

<p style="text-align: center;"><b>SAN BENITO COUNTY PLANNING COMMISSION</b> <b>Minutes of August 2, 2006</b></p>
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PRESENT: Bettencourt, Machado, Smith, Tognazzini

ABSENT: DeVries

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner, Assistant Planner (AP) Michael Kelly, Assistant Planner (AP) Lissette Knight, Planning Technician (PT) Chris Herrera, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; Clerk Trish Maderis, and Assistant Clerk Jessica Temperino.

Vice Chair Tognazzini called the meeting to order at 6:04 p.m. with the pledge of allegiance, then recapped the standing rules of order, and reminding of the 6:00 p.m. meeting time, as well as announcing that no new items of business would be considered after 9:30 p.m.

**PUBLIC COMMENT:**

Vice Chair Tognazzini opened the floor to opportunity for public comment.

With none in attendance to speak to items not on the agenda, the public comment period was closed.

**DIRECTOR'S REPORT:**

DoP Henriques noted of the following:

- o Board of Supervisors will hold budget hearings August 10 and 11, 2006
- o PRGI subcommittee meetings are still in progress (update of PRGI Ordinance being discussed)
- o There was an appeal of San Juan Vista Estates decision from Planning Commission. It will be heard by Board of Supervisors August 22, 2006.

## **CONSENT AGENDA:**

*At the request of Commissioner Machado, Consent Agenda items 3 – 7 – 8 were pulled for further discussion/action. There were no public comments.*

### **COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO APPROVE THE CONSENT CALENDAR (ITEMS 1 – 2 – 4 – 5 – 6 – 9 - 10) AS PRESENTED. THE MOTION PASSED 4 – 0, WITH DeVRIES ABSENT.**

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. **Note:** Minutes of June 7, June 21, and July 19, 2006 – requested by staff to be addressed at a later meeting
  
4. **Certificate of Compliance No. 06-60** APPLICANT: Suzanne Hall  
LOCATION: Cienega Road, Paicines. REQUEST: Recognition of 7 parcels as legal lots. ZONING: Agricultural Rangeland (AR) ENVIRONMENTAL EVALUATION: Categorical Exemption.

#### **Conditions of Approval:**

1. **Recordation:** The Certificates of Compliance shall be recorded with the County Recorder, which shall include a statement that reads:  
*This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and the San Benito County Subdivision Ordinance. This is also to evidence the fact that the seven parcels described ... may be sold, leased or financed without further compliance with the Subdivision Map Act or the San Benito County Subdivision Ordinance. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval. [PLANNING]*
  
5. **LOT LINE ADJUSTMENT 06-485** APPLICANT: Steve Ward. LOCATION: San Benito Street at Union Road. REQUEST: Adjust the property boundary between two adjoining parcels. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorical Exemption.

#### **Conditions of Approval:**

1. **Taxes:** Prior to the release of documents for recordation, the applicant shall provide a tax clearance letter stating that all real property taxes for the parcels subject to the lot line adjustment are prepaid. For the purposes of this condition, the amount of property taxes to be paid shall include all real property taxes in arrears, as well as the prepayment of the next installment of all real property taxes due on the subject property. "Next installment due" means the actual, or estimated, as the case may be, one-half year installment due immediately following the date of recordation of the new legal descriptions of the subject properties. The tax clearance letter is valid only from the date of issuance until the next installment due for the payment of real property taxes. [Treasurer, Tax Collector, Planning]

2. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
3. **Right of Way:** The applicant shall reserve for the City of Hollister and the San Benito County Council of Governments the right of way as shown on the map for this lot line adjustment.
4. **Cul-de-Sac:** Prior to recordation, the applicant shall record a temporary easement for the 60' cul-de-sac that shall include language that will require abandonment of the easement once the Westside Boulevard extension is connected through parcels one and two.
5. **Alternative access:** Prior to recordation, the applicant shall obtain approval from the San Benito County Council of Government for alternative access to parcel two once Westside Boulevard is extended through parcels one and two and the 60' cul-de-sac easement.
6. **M DISTRICT RE VIEW-AMENDMENT:** APPLICANT: RJR Recycling.  
LOCATION: 1771 San Felipe Road. REQUEST: Amendment of approved building location. ZONING: M-2 (Heavy Industrial). ENVIRONMENTAL EVALUATION: Categorical Exemption

**Conditions of Approval:**

1. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Department. Any change in the number, location and/or dimensions of the structures, or any increase in the nature or intensity of land use on the site, shall be subject to further Planning Commission review and approval. [Planning]
2. **Compliance Documentation:** The permittee shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning, Building]
3. **Hold Harmless:** The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Use Permit and applicable proceedings. [Planning]
4. **Yards:** A minimum front yard depth is 25 feet with one (1) foot to be added in depth to the front yard of each one (1) foot of the height of the main building in excess of 20 feet. The minimum required rear yard depth is ten (10) feet. All front yards are to be landscaped and maintained in a neat and attractive condition. [Planning]
5. **Landscaping:** A ten (10) foot deep landscaping strip adjacent to side and rear property lines and a 25 foot deep area to be landscaped to front property lines shall be provided and maintained. [Planning]

6. **Design:** No building shall exceed 40 feet in height and all structures shall be designed in a manner as to be visually consistent and compatible with the principal structure on the site. The lot coverage of all buildings on any site shall not exceed forty (40%) percent of the site. [Building, Planning]
7. **Signage:** Prior to erection or installation of signage related to the project, a Master/Common Signage Plan shall be submitted to the Planning Department and approved by the Planning Director. [Planning]
8. **Sewer and Water:** On parcels with public water and/or sewer service, letters must be provided from the appropriate sanitation and water district indicating that there will be adequate sewer and water service to the project. In areas not served by public sewer or water systems, a letter of adequacy of the existing or proposed systems must be submitted for structures approved for the project from the County Health Department. [Health, Building]
9. **Fire Safety:** A letter must be provided from the appropriate fire district indicating all fire protection requirements for the project, and all such requirements must be met. [Calif. Dept. of Forestry]
10. **Numbering:** Address numbers shall be posted so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway and/or access road to the property. Address numbers shall be posted when construction begins. [Building]
11. **Parking:** Sufficient off-street parking shall be provided to meet the requirements of the parking section of the Zoning Ordinance for the M-District. Any garage or carport constructed in connection with the proposed use shall be considered in the overall lot coverage. [Building, Planning]
12. **Term of M-District Review.** An M-District Review shall expire two (2) years from the date of granting said permit unless construction and activities authorized by the permit for use of the subject property in conformance with the permit has commenced, in good faith, within two (2) years of the approval date. If any such use ceases for a period of at least one (1) year, the M-District Review shall become invalid and a new M-District Review must be obtained prior to continuing said use. If an M-District Review is denied, no new application for a new permit substantially the same as the one denied shall be considered for a period of one (1) year following denial.
13. **Modification and Revocation.** The terms and conditions of any M-District Review granted by the County may be modified or the permit as a whole may be revoked. The permit may be modified or revoked if the permittee fails to comply with the reasonable terms or conditions expressed in the permit granted or if there is a compelling public necessity. A compelling public necessity warranting the revocation of an M-District Review for a lawful business or use may exist where the conduct of that business constitutes a nuisance. If an M-District Review is denied by the Planning Commission or the Board of Supervisors on Appeal, no new application for substantially the same proposal may be applied for within one (1) year of the final determination.
14. **Annual Review:** The applicant shall submit an annual written report outlining permit compliance. Furthermore, the planning department shall inspect the facility annually.

- 15. Exterior Lighting:** As a condition of approval for the project, a note shall be included on development plans that contain the following wording: “All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to the issuance of building permits, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building and follow the San Benito County Dark Sky Ordinance.” [MM1]
- 16. Aesthetics:** Building 5A shall be constructed in a similar manner and with similar materials as the existing buildings on the subject property. [MM2]
- 17. Improvements:** All proposed project off-site improvements must conform to City of Hollister standards. All sidewalks, curb, gutter, and landscaping shall be consistent with the adjacent North Pointe Associates Business Park public improvements. [MM3]
- 18. Grading:** A note shall be placed on the development plans stating that “Soils shall be watered during site grading and construction activities to minimize dust.” [MM4]
- 19. Kit Fox Habitat Impact Fees:** Prior to the issuance of a building permit, the applicant shall pay all applicable mitigation fees toward the financing of a Habitat Conservation Plan pursuant to Section 7A.1-3 of the San Benito County Code. [MM5]
- 20. Septic Design:** The applicant shall provide flow calculations, prepared by a registered engineer, for the average and peak wastewater flows that the project will likely generate. Based on the flow calculations the engineer shall then prepare the actual design for the septic system. The design shall be supported by a combination of percolation tests and soil profiles and shall comply with all the provisions of the Central Coast Basin Plan. [MM6]
- 21. Hazardous Inventory:** An inventory of all hazardous materials/wastes to be generated or stored onsite shall be provided to Environmental Health. [MM7]
- 22. CLUP Consistency:** The Runway Protection Zone, as delineated in the Hollister Airport’s Comprehensive Land Use Plan, maintain height clearance of any structural coverage. [MM8]
- 23. Drainage Standards:** Prior to approval of development plans, the applicant/owner shall provide sufficient information to demonstrate that drainage facilities meet the City of Hollister’s drainage standards. Such information shall include a copy of all calculations, correspondence, and approvals between the City Engineering staff and the project applicant/engineer. [MM9]
- 24. Separator:** Prior to approval of development plans, the applicant/owner shall be required to install an oil/grease separator in paved areas subject to motor vehicle traffic, as well as provide a maintenance program for such devices. [MM10]
- 25. Construction:** As required by County Ordinance, construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicant/owner shall be required to place a note to this effect on all construction plans. [MM11]

26. **Encroachment Permit:** The applicant shall obtain a Public Works Encroachment Permit for any work being performed within the road right-of-way (i.e. frontage improvements to urban road standards). [MM12]
27. **Improvements:** Prior to occupancy permit or conducting business, whichever comes first, applicant shall improve the frontage along San Felipe Road to County urban standards. This shall include, but is not limited to: Curb and gutter, street lights, sidewalk, landscape, fire hydrants, and storm drainage facilities. [MM13]
28. **Driveway:** The project driveway shall be designed and improved to Hollister commercial standards. These improvements shall be built or bonded for prior to occupancy or start of business, whichever comes first. [MM14]
29. **Dedication:** A 30 feet half-road dedication of right of way shall be made to the County for public use at the San Felipe Road frontage. This requirement is subject to occupancy or start of business. [MM15]
30. **RWQB:** If flows exceed 2,500 gallons per day, the Regional Water Quality Control Board shall be contacted for approval of the disposal system. [MM16]

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7. **TENTATIVE SUBDIVISION MAP NO. 99-63** APPLICANT: San Juan Vista Estates. LOCATION: Hwy 129 & Searle Road, San Juan Bautista. REQUEST: To Amend Conditions of Approval. ZONING: Rural (R) Environmental Evaluation: EIR (*Continued from 7/19/06*)
  8. **USE PERMIT 937-05** - APPLICANT: Julie Carreiro. LOCATION: 5300 San Felipe Rd., Hollister. USE: Kennels to house 12 working stock dogs to be trained as a business, with future expansion for 8 additional dogs. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Negative Declaration.
  9. **CAPITAL IMPROVEMENT PROJECTS** APPLICANT: San Benito County. LOCATION: Countywide. REQUEST: Find Capital Improvement Projects consistent with the General Plan. ENVIRONMENTAL EVALUATION: Various Determinations.
  10. **MINOR SUBDIVISION 1183-05** APPLICANT: Cobalt Holdings, LLC. LOCATION: 800 & 810 Salinas Road, San Juan Bautista. REQUEST: Subdivide 8.63 acres into two parcels. ZONING: Heavy Industrial (M-2). ENVIRONMENTAL EVALUATION: Negative Declaration.

