoidable adverse environmental effects identified in the Certified Environmental Impact Report, which cannot be mitigated to a less than significant level:

- A. **Transportation/Circulation.** Project development would increase traffic on Highway 156, which operates at a Level of Service F. Project generated traffic would exacerbate the existing deficient traffic condition prior to the completion of the four lane improvement to Highway 156 in 2011. Similar conditions apply to the Highway 25- bypass project and the expected impacts from this project.
- B. **Air Quality.** The project would not be consistent with the land use designations of the San Benito County General Plan. The proposed land uses

were not included in the emissions forecast of the 2000 AQMP and are therefore considered inconsistent with the AQMP.

- C. **Noise.** Occupants of off site residential units would experience nuisance noise levels as a result of existing and project-generated traffic from Highway 156 and Union Road.
- D. **Agricultural Resources.** The proposed project would permanently convert areas that currently support or could support crop production and are designated as agricultural lands in the County General Plan.
- E. **Hydrology & Water Quality.** A portion of the project site is located in an area subject to inundation should failure of the San Justo reservoir dam occur.

2. STATEMENT OF OVERRIDING CONSIDERATIONS: Notwithstanding the disclosure of the significant adverse impacts which cannot be mitigated to a less than significant level, the Board of Supervisors determines pursuant to Section 15093 of the CEQA Guidelines that the benefits of the proposed project outweigh the adverse impacts.

The Board of Supervisors finds that the impacts identified above as significant unavoidable environmental impacts are acceptable because mitigation measures have been required to reduce this impact to the extent feasible, and because the following benefits of the project outweigh such unavoidable environmental effects:

- 1. The project and future site development would provide additional job opportunities to residents of San Benito County.
- 2. The project would contribute revenues to the County in the form of increased transient occupancy tax, property tax, and sales tax.
- 3. The project provides for economic expansion within the County due to the multiplier effects of potential project payrolls and the purchase of goods/services for the operation of future businesses on the site.
- 4. The project would provide new jobs in the County thereby reducing the imbalance of jobs to housing since employment opportunities would be provided within the County and would not require employees to drive outside the County for jobs.
- 5. The project site is located adjacent to land that is used for a public golf course and would be compatible with the existing adjacent pre-cast concrete company.
- 6. The project would be served by and located adjacent to existing highway and transportation infrastructure (Highway 156), that operate at a LOS F, however, improvements to the highway design and capacity improvements are the responsibility of the State of California Department of Transportation. Highway 156 improvements are planned and scheduled for completion in 2011.
- 7. The project site is located at the southeastern edge of the San Juan Valley in an area that is not prime agricultural soil.

8. The project proposes to develop a 61-acre regional park and to establish conservation easements for agricultural and wildlife habitat areas.
9. The project represents project capital improvements of \$42 million dollars.
10. The San Justo Dam has been certified by the US Department of Interior, Bureau of Reclamation as being safe and is inspected regularly to ensure the safe operation of the dam.
11. Air quality determinations made by the Monterey Bay Unified Air Pollution Control District will include the proposed project in their revised Air Quality Management Plan, which will indicate compliance with air quality standards.
12. Implementation of noise reduction measures requires the cooperation of persons not associated with the proposed project. In the event that these persons choose not to implement these measures, noise mitigation would be infeasible and beyond the control of the project applicant.

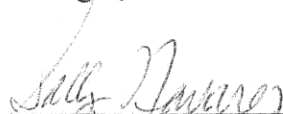
PASSED AND ADOPTED by the San Benito County Board of Supervisors at the meeting of said Board held on the 11th day of May, 2004, by the following vote:

AYES: Supervisor(s) Loe; Scagliotti; Monaco & Cruz
 NOES: Supervisor(s) Kesler

By: 
 Bob Cruz, Chair,
 San Benito County Board of Supervisors *5/11/04*

ATTEST:
 John R. Hodges, Clerk

APPROVED AS TO LEGAL FORM
 Karen R. Forcum, San Benito County Counsel

By: 
 Sally Navarez, Deputy Clerk
 Clerk of the Board of Supervisors

By: 

Date: 5/11/04

Date: April 28, 2004