

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF REPORT Zoning Administration May 21, 2020 **Item #2**

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PLN18-11047 (Hurner Subdivision) Tentative Parcel Map for a two-lot Subdivision.

Summary: Tentative Parcel Map to subdivide a 336-gross-acre lot into two (2) new parcels (Parcel 1: 164.7 gross acres & Parcel 2: 171.8 gross acres). The subject property is under an active Williamson Act Contract.

Owner:	Gretchen Hurner	General Plan Designation:	Agricultural Ranchlands
Applicant:	Kristy Comerer	Zoning:	AR-sr
Address:	Mines Road, Livermore	Lot size:	336.5 acres
APN:	070-06-100	Present Land Use:	Residential; Grazing
Supervisory District:	3	HCP:	N/A

RECOMMENDED ACTIONS

- A. Adopt a Negative Declaration under CEQA (Attachment A); and,
- B. Grant Tentative Parcel Map Approval, subject to the Conditions of Approval outlined in Attachment B.

ATTACHMENTS

- Attachment A – Circulated Initial Study/Negative Declaration
- Attachment B – Draft Conditions of Approval
- Attachment C – Location & Vicinity Map
- Attachment D – Tentative Parcel Map
- Attachment E – General Plan Policies Exhibit
- Attachment F – Active Williamson Act Contract (2015.002) of the Subject Property

PROJECT DESCRIPTION

The proposed project includes a request for a Tentative Parcel Map to subdivide a 336-gross-acre parcel into two lots: 1) Parcel 1 - 164.7 gross acres, and 2) Parcel 2 - 171.8 gross acres. The subject property is bisected by Mines Road, as shown on the Tentative Parcel Map (Attachment D). An existing 2,040 sq. ft. single-family residence, barn, and several other small structures are located on proposed Parcel 2 (east of Mines Road) and are proposed to remain. A Building Permit for the residence was provided to the County, however not for the barn or other small structures. A man-made dam and reservoir are located on Parcel 1 (permits not on file with the County). An existing 60-foot wide ingress/egress and utilities easement on Parcel 1 connects properties located to the west of the subject property with Mines Road. No new residential development is proposed with the Tentative Map and there are no subdivision improvements required (Mines Road widening, driveway access, septic systems, or wells etc.). No trees would be removed as a result of the project. While there are no permits on file for some on-site structures, there are no active violations on the property.

Setting/Location Information

The subject property is located in far eastern unincorporated Santa Clara County (“the County”), approximately 1.5 miles from the Stanislaus County border, east of Highway 101. The parcel is bisected by Mines Road, which becomes San Antonio Valley Road to the south of the project site. The nearest cross street is Del Puerto Canyon Road that meets Mines Road at the northeast border of the property.

The 336-acre site is surrounded primarily by agricultural grazing lands and open space. The parcels to the east, west and northwest of the property are developed with single-family residences and accessory structures. There is a 5-acre parcel (APN: 070-06-096) located within and surrounded by the subject property that contains a Santa Clara County Department of Roads and Airports maintenance yard. The subject property is under an active Williamson Act Contract (2015.002) as grazing land (see Attachment F).

REASONS FOR RECOMMENDATION

A. Environmental Review and Determination (CEQA)

The environmental impacts of the project have been evaluated in the Negative Declaration prepared by Staff for the project (Attachment A). The Negative Declaration concluded that the project would not create any adverse environmental impacts. As required by the California Environmental Quality Act (CEQA), a Notice of Intent to adopt the Negative Declaration was posted and mailed out on March 13, 2020. As of the preparation of this Staff Report, no comments on the Initial Study/Negative Declaration have been received. Staff is recommending that the Hearing Officer Adopt the Negative Declaration as part of this project approval.

B. Project/Proposal

A Tentative Parcel Map to subdivide an existing lot under a Williamson Act Contract for agricultural grazing, into two new lots for agricultural grazing.

C. Subdivision Ordinance

This subdivision application has been reviewed in accordance with the required Findings in Section C12-122 of the County Ordinance Code (Subdivisions and Land Development Ordinance) and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administration Hearing Officer shall deny approval of a tentative or final parcel map if any of the following seven (7) findings can be made. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project does or does not meet the required standard follows in plain text below.

1. **That the proposed map is not consistent with applicable general and specific plans.**

The proposed Tentative Parcel Map would result in the division of an existing 336-gross-acre parcel into two lots that are 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively. The existing property is utilized as grazing land, and the project does not include a residential subdivision. The subject property is located on Mines Road, within the San Antonio Valley, which bisects the subject property and is a designated a County Scenic Road. The General Plan designation for the property is Ranchlands.

The subject property and Tentative Parcel Map application is subject to the County General Plan policies for Ranchlands (R-LU 40, 41 & 43) and policies for Riparian Habitats (R-RC 40). These General Plan policies are included as Attachment E for reference. There are no Specific Plans which pertain to the project.

This project, a 2-lot subdivision, is in conformance with General Plan policies relating to Ranchlands (R-LU 40, 41 & 43). The proposed two-lot subdivision will not change the rural character of the area and will comply with density requirements of development for the area. General Plan Policy R- LU 43 states that cumulative land division activity is limited in areas designated as Ranchlands. These Ranchlands are separated into two geographic areas for the purpose of regulating the number of new lots created in a single calendar year. The subject property is located to the north of Coe State Park and is therefore in Area A. Lots created by the proposed subdivision will not exceed the limits set for the maximum number of new lots allowed in Area A (i.e., 20 parcels). In calendar year 2020 to date, there have been no new lots created in Area A. This project is also in conformance with the applicable General Plan policy relating to Riparian Habitats (R-RC 40), as the proposed 2-lot subdivision has been designed to retain riparian vegetation, and maintain existing creeks and streams in their natural state (open and unfenced).

The property is zoned AR-sr, which is a rural base zoning district of Agricultural Ranchlands (AR) and a Scenic Road combining district (-sr). The average slope of the subject property is 15%. The required minimum lot size is 22.45 acres per lot, as specified by the slope-density requirements for the AR base zoning district (Zoning Ordinance Section 2.20.040). At 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively, the proposed lot sizes are consistent with the County Zoning Ordinance.

The subject property is under an active Williamson Act Contract (see Attachment F) as grazing land. Pursuant to County Ordinance Code Section C13-15(a)(7), all use or

development of any contracted land states that “*the proposed use or development does not constitute a residential subdivision.*” The Applicant is not proposing the subdivision as a residential subdivision, but instead as a subdivision of agricultural grazing lands.

The proposed Tentative Map is found to be consistent with the requirements of the County’s Solar Access for Subdivision Development ordinance, Division C12. Pursuant to Section C12-173.3(d), solar access easements are not required for lots equal or greater than one acre. At 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively, the proposed lot sizes have adequate solar access for potential buildings constructed in the future, and, future development will not be detrimental to solar access of any neighboring properties.

As such, the proposed subdivision is consistent with the General Plan and Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

2. That the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans.

The project is consistent with lot design criteria for subdivisions outlined in Section C12-21 of the County Ordinance Code and demonstrates adequate size and shape characteristics to support the intended use of the property as agricultural grazing land under a Williamson Act Contract. Both proposed lots have frontage on the county-maintained Mines Road. Proposed lots exceed the recommended maximum depth to width ratio of three-to-one. As access to each proposed parcel will be from a County-maintained road (Mines Road), no access improvements are proposed or required. There is no grading associated with the proposed subdivision.

As such, the design of the proposed subdivision is consistent with applicable general and specific plans, and Staff therefore cannot make this finding.

3. That the site is not physically suitable for the type of development.

The subject property has an average slope of approximately 15% with direct access from Mines Road. The project site contains sufficient area for creation of two (2) lots which meet the minimum required lots size of 22.46 acres, to meet County Zoning Ordinance requirements. An existing 2,040 sq. ft. single-family residence, barn, and several other small structures are located on proposed Parcel 2 (east of Mines Road). A man-made dam and reservoir are located on Parcel 1. The subdivision would not create any nonconformities, with respect to any setback standards for existing structures. Furthermore, as the subdivision is a subdivision of agricultural grazing lands under an active Williamson Act Contract, no new development is proposed. No subdivision improvements are required (Mines Road widening, driveway access, septic systems, or wells etc.) for this subdivision.

For the reasons stated above, the site is physically suitable for the subdivision of agricultural lands, and development is not applicable. As such, Staff cannot make this finding.

4. That the site is not physically suitable for the proposed density of development.

The proposed Tentative Parcel Map would result in the division of an existing 336-gross acre parcel into two lots of 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively. No development is proposed as part of this request.

The property is approximately 336-gross-acres in size and has a zoning designation of AR-sr. Average slope of the subject property is 15% and therefore the required minimum lot size is 22.46 acres, as specified by the slope-density requirements for the AR base zoning district (Zoning Ordinance Section 2.20.040). The proposed lot sizes are consistent with the County Zoning Ordinance. The project will create two lots of 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively, which meets the minimum lot size required, resulting in a density of 0.00625 dwelling unit/acre.

The site is physically suitable for the proposed subdivision of agricultural grazing land, and development is not applicable. As such, Staff cannot make this finding.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is not located in the Santa Clara Valley Habitat Plan (“SCVHP”) Area. The northern portion of the project site may contain Mt. Hamilton Fountain Thistle, which is listed as “Endangered” under the California Endangered Species Act, and San Benito Pantachaeta, which is not listed in the California Natural Diversity Database. The project site also contains Blue Oak Woodland, Valley Oak Woodland, Blue Oak Foothill Pines, and two creeks (Sweetwater Creek which runs vertically along the northwestern portion and Sulphur Springs Creek which diagonally bisects the southern half of the property). As no development is required or proposed, the project would not cause a substantial environmental on wildlife or the oak woodland habitat of the property.

As such, the proposed subdivision is not likely to cause substantial environmental impacts or injure fish, wildlife, or their habitat, and Staff therefore cannot make this finding.

6. That the design of the *subdivision* or the type of improvements is likely to cause serious public health problems.

The proposed project is a 2-lot subdivision of agricultural grazing land. As aforementioned, no development is required or proposed with this project. Access to each proposed parcel will be from a County-maintained road (Mines Road), thus no access improvements are proposed or required.

As such, neither the design of the subdivision nor the types of improvements (none proposed or required) are likely to cause serious public health problems, and Staff therefore cannot make this finding.

7. That the design of the *subdivision* or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed *subdivision*.

The submitted Tentative Parcel Map shows all existing easements on the subject property, including storm drain easements, utility easements and a 60-foot wide access easement on Parcel 1 that connects parcels located to the west of the subject property with Mines Road. A review of all available maps and the submitted Tentative Map by Staff confirms that the design of the subdivision will not conflict with any existing easements on the property. Access to proposed parcels is from Mines Road, which is a county-maintained road. As such, the proposed subdivision will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision. Therefore, for the reasons stated above, Staff cannot make this finding.

As noted in the above findings, Staff cannot make any of the seven subdivision findings that, if made, would require the Zoning Administrator to deny the proposed subdivision. Staff therefore recommends that the Zoning Administrator approve the proposed subdivision, subject to additional findings of the Subdivision Map Act below.

D. Subdivision Map Act - Subdivision of Land under a Williamson Act Contract

Section 66474.4 of the Subdivision Map Acts states that the legislative body of a city or county shall deny approval of a tentative map, or a parcel map for lands subject to a Williamson Act Contract if it finds that the 1) *The resulting parcels would be too small to sustain their agricultural use*, or 2) *if the subdivision will result in residential development not incidental to the commercial agricultural use of the land*. This subdivision application has also been reviewed in accordance with the Section 66474.4 of the Subdivision Map Act and the subdivision complies with Section 66474.4. The proposed subdivision complies with these findings as further described below:

1. The resulting parcels are large enough to sustain continued agricultural use.

Per Section 66474.4(b)(2) of the Subdivision Map Act, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) *at least 10 acres in size in the case of prime agricultural land*, or (B) *at least 40 acres in size in the case of land that is not prime agricultural land*. Soil on the subject property is classified as non-prime for agricultural uses and the site is designated as Grazing Lands in the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) database. The proposed Tentative Parcel Map would result in the division of the existing 336-gross acre parcel into two lots of 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively. The parcels are intended to continue to be utilized for

agricultural grazing. Therefore, the resulting parcels are large enough to sustain continued agricultural use.