**Conditions of Approval:**

1. **Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of the Government Code. [Planning]

2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Department. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Compliance Documentation:** Prior to recordation of the parcel map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
4. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act. [Planning, Assessor]
5. **Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Planning Department and the County Public Works Department and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
6. **Fire Protection:** A note shall be placed on the parcel map which states that “when developed, parcel two shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Chapter 17 of the San Benito County Code, Public Resources Code 4290 and 4291, and other related codes as they apply to a project of this type and size. The property owner shall ensure there is adequate ingress and egress to any and all buildings. Roadways and/or driveways shall be all weather surface conforming to applicable codes and standards. Driveways shall have turnouts and turnarounds as required. Driveway addresses shall be installed so they are visible to responding emergency personnel. If an adequate water source is not available for fire suppression, the applicant shall install an above ground water storage tank to ensure there is adequate fire flow. The Fire Department shall be able to access water supply from one or more private onsite hydrants conforming to County codes and standards. The Planning Department shall be provided with written verification that County Fire Department has approved all fire code requirements.” [Planning, Fire]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Conditions of Approval, Easements, and Restrictions:** All unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]
9. **County Service Area:** Prior to recordation of the final map, the applicant shall make application to LAFCO to join a County Service Area (CSA #43) for fire and sheriff protection. All related processing fees, including State Equalization fees, must be submitted prior to recordation of the final map. [LAFCO, Planning]

- 10. Water/Sewer:** A note shall be placed on the parcel map which states that “when developed the applicant shall comply with the County and Regional Water Quality Control Board criteria for issuance of individual sewage disposal system and the separation requirements between sewage disposal systems, retention ponds, and domestic water systems. All onsite domestic water and septic systems shall be reviewed and approved by County Environmental Health Department prior to issuance of any building permit for the construction of a structure on parcel two.”  
[Building, Planning, Health]
- 11. Geology:** Prior to the issuance of any permit for proposed parcel two, the owner or his successor in interest will be required to submit a soils report to ensure septic suitability.
- 12. Public Works:** Prior to recordation of the parcel map, applicant shall pay pro rata share of 15,807.34 to the County for improvements, required as part of MDR 73-02, to be made to the intersection at San Juan Canyon/Mission Vineyard/Salinas Roads intersection (based on Korve Engineering 1993 Traffic Analysis recommended Alternative 1).

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MINUTES OF JUNE 7, JUNE 21, AND JULY 19, 2006** (consent agenda item 3) to the regular meeting of August 16, 2006

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE USE PERMIT 937-05** - APPLICANT: Julie Carreiro. LOCATION: 5300 San Felipe Rd., Hollister. USE: Kennels to house 12 working stock dogs to be trained as a business, with future expansion for 8 additional dogs. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Negative Declaration (consent agenda item 8) to a date uncertain.

PP Turner advised that Ms. Carrerio had asked for a continuation to a date uncertain. DoP Henriques informed that he had spoken with DCC Murphy who advocated a continuation of up to six months for the Use Permit as the law says a continuation typically needs to be completed within a one-year period.

**THE MOTION WAS AMENDED (by the maker/second) TO SET THE DATE OF HEARING FOR USE PERMIT 937-05 HEARING FOR DECEMBER 6, 2006. THE MOTION PASSED 4 – 0, WITH DeVRIES ABSENT.**

Regarding Consent Agenda item 7, **TENTATIVE SUBDIVISION MAP NO. 99-63, SAN JUAN VISTA ESTATES**, Commissioner Machado took the opportunity to express displeasure with the Commission action at the last meeting. He listed some concerns relating to the matter. Other Commissioners stated opinions different from those of Commissioner Machado, with a reminder being given by staff that the matter had been appealed to the Board of Supervisors. Commissioner Machado also spoke to the issue of “need for receiving minutes and other materials from staff timely”.

Following the advice of DCC Murphy, Vice Chair Tognazzini opened the floor to public comment; none were present to address the matter. Subsequently, Vice Chair Tognazzini called attention to the Conditions attached to **TENTATIVE SUBDIVISION MAP NO. 99-63** as indicted in the information distributed for this meeting. Commissioner Machado continued to object to the manner in which the matter had been addressed at a previous meeting.

Further discussion followed with it being ascertained that Vice Chair Tognazzini was not eligible to vote on the matter because of lack of knowledge of the Conditions, with **COMMISSIONERS SMITH/MACHADO MOTIONING TO CONTINUE THE MATTER OF CONSENT AGENDA ITEM 7, TENTATIVE SUBDIVISION MAP NO. 99-63 TO THE AUGUST 16, 2006 MEETING PENDING RECEIPT OF THE MINUTES. THE MOTION PASSED 4 – 0, WITH DeVRIES ABSENT.**

**Conditions of Approval:** (as discussed - August 2, 2006)

**1. Hold Harmless:**

The applicant/developer/owner shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this Vesting Subdivision Map and applicable proceedings. [Planning]

**2. Conformity with Plan:**

The development and use of the site shall conform substantially to the vesting tentative map, conditions of approval, and mitigation monitoring program as approved by the Planning Commission. Any change in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. Any request to modify any conditions of approval or mitigation measures shall be subject to review and approval by the Planning Commission. [Planning]

**3. Compliance Documentation:**

Prior to final map approval, the applicant/developer/owner shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing and/or providing compliance documents or other evidence of compliance. [Planning]

**4. Assessment:**

Prior to recordation of the final map, the applicant/developer/owner shall pay applicable security for taxes and special assessments as required by sections 66492, 66493, and 66494 of the Subdivision Map Act. [Planning, Assessor]

**5. Recordation:**

The applicant/developer/owner shall submit a final map to the County, the final map shall be approved by the Board of Supervisors and the County Public Works Department and recorded with the County Recorder. The tentative subdivision will expire two (2) years from the date of final approval by the Board of Supervisors, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a final map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]

**6. Conditions of Approval, Easements, and Restrictions:**

All conditions of approval, mitigation measures, easements and deed restrictions shall be noted on a separate sheet(s) and recorded with the final map.

**7. Map Configuration:**

The final map shall indicate a maximum of fourteen (14) market rate residential lots and one (1) habitat/open space lot.

**8. Water/Sewer:**

The applicant/developer/owner shall comply with the Regional Water Quality Control Board and County of San Benito criteria for issuance of individual or community sewage disposal systems and the separation requirements between sewage disposal systems, retention ponds, and domestic water systems. Prior to the recordation of the final map, the applicant/developer/owner shall apply to San Benito County Local Agency Formation Commission for approval of the formation of a County Service District/Area to operate and maintain the sequencing batch reactor wastewater treatment plant. In the event that a sequencing batch reactor is not utilized to treat on site wastewater, a geotechnical report shall be prepared by the applicant/developer/owner that shall address the suitability of on site soils for use of septic systems for each residential lot. In the event that it is determined by the County Environmental Health Department or by geotechnical evaluation that any lot within the subdivision cannot accommodate the installation and operation of a septic waste disposal system leach field no building permit for a habitable structure, or any other structure with 2 kitchen or bathroom facilities shall be issued for said lot(s) unless and until an alternative wastewater disposal system is approved by the County Environmental Health Department. The estimated annual operating cost of the sequencing batch reactor shall be note on the final map information sheet. [Building, Planning, Health]

**9. Reclaimed Wastewater:**

In accordance with the County Water Conservation Plan (Resolution 92-82) any waste water from the sequencing batch reactor to be used above ground shall be treated to "unrestricted use" standards. Applicant shall not be required to use reclaimed water but in the event of such use, all areas of use shall be posted with signs indicating the use of reclaimed water.

**10. Fire Protection:**

The applicant/developer/owner shall, prior to recordation of the final map, verify with documentation from the Aromas Tri-County Fire Protection District, County Fire Department, and County Public Works Department that all County fire standards have been met or bonded. A copy of said verification shall be provided to the Planning Department. Required improvements shall include and shall be shown on the final map or indicated on the final map information sheet.[Planning, Fire]

- a. Road design and length to District, County, and State standards.
- b. Fuel modification zones.
- c. Interior fire sprinkler system for each residential dwelling.
- d. Independent water fire flows to each residential lot and structure.
- e. Fire resistant roofing material for all residential structures.
- f. Loop road system enhancing fire access.

## **11. Public Works:**

Prior to the recordation of the final map, the applicant/developer/owner shall provide the following improvements in a manner acceptable to the County Public Works Department:

a. Prior to recordation of the final map, applicant/developer/owner shall make irrevocable offers of dedication to San Benito County for:

1. A minimum half sixty (60) foot right-of-way for Searle Road.
2. Full sixty (60) foot right-of-way, plus county standard slope easements, for roads within the project in accordance with the County Subdivision Ordinance section 17-A-9, Appendix C.
3. Full thirty (30) foot right-of-way, plus county standard slope easements for common driveways with the project in accordance with County Subdivision Ordinance section 17-A-9, Appendix C.
4. Fifty (50) foot right-of-way radius for the cul-de-sac bulb turnaround facilities where the roads terminated in accordance with County Subdivision Ordinance Section 17-A-9(f).
5. For all private roads and drives located within the subdivision, the applicant/developer/owner shall provide a legally binding instrument for the maintenance of such private roads and drives. Said instrument shall be reviewed and approved by County Counsel and the County Public Works Department prior to the recordation of the final map.

b. Prior to recordation of the final map for this project, applicant/developer/owner shall either install or bond for all road improvements, as follows:

1. Searle Road (1/2 of 32 feet AC on 42 feet AB, rural standard)
2. Roads in the project (full 24 feet AC on 34 feet AB, rural standard)
3. Common driveways within the project (full 16 feet AC on 18 Feet AB, rural 2 standards)
4. Forty (40) feet paved radius at cul-de-sac area for turnaround facilities where the roads terminate.

c. Prior to commencement of any improvements associated with the project, applicant/developer/owner shall obtain a County Public Works Encroachment Permit for any work being performed within the County road right-of-way.

d. Prior to commencement of any improvements associated with this project, applicant/developer/owner shall obtain a CalTrans Encroachment Permit for any work being performed within the State highway right-of-way. A copy of the full encroachment permit application package to the State, including any plans and studies, shall also be submitted to County Public Works Department at the time of application to the State.

e. Prior to recordation of the final map for this project, applicant/developer/owner shall make the following off-site road improvements:

1. Pay fair-share contribution to signalize the US 101 southbound ramps/Highway 129 intersection.
2. Pay fair-share contribution to signalize the Searle Road/Highway 129 intersection.

f. As part of the submission of engineered improvement plans for the project, applicant/developer/owner shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheets. Any drainage calculations submitted shall be signed and stamped by a registered engineer.

