



THE PROMONTORY AT RIDGEMARK SAN BENITO GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

PLAN OF CONTROL

SUBMITTED TO
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TABLE OF CONTENTS

LETTER OF TRANSMITTAL

1.0	INTRODUCTION	1
1.1	AUTHORITY AND SCOPE	1
1.2	PROPERTY IDENTIFICATION.....	1
2.0	PLAN OF CONTROL	2
2.1	GEOLOGIC HAZARDS.....	2
2.2	SLOPE INSTABILITY.....	2
2.2.1	Landslides	2
2.2.2	Soil Creep and Colluvium	3
2.2.3	Erosion and Sedimentation	3
2.3	SEISMIC HAZARDS	4
2.3.1	Seismically Induced Landsliding	4
2.3.2	Ground Shaking	4
2.4	EXPANSIVE SOILS	4
3.0	AREAS OF GHAD RESPONSIBILITY.....	4
3.1	SCOPE OF ACTIVITIES	4
3.2	PREVENTION, MITIGATION, ABATEMENT AND/OR CONTROL OF GEOLOGIC HAZARDS.....	6
3.3	EXCEPTIONS	7
3.4	GEOLOGIC HAZARDS IN OPEN SPACE AND MAINTENANCE OF OPEN-SPACE AREAS	8
4.0	GEOLOGIC TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS	9
5.0	BIOTECHNICAL RECOMMENDATIONS FOR PREVENTION AND MITIGATION OF EXISTING OR POTENTIAL EROSION HAZARDS	10
6.0	PRIORITY OF GHAD EXPENDITURES	10
7.0	MAINTENANCE AND MONITORING SCHEDULE	11
8.0	OWNERSHIP AND MANAGEMENT.....	12
9.0	RIGHT-OF-ENTRY	13
10.0	GLOSSARY	13

TABLE OF CONTENTS (Continued)

SELECTED REFERENCES

FIGURE

APPENDIX A – Plat and Legal Description

APPENDIX B – Background

APPENDIX C – Site Geology

APPENDIX D – Site Plan and Engineering Geology Map

APPENDIX E – Funding and Acceptance

APPENDIX F – Right-of-Entry

1.0 INTRODUCTION

1.1 AUTHORITY AND SCOPE

In County of San Benito Planning Commission Resolution No. 2018-3 under Condition of Approval No. 9 approving The Bluffs at Ridgemark development, now named The Promontory at Ridgemark ("Project"), San Benito County has required that the Project establish or join a Geologic Hazard Abatement District prior to recordation of the first final map. To satisfy this requirement, the current owner of the Project has petitioned the San Benito GHAD Board of Directors for annexation into the existing San Benito Geologic Hazard Abatement District ("GHAD").

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Public Resources Code § 26500, "GHAD Law"*). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Public Resources Code § 26507*). Consistent with GHAD Law, the San Benito County Geologic Hazard Abatement District ("GHAD" or "District") was formed by the San Benito County Board of Supervisors on May 10, 2016 by Resolution No. 2016-31, and thereby put into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The San Benito County Board of Supervisors serve as the Board of Directors of the San Benito GHAD.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (See, Pub. Res. Code Sections 26601 and 26505). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes the geologic hazards, their locations, and the areas affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof. This Plan of Control covers the Project only.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

1.2 PROPERTY IDENTIFICATION

The 55.01 acres of land within the proposed GHAD annexation boundary ("GHAD Annexation Area") are shown on the GHAD Boundary Plat (Appendix A, Exhibit B). The GHAD Annexation Area includes all areas within the Project. The legal description of the GHAD Annexation Area is included in Appendix A, Exhibit A. The Project currently includes Assessor's Parcel Numbers (APN) 025-420-005-000, 025-420-006-000 (a portion), and 025-420-019-000.

2.0 PLAN OF CONTROL

2.1 GEOLOGIC HAZARDS

Geologic hazards identified in the geotechnical exploration reports for the Project include the following.

- Slope instability
- Seismic hazards
- Expansive soil

All geologic hazards will not be eliminated entirely through remediation by the Project developer. Slope instability or potential slope instability is not unique to this Project but is of importance for hillside projects throughout the greater San Francisco Bay Area. Future stability depends on various factors, including any introduction of natural or artificial groundwater, future grading, and earthquake ground shaking.