2. The subdivision would not result in residential development that is not incidental to the agricultural operation.

The subject property is under an active Williamson Act Contract (2015.002) as grazing land. The applicant is not proposing residential uses as a result of this subdivision, and instead intends to maintain the agricultural grazing lands. Residential uses incidental to the agricultural use of the land are considered compatible with agricultural use of contracted land, subject to a Williamson Act Compatible Use Determination (CUD). No development is proposed and there are no subdivision improvements required with the proposed subdivision. Therefore, the subdivision would not result in residential development that is not incidental to the agricultural operation. Any future development would require a CUD.

ADDITIONAL INFORMATION

The subject property is under an active Williamson Act Contract (see Attachment F) as grazing land. The proposed project is a subdivision of agricultural grazing lands. Although not intended by the applicant, any development of the resulting parcels would require a Williamson Act Compatible Use Determination, and would be required to meet all standards and policies of lands within an active contract.

BACKGROUND

The subject property is under an active Williamson Act Contract (2015.002) as grazing land (see Attachment F). The original Williamson Act contract that was entered in 1967 (Contract #67.002), and was partially rescinded in 2004 and simultaneously re-entered into a new contract of that same year (Contract #2004.007) for a lot line adjustment between APN: 070-06-026 and APN: 070-06-073. In 2016, Contract #67.002 was partially rescinded and simultaneously entered into a new contract (Contract #2015.002) for another lot line adjustment between APN: 070-06-093 and APN: 070-06-095. Due to the lot line adjustment that was approved in 2016, new APN numbers were assigned to APN: 070-06-095, which is now APN: 070-06-100 (the current subdivision project).

On April 17, 2018 an application for a two-lot Tentative Parcel Map was submitted, which was subsequently deemed complete on April 2, 2019. In accordance with the California Environmental Quality Act, an Initial Study, and subsequent Negative Declaration was prepared and posted on March 13, 2020. Staff did not receive any comments as a result of the publication of the Initial Study/Negative Declaration.

A public notice for the Tentative Parcel Map (subdivision) was mailed to all property owners within a 300-foot radius of the subject property on May 8, 2020, and published in the Post Record on May 11, 2020.

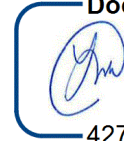
STAFF REPORT REVIEW

Prepared by: Charu Ahluwalia, Associate Planner

Charu Ahluwalia

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator

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ATTACHMENT A

Initial Study/Negative Declaration

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN18-11047	Date: 03/13/2020
Project Type:	Two-lot Subdivision	APN(s): 070-06-100
Project Location / Address:	0 Mines Road, Livermore	GP Designation: Ranchlands
Owner's Name:	Gretchen Hurner	Zoning: AR-sr
Applicant's Name:	Gretchen Hurner	Urban Service Area: N/A
Project Description		
<p>The project is a proposed subdivision of an approximately 336-gross-acre parcel into two lots of 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively. As shown on Figure 1, the subject property is bisected by Mines Road in far eastern unincorporated Santa Clara County, approximately 1.5 miles from the Stanislaus County border. As shown on the Tentative Map (Figure 2), an existing 2,040 sq. ft. single-family residence, barn, and several other small buildings exist on proposed Parcel 2 (east of Mines Road) and are proposed to remain. A man-made dam and reservoir are located on Parcel 1. An existing 60-wide access and utilities easement on Parcel 1 connects parcels to the west with Mines Road. No development is proposed as a part of this project.</p> <p>Access to each proposed parcel would be from Mines Road, which bisects the subject property. Due to the Agricultural Ranchlands (AR) base zoning district and because the subject property is located east of Highway 101, Building Site Approval is not required. Only geologic feasibility must be demonstrated for each proposed parcel. In addition, because access to each proposed parcel will be from a County-maintained road (Mines Road), no access improvements are proposed or required. As a result, there is no grading associated with the proposed subdivision. Should development of either parcel be proposed in the future, the property owner would need to apply for building clearance, as required by Santa Clara County Ordinance Code C12-300. Design Review would also be required if future development proposes structures within a 100-foot of Mines Road, a County-designated scenic road.</p> <p>Once the property is subdivided, Parcel 1 could be developed with a single-family residence and accessory dwelling unit (ADU). Parcel 2 could be developed with an ADU. Future home development would be served by well and onsite septic systems. No residential development is proposed at this time. However, any future grading (such as for driveway access) may be subject to grading approval, which would require subsequent environmental review. In addition, the property is under a Williamson Act contract; residential development would require a Williamson Act Compatible Use Determination.</p>		

Environmental Setting and Surrounding Land Uses

The parcel to be subdivided is located on Mines Road in the eastern region of unincorporated Santa Clara County (“County”), approximately 1.5 miles from the Stanislaus County border. The parcel is bisected by Mines Road which becomes San Antonio Valley Road to the south of the project site. The nearest cross street is Del Puerto Canyon Road that meets Mines Road at the northeast border of the property. The site is mostly rolling hillside terrain within the Diablo Mountain Range with an average slope of approximately 15%. It is vegetated with grasses and scattered oak trees and gray pines. Two watercourses run through the property, namely, Sweetwater Creek and Sulphur Springs Creek. The property is primarily grazing land for cattle and currently under Williamson Act Contract. The vast majority of the property is in the County Landslide Hazard Zone, and most of proposed Parcel 2 is identified within the County Fault Rupture Hazard.

The parcels adjacent to the subject property are primarily grazing lands and all zoned AR-sr. The parcels that border the northeast corner and south side of the lot are undeveloped. The parcels to the east, west and northwest of the property are developed with single-family residences and accessory structures. There is a 5-acre parcel (APN 070-06-096) located within and entirely surrounded by the subject property. This parcel contains a maintenance yard for the County Roads and Airports Department. The major watercourses present on the surrounding parcels are Sulphur Springs Creek, Sweet Water Creek, and Beauregard Creek.

Other agencies sent a copy of this document:

None

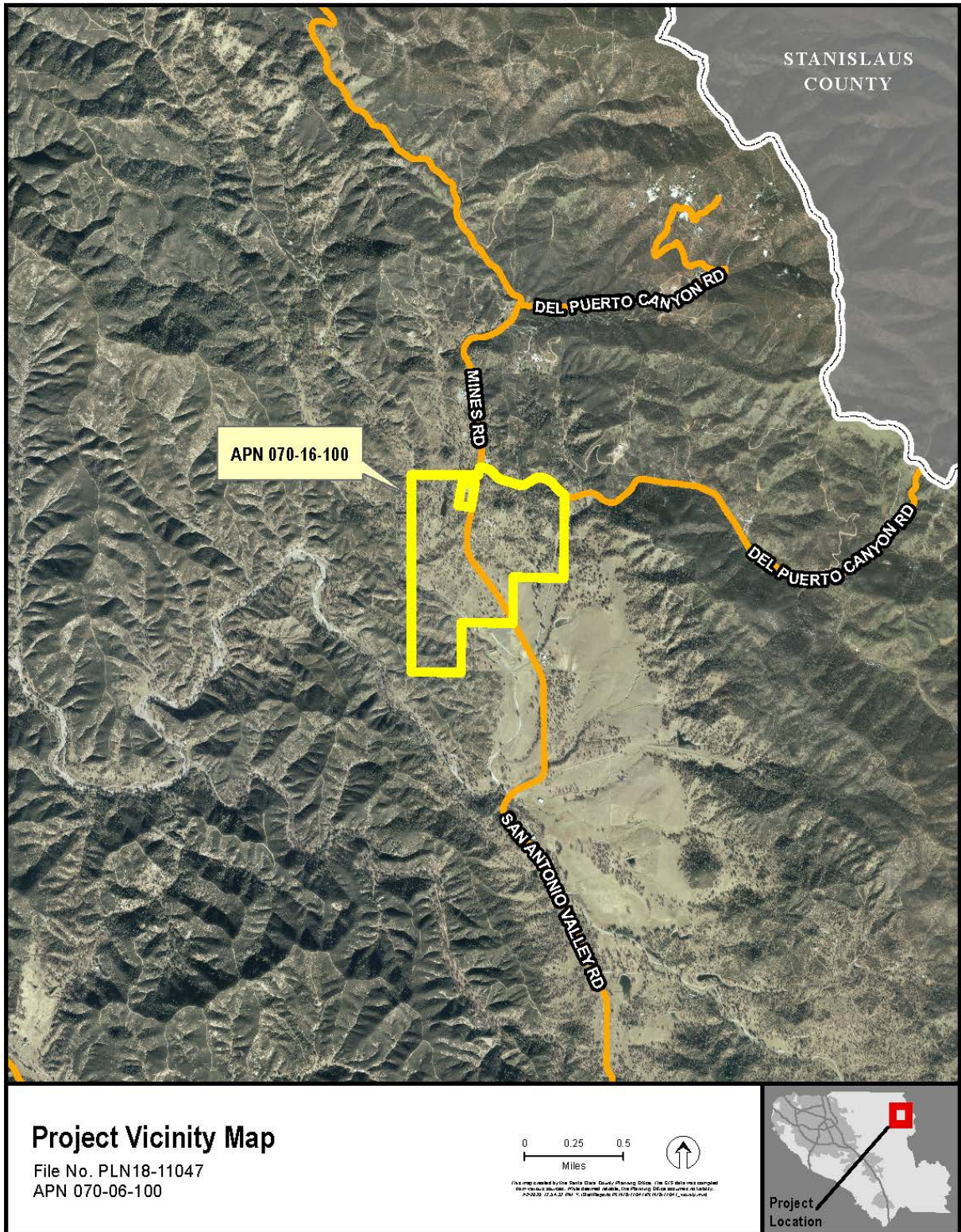


Figure 1 - Project Location

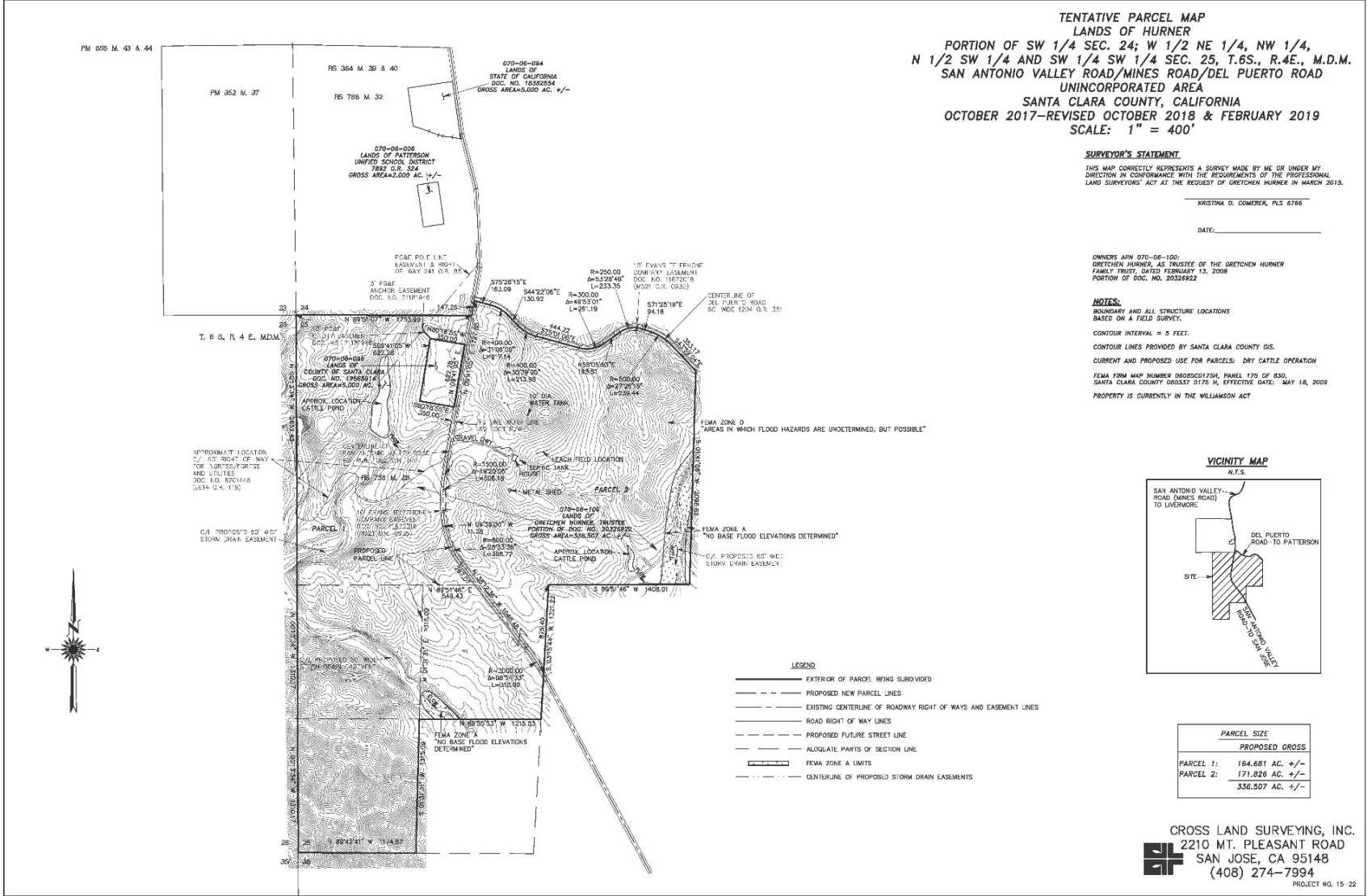


Figure 2 - Tentative Map

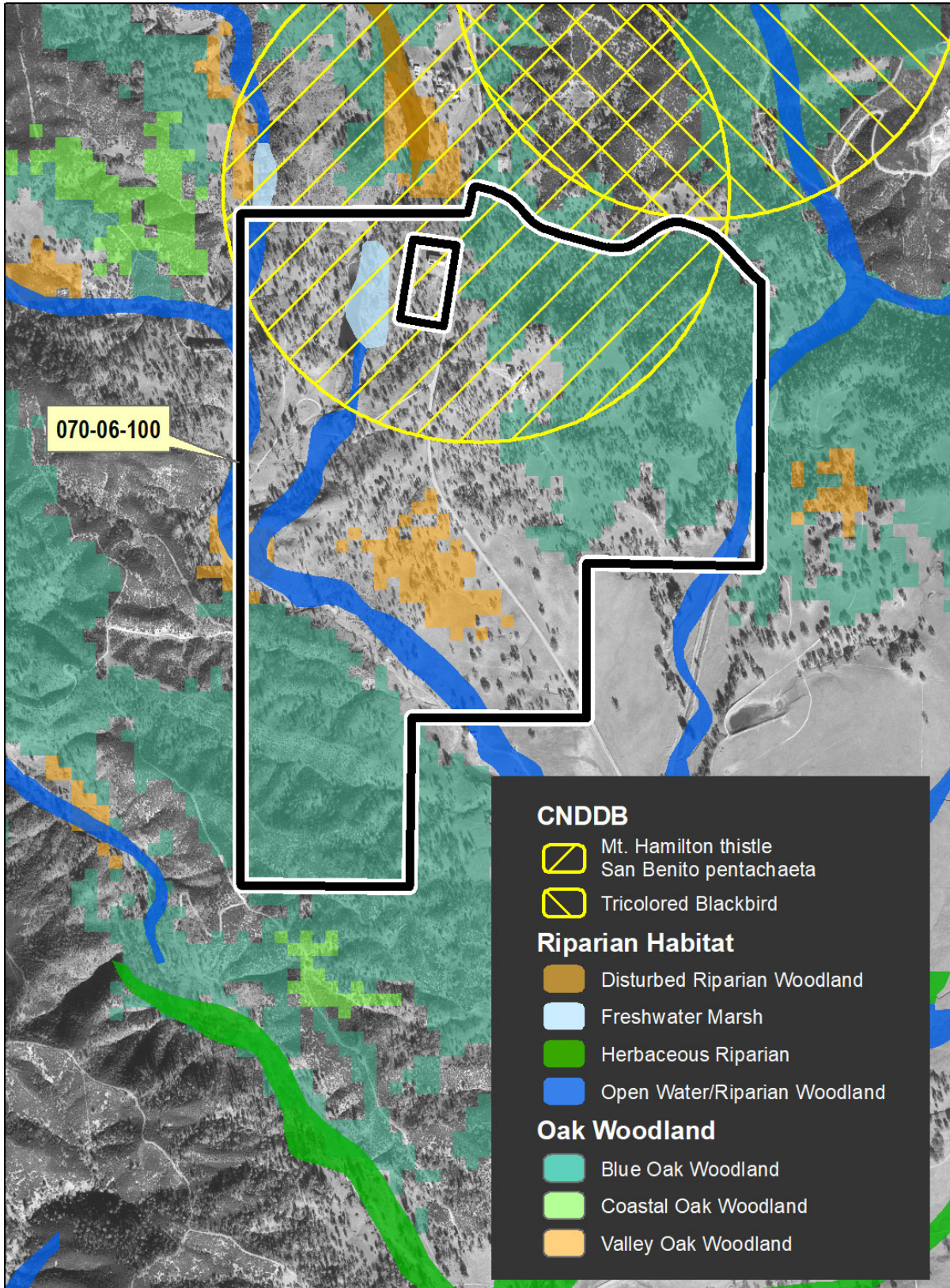


Figure 3 - Biological Resources

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could potentially result in one or more environmental effects in the following areas:

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
- I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

DocuSigned by:

E260F57503D0427

Signature

03/13/2020

Date

CHARU AHLUWALIA

Printed name

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS							
	IMPACT						
Except as provided in Public Resources Code section 21099, would the project:	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	Source
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6,17f
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6,7 17f
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4

SETTING:

The site is mostly rolling hillside terrain within the Diablo Mountain Range with an average slope of approximately 15%. It is vegetated with grasses and scattered oak trees. Two watercourses run through the property, namely, Sweetwater Creek and Sulphur Springs Creek. The subject property is located within the San Antonio Valley in a Scenic Road combining district (-sr). Mines Road, which bisects the subject property, is designated a County Scenic Road.

County General Plan Policies Related to Scenic Resources

The Parks and Recreation and Resource Conservation Elements of the County General Plan, Book B (Pages N-27 and O-51) include the following General Plan policies that apply to the proposed project:

- Policy R-PR 45: New structures should be located where they will not have a negative impact on the scenic quality of the area, and in rural areas they should generally be set back at least 100 feet from scenic roads and highways to minimize their visual impact.
- Policy R-RC 98: Hillsides, ridgelines, scenic transportation corridors, major county entryways, stream environments, and other areas designated as being of special scenic significance should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County.
- Policy R-RC 101: Roads, building sites, structures and public facilities shall not be allowed to create major or lasting visible scars on the landscape.

DISCUSSION:

a, b, c and d) Less than Significant Impact. The proposed project is a 2-lot subdivision with no proposed residential development. As shown on the Tentative Map (Figures 2), an existing 2,040 sq. ft. single-family residence, barn, and several other small buildings exist on proposed Parcel 2 (east of Mines Road) are proposed to remain. Another residence and accessory dwelling unit could be constructed on Parcel 1 (west of Mines Road) without further discretionary approval. Scenic vistas of the surrounding hills of San Antonio Valley can be seen from Mines Road. However, future residential development would be limited to 35 feet in height, and any structures located within 100 feet of Mines Road would be required to abide by the -sr Combining District Design Review requirements, as detailed in the County Zoning Ordinance. Therefore, such development would not have a substantial adverse effect on a scenic vista.

There are no designated scenic highways in the project vicinity. Mines Road, which bisects the subject property, is designated a County Scenic Road. Scenic resources along this road would be limited stands of native oak trees and gray pines. The density of trees on Parcel 1 is such that removal of trees associated with future residential development would be limited.

There are no known historic buildings along Mines Road – the existing house was established in 1967 year. As noted above, any structures located within 100 feet of Mines Road would be required to abide by the -sr Combining District Design Review requirements, as detailed in the County Zoning Ordinance.

Therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway. For the same reasons discussed above, the proposed project would also not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

New sources of light and glare would be limited to future residential development on Parcel 1. However, given the limited nature of residential outdoor lighting (e.g., illumination of pathways and doors) and the fact that the area is sparsely developed, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

MITIGATION: None required.

B. AGRICULTURE / FOREST RESOURCES							
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,23,24,26

B. AGRICULTURE / FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
Monitoring Program of the California Resources Agency, to non-agricultural use?							
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28
e) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SETTING:

The 336-acre lot is zoned AR-sr, which is a base zoning designation of Agricultural Ranchlands and a Scenic Road combining district -sr. Soil on the subject property is largely composed of Giovata Rocky Loam (5 to 30 percent slopes) and Vallecitos Rocky Loam (15 to 30 percent slopes). These soils are classified as non-prime for agricultural uses in the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) database, and the site is designated as Grazing Lands in the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) database. All properties surrounding the subject property are likewise zoned AR-sr and are not designated as prime farmland soil.

The entire property is under an active Williamson Act contract (67.002) as grazing land.

DISCUSSION:

a, b, d and e) No Impact. The project is a two-lot subdivision. No residential development is proposed with this project. Future development if proposed, would be a single-family residence and ADUs. Because the project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the proposed subdivision would not convert prime farmland to non-agricultural uses and would not affect existing agricultural operations on surrounding properties.

The project site and surrounding properties are zoned AR-sr and developed residential uses. Although the project site contains Blue Oak woodland, Valley Oak Woodland, and Blue Oak Foothill Pines, it is not forest land or used as a forest resource. Future residential development, if proposed on the property, would not conflict with land zoned or used for forestland or timberland.

c) Less than Significant Impact. While the property is under an active Williamson Act contract (67.002), residential uses incidental to the agricultural use of the land, including single family homes and ADUs are considered compatible with agricultural use of contracted land, per the County’s General Plan. Future residential development, if proposed, would require a Williamson Act Compatible Use Determination at the time of specific development. Development that is not compatible with the terms of the contract would not be allowed. Therefore, the proposed project would not conflict with an existing Williamson Act Contract or the County’s Williamson Act Ordinance.

MITIGATION: None required.

C. AIR QUALITY							
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 29, 30

SETTING:

The proposed project is located within the San Francisco Bay Area Air Quality Management District

(BAAQMD), which regulates air pollutants, including those that may be generated by construction and operation of development projects. These so-called criteria pollutants include reactive organic gases, carbon monoxide, nitrogen dioxide, and particulate matter (PM). BAAQMD also regulates toxic air contaminants (fine particulate matter), long-term exposure to which is linked with respiratory conditions and increased risk of cancer. Major sources of toxic air contaminants in the Bay Area include major automobile and truck transportation corridors (e.g., freeways and expressways) and stationary sources (e.g. factories, refineries, power plants).

DISCUSSION:

a, b, c and e) Less than Significant Impact. The subject property is located on Mines Road in the eastern unincorporated County. The parcel is not located near any freeway or expressway; The closest freeway or expressway is Highway 101, which is approximately 17.5 miles from the project site. The operational criteria pollutant screening size for single-family residential projects established by BAAQMD is 325 dwelling units. Future home development of one additional dwelling unit and possibly one accessory dwelling unit would be well below this screening level size.

The proposed subdivision would result in two parcels and could allow future development of a single-family residence and accessory dwelling unit (ADU) on Parcel 1 and an ADU on Parcel 2. This development would involve grading and construction activities, and fugitive dust would be created during the construction of the proposed structures and site improvements. However, dust emissions would be controlled through standard Best Management Practices (BMPs) dust control measures. For single-family residential uses, construction emissions impacts are less than significant for projects of 114 dwelling units or less. Emissions generated from a single-family residence and ADU on Parcel 1 and an ADU on Parcel 2 (3 dwelling units total) would be well below the BAAQMD operational-related emissions and construction emission thresholds. Future residential use would not expose sensitive receptors to substantial pollutant concentrations or involve criteria pollutants emissions.

MITIGATION: None required.

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 22d, 22e, 33
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 33
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?							1, 3, 31, 32
e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4, 17l

SETTING:

The project site is not located in the Santa Clara Valley Habitat Plan (“SCVHP”) Area. The site includes several natural habitats (see Figure 3): Shrub/Scrub and Herbaceous landcover is the dominant habitat type on site with scattered Blue Oak Woodlands in the southwestern and northwestern portions of the property, scattered Valley Oak Woodland in the central portion, and scattered Blue Oak Foothill Pines dominant in the northeastern portion of the property. There are two water courses on the property: Sweetwater Creek which runs vertically along the northwestern portion and Sulphur Springs Creek which diagonally bisects the southern half of the property; Riparian Woodland is present along these two creeks. A pond is located on Sweetman Creek on the north side of Parcel 1. The California Natural Diversity Database (“CNDDDB”) shows additional vegetation

including the Mt. Hamilton Fountain Thistle and the San Benito Pantachaeta, which are present in the northern portion of the property.

General Plan Policy R-RC 37

This policy requires that lands near creeks, streams, and freshwater marshes be considered to be in a protected buffer area within 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state.