Applicant/developer/owner shall submit drainage calculations for any proposed or existing drainage courses to the proposed ponds, the proposed ponds, and the discharge lines for the proposed ponds. The final drainage plan prepared for the project site shall address drainage flowing onto the project from the Burke property. The project drainage facilities shall be sized with sufficient capacity to accept drainage from the Burke property. The owner(s) of the adjacent Burke property (APN: 12-03-19) shall be given the opportunity to review the adequacy of the drainage plan and provide comment to the County Planning Department prior to final map approval.

g. Prior to recordation of the final map, applicant/developer/owner shall ensure that this subdivision complies with the County Water, Sewer, Roads, Fire, and General Improvement Standards.

h. Roads and driveways within the subdivision shall be privately owned and maintained.

i. Any project improvements made to Searle Road to accommodate project traffic shall not prevent or otherwise impede access to the Burke property.

**12. Utilities:**

New utility service systems, including but not limited to, water, electric, telephone, and gas shall be provided to the newly created lots, placed underground, in conformance with the rules of the California Public Utilities Commission and coordinated where necessary with the location of other existing public utilities. This requirement will be noted on a separate sheet(s) of the final map, in compliance with section 66434.2 of the Subdivision Map Act. [Building, Planning]

**13. Parks:**

The applicant/developer shall participate in the County parks mitigation program and pay all fees established there under by County ordinance consistent with the Quimby Act (Government Code section 66477). The Applicant shall receive credit for open space/park dedications for any park lands/open space/habitat area contained within the boundaries of the Project, as provided under applicable state law.

**14. Schools:**

Prior to issuance of building permits, the applicant/developer/owner shall pay the statutory school fee authorized by Government Code section 65996.

**15. Geology:**

a. In order to implement earthquake-resistant design of the project infrastructure and residential structures, such improvements and structures shall be constructed in accordance with the latest editions of the Uniform Building Code and California Building Code.

b. The grading plans for the project, including improvements and lots, shall be specifically designed to prevent runoff from flowing across steep slopes and from entering into existing erosion gullies. Grading and drainage plans shall be submitted to the county addressing such issues as part of the applicant developer/owner's application for a grading permit and specific recommendations set forth in such plan shall be incorporated into such permit.

c. Prior to recordation of the final map, the applicant/developer/owner shall submit two (2) copies of a soils/geotechnical report to the County Public Works Department for review and approval. The report shall be prepared by a civil engineer, soil engineer, or soil scientist and shall include “R” values for roadways as well as analyze building locations. The report shall include appropriate recommendations for road and foundation designs.

**16. Hydrology:**

a. All landscaping plans submitted by the applicant/developer/owner shall employ current water conservation measures through use of drought tolerant landscaping in accordance with the County Code Chapter 17D — Water Conservation, County Ordinance No. 594, and the County Water Conservation Plan.

b. In the event that the water supply for the project is classified as “very hard”, the project applicant/developer/owner shall be required to comply with California Water Code Title 19 22, Article 16, section (f)(1), (2), and (3) or to provide a dual water system with demineralization of the drinking water to levels meeting secondary standards. In the event that the water supply is “very hard,” the applicant/developer/owner shall place a deed restriction on the property to prohibit the use of self-regenerating water softening systems and/or require the use of cartridge water softening systems that do not introduce additional salt into the water system or provide another means satisfactory to the County and the San Benito County Water District.

c. Prior to recordation of the final map, the applicant/developer/owner shall submit to the County Planning Department, written confirmation from the County Health Department that all water quantity and quality standards for a water system can be met. Water quality shall meet the primary drinking water standards of Title of the California Health and Safety Code. The water system shall be built or the construction of the system secured prior to recordation of the final map. In addition, a private or mutual water company shall be established by the applicant/developer/owner prior to recordation of the final map pursuant to the requirements of the County Environmental Health Department. This includes a copy of the well driller’s report, a 48-hour pump test, a layout of the 28 distribution system, required monitoring, and an application for a water purveyor’s permit. The 48-hour pump test may be performed at 150% of the maximum projected water usage of the Project, or its hydrological equivalent with the approval of the State Department of Health Services Office of Drinking Water.

d. Metered service to each individual lot shall be required as part of the private or mutual water company formation.

e. Prior to recordation of the final map, the applicant/developer/owner shall submit a detailed grading, erosion control, and drainage plan for all project improvements and lots, prepared by a registered civil engineer for review and approval by the County Planning and Public Works Departments. Improvements shall be installed or bonded prior to recordation of the final map. Detention facilities shall be designed to retain a 100-year flood event for all additional runoff due to development. The plan shall limit outflow of the detention facility to the 10-year pre-development level. Any retention detention pond with a depth greater than eighteen (18) inches shall be adequately fenced with a six-foot high fence. The fence shall be sufficient to exclude children and shall be constructed of chain link with wood slats or other design approved by County Public Works and Planning Departments. Recommendations for the grading, erosion control, and drainage plan shall be included on the improvement plans and implemented by the applicant/developer/owner.

f. A mechanism shall be provided to maintain and clean the detention facility to ensure ongoing provision of adequate capacity. This shall be in place prior to recordation of the final map.

g. There shall be a drainage analysis prepared by a registered engineer, which addresses all areas contributing to the natural drainage channels originating in or running through the project to be reviewed and approved by the County Public Works Department. Design shall be consistent with the drainage analysis and of sufficient capacity to accommodate, and shall accommodate, all off site surface run off.

**17. Air Quality:**

a. Construction Best Management Practices (BMP) shall be employed to reduce dust emissions during the construction phase of the project. These BMP include: (1) water — all active construction sites at least twice daily, preferably using reclaimed water. Frequency shall be based upon the type of recommendations of the project engineer; (2) prohibit all grading activities during period of high wind (greater than 15 mph); (3) plant vegetative groundcover in disturbed areas as soon as possible; (4) pave all roads on construction sites; (5) sweep streets if visible soil materials are carried onto adjacent public roads.

**18. Visual Quality:**

a. The residential access roads shall be screened from views along the SR 129 scenic corridor and US 101. A landscape tree plan shall be submitted to the County for review in conjunction with the grading plans submitted for the access roads to the residential areas. The landscape plan shall be submitted in accordance with County standards. The tree plan shall specify oak woodland tree species, or other as specified in the landscape tree plan, and a minimum size of 24" box.

b. The landscape plans shall be approved prior to recordation of the final map and incorporated within the project-grading permit.

c. Landscaping required on individual lots shall be installed prior to the issuance of a final certificate of occupancy.

d. A deed restriction shall be placed on all subdivision lots, limiting the development of the lots to the specified building envelope on each lot, including accessory or other outbuildings, hard-scape yard improvements, and grading improvements except as otherwise approved by the County. Solid fences and walls, or other solid visual barriers along property lines shall be prohibited.

e. As provided under Condition 18 f. below, development within each lot shall occur within the approved building envelopes. As part of the building permit process for the primary residence and any structure greater than 600 square feet, the property owner shall submit to the County Planning Department a request for design review approval for each structure(s) which shall be based upon the following criteria:

1. The location of structure(s) within the building envelope to reasonably balance the need for grading, visual impact of such structures and the views from such structures (which may be further mitigated by measures described in b, c, and d, below);
2. Adequate landscaping is installed necessary to assist in mitigating the visual impact of structures within the building envelope;
3. Colors proposed for structures within the building envelope are consistent with the requirements of these conditions;
4. The height of structures within building envelopes balance visual impacts, architectural design, and to ensure that structures are consistent with the mitigation measures set forth in the Final Environmental Impact Report for the Project.
5. The above conditions shall be reasonably interpreted to balance the interests of the community and property owner, and should be interpreted without imposing arbitrary limits on height, size or other design characteristics, but rather to ensure that each lot is developed in accordance with its unique location, topography, and vegetation, and to incorporate reasonable hillside mitigation measures, such as landscaping, building material(s) and color palettes and which ensure the property owner(s) of the reasonable use and enjoyment of their property.

Once the Applicant has obtained administrative approval from the San Benito County Planning Department, the Application shall be placed on the San Benito County Planning Commission consent agenda for final approval, with standard notice to neighboring property owners.

f. The proposed building envelope for each residence has been identified on the tentative map and such areas shall be staked during construction and graphically depicted and identified on the grant deed to each lot to prevent development outside such envelope.

g. Any senior (granny) units within the Project shall be architecturally compatible with the primary residence on the lot and within the specified building envelope.

h. Color palettes shall be submitted to and approved by the Planning Commission prior to recordation of the final map.

i. The onsite water storage tank reservoir will be painted a non-reflective earth tone color and shall be screened from view through the use of native shrubs and trees.

**19. Affordable Housing:**

The Applicant/developer/owner shall either pay the County mandated in lieu fee as per County ordinance for affordable housing incident to the development of 14 residential structures, or shall provide, onsite, the affordable housing suggested by the County General Plan incident to development of the Project.

**20. Notice of Determination:**

The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the tentative map. Department of Fish and Game fee (\$850 — Fish & Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)).

**21. Easements:**

The final map shall show all easements for access, utilities, and drainage. Any development shall maintain a minimum ten (10) foot setback from the noted easements unless a greater distance is required as a condition of the final map or by law. [Public Works, Planning]

**22. Conditions, Covenants, and Restrictions (CC&Rs):**

Conditions, Covenants and Restrictions: The Applicant/developer/owner shall include in each deed for a residence on the Project, or in covenants, conditions and restrictions applying to all residential lots within the Project, that all residences shall be subject to the use limitations set forth in these Conditions and as otherwise provided in applicable County ordinances

**23. Phasing:**

Recordation of Final Maps and phasing shall take place in accordance with phasing plans shown on the Vesting Tentative Tract Map. Applicant/developer/owner may, however, submit a phase final map for Lot 14 and shall only be required to provide subdivision security for improvements to lot 14 as a condition to Final Map recordation.

**24. Solar Energy:**

To the extent feasible, all residential dwelling units shall be constructed to maximize solar passive heating and cooling in accordance with Government Code section 66473.1.

**25. Grading:**

Grading shall not be permitted on any area of the project site having a slope equal to or greater than 30 percent, or consistent with the grading ordinance, outside of any approved building envelopes (except for grading of driveways), nor any area within Lot A (habitat/open space). The grading plans for the subdivision shall be submitted to the County Public Works and Planning Departments prior to recordation of the final map. Grading plans for individual lots shall be reviewed and approved by the Planning Commission prior to issuance of a building permit. Applicant/developer/owner shall pay a grading review fee to the County Planning Department for processing and evaluation of said grading permit. All buildings and building pads shall be located within the proposed building envelopes. The building envelopes shall be shown on the final map. No grading for building pads will be allowed outside the building envelope except to allow the cut and fill from the building pad to daylight into the natural grade. The intersection of cut slopes into the natural grade shall be rounded off to blend into the natural topography of the lot. The grading of driveways and building pads shall follow landforms and elevation contour lines and shall not be placed perpendicular to the contour of the land.

**26. Lighting:**

All exterior lighting shall be installed and maintained in accordance with the County Dark Sky Ordinance No. 748.

**27. Development Restriction:**

Prior to the recordation of the final map, the applicant/developer/owner shall grant to the County a legally binding instrument prohibiting commercial and industrial use on the entire project site (195 acres — Lots 1 through 14 and Lot A). Said instrument shall be reviewed and approved by County Counsel prior to the recordation of the final map.