2.2 SLOPE INSTABILITY

2.2.1 Landslides

Slope stability is a primary geologic hazard of concern for the GHAD. In general, the stabilization of landslide masses will be undertaken only for landslides, which may directly pose a threat to improvements that are not within the Structure Setback Area located for residential lots shown on the referenced Project grading plan. Landslides that do not have the potential to directly impact the proposed development outside of the Structure Setback Area will not be mitigated, as it has been considered neither practical nor desirable during development to remove all of the landslide hazards from the slopes adjacent to Southside Road or on the southern limit of the development. As recommended in the referenced geotechnical report and shown on the grading plan, a structure setback line has been recommended that would include portions of Lots 1, 25-27, 76-90, Street D, and Parcels A, B, and I.

In addition to the landslides mapped during the geotechnical explorations or geologic mapping completed during grading, areas of slope instability or landsliding will likely be identified during the life of the development. Since slope stability is the GHAD's prime geotechnical concern, this section describes several types of slope instability that may be within the GHAD's area of responsibility, subject to Section 3 of this Plan of Control. Slope instability is not unique to this Project, but is of importance for hillside projects throughout the greater San Francisco Bay Area. Future stability of these areas depends on various factors, including any introduction of natural or artificial groundwater, future grading, and earthquake ground shaking.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered to fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials, which are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for transitional earth slide or bedrock glides.

Most landslides are truly “complex landslides,” sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free fall of earth materials off cliffs, steep cuts, or steep stream banks, while earth flows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth material, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of the groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will be higher than average on a hillslope and groundwater pressures may become sufficiently high to activate landsliding.

Landslides located within open-space areas are natural landforms that do not require mitigation except where they affect man-made improvements as described further in Section 3.2. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable upslope areas and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the site improvements. Maintenance and monitoring of these areas is described in Section 7.0. Potential mitigation and repair measures for GHAD areas near development are discussed in Section 4.0.

If field-verified geologic field mapping is undertaken during future mass grading operations, the detailed maps showing geologic units, structure, springs, and landslide limits and repairs should be provided to the GHAD.

2.2.2 Soil Creep and Colluvium

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces, and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clay, by solution and crystallization of salts, by the growth of roots, by burrowing animals, and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by gravity. Colluvial deposits typically occur in a weak, unconsolidated state and are noteworthy because of their susceptibility to landsliding. It is anticipated that significant soil creep would be limited to areas within the Structure Setback Area.

2.2.3 Erosion and Sedimentation

The GHAD shall also be concerned with erosion and sedimentation in open space or affecting established lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain in open space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth flow, debris flow, and mudflow landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes not sufficiently vegetated in the District can be subject to erosion and, therefore, a source of transported sediment.

2.3 SEISMIC HAZARDS

Potential seismic hazards resulting from a nearby moderate to major earthquake have generally been identified within the geotechnical report.

2.3.1 Seismically Induced Landsliding

Common to the greater San Francisco Bay Area, the risk of instability is greater during major earthquakes than during other time periods. The majority of the area planned for development is relatively flat and is not subject to seismically induced landsliding. There are mapped landslides within on the slopes adjacent to Southside Road as shown on the Stevens, Ferrone and Baily Site Plan and Engineering Geology Map (Appendix D). As recommended in the geotechnical report, a structure setback line has been proposed that would include portions of VTM Lots 1, 28-32, 81-93, Parcel H, and Parcel I.

2.3.2 Ground Shaking

An earthquake of moderate-to-high magnitude generated within the greater San Francisco Bay Region could cause considerable ground shaking at the site, similar to that which has occurred in the past. To mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest California Building Code (CBC) requirements, as a minimum.

2.4 EXPANSIVE SOILS

Fine-grained near-surface colluvium and alluvium at the site could exhibit a moderate to high potential for expansion. These potentially expansive soils could impact the planned site development. Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements and structures founded on shallow foundations. The potential for expansive soils has been identified in the geotechnical report for the property. Shrink and swell of expansive soils on slopes are a portion of the mechanism of creep movement which can result in shallow slope instability. Within the open space area, slope instability caused by expansive soil creep will be addressed by the GHAD subject to the exceptions in Section 3.3.

3.0 AREAS OF GHAD RESPONSIBILITY

3.1 SCOPE OF ACTIVITIES

County of San Benito Planning Commission Condition of Approval (COA) No. 9 for the Project addresses GHAD formation, parcel ownership, and GHAD maintenance responsibilities. Although the COAs for the Project approved by the County of San Benito Planning Commission are

requirements for the developer and not the GHAD, we have included COA No. 9 provide background for the GHAD responsibilities listed in Section 10.0 Ownership and Management.