DISCUSSION:

f-g) No Impact. The project site is not located with the SCVHP permitting area. The County’s tree ordinance does not define protected trees for the Agricultural Ranchlands; therefore, any tree removal associated with future residential development on Parcel 1 would not conflict with this ordinance.

a-e) Less than Significant Impact. No residential development is proposed with this project. Future development if proposed, would be a single-family residence and ADUs. The northern portion of the project site may contain Mt. Hamilton Fountain Thistle, which is listed as Endangered under the California Endangered Species Act, and San Benito Pantachaeta, which is not listed. However, given that the project site is approximately 336 acres in size, limited residential development could occur without having a substantial adverse effect, either directly or through habitat modifications, on these species. Similarly, although the project site contains Blue Oak Woodland, Valley Oak Woodland, Blue Oak Foothill Pines, and two creeks, the proposed parcels are large enough to accommodate building sites that would have less than significant impact on the oak woodland habitat of the property.

In addition, development would be subject to General Plan Policy R-RC 37, and the tentative map would be conditioned to require a 150-foot buffer from the top of bank on either side of the existing creeks or streams in their natural state, which is the case on the project site. Future residential development on either parcel would be too limited in scale relative to the parcel sizes to interfere with any wildlife movement.

MITIGATION: None required.

E. CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines, or the County's Historic Preservation Ordinance (Division C17 of County Ordinance Code) – including relocation, alterations or demolition of historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41

E. CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
c) Disturb any human remains including, those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41

SETTING:

The project is a two-lot subdivision. No grading or ground disturbance is proposed at this time. Future development of Parcel 1 will require grading and ground disturbance for the infrastructure needed to support a single-family residence, ADU and required septic system. The existing 2,040 sq. ft. single-family residence, barn, and several other small buildings on Parcel 2 are to remain. No structures are proposed to be demolished.

DISCUSSION:

a, c) No Impact. The existing residence and structures on Parcel 2 are not currently listed on local, State, or Federal historic inventories, and are not considered eligible for listing as a historic resource due to its lack of significance (does not meet age criteria of 50 years or older as the building was constructed in 1967). There are no cultural resources listed in the County Historic Resources Database on the subject property or surrounding area. Therefore, the proposed project would have no impact on historic resources.

b, d) Less than Significant Impact. The California Historical Resources Northwest Information Center (NWIC) reviewed the proposal and the archival research revealed that there are no recorded archaeological sites within the proposed project area. No development is proposed as part of the project. Any development requiring Grading Approval would be subject to environmental review.

MITIGATION: None required.

F. ENERGY							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project consumption or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5

DISCUSSION:

a, b) Less than Significant Impact. No development is proposed as part of the proposed subdivision. Any future residential development, limited to one single family residence and two ADUs, would be constructed to comply with California Energy Code and California Green Building Standards Code and are unlikely to result in wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Hence, the impact to energy resources would be less-than-significant.

MITIGATION: None required.

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:							
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 14, 23, 24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14,23, 24,

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6, 23,24,
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,40,41

SETTING:

The existing property consists of 336 acres located within rolling hillside terrain within the Diablo Mountain Range. The vast majority of the parcel is in the County Landslide Hazard Zone, and the County Fault Rupture Hazard Zone runs through the center of the lot (primarily located on proposed Parcel 1).

DISCUSSION:

a(i). and a(iii). No Impact. The site is not within a designated State Earthquake Fault Zones, State Seismic Hazard Zone or the County or State liquification zone.

a(ii), a(iv), b, c, d e, f & g) Less than Significant Impact. The property is located in the County Landslide Hazard Zone and County Fault Rupture Zone. A Geologic Hazards Evaluation and Development Feasibility Investigation for the proposed subdivision was prepared by consultant Steven F Connelly (Appendix A) and reviewed and accepted by the County Geologist. Although almost the entire property is mapped within a potential earthquake-induced landslide hazard zone, based on site reconnaissance and review of air photos, the risk of potential earthquake-induced land sliding has been concluded to be very low to negligible, with the exception of the areas mapped as landslide deposits by the County. Evidence of recent faulting or land sliding in the form of ground cracks, scarps, or fissures was not observed on or projecting towards the property. Evidence of debris flow or potential debris flow source areas was not observed on site. From an engineering geologic viewpoint, the study concluded that a suitable building site could easily be chosen outside of the mapped fault hazard zone or landslide deposits identified by the County (2004) on Figures 4 or 5 of Appendix A.

At the time of development, the consulting geologist would review the project and provide verification to the County Geologist that all geologic investigations have been performed, prior to approval of the issuance of building permits. During any construction, the consulting geologist would also observe construction and provide an "as built" letter to the County Geologist prior to final occupancy signoff, certifying that all of the recommendations contained in the study have been followed.

No development is proposed with this project. Any future development would be subject to the County's Policies and Standards pertaining to Grading and Erosion Control.

At the time of development, percolation tests and soil profiles would also be conducted for each proposed parcel, and this data would be reviewed by County Department of Environmental Health ensuring that the soils are capable of supporting a septic system which meets County DEH requirements. If grading approval is required, additional review would be required for conformance to the County’s Grading Manual and BMPs, ensuring that no over-compaction or over-covering of soil would occur.

MITIGATION: None required.

H. GREENHOUSE GAS EMISSIONS							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30

SETTING:

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernible effect on global climate change. It is more appropriate to conclude that the greenhouse gas (GHG) emissions generated by a proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change. The primary GHG associated with a development project is carbon dioxide, which is directly generated by fuel combustion (vehicle trips, use of natural gas for buildings) and indirectly generated by use of electricity.

DISCUSSION:

a and b). Less than Significant Impact. Due to the relatively small scale of the project (two-lot subdivision) it is anticipated that the proposed project would not result in any cumulatively considerable greenhouse gas emissions.

No residential development is proposed on either parcel at this time; however, development of Parcel 1 is a reasonably foreseeable outcome of the subdivision. Such development would be required to comply with the County’s Green Building Ordinance which applies mandatory green building requirements to new single-family dwellings. These measures include higher energy efficiency standards and requirements to minimize water usage, thus reducing GHG emissions. The possible addition of one single-family residence would result in limited trip generation, also de minimus in its contribution to GHG emissions. Therefore, the impact would be less-than-significant.

MITIGATION: None required.

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 22a
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 48
g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4, 17g

SETTING:

The project is for a two-lot subdivision. The subject property is located within the Wildland Urban Interface (WUI).

DISCUSSION:

a, b, c, d, e & f) No impact. The proposed two-lot subdivision does not propose any new development or improvements. Future residential development, if proposed, would not involve the use or transportation of any hazardous materials and it is not located on site designated as hazardous under Section 65962.5, as verified on EnviroStor.

The project is not located within any airport land-use referral area or near any airstrip or airport. The closest airport is San Jose International which is 10.2 miles to the northwest.

The subject property is located within a rural area and would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. Access to the project site is from an existing public County maintained road and will not impair or physically interfere with any emergency response or evacuation plans.

g) Less than Significant Impact. The subject property is located within the Wildland Urban Interface (WUI), and designation which indicates that the property is more likely to experience wildfires. However, future residential development, if proposed, will required to abide by existing State Fire and Building Codes which specify certain design and material standards for any structure within the designated WUI areas.

Future residential development, if proposed, shall also meet all requirements of the County Fire Marshal's Office and the Building Code requirements for fire protection and fire prevention within the WUI, which may include, but not be limited to, providing on-site fire flow, a fire hydrant, an automatic fire sprinkler system, and appropriate driveway turnouts and turnarounds for firefighting equipment. The proposed access driveway would conform to all requirements of the Fire Marshal’s Office for emergency vehicle access. Fire protection water would be provided by well water and stored in water tanks to provide a ready source, if needed.

Adherence to these WUI design and material requirements would ensure that the proposed residence, and any future development on the proposed parcels, would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Hence, this impact would be less than significant.

MITIGATION: None required.

J. HYDROLOGY AND WATER QUALITY							
Would the project:	IMPACT						SOURCE
	<u>Potential or Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 4

c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17n,
i)	Result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv)	Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p, 18b, 18d
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 4, 17p

SETTING:

Two watercourses run through the property (see Figure 3): Sweetwater Creek and Sulphur Springs Creek. The majority of the property is located in FEMA Flood Zone D (Area of Undetermined Flood Hazard), which is not a designated 100-year flood zone. Two small portions of the property in the southeast corners are located within FEMA Flood Zone A (Area inundated by 1% annual chance flooding, for which no Base Flood Elevations have been determined).

DISCUSSION:

d-e) No impact. The project site is not located in a tsunami, or seiche zones. A small portion of the property is located within the flood zone – however no development is proposed or likely to be located within that zone. Future development of a residence on proposed Parcel 1 would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

a-c) Less than Significant Impact. The proposed project is a two-lot subdivision that includes an existing residence on the proposed Parcel 2. No additional development is proposed at this time. Any future development of a residence on the proposed Parcel 1 would require permitting for an on-site wastewater treatment system to ensure that no water quality standards are violated through discharge of wastewater to the ground. All development would be required to be set back at least 150 feet from watercourses on the project site. Water supply would come from an on-site well. However, due to the fact that the area is sparsely populated with minimal pumping from groundwater, development of a well on Parcel 1 would not impede sustainable groundwater management of the basin. Residential development on Parcel 1 would require a drainage permit, which would ensure that drainage in the area is not substantially altered and runoff water would be contained on site, and not discharge to creeks. As noted above, development would be required to be set back at least 150 feet from watercourses on the project site.

MITIGATION: None required.

K. LAND USE							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 4
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 9, 18a

SETTING:

The parcels adjacent to the subject property are primarily grazing lands and all zoned AR. Surrounding uses include properties of similar size. The parcels that border the northeast corner and south side of the property are undeveloped. The parcels surrounding the East, West and Northwest side of the property are developed with single-family residences and accessory structures.

DISCUSSION:

The proposed two-lot subdivision would not divide an established community. No commercial, industrial or institutional uses are proposed. The subject property’s General Plan designation is Ranchlands, and zoning is Agricultural Ranchlands with a Scenic Road combining district (AR-sr). The project would be conditioned to be consistent with General Plan policy for creek and riparian protections. The proposed two-lot subdivision, as conditioned, would be consistent with the County’s General Plan and Zoning Ordinance.

MITIGATION: None required.

L. MINERAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a

SETTING:

The proposed project site is located on the Mt. Boardman Quadrangle.

DISCUSSION:

The proposed project site is located on the Mt. Boardman Quad. Neither the State Geologist nor the State Mining and Geology Board has classified the proposed project area as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. The site is also not located on locally important mineral resource recovery sites.

MITIGATION: None required

M. NOISE							
	IMPACTS						SOURCE
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
WOULD THE PROJECT RESULT IN:							
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 13, 22a, 45
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13, 45
c) For a project located within the vicinity of a private airstrip or an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

SETTING:

The project site is located in a lightly developed area in the ranchlands of San Antonio Valley. Local ambient noise comes from occasional traffic on Mines Road. The nearest sensitive receptor is located on the proposed Parcel 2. The project site is not located within an airport land use plan referral area, or within 2 miles of an airports or airstrip. The nearest airport to the project site is the San Jose International Airport, located approximately 10.2 miles to the northwest.

The County General Plan Noise Element measures noise levels in Day-Night Average Sound Level (DNL), a 24-hour time weighted average, as recommended by the Environmental Protection Agency (EPA) for community noise planning. Noise Compatibility Standards for exterior noise specify three (3) classifications of compatibility between ambient noise levels at the site and various land uses: satisfactory, cautionary, and critical. According to the Noise Element, Noise Compatibility Standards for Land Use in the County, the satisfactory exterior noise compatibility standard for residential land uses is 55 dB (Ldn value in dBs).

County Noise Ordinance restricts exterior noise limits, for a cumulative period not to exceed more than 30 minutes in any hour, for one and two-family residential land uses at 45 dBA between 10:00 p.m. to 7:00 a.m. and 55 dBA between 7:00 a.m. to 10:00 p.m. In addition, specifically prohibited acts include amplified sound, such as musical instruments, radios, and loudspeakers, between 10:00 p.m. to 7:00

a.m., or construction activity during weekday and Saturday hours from 7:00 p.m. to 7:00 a.m., or at any time on Sundays or holidays.