**28. Landscape Maintenance:**

Prior to the recordation of the final map, the applicant/developer/owner shall provide to the County a legally binding instrument for the maintenance of common area for a period of three (3) years from the installation of said common area landscaping. Said instrument shall be reviewed and approved by County Counsel prior to the recordation of the final map.

**29. Subsequent Division of Lots:**

None of Lots 2 through 13 created by the recording of the Vesting Final Map may be further subdivided.

**30. EIR Mitigation Measures:**

a. The effects of ground shaking on future planned structures and other improvements shall be reduced by earthquake-resistant design in accordance with the latest editions of the Uniform Building Code and California Building Code.

- b. Large appliances (i.e., refrigerators, freezers, pianos, wall units, water heaters, etc.) shall be firmly attached to the floor or to structural members of walls.
- c. A thorough review of liquefaction susceptibility shall be performed by a licensed engineer. Should liquefiable layers be identified, the potential for lateral spreading shall be evaluated according to geotechnical review recommendations (Donald Tharp Associates). Engineering design may be required to reduce potential impacts to a less than significant level.
- d. A quantitative slope stability analysis shall be performed by a licensed engineer for the private drive accessing Lots 8-10 and for building sites that verge on the slopes greater than 30%. Adequate building setbacks from steep slopes shall be identified based on the results of the stability analysis.
- e. Slope stability analysis shall be evaluated for slopes adjacent to lots 3, 4, and 5. If warranted by the results of the analysis, specific mitigation recommendations to arrest head ward erosion in this area shall be incorporated as part of the final project development plans.
- f. A quantitative slope analysis shall be performed by a licensed engineer at the location of the batch plant septic leach field.
- g. Project grading and drainage plans shall be submitted to the County Planning and Public Works Departments for review and approval prior to issuance of a grading permit. Recommendations shall be incorporated into final development plans.
- h. During construction, prevent water from flowing onto the slope from developed areas. All lots shall be graded to direct surface water away from slopes and into gutters and/or lined ditches that flow into properly designed catchments structures. During construction, efforts shall be made to keep soil disturbance to a minimum. Machinery shall be kept off established vegetation as much as possible. Specific access routes shall be established during the planning stages of the project. After construction, disturbed areas shall be immediately re-vegetated or stabilized through the use of temporary stabilizing sprays in order to keep soil movement to a minimum.
- i. The project applicant/developer/owner shall comply with conditions of the General Permit for Storm Water Discharges Associated with Construction Activity issued by the Regional Water Quality Control Board to mitigate soil erosion impacts.
- j. A second, 100% sized replacement leach field shall be set aside and identified on the final map. The applicant/developer/owner shall submit supporting documentation from a qualified geologist that the site is suitable for septic use and would not result in surfacing effluent.

k. The storm water detention pond shall be constructed in a way to allow for percolation of water into the aquifer to offset the loss of groundwater. The applicant/developer/owner shall participate in funding of water conservation/recharge projects in the San Juan basin as recommended by the San Benito County Water District. Said projects and funding amount shall be determined by the Water District and necessary funding shall be paid to the appropriate agency prior to the recordation of the final map.

l. Project applicant/developer/owner shall employ water conservation measures on the project site through use of drought tolerant landscaping and low flow plumbing fixtures.

m. Impervious surfaces shall be minimized through project design. Pavement width of access roads shall be minimized to the extent accepted by County road standards.

n. Runoff from roads shall be directed to storm drains equipped with sediment and grease traps. Grease traps shall be maintained in good operating condition. The project developer shall use native vegetation for landscaping to reduce the amount of pesticide and fertilizer that might otherwise be required to maintain the landscaping, and use approved erosion control measures and landscaping to reduce sediment load in the runoff.

o. The project applicant/developer/owner shall provide a water supply of no more than 500 TDS unless it is infeasible to do so. The use of self-generating water softening systems shall be prohibited. The use of cartridge water softening systems that do not introduce additional salt into the water system are permissible.

p. Project wells shall meet state standards for well design and demonstrate adequate water supply with a minimum 48-hour pump testing prior to formation of mutual water company. If warranted, a 72-hour pump test shall be used. The effect of project wells, both production and back up, on nearby wells shall be evaluated. The analysis shall determine that adjacent well will not be affected in order for the project wells to be approved.

q. The final drainage plan prepared for the project site shall address drainage flowing onto the project from the Burke property. The project drainage facilities shall be sized with sufficient capacity to accept drainage from the Burke property. The owner(s) of the adjacent Burke Property (APN: 12-03-19) shall be given the opportunity to review the adequacy of the drainage plan and provide comment to the County Planning Department prior to final map approval.

r. Project plans shall designate and establish through an appropriate legally binding instrument such as a conservation easement, a non-developable habitat reserve area of no less than areas around the large stock pond on the property. The entire habitat/open space area (Lot A) shall not be divided into residential lots but shall be held as one parcel in ownership. The habitat/open space area shall be managed as a unit by a suitable entity experienced with habitat management (e.g., contract habitat management organization, open space district) approved by the County Planning Department. Runoff from roads, building pads, lots, and other developed areas of the site shall be directed away from the watershed of the stock pond.

s. A conservation easement shall be established across the non-developable, habitat/open space area of Lot A. Grading, buildings, fences, and other hard-scape lot improvements shall be prohibited with the conservation easement. The grazing by livestock in the habitat/open space shall be permitted.

t. Any roadway or driveway constructed coterminous with Lot A shall have rolled curbs.

u. The applicant/developer/owner shall provide a Habitat Management Plan for the habitat/open space reserve area and all other designed open space areas within the project site. The plan shall include, but not be limited to, a discussion of managed grazing, fencing, and other physical measures to be allowed or implemented to preserve CTS habitat; a runoff and drainage plan for the preserve; a discussion of the restrictions on domestic pets, the use of pesticides and herbicides and other activities typically associated with residential use of the area; a description and map of locations where permanent exclusion fencing and/or curbs will be installed/designed at habitat edges where CTS would be at risk if they entered the area, and other measures that will be implemented to manage, monitor, and maintain the preserve area in perpetuity. These other measures may include measures (1) to prevent introduction of non-native species - such as bullfrogs and mosquito fish and the non-native tiger salamander; (2) to control and eradicate, if possible, any future inadvertent introduction of these non-native species, and (3) to evaluate and manage the potential problem of genetic hybridization of the native and non-native tiger salamanders. The Plan shall present a cost estimate and funding mechanism, including contingencies, for ongoing management of the habitat/open space area. Said habitat management funds shall be deposited with the County prior to the recordation of the final map. The Habitat Management Plan shall provide for monitoring the population of CTS on the site for a period of five (5) years after project completion to determine if CTS are successfully reproducing in the pond during that period. If CTS larvae are not found in the pond in the appropriate season throughout the monitoring period, the applicant/developer will be obligated to provide replacement of both breeding and upland habitat offsite or provide equivalent contingency mitigation and/or compensation as determined adequate by the County.

v. Any ground-disturbing activity within the potential CTS aestivation habitat shall be preceded by a CTS salvage program conducted by a qualified biologist, including excavation of all ground squirrel burrows or other potential aestivation sites. Recovered CTS will be returned to appropriate undisturbed habitat on the project site.

w. The applicant/developer/owner shall conduct a pre-construction survey, following accepted protocol, no more than 30 days prior to grading plan approval to assure that no burrowing owls will be affected by project construction. In the event that burrowing owls are found, any nesting areas shall be avoided until after the nesting season (after September 1 and before January 31st) and a minimum set aside of 6.5 acres per pair (or individual) shall be incorporated into the open space program for the nesting site.

x. Any native tree larger than six (6) inches in diameter at breast height that is removed shall be replaced at a 3:1 ratio in a suitable location in the designated habitat/open space area (Lot A). Monitoring of these replacement trees shall occur over a period of five (5) years to insure successful establishment and growth. Additional replacement trees will be installed/planted if necessary until all required ratios have been met by planted trees surviving without irrigation for a period of two years after irrigation removal.

y. Tree removal shall be limited to periods outside of the breeding season for sensitive bat species and raptors (typically spring and summer). If this is not possible as determined by the County Planning Department, the applicant/developer/owner shall conduct preconstruction surveys, following accepted protocol, of specific trees scheduled for removal to determine whether they may be occupied by nesting bats and/or raptors. In the event that they are, tree removal shall be delayed until the young of the year have fledged as determined by a qualified biologist.

z. In the event red-legged frogs are discovered during pre-construction surveys or at other times during project construction, the US Fish and Wildlife Service shall be immediately consulted and all federal legal and regulatory requirements shall be met.

aa. Any project improvements made to Searle Road to accommodate project traffic shall not prevent or otherwise impede access to the Burke property.

bb. The applicant/developer/owner shall enter into an agreement with the Aromas Tri-County Fire Protection District to mitigate service impacts upon the District. The applicant/developer shall contribute a fair share of funding toward the purchase of land for a new fire station. Said agreement shall be approved by the Aromas Tri-County Fire Protection District Board prior to recordation of the final map and evidence of approval of said agreement shall be provided to the County Planning Department prior to the recordation of the final map.

cc. All homes and home sites shall establish an area of defensible space around structures in accordance with vegetation and slope. The defensible space can initially be monitored by site inspections by the Aromas Tri-County Fire District prior to occupancy of homes. The subsequent maintaining of defensible space shall be the responsibility of the homeowners and the homeowner's association.

dd. Construction Best Management Practices (BMP) shall be employed to reduce dust emissions during the construction phases.

ee. The residential access roads shall be screened from views along the Highway 129 scenic corridor and US 101. A landscape tree plan shall be submitted to the County for review in conjunction with the grading plans submitted for the access roads to the residential areas. The landscape plan shall be submitted in accordance with County standards. The screening plan shall specify tree plantings near the project entrance at "A" street and Highway 129. Screening shall also occur along the private drive accessing Lots 11-13 and the private drive accessing Lots 8-10. The tree plan shall specify oak woodland tree species (no Monterey pine or eucalyptus), as specified in the landscape tree plan, and a minimum size of twenty-four (24) inch box.

ff. Landscaping shall be installed on Lots 7-8 and 11-13 to provide screening of residences from affected view shed. Screening trees shall be oak woodland species (no Monterey pine or eucalyptus), as specified in the landscape tree plan, and a minimum of 15 gallon in size.

gg. Residential building envelopes shall be placed so as to balance the impact on landform alteration and ridgeline preservation. All building envelopes must be located on the backside of the lot away from the view shed corridor. Building elevations shall be designed and constructed to avoid rising above the crest of ridgelines.

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**PUBLIC HEARING ITEMS:**

11. **ZONE CHANGE NO. 05-143** - Discussion regarding the re-zoning of approximately 50 acres of RI/RM land with environmental constraints to Rural and 50 acres of Ag Productive (AP) land located in the General Plan rural Urban Designation near Enterprise Rd and/or Airline Hwy to Single Family Residential & Residential Multiple. APPLICANT: San Benito County LOCATION: Enterprise Rd/Airline Hwy ZONING: AP, R1,RM

PP Turner gave the staff report, giving the background of this matter. PT Herrera explained the areas proposed to be re-zoned (areas A, C and E) with the amounts of acreage and location of each. General Plan data in the staff report should read: A and C Rural Urban only; the Sphere of Influence should be deleted. Two options for proceeding with this particular project were presented, he said.