COA No. 9. GHAD – *Prior to recordation of the first Final Map, applicant shall establish or join a Geologic Hazard Abatement District. Approximately 12.1 acres in the western and southern portions of the blufftop are comprised of steep slopes. To provide for long-term monitoring and maintenance of the hillside from the top edge down to Southside Road, the applicant has proposed and agrees to the formation of (or annexation into) a Geologic Hazard Abatement District (GHAD).*

- a. *Figure 10 in the EIR shows the proposed boundaries of the GHAD. The boundary shall be adjusted to approximately include the southern bluffs and to accommodate the southern extension of Street C and its accompanying improvements down the bluff to its connection point to Southside Road.*
- b. *As part of the formation of the GHAD, a “Plan of Control” must be prepared in accordance with the applicable laws that describes the geologic hazards and includes a plan for the prevention, mitigation, abatement, or control of the identified hazards. The Plan of Control must be prepared by a Certified Engineering Geologist.*
- c. *The Plan of Control would need to be adopted in accordance with applicable laws and would set forth the activities to be undertaken by the GHAD and the priorities related thereto.*
- d. *The land that would fall within the GHAD’s boundaries need not be contiguous so long as all lands included within said district are specifically benefited by the proposed activities to be undertaken by the GHAD in the Plan of Control in accordance with applicable laws (i.e., Proposition 218 requirements).*
- e. *A draft Plan of Control has been prepared for the project (ENGEO July 2016). The boundaries of the proposed GHAD are coterminous with the boundaries of the blufftop site. The Plan of Control shall be updated and modified to include the entire Project site, including the southern bluffs and the southern extension of Street C and its accompanying improvements down to its connection with Southside Road.*
- f. *The GHAD’s source of funding would be through landowner assessments, after the GHAD is formed (or annexation is approved) pursuant to applicable law. These assessments, which attach as liens on property if not timely paid, are collected at the same time in the same manner as general taxes on real property.*
- g. *Once established, the GHAD would assume specified responsibilities as set forth in the Plan of Control. These include, but are not limited to, the monitoring and maintenance of facilities that enhance site stability, such as drainage facilities and associated improvements. They can also include funding of monitoring and maintenance of biotic resources, as required and consistent with the Plan of Control and so long as otherwise permitted under applicable law, within GHAD-covered parcels.*
- h. *Specifically, the GHAD would assume monitoring and maintenance responsibilities for the following site improvements and activities, among others as specified in the approved Plan of Control:*

- *Slopes*
- *Debris benches and berms*
- *Subdrains*
- *Concrete-lined drainage ditches*
- *Settlement instruments*
- *Retaining walls*
- *Emergency vehicle access/maintenance roads*

The District will have authority and responsibility to manage geologic hazards within the boundary shown in Exhibit A subject to the exclusions listed in Section 3.3 – Exceptions. The GHAD will assume monitoring and maintenance responsibilities for the following site improvements and activities (“GHAD Activities”).

- Slopes
- Subdrains and subdrain outlets
- Concrete-lined drainage ditches
- Settlement instruments, if any
- Retaining walls on Parcels A, I and C, if any
- Retention basins on Parcels C and I
- Storm drain improvements within Parcels A, C, and I and the public street right of way with the exception of Southside Road

The GHAD’s maintenance, monitoring, and repair responsibilities for slopes, which will include unrepaired or partially repaired landslides, as shown on the attached Site Plan and Engineering Geology Map (Appendix D), are discussed below in additional detail.

The GHAD, upon taking ownership of any land or improvements within its boundaries, shall assume responsibilities that relate to its position as a GHAD and other duties of a responsible landowner. It is expected that the GHAD will become owner of certain land (mainly open space areas) and improvements within its boundaries.

The GHAD will obtain necessary State and federal authorization required before performing any maintenance that affects any listed threatened or endangered species and/or the bed, channel or bank of streams, wetlands, or riparian habitat associated with the creeks and the retention basin, and the associated improvements.