DISCUSSION:

c) No Impact. The project site is not located within an airport land use plan referral area, or within 2 miles of an airports or airstrip. The nearest airport to the project site is the San Jose International Airport, located approximately 10.2 miles to the northwest. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels

a, b) Less than Significant Impact. Construction of the future proposed single-family residence would temporarily elevate noise levels in the immediate project area from the use of construction equipment. Construction noise could have significant impact on the nearest sensitive (residential) uses. Construction would have to adhere to County Noise Ordinance residential (one and two family) standards of 45 and 55 dBA, and would only be allowed to occur during 7:00 a.m.—10:00 p.m., respectively. In addition, because the nearest sensitive receptor, the existing residence east of Mines Road, would be hundreds of feet from any location of future residential development, this impact would be temporary and less than significant.

MITIGATION: None required

N. POPULATION AND HOUSING							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4

SETTING:

San Antonio Valley is a sparsely populated rural area of the County, which had a population of approximately 1.8 million as of the 2010 census.

DISCUSSION:

a-b) No Impact. The proposed project is a two-lot subdivision. Future development of a single-family residence and accessory dwelling units would not induce substantial unplanned population growth or displace existing housing or people.

MITIGATION: None required.

O. PUBLIC SERVICES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:							
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 17h
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

SETTING:

The proposed project is a two-lot subdivision. No commercial, industrial, or institutional uses are proposed.

DISCUSSION:

a) **No Impact.** Future development of a single-family residence and accessory dwelling units, if proposed, would not significantly increase the need for additional fire or police protection to the area. Other public services, such as provided by schools or parks, would not be significantly impacted.

MITIGATION: None required.

P. RECREATION							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING:

The proposed project is a two-lot subdivision, no development on either parcel is currently proposed.

DISCUSSION:

a & b) Less than Significant. The proposed subdivision would allow future development of a single-family residence and ADU on Parcel 1 and an ADU on Parcel 2. This would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; therefore, this impact would be less than significant.

MITIGATION: None required

Q. TRANSPORTATION							
WOULD THE PROJECT:	IMPACT						SOURCE
	YES			NO			
	Potential v Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 52
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 49, 50, 52
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 52
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 48, 52

SETTING:

The proposed project is a two-lot subdivision; no development of either parcel is currently proposed.

DISCUSSION:

a-d) No Impact. The proposed subdivision would allow future development of a single-family residence and ADU on Parcel 1 and an ADU on Parcel 2. The project area is sparsely populated, and the addition of trips from this potential development would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Access would be from Mines Road, which is lightly traveled with good visibility in both directions. Any access driveway for future development would have to meet the County’s driveway access standards. Therefore, potential residential development would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, nor would it result in inadequate emergency access.

¹ The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. The County of Santa Clara has elected not to be governed by the provisions of this section until they become effective statewide on July 1, 2020.

MITIGATION: None required.

R. TRIBAL CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:							
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DISCUSSION:

a) No Impact. The County has not received any letters from Native American tribes requesting tribal consultation per Public Resources Code, Section 21080.3.1(b) regarding the potential for a Native American tribal cultural resource located on or near the project site. Hence, there is no evidence to indicate the presence of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or of significance pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, the proposed two-lot subdivision would not cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures would be necessary.

MITIGATION: None required.

S. UTILITIES AND SERVICE SYSTEMS							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6,70
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6,24b
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3,6,70
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5,6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,5, 6

SETTING:

The project area only has access to electricity and telephone. No other utilities are available.

DISCUSSION:

a-e) Less than significant. Development of Parcel 1, if proposed, would require construction of a new septic system to treat wastewater. At the time of development, septic system design would be reviewed by the County Department of Environmental Health to ensure that they do not permit effluent to surface, degrade water quality, affect soil stability, present a threat to public health or safety, or create a public nuisance. Water is currently provided to the project site by a well. Future development of Parcel 1, if proposed, would continue to be provided by onsite wells. Future construction activities may be subject to Grading Approval and for single family residential development would likely involve minimal amounts of debris that would need to be removed and disposed of, and existing landfill capacity would need to be sufficient to accommodate it. Future development on the site would be subject to post-construction of stormwater regulations, including requirements for Low Impact Development, stormwater quality treatment, stormwater runoff retention, and hydromodification, as applicable to the specific development proposed.

MITIGATION: None required.

T. WILDFIRE							
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING:

The project is for a two-lot subdivision. The subject property is located within the Wildland Urban Interface (WUI). The project area is sparsely populated ranchlands.

DISCUSSION:

a-d) Less than Significant Impact. Given the low population density and adequate road access, future potential development (one residence and an ADU on Parcel 1) would not substantially impair an adopted emergency response plan or emergency evacuation plan. The project site is not on a slope or subject to prevailing winds that expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. A water tank for fire protection would be required for a future residence on Parcel 1; thus the project would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Because the project area is ranchlands containing very little development, the proposed subdivision and any potential future residential development of Parcel 1 would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

MITIGATION: None required.

U. MANDATORY FINDING OF SIGNIFICANCE							
WOULD THE PROJECT:	IMPACT						SOURCE
	YES			No Impact	Analyzed in the Prior EIR	NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact				
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52

DISCUSSION:

a) **Less Than Significant Impact.** As discussed in the Biological Resources section, impacts of the proposed project on special status species or habitat would be less than significant. The proposed project is not located in the SCVHP area. The proposed project would also not affect wildlife movement. As noted in the Cultural Resources section, there are no archaeological sites within the proposed project area or known tribal cultural resources. Potential development would be limited to a single-family residence and two ADUs. Therefore, the proposed project would not eliminate important examples of the major periods of California history or prehistory.

b) **No Impact.** No past, current, or probable future projects were identified in the project vicinity that, when added to project-related impacts, would result in cumulatively considerable impacts. The parcels adjacent to the subject property are primarily grazing lands and all zoned AR. The closest development is a proposed new single-family residence east of the project site, on a parcel zoned AR. No cumulatively considerable impacts would occur with development of the proposed project. As discussed in the analyses provided in this Initial Study, project impacts were found to be less than

significant. The incremental effects of the proposed project are not cumulatively significant when viewed in context of the past, current, and/or probable future projects. No cumulative impacts would occur.

c) **No Impact.** The proposed project is a two-lot subdivision; no development of either parcel is currently proposed. However, the proposed subdivision would allow future development of a single-family residence and ADU on Parcel 1 and an ADU on Parcel 2. As described in the environmental topic sections of this Initial Study, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Initial Study Source List*

1. Environmental Information Form
https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience with other Projects of This Size and Nature
6. County Expert Sources:
 - Geologist
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx>
 - Fire Marshal
<https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx>
 - Roads & Airports
<https://www.sccgov.org/sites/rda/Pages/rda.aspx>
 - Environmental Health
<https://www.sccgov.org/sites/deh/Pages/deh.aspx>
 - Land Development Engineering
<https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx>
 - Parks & Recreation
<https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx>
 - Zoning Administration,
Comprehensive Planning,
Architectural & Site Approval Committee
Secretary
7. Agency Sources:
 - Santa Clara Valley Water District
<https://www.valleywater.org/>
 - Santa Clara Valley Transportation Authority
<http://www.vta.org/>
 - Midpeninsula Regional Open Space District
<https://openspace.org/>
 - U.S. Fish & Wildlife Service
<https://www.fws.gov/>
 - CA Dept. of Fish & Game
<https://www.wildlife.ca.gov/>
 - Caltrans
<https://dot.ca.gov/>
 - U.S. Army Corps of Engineers
<https://www.usace.army.mil/>
 - Regional Water Quality Control Board
<https://www.waterboards.ca.gov/>
 - Public Works Depts. of individual cities
8. Planning Depts. of individual cities:
 - Santa Clara County (SCC) General Plan
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GP/Pages/GP.aspx>
 - The South County Joint Area Plan
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf
9. SCC Zoning Regulations (Ordinance)
<https://www.sccgov.org/sites/dpd/DocsForms/Documents/ZonOrd.pdf>
10. County Grading Ordinance
https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE
11. SCC Guidelines for Architecture and Site Approval
https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA_Guidelines.pdf
12. SCC Development Guidelines for Design Review
https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR_Guidelines.pdf
13. County Standards and Policies Manual (Vol. I - Land Development)
https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]
http://digitalassets.lib.berkeley.edu/ubc/UBC_1994_v2.pdf
15. SCC Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. USFWS Critical Habitat & Riparian Habitat
 - c. Geologic Hazards
 - d. Archaeological Resources
 - e. Water Resources
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources - Trees
 - j. Topography, Contours, Average Slope
 - k. Soils
 - l. HCP Data (habitat models, land use coverage etc)
 - m. Air photos
 - n. USGS Topographic
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
 - q. Williamson Act
 - r. Farmland monitoring program
 - s. Traffic Analysis Zones
 - t. Base Map Overlays & Textual Reports (GIS)
18. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Locaide Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

Initial Study Source List*

- e. Soils Overlay Air Photos
- f. "Future Width Line" map set

19. 2019 CEQA Statute Guidelines [Current Edition]
[http://resources.ca.gov/ceqa/docs/2019 CEQA Statutes and Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

Area Specific: San Martin, Stanford, and Other Areas

San Martin

20a. San Martin Integrated Design Guidelines
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_DesignGuidelines.pdf

20b. San Martin Water Quality Study

20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx>

21b. Stanford Protocol and Land Use Policy Agreement
<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx>

Other Areas

22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport comprehensive Land Use Plan [November 19, 2008]

22b. Los Gatos Hillside Specific Area Plan
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf

22c. County Lexington Basin Ordinance Relating to Sewage Disposal

22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.
<https://www.valleywater.org/contractors/doing-business-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams>

22e. Guidelines and Standards for Land Use Near Streams: Streamside Review Area – Summary prepared by Santa Clara County Planning Office, September 2007.

22f. Monterey Highway Use Permit Area
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_GeneralPlanInformation.pdf

Soils

23. USDA, SCS, "Soils of Santa Clara County

24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

25. Right to Farm Ordinance

26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
<https://www.conservation.ca.gov/dlrp/Documents/TOC%20and%20Intro.pdf>

27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]

28. Williamson Act Ordinance and Guidelines (current version)
<https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx>

Air Quality

29. BAAQMD Clean Air Plan
<http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a-proposed-final-cap-vol-1-pdf.pdf?la=en>

30. BAAQMD CEQA Air Quality Guidelines (2010)-
http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

31. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [current version]

Biological Resources/ Water Quality & Hydrological Resources/ Utilities & Service Systems"

32. Site-Specific Biological Report

33. Santa Clara County Tree Preservation Ordinance
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree_Ordinance.pdf

Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands_Guide.pdf

Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure_TreePreservation.pdf

33. Clean Water Act, Section 404

Initial Study Source List*

<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

34. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
https://www.valleywater.org/sites/default/files/D2/D2/D2-4_riparian_plants_2016%282%29.pdf
35. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
36. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
37. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
38. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
39. County Environmental Health Department Tests and Reports

Archaeological Resources

40. Northwest Information Center, Sonoma State University
41. Site Specific Archaeological Reconnaissance Report

Geological Resources

42. Site Specific Geologic Report

43. State Department of Mines and Geology, Special Report #42
44. State Department of Mines and Geology, Special Report #146

Noise

45. County Noise Ordinance
https://www.sccgov.org/sites/cpd/programs/NP/Documents/NP_Noise_Ordinance.pdf

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code
47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
48. County Office of Emergency Services Emergency Response Plan [1994 version]

Transportation/Traffic

49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.
50. SCC Congestion Management Agency, "Monitoring and Conformance report" (Current Edition)
51. Official County Road Book
52. **Site-specific Traffic Impact Analysis Report**

***Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The planner should refer to the other sources for a particular environmental factor if the former indicates a potential environmental impact.**

ATTACHMENT B

Draft Conditions of Approval

ATTACHMENT B

PRELIMINARY CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP

Date: May 21, 2020
Owner/Applicant: Gretchen Hurner/ Kristy Comerer
Location: Mines Road, Livermore (APN: 070-06-100)
File Number: PLN18-11047
CEQA: Initial Study/Negative Declaration
Project Description: Tentative Parcel map to subdivide an approximately 336-gross-acre parcel into two lots of 164.7 (Parcel 1) and 171.8 (Parcel 2) gross acres, respectively. No development is required or proposed as a part of this project.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Charu Ahluwalia	(408) 299-5740	Charu.Ahluwalia@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299-5735	Darrell.Wong@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	Alex.Goff@sccfd.org
Environmental Health	Darrin Lee	(408) 299-5748	Darrin.Lee@deh.sccgov.org
Roads & Airports	Leo Camacho	(408) 573-2464	Leo.Camacho@rda.sccgov.org
Building Inspection	Building Inspection Office	(408) 299-5700	

STANDARD CONDITIONS OF APPROVAL

Planning

1. Approval of a Tentative Parcel Map with a configuration as shown on the tentative map received by the Planning Office on February 4, 2019, and stamped as APPROVED on May 21, 2020.
2. No development is proposed or approved as part of this subdivision. The approved subdivision allows for the subdivision of agricultural grazing ranchlands under a Williamson Act Contract. All future improvements/development will be subject to County Ordinance Codes and requirements under active Williamson Act Contracts, State

Laws, and the Zoning Ordinance in effect at the time of submittal. Future development, if proposed under an active Williamson Act Contract, would require a Williamson Act Compatible Use Determination at the time of specific development.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO MAP RECORDATION

Planning

3. Illustrate on the Parcel Map, prior to recordation, a 150-foot restricted buffer zone, measured from the top-of-bank on either side of the two existing creeks; Sweetwater Creek and Sulphur Springs Creek.