Commissioners asked questions regarding:

- ◇ Total amount of acreage in areas A and C [90 acres]
- ◇ Hart property in relation to the Hollister Sphere of Influence

The public hearing was opened.

Scott Fuller, 3825 Union Road, representing himself and the Hart and Brigantino families, urged Commissioners to “finish the job you started some 18 months ago and help provide high density housing to the community. He expressed disagreement with the comments from the City which asked the area not to be rezoned. “From the start we have advocated rezoning a larger area than just the minimum acreage to ensure the projects actually get built,” Mr. Fuller declared. He said he wanted to emphasize that this is just more than a paper exercise to satisfy the state. Mr. Fuller pushed for adoption of Option 1 as presented.

Engineer Roger Grimsley requested the Commissioners to re-zone as recommended by the County staff. He spoke on Area A and addressed the acreage of the Lompa property.

Mary Paxton represented the City of Hollister (Development Services). She told the Commissioners that the City needs the Hart property for future [regional required] housing needs. She reminded the Commission of the policies of infill requirements and Sphere of Influence needs. Responding to questions, Ms. Paxton conceded that because of a moratorium caused by sewer construction delay, there is a backlog of building permit requests. The City General Plan, Ms. Paxton said, does make provision for phased inclusion of properties into the City’s Sphere of Influence. Ms. Paxton noted that the City of Hollister does not have plans for services to the area (Hart property) at this time; “There were plans within the last year,” she said, “to extend North Street through this area. That project was considered to be strictly a transportation project, not a project to foster and facilitate urban growth.” Ms. Paxton explained the plan for expansion of a sewer pipe within the area; however, further study indicated this would not occur. Ms. Paxton emphasized that the City did understand that the property(s) were within the jurisdiction of San Benito County, and while the County has the right to make a choice in this area, it was the hope of City officials that the County would honor and respect the City’s General Plan.

With no others present to address the matter, the public hearing was closed.

Commissioner Smith said that he represents the area where the property being recommended for rezone is located. He encouraged the Planning Commission to sustain the decision previously of recommending approval to the Board of Supervisors the rezoning of areas A and C and recommend to the Board of Supervisors that they approve rezoning of the Hart property and the associated General Plan Amendment. He noted at present the County budget is being funded by reserves and need to help grow the economy in whatever way we can. Hopefully the applicant can come forward with a satisfactory design, to improve high density residential housing but to also include commercial opportunity. Commissioner Smith again encouraged the Commissioners to sustain ‘our original decision’.

Commissioner Machado commented he understood the City’s position, while noting that the County is behind on high density housing needs. He concurred with Commissioner Smith’s statements.

Following an inquiry from DCC Murphy, DoP Henriques asked Staff if GPA 06-29 which was listed in the staff report had been noticed in the newspaper as there seemed some confusion as to that issue. DCC Murphy noted this item was not on the Public Hearing(s) list which is presumably mailed to the property owners within 300 feet and the advertisement in the newspaper. DoP Henriques advised that if the posting had not been posted which included the General Plan Amendment language as well as the Zone Change language, a continuation was in order. Staff verified there had been this error. The commission did not wish to move forward on only some of the properties at this time.

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF ZONE CHANGE NO. 05-143 TO THE SEPTEMBER 6, 2006 PLANNING MEETING TO ENSURE POSTING REQUIREMENTS WERE MET.**

Commissioner Smith asked for clarification regarding being informed of any discrepancies of posting, etc., before the vote was at hand and whether the vote could be taken at this time, e.g., whether it was 'legal' to vote. DCC Murphy explained that a vote could not be taken and informed that she had just seen the notice before entering the meeting when she realized the matter had not been properly noticed. DoP Henriques apologized for the oversight.

**THE MOTION PASSED WITH A VOTE OF 4 – 0 WITH DEVRIES ABSENT.**

Responding to questions raised by the Commissioners, PP Turner observed the continuation would not likely affect the time of the matter being presented to the Board of Supervisors. Procedural movement was further discussed between staff and the Commissioners with DCC Murphy noticing that preceding the Public Hearing at the September 6, 2006 meeting, disclosure of this hearing would be essential.

- 12. MINOR SUBDIVISION NO. 1128-02 - APPLICANT:** Bob Blodgett. **LOCATION:** 600 Rocks Road. **REQUEST:** To subdivide one 73.79 acres parcel into 3 approximately 5 acres parcels, 1-47 acre parcel and a remainder. **ZONING:** Agricultural Productive. **ENVIRONMENTAL EVALUATION:** Mitigated Negative Declaration

PP Turner gave the staff report, noting that the initial study had elicited no responses and said staff recommended approval. He briefly gave an overview of the [updated] Conditions.

Vice Chair Tognazzini opened the public hearing.

DCC Murphy called attention to the following needed modifications:

Condition #7, line 2: ~~should~~ **shall**

Conditions # 6 and 7: **Introductory note saying note shall be placed on an additional sheet to the parcel map.**

Roger Grimsley said , as a representative of the applicant, there was concurrence with the recommended Conditions of Approval while calling attention to Condition # 29 that the non-access pertained to Rock’s Road, not Blodgett Court. Mr. Grimsley asked for approval of the matter.

With no others to address the item, the public hearing was closed.

Commissioner Machado said that distribution of documents regarding the items to be considered at the meeting was difficult. PP Turner said that the required changes to the Conditions for this item had been overlooked, but on discovery the applicant had been contacted for concurrence of change then the changes were given to the Commissioners at this meeting.

Commissioner Machado led discussion of ‘non access’ with DDPW Nazemi providing an overview of CalTrans requirements and the Public Works Department view on the matter from a safety point of view. Commissioner Machado referenced the San Juan Vista project in speaking of ‘non access’ concerns. DDPW Nazemi advised that encroachment permits are permissible.

Commissioner Smith raised the issue of water quality with Mr. Grimsley addressing water issues pertaining to the request.

Other issues raised by the Commissioners included:

- fire protection
- water softeners {necessary for hook up Aromas Water District?}

**BY CONSENSUS, COMMISSIONERS AGREED TO ADD A CONDITION (#35) REQUIRING A NOTE ON THE MAP STATING THAT ON-SITE REGENERATION SOFTENING SYSTEMS ARE PROHIBITED AND THAT OFF-SITE REGENERATION SOFTENING SYSTEMS WILL BE USED AS APPROVED BY THE SAN BENITO COUNTY WATER DISTRICT;** this matter, too, will be distinguished on the **introductory note saying a note shall be placed on an additional sheet to the parcel map, stating what is the requirement .**

**COMMISSIONERS SMITH/BETTENCOURT OFFERED A MOTION APPROVING THE MITIGATED NEGATIVE DECLARATION AND GIVING APPROVAL TO THE REQUEST FOR MINOR SUBDIVISION NO. 1128-02, INCLUSIVE OF THE FINDINGS AND CORRECTIONS TO CONDITIONS 6, 7, AND 29 TOGETHER WITH THE ADDITION OF CONDITION #35. THE MOTION PASSED 4 – 0; DeVRIES WAS ABSENT.**

**Conditions of Approval:**

1. Compliance Documentation: Prior to recordation of the Parcel Map, the subdivider shall submit a summary response to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The subdivider shall also submit a response as to how this project complies with all applicable impact fees.  
[PLANNING]
2. Conformity with Plan: The development and use of the site shall conform substantially with the proposed site plan and the Conditions of Approval as declared by the Planning Commission. Any further development of additional units shall be subject to further Planning Commission review and approval. [PLANNING]
3. Lighting: A note shall be placed on an additional sheet to the Parcel Map that states: “All exterior lighting for new development on Parcels 1 and 2 shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748. Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture.” [MM 1, PLANNING]
4. Exterior Colors: A note shall be placed on an additional sheet to the Parcel Map that states: “Future building shall be finished in earth tones that blend with the existing vegetation in the area and minimize the visibility of the home from public views. Prior to the issuance of the building permit, the applicant shall provide color samples for roof materials and all exterior wall finishes to the Planning Director for review and approval. The Building Inspector shall verify that the house has been finished in the approved materials and colors prior to the final occupancy of the home.”  
[MM2, Planning]
5. Air Quality: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “All grading and building permits for new development on Parcel 1, 2, & 4 shall be conditioned to require that disturbed soils be watered during site grading and construction activities to minimize dust.”  
[MM 3, PLANNING]
6. Bird Nesting Season: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “All construction activities shall be scheduled to avoid the nesting season to the extent possible. The nesting season for most birds potentially using the site extends from January through June.”  
[MM4, Planning, H. T. Harvey and Associates]
7. Preconstruction Survey: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “If construction is to occur during the breeding season (MM 4), preconstruction surveys shall be conducted by a qualified ornithologist no more than 15 days prior to the initiation of construction in any given area. Preconstruction surveys should be used to ensure that no nests of species protected by the MBTA or State Code would be disturbed during project implementation.” [MM5, Planning, H. T. Harvey and Associates]

8. Buffer Zone: If an active nest is found and is completed (i.e., cannot therefore be removed), a qualified ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest. [MM6, Planning, H. T. Harvey and Associates]
9. Riparian Protection: No grading activity shall take place within 50 feet (measured horizontally) from the top of the bank of a stream, creek, river, or within 50 feet of a wetland or body of water, except roadway frontage and Rocks Road.. [MM7, Planning]
10. Archaeological Resources: If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site is discovered, all further excavations and disturbances within 200 feet of the discovery shall cease and desist. If human and/or questionable remains have been discovered, the sheriff-coroner shall be notified immediately pursuant to County Ordinance 610. A note to this effect shall be placed on all construction, grading, or other improvement plans. [MM 9, PLANNING]
11. Soils Engineering Investigation: A note shall be placed on an additional sheet to the Parcel Map stating: "A Soil Engineering Investigation, dated July 30, 2002, was prepared for this property by Earth System Engineers (File No. HO-07632-02) and is on file at the San Benito County Planning Department. The recommendations contained in said report shall be followed in all development of the property." [MM 10, Planning, Earth System Engineers]
12. Septic Envelope: Prior to recordation of the Parcel Map, a septic system envelope for the area determined to be suitable for sewage disposal shall be labeled separate from the building envelope. Location of said envelope shall be approved by the County Environmental Health Department. [MM 11, Environmental Health]
13. Fire: A note shall be placed on an additional sheet to the Parcel Map that states: "Prior to the issuance of any permits for new development on Parcel 1, 2, and 4 the applicant shall comply with all requirements of the California Department of Fire, including the provision of an adequate water supply and flow for fire suppression. This may require the installation of one or more above ground water storage tanks and fire hydrants." [MM 12, CDF]
14. Well #2: Well #2 exceeds the secondary drinking water standards for total dissolved solids and manganese and this must be called out on the final map. [MM13, Environmental Health]
15. Well #3: Well #3 exceeds secondary drinking water standards for conductivity, total dissolved solids, chloride, and zinc and this must be called out on the final map. [MM14, Environmental Health]
16. Drainage: As part of the submission of any engineered improvement plans required for this project, applicant shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheet. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard, and shall be engineer signed and stamped. Applicant shall submit drainage calculations for: any proposed or existing drainage courses to the proposed ponds, the proposed ponds, and the discharge lines for the proposed ponds. [MM15, Public Works]