3.2 PREVENTION, MITIGATION, ABATEMENT AND/OR CONTROL OF GEOLOGIC HAZARDS

Subject to the following exceptions, the primary mission of the GHAD shall be the prevention, mitigation, abatement, and/or control of geologic hazards within its boundaries that have damaged, or that pose a significant threat of damage to site improvements within the developed areas of the projects. As used herein, the term “site improvements” means buildings and outbuildings, roads, sidewalks, paths, utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements. Southside Road shall not be considered a covered site improvement unless San Benito County is subject to a GHAD assessment as provided in the Engineer’s Report.

The District may also take any action necessary to prevent, mitigate, abate, or control damage to property or site improvements for which, in the sole judgment of the GHAD Manager, the District

would be legally responsible as a property owner, such as damage to property or improvements outside the GHAD boundaries resulting from geologic hazards within the GHAD boundaries.

The single property exclusions and limitations set forth herein do not apply to geologic hazards existing on open-space property owned by the GHAD or homeowner's association.

3.3 EXCEPTIONS

The GHAD may decline to prevent, mitigate, abate, or control geologic hazards under the following circumstances.

1. Isolated or Remote Slope Instability: The GHAD shall not have responsibility or may place a low priority on its responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to or pose a significant threat to damage site improvements.
2. Single Property: The GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant threat of damage, to site improvements located on other property within the GHAD boundaries.
3. Geologic Hazard Which Requires Expenditure in an Amount Exceeding the Value of the Threatened or Damaged Improvement: The GHAD will not prevent, mitigate, abate, or control a geologic hazard where, in the GHAD's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the current value of the structure(s) and site improvement(s) threatened with damage or loss.
4. Damage Due to Seismically Induced Ground Shaking: The GHAD will not fund repairs or otherwise compensate for damage resulting from seismically induced ground shaking except for the following.
 - a. Damage to public infrastructure within the GHAD boundaries, as authorized by the GHAD Board and subject to the availability of funds.
 - b. Damage resulting from seismically induced landslides, as authorized by the GHAD Board, and subject to the availability of funds and the other restrictions included within this Plan of Control.
5. GHAD Funding or Reimbursement for Damaged or Destroyed Structures or Site Improvements: In the event a residence or any other private structure, site improvement, or landscape feature is damaged or destroyed as a result of a geologic hazard, the GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed structure, site improvement or landscaping with the exceptions noted above. Unless otherwise authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard causing the damage. In the event the geologic hazard damages or destroys a structure, site improvement or landscaping that violated any provisions of the California building code, San Benito County building code or ordinance, or any other applicable standard at the time of its installation or improvement, the GHAD may decline to provide any funding or reimbursement to the property owner for repair or replacement of the damaged structure, improvement or landscaping.

6. No Reimbursement of Expenses Incurred by Property Owners: The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.
7. Property Not Accepted: The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Appendix E. The GHAD; however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Appendix E and is not excluded from GHAD responsibility by other Exceptions, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address significant damage to or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Appendix E. Should the GHAD be required to respond to a geologic hazard outside the GHAD Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.
8. Geologic Hazard which requires Expenditure in an Amount Exceeding the Value of the Threatened or Damaged Improvement: The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate, or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.
9. Property Not Located within GHAD Boundaries: Except as herein provided, the GHAD shall not prevent, mitigate, abate, or control geologic hazards located on property that is not located within the GHAD boundaries. In the event, however, that all or any portion of a geologic hazard existing on property located outside the GHAD boundaries has damaged or poses a significant risk of damage to site or other physical improvements located on property within the GHAD boundaries, the GHAD may prevent, mitigate, abate, or control the geologic hazard.

Any work conducted on property located outside of the GHAD boundaries shall be strictly limited to that which is necessary to prevent, mitigate, or control the damage, or threat of damage, to property located within the boundaries of the GHAD. Should the GHAD be required to respond to a geologic hazard outside the boundaries of the GHAD, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating or controlling such geologic hazard from the responsible party, if any.
10. Geologic Hazard Located within Slope Structure Setback Area: In slope setback areas, the GHAD will not prevent, mitigate, abate, or control a geologic hazard, which has damaged or threatens to pose significant damage to any improvement identified in Section 3.2 located within the structure setback area, as defined by the geotechnical engineer (COA No. 36).

3.4 GEOLOGIC HAZARDS IN OPEN SPACE AND MAINTENANCE OF OPEN-SPACE AREAS

The GHAD may prevent, mitigate, abate, or control the geologic hazards in open space areas and other unimproved areas within the boundaries of the GHAD if said geologic hazards have

damaged or have the potential to damage site improvements located on properties within the boundaries of the GHAD (Appendix A).