Land Development Engineering

Maps:

4. Prepare and submit a Parcel Map for review and approval by the County Surveyor.
5. Parcels 1 and 2 must be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor's Act map recordation.
6. A monument bond shall be posted prior to recording the Parcel Map.

Dedications and Easements:

7. The following offers to dedicate easements shall be submitted to LDE. All easement dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County Surveyor's Office. The owner/ applicant will be required to record the document with the County's Recorder's Office after reviewed and approved by the County Surveyor's Office.
 - a. Offer to dedicate an easement to the public and the County for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.
8. Please include all applicable easement affecting the parcel with benefactors and recording information on the map. Please supply one copy of a preliminary title report, dated within 60 days of the day of submittal with the next submittal.

Environmental Health

9. Pumpers report provided by A1 (10/12/18) indicates the existing septic tank has a slight crack and requires risers to be installed to meet grade. Provide proof of repair to the existing septic tank.

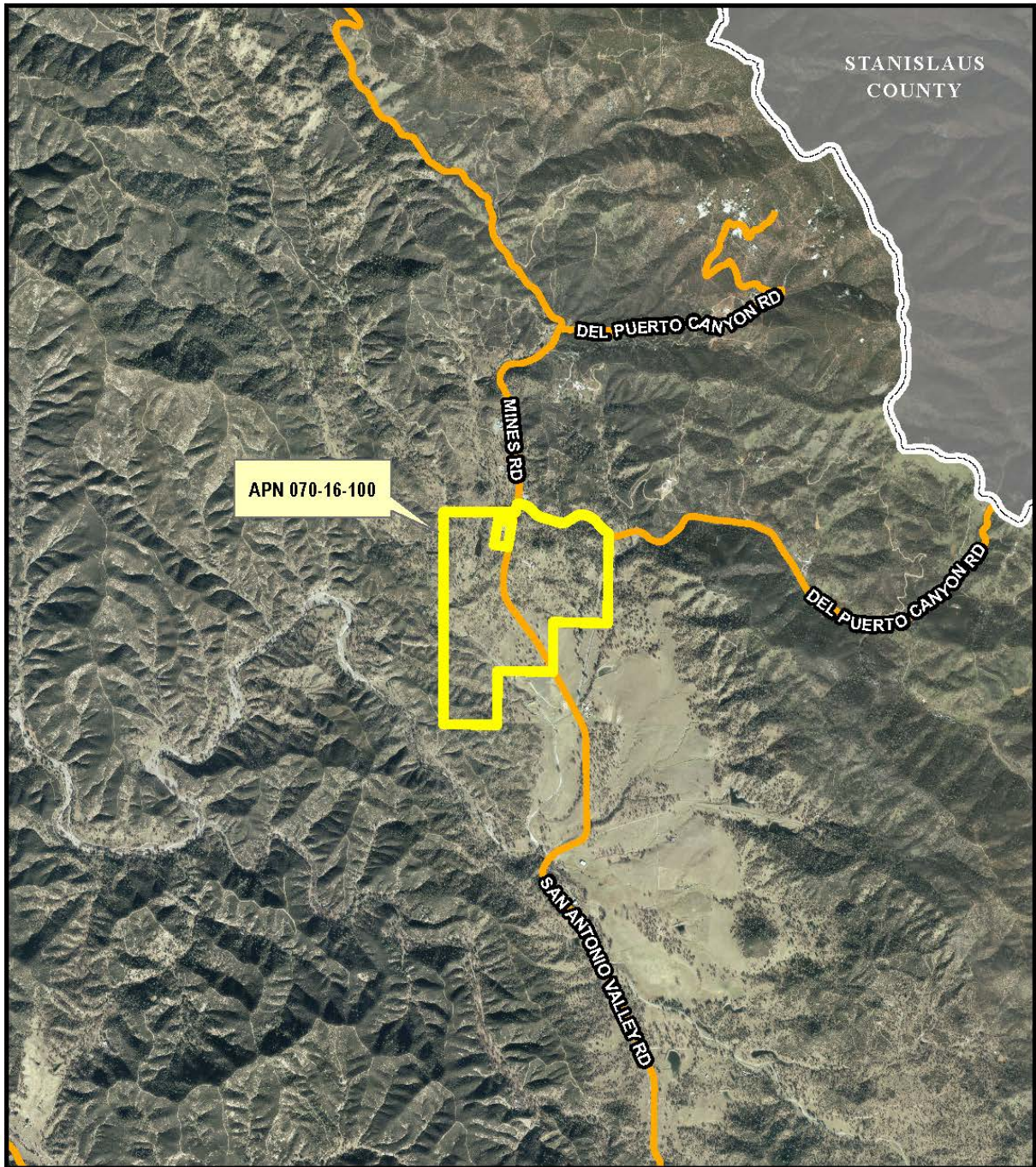
CONDITIONS OF APPROVAL TO BE COMPLETED WITHIN 60 DAYS OF RECORDATION OF A FINAL PARCEL MAP

Planning

10. The two subdivided properties are intended to be maintained in an active Williamson Act Contract (67.002) as grazing land. The property owner(s) shall rescind and re-enter into new Williamson Act Contracts, as required by County Ordinance and State/Federal Laws.

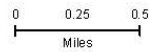
ATTACHMENT C

Location and Vicinity Map

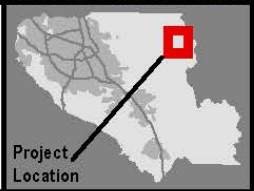


Project Vicinity Map

File No. PLN18-11047
 APN 070-06-100



This map is derived from the Stanislaus County Planning Division GIS. The GIS data was prepared from various sources. While every effort has been made to ensure the accuracy of this map, the County Planning Division does not warrant the accuracy of the information shown on this map.



Location and Vicinity Map

ATTACHMENT D

Tentative Parcel Map

PM 656 M. 43 & 44

PM 352 M. 37

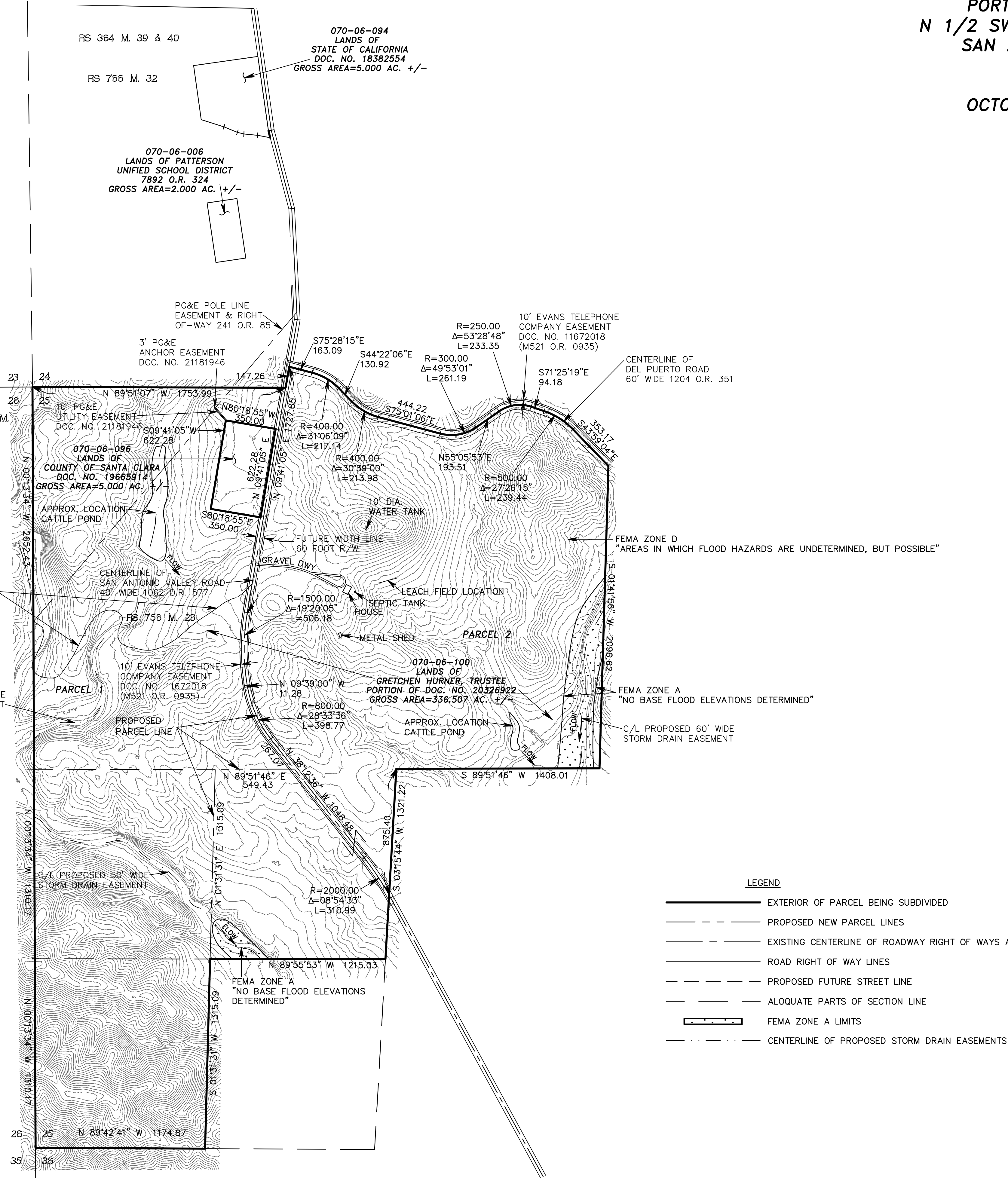
FS 364 M. 39 & 40

FS 766 M. 32

070-06-094
LANDS OF
STATE OF CALIFORNIA
DOC. NO. 18382554
GROSS AREA=5,000 AC. +/-

070-06-006
LANDS OF PATTERSON
UNIFIED SCHOOL DISTRICT
7892 O.R. 324
GROSS AREA=2,000 AC. +/-

T. 6 S., R. 4 E., M.D.M.



APPROXIMATE LOCATION
C/L 60' RIGHT-OF-WAY
FOR INGRESS/EGRESS
AND UTILITIES
DOC. NO. 8701448
(J614 O.R. 118)

C/L PROPOSED 60' WIDE
STORM DRAIN EASEMENT

PROPOSED
PARCEL LINE

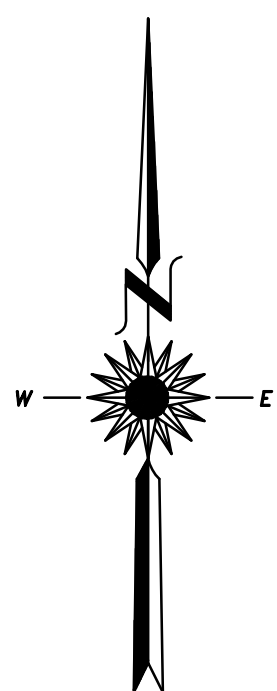
C/L PROPOSED 50' WIDE
STORM DRAIN EASEMENT

FEMA ZONE A
"NO BASE FLOOD ELEVATIONS
DETERMINED"

FEMA ZONE D
"AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE"

FEMA ZONE A
"NO BASE FLOOD ELEVATIONS DETERMINED"

C/L PROPOSED 60' WIDE
STORM DRAIN EASEMENT



LEGEND

- EXTERIOR OF PARCEL BEING SUBDIVIDED
- - - - PROPOSED NEW PARCEL LINES
- EXISTING CENTERLINE OF ROADWAY RIGHT OF WAYS AND EASEMENT LINES
- ROAD RIGHT OF WAY LINES
- - - - PROPOSED FUTURE STREET LINE
- ALLOQUATE PARTS OF SECTION LINE
- FEMA ZONE A LIMITS
- CENTERLINE OF PROPOSED STORM DRAIN EASEMENTS

**TENTATIVE PARCEL MAP
LANDS OF HURNER**
**PORTION OF SW 1/4 SEC. 24; W 1/2 NE 1/4, NW 1/4,
N 1/2 SW 1/4 AND SW 1/4 SW 1/4 SEC. 25, T.6S., R.4E., M.D.M.**
SAN ANTONIO VALLEY ROAD/MINES ROAD/DEL PUERTO ROAD
UNINCORPORATED AREA
SANTA CLARA COUNTY, CALIFORNIA
OCTOBER 2017-REVISED OCTOBER 2018 & FEBRUARY 2019
SCALE: 1" = 400'

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF GRETCHEN HURNER IN MARCH 2015.