- 17. Drainage Easement:** Prior to recordation of the parcel map for this project, applicant shall dedicate a drainage easement along the natural water body and the creek, to San Benito County. The easement shall be extended a minimum of 20 feet parallel, measured from the high water mark, or edge of the creek bank, along the drainage course. [MM16, Public Works]
- 18. Floodplain:** Prior to recordation of the parcel map for this project, applicant shall indicate where the 100-year flood line is along the adjoining creek at the property frontage. There shall be a note placed on the map to note the non-buildable area within the 100-year flood line area. [MM17, Public Works]
- 19. Construction Hours:** A note shall be placed on an additional sheet to the Parcel Map that states: "As required by County Ordinance, construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans." [MM 18, PLANNING]
- 20. Hold Harmless:** Pursuant to Section 66474.9 of the Government Code, upon written notice by the County the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the subdivision and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code. San Benito County reserves the right to prepare its own defense pursuant to said section. [PLANNING, PUBLIC WORKS]
- 21. Easements:** The Parcel Map shall show all easements for access, utilities, and drainage. [PUBLIC WORKS]
- 22. Water System:** Prior to recordation of the parcel map, the applicant shall provide a water system designed to serve the proposed project as both a Fire and Domestic water supply. [PUBLIC WORKS]
- 23. Road Dedication:** Prior to recordation of the Parcel Map for this project, applicant shall make an irrevocable offer of dedication for:
  - a. Half of 60 feet right-of-way along Rocks Road, to San Benito County, along northerly property frontages of proposed Parcels 1 and 4;
  - b. 60 feet full road right-of-way along the proposed Blodgett Court plus 50 feet radius right of way for the turnaround facility, to San Benito County, within the proposed subdivision. [MM19, Public Works]
- 24. Road Improvements:** Prior to recordation of the Parcel Map for the project, applicant shall make roadway frontage improvements for:
  - a. Rocks Road (i.e. ½-width of 28 feet AC on 38 feet road bed);
  - b. Proposed Blodgett Court (full-width 16 feet AC on 18 feet road bed). [MM20, Public Works]

- 25. Fair Share Contributions:** Prior to recordation of the Parcel Map for this project, applicant shall submit calculations for and make fair share contributions for:
- a. Rocks Road improvements;
  - b. Replacement of an existing one lane box culvert with one of a length equivalent to the ultimate road width for Rocks road (i.e. two lanes of traffic with minimum 5 feet shoulders on each side). [MM21, Public Works]
- Fair share contribution for road widening and culvert \$14,905/parcel x 3 parcels (remainder and developed parcel excluded) = \$44,715. The cost of frontage improvement will be deducted from the fair share contribution.*
- 26. Encroachment Permit:** Prior to commencement of any improvements associated with this project, applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-way. [MM22, Public Works]
- 27. Roadway Details:** As part of the submission of engineered improvement plans for this project, applicant shall show proper roadway profile details for the proposed Blodgett Court and proposed parcel access driveways. [MM23, Public Works]
- 28. Fire Roadway Standards:** Prior to recordation of the parcel map for this project, applicant shall insure that this subdivision complies with the County Fire Standard. Specifically, but not limited to, applicant shall insure that there are proper turnaround and turnout facilities. [MM24, Public Works]
- 29. Non-Access Strip:** Prior to recordation of the parcel map for this project, applicant shall dedicate a non-access strip along the property frontage to limit access to Rocks Road. [MM25, Public Works]
- 30. Assessment:** Prior to recordation of the Parcel Map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492 through 66494 inclusive of the Subdivision Map Act. [ASSESSOR]
- 31. Recordation:** A Parcel Map shall be submitted for review by the Planning and Public Works Departments before filing for recordation. The tentative map shall expire two (2) years after Planning Commission approval, unless extension(s) are granted pursuant to local regulation and the Subdivision Map Act. [RECORDER]
- 32. Inclusionary Housing Regulations:** Prior to recordation of the Final Map, the applicant shall comply with the requirements of Ordinance 766 (Inclusionary Housing Regulations) by entering into an inclusionary housing agreement to pay an in-lieu fee of \$43,231.36. (Planning, Ordinance 766)
- 33. County Service Area:** Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join County Service Area 43 for fire and sheriff protection. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the final map. [LAFCO, Ordinance 651]
- 34. Fish & Game Fees:** Applicant shall pay applicable Department of Fish and Game fees of \$1,250 plus \$25 filing fee prior to recordation of the parcel map. [CDFG}
- 35. Water Softeners:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “The use of on site-regenerating water softeners is prohibited. Off site regeneration softening systems may be used subject to the approval of the San Benito County Water District”.

- 13. MINOR SUBDIVISION 1155-04** - APPLICANT: Manuel Yuste. LOCATION: 1417 McCloskey Rd., Hollister REQUEST: Parcel map to subdivide a 29.35-acre parcel into four lots of 1.23 to 1.56 acres each and one remainder parcel of 23.81 acres. ZONING: Rural Residential (RR). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

AP Kelly gave the staff report, noting a correction to report:

- project will construct a dry line along Edgewood Drive for future connection to Sunnyslope County Water District;
- Condition #18 regarding the right of way [30 feet (1/2 road) instead of 60 feet along Isabel Lane]
- Condition #19 should read roadway improvement along Edgewood Drive and Isabel Lane 1/2 road {specifications noted}
- bridge may be on Daffodil Lane not Edgewood Drive
- map includes retention of right of way for correction of intersection in future

DCC Murphy clarified Conditions 18 A, B and 19A

Commissioners asked questions regarding:

- potential for connection to Sunnyslope County Water District
- proximity to Sunnyslope County Water District
- bridge requirement of Condition #19 (\$ amount; DDPW Nazemi advised about \$1,500 per lot; Mr. Grimsley spoke to the bridge issue)
- availability of sewer from Sunnyslope County Water District (not at this time)

Vice Chair Tognazzini opened the public hearing.

Roger Grimsley spoke to the Commissioners as the representative of the applicant, saying that there was concurrence with the Conditions/corrections and findings as outlined.

Commissioner Bettencourt asked about the use of water tanks similar to others in the area. Mr. Grimsley responded that would be the case until connections to Sunnyslope County Water District is achieved.

The public hearing was closed with no others addressing the matter.

**COMMISSIONERS BETTENCOURT/MACHADO NOTION TO CERTIFY THE MITIGATED NEGATIVE DECLARATION APPROVE MINOR SUBDIVISION 1155-04 INCLUSIVE OF THE FINDINGS AND (REVISED) CONDITIONS CONTAINED THEREIN, WITH AN ADDITIONAL CONDITION PERTAINING TO THE PLACEMENT OF THE DRY LINE FOR FUTURE WATER CONNECTION. THE MOTION PASSED 4 – 0; DEVRIES WAS ABSENT.**

**Conditions of Approval**

- 1. Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack set aside, void, or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of Government Code. [Planning]
- 2. Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and conditions of approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
- 3. Compliance Documentation:** Prior to recordation of the parcel map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 4. Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act. [Planning, Assessor]
- 5. Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Planning Department and the County Public Works Department and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Planning, Public Works]
- 6. Fire Protection:** A note shall be placed on the parcel map that states that “when developed the project shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Chapter 17 of the San Benito County Code, Public Resources Code 4290 and 4291 and other related codes as they apply to a project of this type and size. The Planning Department shall be provided with written verification that County Fire Department has approved all fire code requirements.” [Planning, Fire]
- 7. Easements:** The parcel map shall show all easements for access, utilities, and drainage. [Planning, Public Works]
- 8. Notice of Determination (Fish and Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the parcel map. The Department of Fish and Game fee (\$1,250.00—Fish and Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]

9. **County Service Area:** Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join a County Service Area (CSA #43) for fire and sheriff protection. All related processing fees, including State Equalization fees, must be submitted prior to recordation of the parcel map. [Planning, LAFCO]
10. **Conditions of Approval, Easements, and Restrictions:** All unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]
11. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, prior to recordation of the parcel map, the applicant shall contribute a habitat conservation plan mitigation fee of \$1,200.00. [Planning, Public Works]
12. **Inclusionary Housing:** Per County Ordinance 766, prior to recordation of the parcel map, the applicant shall pay to the County an in-lieu fee of \$43,231.36 toward inclusionary housing for very low-, low-, and moderate-income households. [Planning]
13. **Dust Control:** A note shall be placed on the improvement plans for the subdivision stating that the soils shall be watered during site grading and construction activities to minimize dust. The note shall also state that, if dust is not adequately controlled through the application of water, grading activities will be suspended and an hourly watering schedule and/or maximum limit on the daily number of cubic yards to be graded will be imposed. [Mitigation Measure]
14. **Soils and Geology:** The recommendations of the soils and geologic report prepared by Earth Systems Pacific (file number SH-10216-SA) shall be followed. [Mitigation Measure]
15. **Archaeological Sensitivity:**
  - a. Work within the area of high archaeological sensitivity shall be observed by a qualified archaeological observer. This highly sensitive area shall be indicated on the parcel map and the improvement plans along with a note stating, "All work involving soil disturbances within the area of high archaeological sensitivity shall be monitored by the County Planning Director, who shall have the authority to halt the project should the presence of archaeological resources be discovered during grading and excavation activities."
  - b. Prior to the recordation of the parcel map for Subdivision 1155-04, the applicants shall record deed restrictions for all parcels affected by the project. The deed restriction shall state, "If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site is discovered, all further excavations and disturbances within 200 feet of the discovery shall cease and desist. If human and/or questionable remains have been discovered, the sheriff-coroner shall be notified immediately pursuant to County Ordinance 610." Additionally, all plans for development on parcels resulting from MS 1155-04 shall contain this note. [Mitigation Measure]
16. **Drainage:**
  - a. Prior to approval of the tentative map, the applicant shall provide sufficient information to demonstrate that drainage facilities meeting County standards can be provided for the site. Such information shall include flood information as well as the location, design, and supporting calculations for proposed drainage facilities.
  - b. As part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheet. Included in this will be drainage calculations and construction details for a detention pond and for new impermeable surfaces created as part of this project. [Mitigation Measure]

**17. Construction Hours:** As required by County Ordinance, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans.

[Mitigation Measure]

**18. Road Dedication:** Prior to recordation of the parcel map for this project, the applicant shall make an irrevocable offer of dedication for

- a. 30 feet half-road right-of-way to San Benito County along Edgewood Drive and
- b. 30 feet half-road right-of-way to San Benito County along Isabel Lane. [Mitigation Measure]

**19. Road Improvements:**

- a. Prior to recordation of the parcel map for this project, the applicant shall make roadway improvement for Edgewood Drive and Isabel Lane along property lines (i.e., half-road—half of urban standard 40-foot asphaltic concrete on 42-foot road bed plus curb, gutter, and sidewalks).
- b. As the traffic study submitted with this project recommends a traffic circulation system for the local street network, including a bridge crossing at Santa Ana Creek, the applicant shall pay, prior to recordation of the parcel map for this project, a pro-rata fair share for this bridge.
- c. Prior to recordation of the parcel map for this project, the applicant shall pay a pro-rata fair share for the construction of sidewalk along the north side of Santa Ana Road between Kane Drive and a point across Santa Ana Road from Gabilan Hills School. [Mitigation Measure]

**20. Encroachment Permit:** Prior to commencement of any improvements associated with the project, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-way. [Mitigation Measure]

**21. Water System:** Prior to recordation of the parcel map, the applicant shall obtain a permit for a Local Small Water System from the County Department of Environmental Health. [Mitigation Measure]

**22. Water Main:** Prior to recordation of the parcel map, the applicant shall construct a water main along Edgewood Drive the length of the property's frontage to accommodate future annexation into the Sunnyslope Water District and future connection to the district's service. [Planning Commission]

**14. MINOR SUBDIVISION 1156-04 – APPLICANT:** Kraig Klauer. **LOCATION:** South of McCloskey Road at Isabel Lane and Edgewood Drive. **REQUEST:** Parcel map to subdivide a 10.33-acre parcel into four lots of approximately one acre each and one remainder parcel of 5.36 acres. **ZONING:** Rural Residential (RR). **ENVIRONMENTAL EVALUATION:** Mitigated Negative Declaration.