The GHAD will monitor erosion and sedimentation in open space areas that affect developed lots and/or improvements. In addition, the GHAD may repair erosion gullies, etc. in open space areas.

As required, monitoring of geotechnical instruments (e.g. inclinometers, settlement monuments, etc.) within the entire GHAD limits including open space areas will be included within the operations of the GHAD. Section 7.0 describes the frequency and scope of the monitoring activities that should be provided.

Slope stabilization, including major landslide repairs, will be the responsibility of the GHAD provided it meets the criteria for repair described above for the potential to impact site improvements. This also includes repair of minor landslides and debris flows.

Sediment removal from concrete-lined drainage ditches and open-space catch basins on parcels owned by the GHAD is the responsibility of the GHAD. The GHAD is further authorized to maintain surface and subsurface drainage facilities and improvements located in open space areas, including, but not necessarily limited to, concrete-lined drainage ditches, storm drain inlets and outlets in open space and creek corridors and subdrain outlets. Occasionally, portions of concrete-lined drainage ditches may require replacement due to cracking caused by expansive soils or erosion; this will be the responsibility of the GHAD.

On GHAD-owned Parcels A, C, and I, routine clearing of firebreaks and general maintenance of the open space (other than hazard abatement) is the responsibility of the GHAD. The GHAD may review and has the right to approve or disapprove physical construction, maintenance or repair activities proposed within the open space areas that, at the discretion of the GHAD, could increase erosion or sedimentation or otherwise impact or affect the geologic stability of the area.

4.0 GEOLOGIC TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques the GHAD may employ to prevent, mitigate or abate landsliding or adverse erosion damage might include, but are not necessarily limited to:

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted drained fill.
- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, rip rap, geotextiles or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g. underdrains or horizontal drilled drains).
- Slope correction (e.g. gradient change, biotechnical stabilization, slope trimming, or slope contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill of erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system. Maintenance shall be provided for lined surface drainage ditches and drainage terraces.

5.0 BIOTECHNICAL RECOMMENDATIONS FOR PREVENTION AND MITIGATION OF EXISTING OR POTENTIAL EROSION HAZARDS

Slopes within the boundaries of the District are expected to be erodible; therefore, the maintenance of vegetative cover is especially important. Vegetation provides protection for soil and exposed rock. It absorbs the impact of raindrops, reduces the velocity of runoff and retards erosion.

In many instances, adequate erosion protection for slopes can be accomplished with carefully selected and placed biological elements (plants) without the use of structures (e.g., brush layering and willow waddling).

In other areas, biotechnical slope protection may involve the use of mechanical elements or structures in combination with biological elements to provide erosion control and help prevent small-scale slope failures. Locally, walls, welded-wire walls, gabion walls, rock walls, riprap, and reinforced earth walls used in combination with carefully selected and planted vegetation can provide high-quality slope protection. The vegetation may be planted on the slope above a low retaining structure or toe wall, or the interstices of the structure can be planted.

6.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing its discretion, based upon available funds and the approved operating budget. If available funds, less an appropriate reserve allowance, are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

1. Prevention, mitigation, abatement, or control of geologic hazards that have either damaged or pose a significant threat of damage to habitable structures, critical underground utilities or paved streets.
2. Prevention, mitigation, abatement, or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures.
3. Prevention, mitigation, abatement, or control of geologic hazards that have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.
4. Prevention, mitigation, abatement, or control of geologic hazards existing entirely on open space areas and which have neither damaged nor pose a significant threat of damage to any site improvements.

As permitted by California Public Resources Code Sections 26591 and 26593, in performing its duties as described above, the GHAD may seek financial assistance from public and private entities including, but not limited to, FEMA, State and local agencies, insurance companies, etc.

7.0 MAINTENANCE AND MONITORING SCHEDULE

GHAD-maintained facilities should be inspected by the GHAD Manager or its consultants as presented below. The GHAD Manager shall be a licensed Geotechnical Engineer or Certified Engineering Geologist in the State of California. The annual budget should be calculated so that inspections will be scheduled to occur two times per year (or as outlined below) and as necessary after heavy storm events, defined as greater than a 5-year storm. The regular inspections should be scheduled to take place in October, prior to the beginning of the historic “rainy season” or “storm season.” The second inspection should occur in March or April, toward the end of the rainy season or storm season.