KRISTINA D. COMERER, PLS 6766

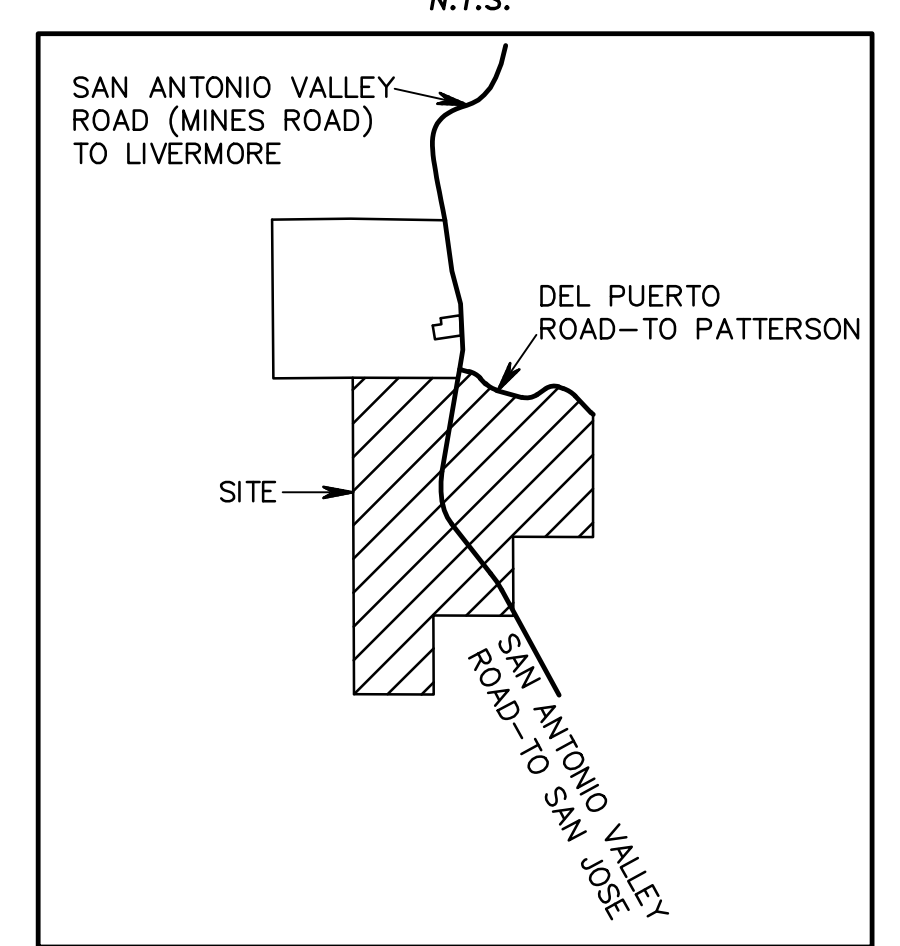
DATE: _____

OWNERS APN 070-06-100:
GRETCHEN HURNER, AS TRUSTEE OF THE GRETCHEN HURNER
FAMILY TRUST, DATED FEBRUARY 13, 2008
PORTION OF DOC. NO. 20326922

NOTES:

- BOUNDARY AND ALL STRUCTURE LOCATIONS
BASED ON A FIELD SURVEY.
- CONTOUR INTERVAL = 5 FEET.
- CONTOUR LINES PROVIDED BY SANTA CLARA COUNTY GIS.
- CURRENT AND PROPOSED USE FOR PARCELS: DRY CATTLE OPERATION
- FEMA FIRM MAP NUMBER 06085C0175H, PANEL 175 OF 830,
SANTA CLARA COUNTY 060337 0175 H, EFFECTIVE DATE: MAY 18, 2009
- PROPERTY IS CURRENTLY IN THE WILLIAMSON ACT

VICINITY MAP



PARCEL SIZE	
	PROPOSED GROSS
PARCEL 1:	164.681 AC. +/-
PARCEL 2:	171.826 AC. +/-
	336.507 AC. +/-

CROSS LAND SURVEYING, INC.
 2210 MT. PLEASANT ROAD
 SAN JOSE, CA 95148
 (408) 274-7994

ATTACHMENT E

General Plan Policies Exhibit

Reference of Applicable General Plan Policies

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Land Use Policies Chapter (Ranchlands), and Resource Conservation Chapter (Riparian Habitats):

Policy	Page No.	Policy Language
R- LU 40	Q-8	<p>General principles governing development and land division in Ranchlands areas shall be as follows:</p> <ol style="list-style-type: none"> 1. No large ranches shall be allowed to fully divide into small parcels. 2. The function of allowed subdivisions shall be for the following, provided that very little population is added to Ranchlands areas: <ol style="list-style-type: none"> a. help ranchers trade land; b. raise capital in times of need; c. help settle estates; and d. provide for family divisions. 3. The right of ranchers to build residences and to divide “Williamson Act” property under the terms of existing Land Conservation contracts is affirmed. 4. There shall be a limit to the number of parcels created within the Ranchlands area. 5. The rural character of the area shall not be changed, and land use decisions shall prevent an influx of people into the Ranchlands area
R- LU 41	Q-9	<p>Density of development in areas designated ‘Ranchlands’ shall be determined by application of the “20-160 acre variable slope-density formula,” or, if not employed, 160 acres per dwelling unit.</p> <ol style="list-style-type: none"> 1. Clustering of development in Ranchlands shall not be allowed. 2. The minimum parcel size shall in no case be less than 20 acres.
R- LU 43	Q-9	<p>Cumulative land division activity shall be limited for areas designated Ranchlands,</p> <ol style="list-style-type: none"> 1. The ‘Ranchlands’ shall be separated into two geographic areas, Area A to the north of Coe State Park, and Area B to include the remainder of the ‘Ranchlands’. 2. Within Area A: <ol style="list-style-type: none"> a. no more than 40 parcels that are less than 160 acres each may be created in any calendar year; b. no more than 75 parcels that are less than 160 acres each may be created in any three consecutive years; and c. no more than 20 parcels may be created which are greater than 160 acres each in any calendar year. 3. Within Area B: <ol style="list-style-type: none"> a. no more than 20 parcels may be created that are less than 160 acres each in any calendar year; b. no more than 38 parcels may be created that are less than 160 acres each in any consecutive three years; and c. no more than 10 parcels greater than 160 acres each may be created in any calendar year. 4. Parcels created without obtaining building site approval are restricted from use as building sites, as indicated on the approved subdivision map, and shall count towards the total of the number of parcels which may be created according the aforementioned limitations, subsections (b) and (c).

R-RC 40	O-25	<p>Where new roads, clustered residential development, or subdivisions are proposed in proximity of streams and riparian areas, they should be designed so that:</p> <ul style="list-style-type: none">a. riparian vegetation is retained;b. creeks and streams remain open and unfenced; andc. there is adequate separation of new roads and building sites from the stream environment.
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ATTACHMENT F

**Active Williamson Act Contract (2015.002)
of the Subject Property**

RECORDING REQUESTED BY:

ucl

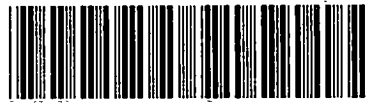
WHEN RECORDED SEND TO:

Clerk of the Board of Supervisors
70 West Hedding Street, 10th Floor, E. Wing
San Jose, CA 95110

6103

DOCUMENT: 23376056

Pages: 9



Fees... * No Fees
Taxes...
Copies...
AMT PAID

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
County Agency:

RDE # 003
7/21/2016
11:42 AM

LAND CONSERVATION CONTRACT – AGRICULTURE

This is a Land Conservation Contract (the “Contract”) between the County of Santa Clara, State of California (the “County”), and the Gretchen Hurner Family Trust (collectively, the “Owner”).

NOW THEREFORE, County and Owner agree as follows:

WHEREAS, Owner is the legal owner of certain real property located in the unincorporated area of Santa Clara County in the State of California described in Exhibit A, which is attached hereto and incorporated herein, (the “Property”); and

WHEREAS, the Property is devoted to commercial agricultural use; and

WHEREAS, both Owner and County desire to limit the use of the Property to commercial agriculture and uses compatible with commercial agriculture; and

WHEREAS, the parties have determined that the highest and best use for the Property during the term of this Contract is commercial agriculture and uses compatible with commercial agriculture.

1. **CONTRACT SUBJECT TO CALIFORNIA LAND CONSERVATION ACT OF 1965 AND RELATED COUNTY ORDINANCES AND GUIDELINES**

This Contract is entered into pursuant to the California Land Conservation Act of 1965 (also known as the Williamson Act), California Government Code § 51200 *et seq.* (the “Act”) and is subject to all of the provisions of the Act, including any amendments to the Act that may be enacted in the future. This Contract is also subject to County ordinances implementing the Act, County of Santa Clara Ordinance Code § C13-1 *et seq.* (“Ordinances”), including any amendments to the Ordinances that may be enacted in the future. This Contract is also subject to any guidelines adopted by the County Board of Supervisors pertaining to Land Conservation Contracts entered into pursuant to the Act (“Guidelines”), including any amendments to the Guidelines that may be adopted in the future.

✓

2. RESTRICTIONS ON USE OF PROPERTY

During the term of this Contract, the Property may only be used for commercial agriculture and uses compatible with commercial agriculture. A list of potentially compatible uses is set forth in the Ordinances, and criteria for compatible use development are set forth in the Guidelines. The County may from time to time during the term of this Contract modify the Ordinances and Guidelines. The provisions of this Contract shall not limit or supersede the planning, zoning or other regulatory powers of the County.

3. RESTRICTIONS ON SUBDIVISION OR LOT LINE ADJUSTMENT OF THE PROPERTY

In order to be subdivided or lot line adjusted, the Property must meet certain additional requirements and limitations imposed by the Act, the Subdivision Map Act and County Ordinances implementing the Act and the Subdivision Map Act.

4. RESTRICTIONS ON SALE OF THE PROPERTY

If this Contract covers more than one legal parcel, Owner may only sell portions of the Property that meet the minimum acreage requirement of 10 acres for prime agricultural land and 40 acres for non-prime agricultural land. In no case may any portion of the Property be maintained in separate ownership of less than these minimum acreages, even if an existing legal parcel is smaller than these minimum acres. Smaller portions of land may be sold to contiguous property owners if the undersized portions are merged with other parcel(s) covered by a Land Conservation Contract for which no notice of nonrenewal or application for cancellation has been filed as of the date the Property ownership is transferred and the resulting merged parcel(s) meet the minimum size requirements set forth in this paragraph. Any sale or transfer of the Property must also comply with all other legal requirements.

5. TERM OF CONTRACT

This Contract is effective on the date of execution by the County and remains in full force and effect for an initial term of at least ten years, which ten-year term commences on the first day of January following execution of the Contract. Each succeeding first day of January is the annual renewal date of this Contract. This Contract will be renewed automatically on each succeeding January 1 and one additional year will be added automatically to the contract term unless notice of nonrenewal is given in compliance with the Act and Paragraph 6.