AP Kelly gave the staff report saying Mr. Klauer is the applicant in conjunction with the property owner. He said that there had been a concern brought to the attention of staff regarding potential violation of the Subdivision Map Act (issue: multiple contiguous subdivisions <specifically, MS 1166-05>) and therefore the issue needed to be continued to afford staff investigative opportunity. AP Kelly acknowledged that the alleged violation had just been brought to staff's attention. DoP Henriques said that it was necessary to research a potential 4x4 which is not allowable under the Subdivision Map Act.

Roger Grimsley pointed out that Mr. Klauer is the applicant with the owner, and this is a separate parcel, independent of another project.

DCC Murphy said there may not be a problem, but because the issue had been raised, the matter must be investigated. She went on to explain the potential action, including a public hearing, at the upcoming meeting.

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF MINOR SUBDIVISION 1156-04 TO THE AUGUST 16, 2006 PLANNING COMMISSION MEETING. THE MOTION CARRIED WITH A VOTE OF 4 – 0; DeVRIES WAS ABSENT.**

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15. **USE PERMIT NO. 513-89A** Betabel RV Park – APPLICANT: William Gil Partnership. LOCATION: 9663 Betabel Road, San Juan Bautista. REQUEST: Amend Use Permit 513 89 to designate 70 existing spaces to be classified as long term stay for a maximum of twelve months. This would bring the total number to long term stay spaces up to 100.)

AP Knight presented the staff report. Total number of long term spaces would be 100 if the request is granted, she said. AP Knight gave the history of the park during the years since the founding. Construction of roadways and other projects that require temporary worker housing is the impetus for the request, she said. The Department of Health had raised the issue of increased water use, but that matter had seen mitigation within the Conditions of Approval.

Commissioner Machado asked the differences between an RV and a mobile with staff responding. He asked if an RV could move to another space following the 12-month deadline. AP Knight said she had received information from Betabel representatives that the 12-month was time limited.

Vice Chair Tognazzini opened the public hearing.

Roger Grimsley was present representing Frank Medina and offered to answer questions. He indicated the RV park had been in existence for many years and designated 30 (of a total 132) spaces as ‘long term’. Mr. Grimsley noted that many travelers return to Betabel annually and had done so for many years; he also noted the ‘day travelers’ as well as those who stay for an entire summer. Mr. Grimsley stressed the Park is well maintained. He told of prior concerns of impact on the local school when the request was ‘floated’ about eight years ago, then indicated that talks with the local school had not indicated cause for concern.

Dennis Siller, manager of the Betabel RV Park, said that the request was actually for a reclassification. Mr. Siller told of the employment of the residents and said that there was only one family with children and those are home schooled. He spoke of the generally transient nature of the clients to the Park. Mr. Siller said he knew of no law that would prohibit an RV moving from one space to another for a 12-month period. (It was determined that was a condition of the Use Permit.) Mr. Siller asked for clarification regarding the water use concern. AP Knight said the item had been mitigated within Condition #5.

With no others present indicating a wish to address the matter, the public hearing was closed.

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO APPROVE USE PERMIT NO. 513-89A TOGETHER WITH THE FINDINGS AND CONDITIONS REFERENCED IN THE STAFF REPORT. THE MOTION CARRIED 4 – 0 WITH DeVRIES ABSENT.**

**CONDITIONS OF APPROVAL:**

1. **Hold Harmless:** The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Use Permit and applicable proceedings. [Planning]
2. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
3. **Conformity to Plan:** The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. The Betabel RV Park is limited to no more than 100 total current spaces to be designated long-term units located on Assessor's Parcel Number 13-15-19. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [Building, Planning]
4. **Sewer & Water:** The permittee shall maintain all septic systems for all units according to County Health Department standards. The permittee shall maintain a domestic water supply that is sufficient in quantity and quality to serve the RV Park as required by County Health Department standards and the California Department of Health Standards. [Planning]
5. **Water Supply:** The applicant is required to submit a water supply permit application to amend its permit to a community water system. [California Department of Health Services]
6. **Planning:** The permittee shall continue compliance with all existing approval notices issued for this existing use. [Planning]

7. **Periodic Review:** An annual/periodic review of the use of the use permit will be made administratively by the Planning Department to determine conformance with past Approval Notices. Failure to comply with conditions may result in revocation of the Use Permit by the Planning Commission. [Planning]
  8. **Address:** Addresses for the facility shall be posted at the entrance and clearly visible to responding emergency equipment and shall be to county standard with regards to size, width, and color. Each individual unit shall be clearly posted with a unit number and shall be clearly visible from the entrance driveway. These numbers shall also comply with county standards as to size, width, and color. [Fire]
  9. **Fire:** The property shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Public Resource Codes 4290 and 4291 and other related codes as they apply to a project of this type and size.
  10. **Ingress and Egress:** The applicant shall ensure that there is adequate ingress and egress to any and all permanent and temporary buildings. Roadways/Driveways shall be all weather surface and conforming to applicable codes and standards. Driveway(s) shall include turnouts and turnarounds as required. Driveway addresses shall be installed so they are visible to responding emergency personnel.
  11. **Parking:** Parking of all resident vehicles shall be in designated parking areas and shall not obstruct access and egress for emergency vehicles. [Fire]
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16. **MINOR SUBDIVISION NO. 1169-05** – APPLICANT: Larry Nichols.  
 LOCATION: 342 Cowden Road. REQUEST: To subdivide a 11.26 acre parcel into 1 – 5.00 acre parcel and a remainder of 6.26. ZONING: Agricultural Productive. ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration

PP Turner gave the staff report, calling attention to the need to add Conditions (required by Ordinance):

#20 pay applicable Fish and game fees of \$1,250 + \$25.00 (filing fee)

#21 prior to recordation of parcel map, requires application to LAFCO and payment of all processing fees, including State Board of Equalization fees

#s 6 and 18 requires note to be placed on parcel map stating [next condition: #s 9, 11, and 19]

Vice Chair Tognazzini suggested in stating up the Conditions, list separately only those that are specific, then just formulate a list for those that are generic. PP Turner indicted willingness to work on the matter.

Commissioners asked questions regarding:

- ◇ building envelopes (can be shortened?)
- ◇ placement of leach lines

Vice Chair Tognazzini opened the public hearing.

- ◇ Anne Hall, San Benito Engineering, informed that the building envelope is outside the flood plain. There was discussion of:
- ◇ the location of the building envelope
- ◇ ownership of the adjoining property (same as this)
- ◇ size of surrounding properties

Applicant Barbara Nichols was present to tell Commissioners that the south of the property is retained as farmland and the other sides – nearest Hospital Road - are zoned for – and divided into – five acre parcels.

With no others present to speak to the matter, the public hearing was closed.

Responding to questions, PP Turner said the criteria is met within the request and the issue of grade 1 soils is not applicable at this location.

**COMMISSIONERS SMITH/BETTENCOURT MOTIONED TO ACCEPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE MINOR SUBDIVISION NO. 1169-05 WITH THE MODIFIED CONDITIONS AS EXPLAINED WITHIN THE STAFF REPORT. THE MOTION PASSED 4 – 0, WITH DeVRIES ABSENT.**

**Conditions of Approval:**

1. Mitigation Monitoring – Prior to recordation of the parcel map or Planning Department approval of the improvement plans, which ever comes first, the applicant shall enter into a mitigation monitoring agreement with San Benito County.  
[Planning]
2. Conformity to Plan - The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [Planning, Building]
3. Hold Harmless – Section 17-32 (k) Ordinance 617 – Pursuant to Section 66474.9 of the Government Code, upon written notice by the County, the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Use Permit and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of the Government Code.  
[Planning, Public Works]

4. Compliance Documentation – Prior to parcel map or Planning Department approval of the improvement plans, whichever comes first, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The applicant shall also submit a response to how this project complies with impact fees applicable to County ordinances including, but not limited to the following; Kit Fox, Drainage Areas, etc. [Planning, Public Works]
5. Assessment – Section 17-32 (d) of Ordinance 617 - Prior to recordation of the Parcel Map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act. [Assessor, Public Works]
6. Recordation – Section 17-10 Ordinance 617 – A parcel map that conforms substantially to the approved tentative map shall be approved by the County Planning Department as well as the County Public Works Department and recorded with the County Recorder. The tentative subdivision will expire two years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a Parcel Map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Planning, Public Works, Recorder]
7. Aesthetics: A note shall be placed on an additional sheet to the Parcel Map that states: “All exterior lighting for new development on Parcel 1 shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748. Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture.” [Planning, MM 1]
8. Grading: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “All grading and building permits for new development on Parcel 1 shall be conditioned to require that disturbed soils be watered during site grading and construction activities to minimize dust.” [Planning, MM 2]
9. Riparian Protection: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “No grading activity shall take place within 50 feet (measured horizontally) from the top of the bank of a stream, creek, river, or within 50 feet of a wetland or body of water.” [Planning, MM 3]
10. Habitat Fees: Prior to the issuance of an occupancy permit, the applicant shall pay all applicable mitigation fees toward the financing of the San Joaquin Kit Fox Habitat Conservation Plan pursuant to Ordinance 541. [Planning, MM 4]