The timing, frequency, and other details regarding such maintenance, inspection and similar activities will be set forth by the GHAD Manager.

- An engineer or geologist shall carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures. The removal of accumulated debris, including material from benches, berms, or walls, if any, should be undertaken in a manner that maintains the capacity of the catchment feature to protect site improvements.
- Concrete-lined drainage ditches within the District boundaries should be inspected during each scheduled monitoring event. Repairs and maintenance should be performed as needed. Excess silt or sediment in ditches should be removed, and cracked or broken ditches should be patched or repaired as required before the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drain outlets, if any, should be inspected on a regular schedule. Water flowing from these outlets should be measured and recorded during each inspection. Any suspicious interruption in flow should signal a need to unplug or clean the affected drain.
- If installed, piezometers used to measure groundwater levels, or other instruments such as inclinometers and tiltmeters, should be monitored on a regular schedule.
- Settlement-monitoring devices, if any, should be monitored on a regular schedule. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Readily accessible developer-constructed retaining walls should be inspected annually for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- Storm drain inlets, outfalls or pipelines, must be kept free of debris, and spillways must be maintained.
- The retention basin improvements shall be monitored and maintained in accordance with the Operations and Maintenance Manual, if available.

The District should review its inspection schedule annually and assess the effectiveness of its preventive maintenance program on a regular basis. District staff should prepare an annual report to the GHAD Board of Directors with recommendations for maintenance and/or repair projects. Consultants, as necessary, may be retained to undertake the needed studies.

8.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table.

**TABLE 8.0-1: The Promontory at Ridgemark Residential Development
San Benito GHAD Ownership and Management Matrix**

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	MINIMUM ACCEPTANCE DATE	OWNERSHIP
1. Development Area				
a. Residential Lots (90 Units)	Private	Private	3 years	Private
b. Open Space Common Areas (Parcels B, E, F, G, and H)	Homeowner's Association (HOA)	HOA Dues	3 years	HOA
c. Interior Streets A through G (Public)	HOA	HOA Dues	3 years	HOA
d. Southside Road (Public)	San Benito County	San Benito County	Not applicable (N/A)	San Benito County
e. Emergency Vehicle Access Road	HOA	HOA Dues	3 years	HOA
f. Well Site (Parcel D)	Sunnyslope County Water District	Sunnyslope County Water District	N/A	Sunnyslope County Water District
g. Retention Basins (Parcels C and I) including outfall structure, slopes, and fencing.	San Benito Geologic Hazard Abatement District (GHAD)	GHAD Assessment	3 years	GHAD
h. Storm Drain Improvements within Streets A through G right of way, and on Parcels A, C, and I with the exception of Southside Road right of way	GHAD	GHAD Assessment	3 years	GHAD
2. GHAD-Owned Parcels A, C, and I				
a. Plan of Control Defined Activities (Prior to GHAD acceptance of transfer of Plan of Control responsibilities as provided in Appendix E)				
i. Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
ii. Slopes and Surface Drainage Improvements	Developer	Private Funding	3 Years	Developer
iii. Gates and Fencing	Developer	Private Funding	3 Years	Developer
b. Plan of Control Defined Activities (Post GHAD acceptance of transfer of Plan of Control responsibilities as provided in Appendix E)				
i. Vegetation Management for Fire Suppression	GHAD	GHAD Assessment	Perpetual	GHAD
ii. Slopes and Surface Drainage Improvements	GHAD	GHAD Assessment	Perpetual	GHAD
iii. Gates and Fencing	GHAD	GHAD Assessment	Perpetual	GHAD

9.0 RIGHT-OF-ENTRY

GHAD officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the GHAD boundary, as shown on Exhibit A, for the purpose of performing the activities described in this Plan of Control. Such activities include, but are not limited to: (1) the inspection, maintenance and monitoring of site improvements including drainage ditches, storm drains, outfalls and pipelines; (2) the monitoring, maintenance and repair of slopes, including repaired or partially repaired landslides; and (3) the management of erosion and geologic hazards within the open space areas. Should the GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the GHAD shall provide the affected landowner and/or resident with 72 hours advance notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect public health and safety, in which case no advance notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

The owner of property within the Project shall record a Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Geologic Hazard Abatement District ("Declaration") after recordation of the Final Map, in the form attached as Appendix F. The Declaration creates covenants that run with the land and will be binding upon all future owners of property within the Project area, their successors and assigns. Recordation of the Declaration must occur before the GHAD can assume ownership responsibilities for the land subject to the Declaration.