6. NOTICE OF NONRENEWAL

- (a) If either party desires not to renew this Contract for an additional year, that party must serve written notice of nonrenewal upon the other party in advance of the annual renewal date of this Contract. Unless such written notice of nonrenewal is served by Owner at least 90 days prior to the renewal date, or by County at least 60 days prior to the renewal date, this Contract will be automatically renewed for one additional year as provided in Paragraph 5 above.
- (b) If County serves written notice of nonrenewal of this Contract, the Owner may submit to County a written protest of nonrenewal within ten (10) days after receipt of the notice of nonrenewal. County may withdraw its notice of nonrenewal at any time prior to the next January 1st and if the notice is withdrawn, this Contract will continue as if no such notice of nonrenewal had been served.
- (c) If either party serves written notice of nonrenewal in any year within the time limits of (a) above and the notice of nonrenewal is not withdrawn prior to the next January 1st, then this Contract will remain

in effect for the balance of the term remaining on the Contract as of the last automatic annual renewal. If the initial term of the Contract was ten (10) years, the remaining term after notice of nonrenewal is nine (9) years from the January 1st following the recording of the properly filed notice of nonrenewal.

7. NO COMPENSATION

It is recognized and agreed that the consideration for the execution of this Contract is the substantial benefit to be derived from, and the advantage that may accrue to Owner as a result of, the effect upon the assessed value of the Property from the restrictions on the Property's use as provided herein. Owner will not receive any payment from County in consideration of the obligations imposed under this Contract.

8. SUCCESSORS IN INTEREST

This Contract is binding upon and inures to the benefit of all heirs, executors, administrators, trustees, assigns and successors in interest of the Owner. Whenever any of the Property is divided or sold, the Owner of any parcel of the original Property may exercise, independently of any other Owner of a portion of the Property, any of the rights of the Owner in this Contract, including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the Owner of a portion of the Property will not be imputed to the other Owners of any other portions of the Property. If the Property or any portion thereof is annexed by a city, the city succeeds to all rights, duties and powers of the County under this Contract, except as otherwise provided by the Act.

9. CANCELLATION

This Contract may not be cancelled except pursuant to the provisions of the Act and Ordinances.

10. NOTICES

All notices required or permitted by this Contract, including notice of a change of address, must be in writing and given by personal delivery or sent by United States Mail, postage prepaid, return receipt requested, addressed to the party intended to be notified. Notice will be deemed given as of the date of delivery in person or as of the date when deposited in any post office or any mail receptacle regularly maintained by the United States Postal Service.

Notice to the County must be addressed:

COUNTY OF SANTA CLARA
Clerk of the Board of Supervisors
County Government Center, 10th Floor, East Wing
70 West Hedding Street
San Jose, California 95110

//

//

Notice to Owner must be addressed:

Name: Gretchen Hurner Family Trust

Address: PO Box 150302

City, State, Zip: Ely, NV 89315

11. RIGHT OF ENTRY

Pursuant to Ordinances § C13-21, the County has the right to audit and inspect the Property for compliance with this Contract. In furtherance of this purpose, Owner hereby grants the County and its agents, employees and contractors a Right of Entry to enter and inspect the Property.

12. INDEMNITY

Owner and its successors in interest agree to indemnify, defend and hold harmless the County and its officials, employees, and agents from any claim, liability, loss, injury or damage arising out of or in connection with this Contract. Owner shall reimburse the County for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which Owner is obligated to indemnify, defend and hold harmless the County under this Contract.

13. REMEDIES FOR BREACH/WAIVER

If Owner fails to comply with or breaches any provision of this Contract, County may pursue any available rights or remedies at law or equity to address such noncompliance or breach, including but not limited to injunctive or other equitable relief, specific performance, and/or an enforcement proceeding for material breach pursuant to Government Code § 51250. County's failure to exercise its remedies for any noncompliance or breach by Owner shall not be deemed a waiver of that particular noncompliance or breach or any future noncompliance or breach, regardless of whether County had knowledge of the nonperformance or breach.

14. VOLUNTARY EXECUTION

Owner and County acknowledge that they have been furnished with copies of, and have read, this Contract and that this Contract has been freely and voluntarily entered into by them and they agree to be fully bound by the terms of this Contract. Furthermore, this Contract is executed without reliance upon any representation by any person that is not set forth in this Contract.

15. OWNERS OF RECORD

Each signatory to this Contract personally warrants that he/she has full authority to enter into this Contract and, if signing in a representative capacity, that he/she has full authority to sign on behalf of the

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person or entity whom he/she represents. Owner warrants that they are the only owners, in fee title, of the Property, and will continue to be the only owners of the Property until the Contract is recorded in the official records of the County Clerk-Recorder.

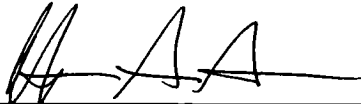
IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by Owner on 7/1/16 and by County on 7/20/16.

COUNTY OF SANTA CLARA



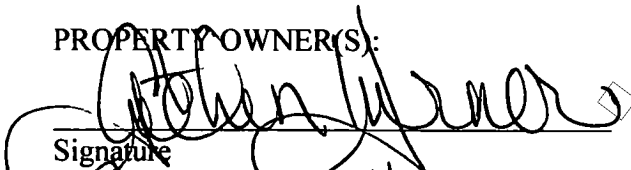
Dave Cortese, President
Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Elizabeth G. Pianca, Lead Deputy County Counsel

PROPERTY OWNER(S):


Signature
Gretchen Turner
Name/Title
owner / trustee

Signature

Name/Title

Signature

Signature

Name/Title

Name/Title

Signature

Signature

Name/Title

Name/Title

[NOTE: Each Owner signature must be properly notarized/acknowledged.]

Exhibits to this Contract:

- A – Property Description (Legal Description)
- B – APN Map

County of Santa Clara



Office of the Clerk of the Board of Supervisors
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1770
(408) 299-5001 FAX 938-4525 TDD 993-8272

Megan Doyle
Clerk of the Board

Certificate of Acknowledgment (Civil Code § 1189)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Clara

} ss.

On July 20, 2016 before me, Curtis Boone, Deputy Clerk of the
(date) (Deputy's name)

Board of Supervisors, personally appeared Dave Cortese
(name of individual signing document)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Megan Doyle, Clerk of the Board of Supervisors

By MTH Deane

Deputy Clerk of the Board of Supervisors

County of Santa Clara

Office of the Clerk of the Board of Supervisors
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1770
(408) 299-5001 FAX 938-4525 TDD 993-8272



Megan Doyle
Clerk of the Board

Certificate of Acknowledgment (Civil Code § 1189)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Nevada
~~State of California~~
White Pine
~~County of Santa Clara~~

} ss.

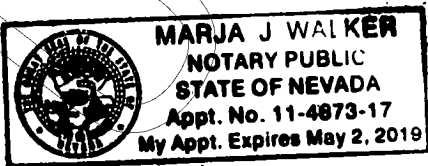
On 7/1/14 before me, Marja J Walker, Deputy Clerk of the
(date) (Deputy's name)

Board of Supervisors, personally appeared Bretchen Turner
(name of individual signing document)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.
Megan Doyle, Clerk of the Board of Supervisors

By _____
Deputy Clerk of the Board of Supervisors



Witness my hand & official seal
Marja J Walker
Marja J Walker

EXHIBIT "A"

All that certain real property situate in the unincorporated area of Santa Clara County, State of California, being more particularly described as follows:

Being all those portions of Section 23, Section 24 and Section 25, all of Township 6 South, Range 4 East, M.D.M., being more particularly described as Adjusted Parcel B of Santa Clara County Lot Line Adjustment No. 8800-74-86-03, as shown and described in that certain Certificate of Compliance recorded on November 22, 2004 as Document No. 18109905 of Official Records, Santa Clara County.

Excepting therefrom that certain 5.00 acre parcel as described in the Grant Deed from Phillip D. Hurner, Trustee of the Hurner Family Trust, UDT dated July 15, 1992, as to an undivided 33 and 1/3% interest, Gregory Hurner, as to an undivided 33 and 1/3% interest, and Gretchen Hurner, as to an undivided 33 and 1/3% interest to the State of California, recorded on May 20, 2005 as Document No. 18382554 of Official Records, said Santa Clara County records, being a portion of Section 24, Township 6 South, Range 4 East, M.D.M.

Further excepting therefrom that certain 5.00 acre parcel as described in the Grant Deed from Gretchen Hurner to County of Santa Clara, a political subdivision of the State of California recorded on November 29, 2007 as Document No. 19665914, said Santa Clara County records, being a portion of Section 25, Township 6 South, Range 4 East, M.D.M.

In addition thereto all of Parcel A as shown on that certain Record of Survey filed on November 25, 1975 in Book 364 of Maps at Pages 39 and 40, said Santa Clara County records, containing 3.136 acres of land, more or less.

Containing an area of 526.536 acres, more or less.

END OF DESCRIPTION

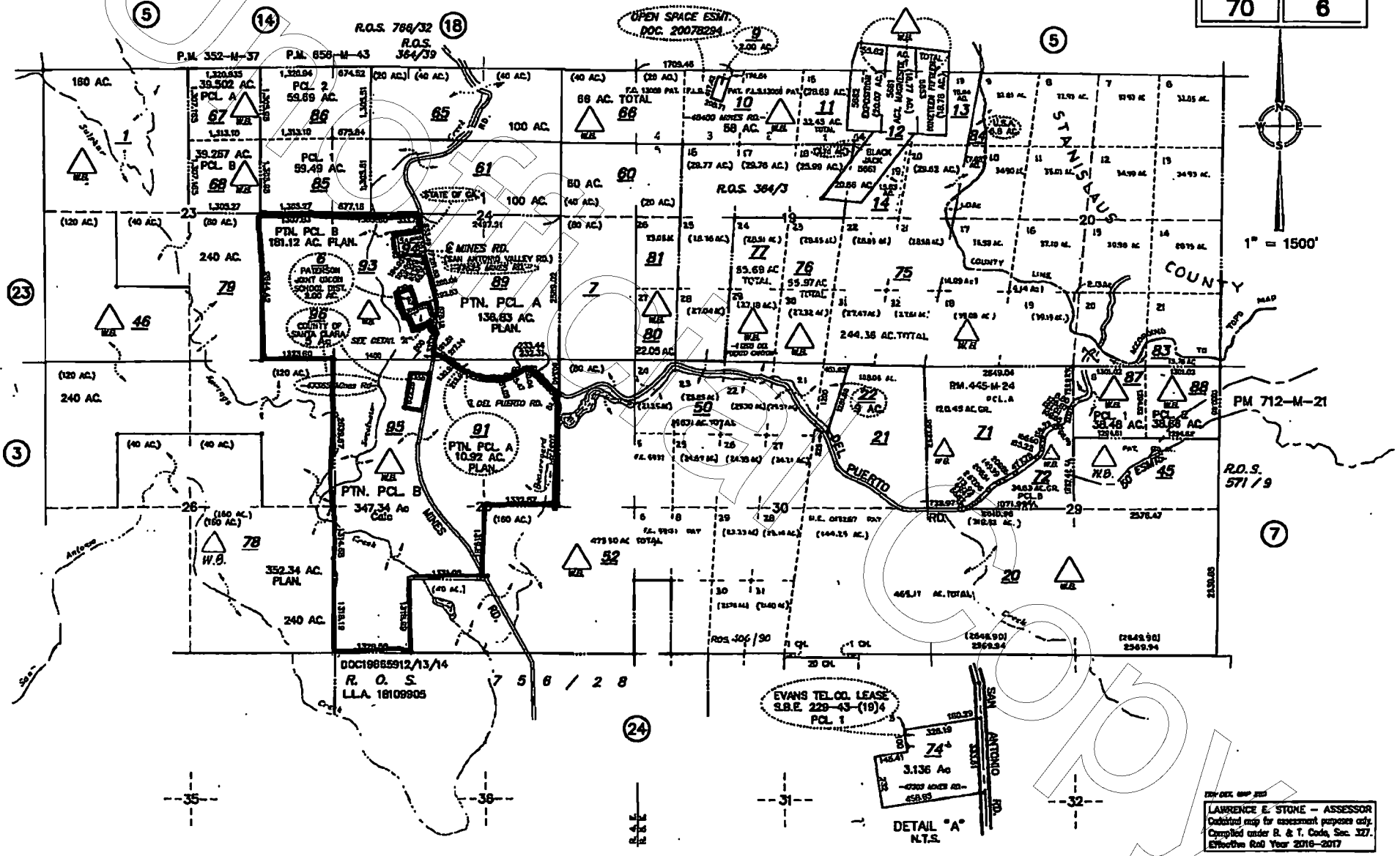
APN 070-06-074, 070-06-093 & 070-06-095

Kristina D. Comerer
Kristina D. Comerer, PLS 8786

Date: June 7, 2015



OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA



LAWRENCE E. STONE - ASSESSOR
 Detailed map for assessment purposes only.
 Compiled under B. & T. Code, Sec. 327.
 Effective Roll Year 2016-2017