- 11. Archaeological Resources:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: "If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site is discovered, all further excavations and disturbances within 200 feet of the discovery shall cease and desist. If human and/or questionable remains have been discovered, the sheriff-coroner shall be notified immediately pursuant to County Ordinance 610." [Planning, MM 5]
- 12. Conformity with Geotechnical Investigation:** A note shall be placed on an additional sheet to the Parcel Map stating: "A Geotechnical Feasibility Investigation, dated August 31, 2004 was prepared for this property by Earth System Pacific and is on file at the San Benito County Planning Department. The following recommendations contained in said report shall be required in all development of the property: a detailed geotechnical engineering investigation, soils percolation testing, and a deep profile boring." [Earth System Pacific, MM 6]
- 13. County Drainage Standards:** As part of the submission of engineered improvement plans for this project, applicant shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheet. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard, and shall be engineer signed and stamped. Applicant shall submit drainage calculations for: any proposed or existing drainage courses to the proposed ponds, the proposed ponds, and the discharge lines for the proposed ponds. [Public Works, MM 7]
- 14. Hours of Operation:** A note shall be placed on an additional sheet to the Parcel Map that states: "As required by County Ordinance, construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans." [Planning, MM 8]
- 15. Dedication:** Prior to recordation of the Parcel Map for this project, applicant shall make an irrevocable offer of dedication for:
  - a. Half of 60 feet right-of-way along Cowden Road, for the proposed "remainder" parcel, to San Benito County;
  - b. 30 feet right-of-way for a common driveway along the southwestern property boundary of both the proposed "remainder" parcel and proposed parcel 1, from the beginning of the driveway on the "remainder" parcel to the common boundary between proposed parcel 1 and APN: 21-11-52. [Public Works, MM 9]
- 16. Frontage Improvements:** Prior to recordation of the Parcel Map for the project, applicant shall make roadway frontage improvements for:
  - a. Cowden Road frontage improvement for proposed "remainder" parcel (i.e. ½-width of 24 feet AC on 34 feet road bed);
  - b. Common driveway along southwestern property boundary of both the proposed "remainder" parcel and proposed parcel 1, from the beginning of the driveway on the "remainder" parcel to common boundary between proposed parcel 1 and APN: 21-11-52 (i.e. 16 feet AC on 18 feet road bed). [Public Works, MM 10]

17. Encroachment Permit: Prior to commencement of any improvements associated with this project, applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-way. [Public Works, MM 11]
18. Fair Share Contribution: Prior to recordation of the parcel map for this project, applicant shall make fair share contributions for:
  - a. Cienega Road realignment (\$1,449.28);
  - b. Signal for roadway intersection at Union & Cienega Roads (\$38.76);
  - c. Widening of Union Road (\$6,913.62);
  - d. Cowden Road improvements (\$8,912.94); and
  - e. Widening of Union Road Bridge (\$523.11). [Public Works, MM12]
19. Fire Safety: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “The above mentioned project shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Chapter 17 of the San Benito County Code, and other related codes as they apply to a project of this type and size. The applicant shall install one or more above ground water storage tank(s) to ensure there is adequate fire flow. A NFPA 13D Fire Sprinkler System shall be installed in all new residential structures as mitigation to the required Fire Flow.” [CDF]
20. County Service Area: Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join County Service Area 43 for fire and sheriff protection. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the final map. [LAFCO, Ordinance 651]
21. Fish & Game Fees: Applicant shall pay applicable Department of Fish and Game fees of \$1,250 plus \$25 filing fee prior to recordation of the parcel map. [CDFG]

17. **MINOR SUBDIVISION NO. 1178-05** – APPLICANT: Jeff Hunter.  
 LOCATION: 920 Lone Tree Road, Hollister. REQUEST: To subdivide a 11.48 acre parcel into 5.18 acres and 6.3 acres. ZONING: Agricultural Productive.  
 ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

PP Turner gave the staff report, noting the request spoke to one dwelling (exempt from Growth Management Ordinance; allocation process) calling attention to several modifications to the Conditions (previously distributed to the Commissioners):

- ◇ #27 CSA requirement
- ◇ #28 Fish and game fees
- ◇ # 6, 17, and 18 statement: ‘Note shall be placed on additional sheet to the parcel map’

He also noted the new property being created will be deed restricted with no sale or change of ownership permitted for 10 years unless death of the family member, named in the detail, occurs.

Vice Chair Tognazzini opened the public hearing.

Roger Grimsley spoke on behalf of the applicants, stating that generally the Conditions were agreeable, but asking for deferment until the road is widened (Condition # 13).

Hearty discussion ensued involving staff and Mr. Grimsley regarding deferment. DCC Murphy reminded that the applicant had previously agreed to the Conditions. DDPW Nazemi spoke to the requirements of the Subdivision ordinance regarding road improvements. DCC Murphy referenced language necessary for deferment requests.

With no others to speak to the matter, the public hearing was closed.

**COMMISSIONERS SMITH/BETTENCOURT MOTIONED ACCEPTANCE OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL OF MINOR SUBDIVISION NO. 1178-05 INCLUSIVE OF THE FINDINGS AND CONDITIONS AS PRESENTED WITH THE MODIFICATION EXPLAINED IN THE STAFF REPORT. THE MOTION PASSED 4 – 0 AND DeVRIES WAS ABSENT.**

**Conditions of Approval:**

1. Compliance Documentation: Prior to recordation of the Parcel Map, the subdivider shall submit a summary response to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The subdivider shall also submit a response as to how this project complies with all applicable impact fees. [PLANNING]
2. Conformity with Plan: The development and use of the site shall conform substantially with the proposed site plan and the Conditions of Approval as declared by the Planning Commission. Any further development of additional units shall be subject to further Planning Commission review and approval. [PLANNING]
3. Lighting: A note shall be placed on an additional sheet to the Parcel Map that states: “All exterior lighting for new development on Parcels 1 and 2 shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748. Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture.” [MM 1, PLANNING]
4. Air Quality: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “All grading and building permits for new development on Parcel 1 or 2 shall be conditioned to require that disturbed soils be watered during site grading and construction activities to minimize dust.” [MM 2, PLANNING]
5. HCP Fees: Prior to the issuance of an occupancy permit, the applicant shall pay all applicable mitigation fees toward the financing of the San Joaquin Kit Fox Habitat Conservation Plan pursuant to Ordinance 541. [MM 3, PLANNING]

6. **Archaeological Resources:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site is discovered, all further excavations and disturbances within 200 feet of the discovery shall cease and desist. If human and/or questionable remains have been discovered, the sheriff-coroner shall be notified immediately pursuant to County Ordinance 610.” [MM 4, PLANNING]
7. **Construction Hours:** A note shall be placed on an additional sheet to the Parcel Map that states: “As required by County Ordinance, construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans.” [MM 10, PLANNING]
8. **Hold Harmless:** Pursuant to Section 66474.9 of the Government Code, upon written notice by the County the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the subdivision and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code. San Benito County reserves the right to prepare its own defense pursuant to said section. [PUBLIC WORKS]
9. **Easements:** The Parcel Map shall show all easements for access, utilities, and drainage. [PUBLIC WORKS]
10. **Drainage Standards:** As part of the submission of engineered improvement plans for this project, the applicant shall comply with the County Drainage Standards and provide erosion and drainage control details for the project sheet. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard, and shall be engineered signed and stamped. Applicant shall submit drainage calculations for: any proposed drainage courses, any proposed detention ponds. Calculations shall include, but are not limited to, maximum allowable velocity (to assess potential erosion impacts). [PUBLIC WORKS]
11. **Water System:** Prior to recordation of the parcel map, the applicant shall provide a water system designed to serve the proposed project as both a Fire and Domestic water supply. [PUBLIC WORKS]
12. **Road Dedication:** Prior to recordation of the Parcel Map for this project, applicant shall make an irrevocable offer of dedication for half of a 60 feet road right-of-way along Lone Tree Road, to San Benito County, along property frontages, or provide documentation to verify right-of-way requirements.[MM 11, PUBLIC WORKS]
13. **Road Improvements:** Prior to the recordation of the parcel map fro this project, the applicant shall improve Lone Tree Road frontages for both proposed parcels in one and only one of the following configurations:
  - c. Make a half-road reconstruction of Lone Tree Road, for the roadway lane fronting the project property, based on R-value section of AC on AB with a compacted sub-grade (half-width 24 feet AC on 34 feet roadbed to rural standard);

- d. Make a 2 inch AC overlay for the total half width of the portion of Lone Tree Road fronting the project property, including 6 feet AB shoulder backing. [MM 12, PUBLIC WORKS]
- 14. Encroachment Permit:** Prior to commencement of any improvements associated with this project, applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-way. [MM 13, PUBLIC WORKS]
- 15. Pro Rata Share:** Prior to recordation of the parcel map for this project, the applicant shall contribute a pro-rata share for the cost of improvements to be made at the intersection of Fairview Road and Lone Tree Road. [MM14, PUBLIC WORKS]
- 16. Sewage Repairs:** A note shall be placed on the parcel map that states “When modifications or repairs are made to the existing sewage disposal system in the future, the property owner shall be required to bring the system into compliance with modern day codes”. [ENVIRONMENTAL HEALTH]
- 17. Septic Envelope:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “The septic envelope of Parcel 1 shall be recorded on the final map along with a statement that the area is to remain undisturbed (i.e. shall not be graded).” [MM 5, ENVIRONMENTAL HEALTH]
- 18. Leachfield:** The maximum depth of any leachfield shall not exceed seven feet. [MM 6, ENVIRONMENTAL HEALTH]
- 19. Disposal Permit:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “Prior to the issuance of any building permits on Parcel 1, the applicant shall obtain a sewage disposal system permit from the Department of Environmental Health.” [MM 7, ENVIRONMENTAL HEALTH]
- 20. Pump Tests:** Prior to approval of the Parcel Map, pump tests must be acceptable to the Department of Environmental Health and must demonstrate conformance with County standards regarding quality and quantity. [MM 9, ENVIRONMENTAL HEALTH]
- 21. Local Small Water System:** A note shall be placed on the parcel map that states “Prior to the issuance of building permits, the applicant shall obtain a local small water system permit from the County Environmental Health Department.” [MM 15, ENVIRONMENTAL HEALTH]
- 22. Water System:** A note shall be placed on the parcel map that states ”Prior to issuance of building permits, the actual water system shall be reviewed, inspected, and approved as an improvement project by the County Public Works Department for satisfactory completion”. [MM 16, ENVIRONMENTAL HEALTH]
- 23. Fire Standards:** A note shall be placed on an additional sheet to the Parcel Map that states: “Prior to the issuance of any permits for new development on Parcel 1, the applicant shall comply with all requirements of the California Department of Fire, including the provision of an adequate water supply and flow for fire suppression. This may require the installation of one or more above ground water storage tanks and fire hydrants.” [MM 8, CDF]

24. Assessment: Prior to recordation of the Parcel Map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492 through 66494 inclusive of the Subdivision Map Act. [ASSESSOR]
25. Recordation: A Parcel Map shall be submitted for review by the Planning and Public Works Departments before filing for recordation. The tentative map shall expire two (2) years after Planning Commission approval, unless extension(s) are granted pursuant to local regulation and the Subdivision Map Act. [RECORDER]
26. Growth Management Ordinance: Pursuant to Section 31-4 of the Growth Management System (exemptions), the building site (lot) created under this provision shall be restricted by deed to prohibit sale of said lot for a period of not less than ten years, except that the site (lot) may be sold in the event that the family member named in the deed dies within the ten year restriction period. [PLANNING]
27. County Service Area: Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join County Service Area 43 for fire and sheriff protection. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the final map. [LAFCO, Ordinance 651]
28. Fish & Game Fees: Applicant shall pay applicable Department of Fish and Game fees of \$1,250 plus \$25 filing fee prior to recordation of the parcel map. [CDFG}

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**COMMISSIONER ANNOUNCEMENTS OF INTEREST:**

Commissioner Bettencourt advised that he had spoken favorably regarding the potential for having a Lowe's Hardware locate in Hollister as he attended the Hollister Planning Commission meeting.

Vice Chair Tognazzini noted that no further business was scheduled to be conducted at this meeting and adjourned the meeting at 9:19 p.m.

*Transcription by  
Judi H Johnson*

*Attest:*

*Art Henriques, Director  
Planning & Building Inspection Services*