10.0 GLOSSARY

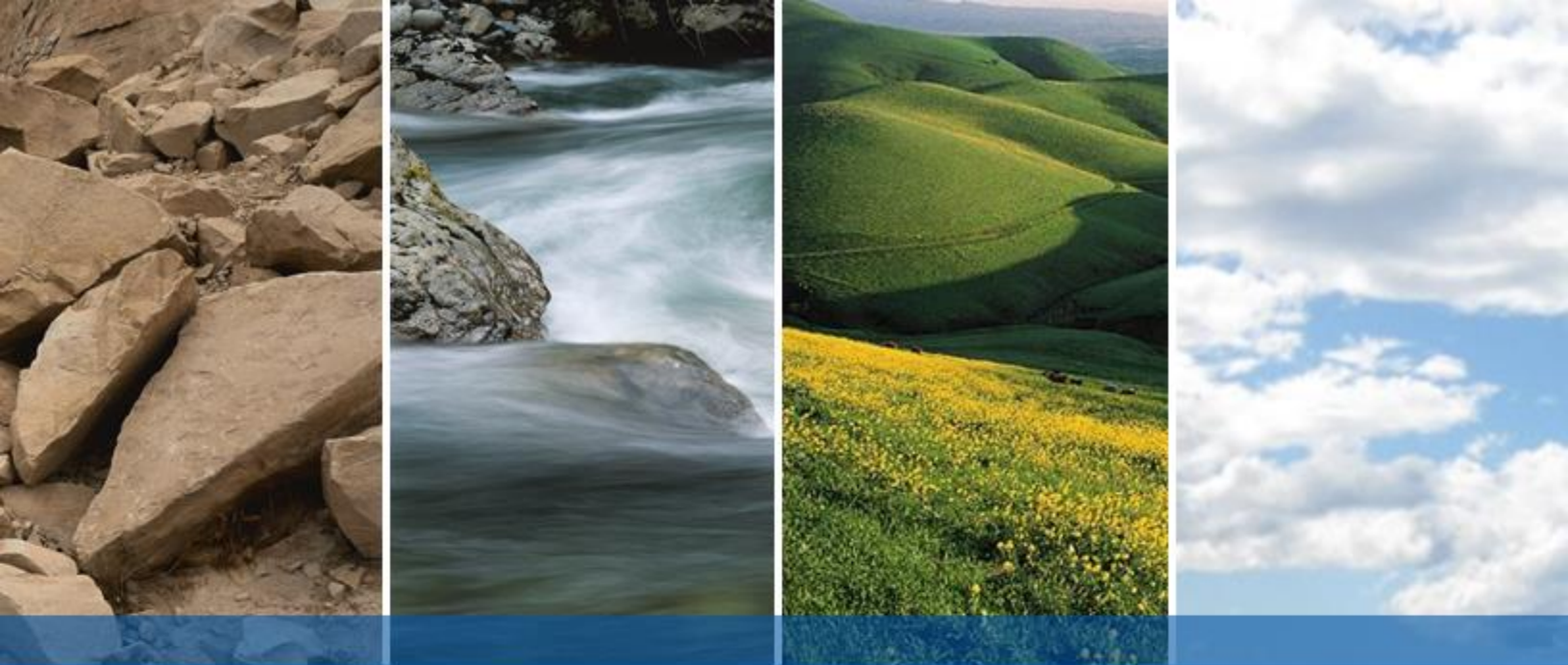
The Promontory at Ridgemark Engineer's Report – The document that establishes the individual property owners' and San Benito County's maximum annual assessment based on the projected expenses (budget) of the GHAD.

Geological Hazard Abatement District (GHAD) Manager – An entity employing a licensed Geotechnical Engineer or Certified Engineering Geologist who will oversee the operations of the GHAD including preparation of GHAD budgets. The GHAD Manager is appointed by and reports to the GHAD Board of Directors.

Structure Setback Area – A zone defined by a 3:1 (horizontal to vertical) projection from the toe of the existing slopes along Southside Road and the southern property limit. The line separates areas where little ground displacement is likely to those areas where moderate or higher ground displacements are likely.

SELECTED REFERENCES

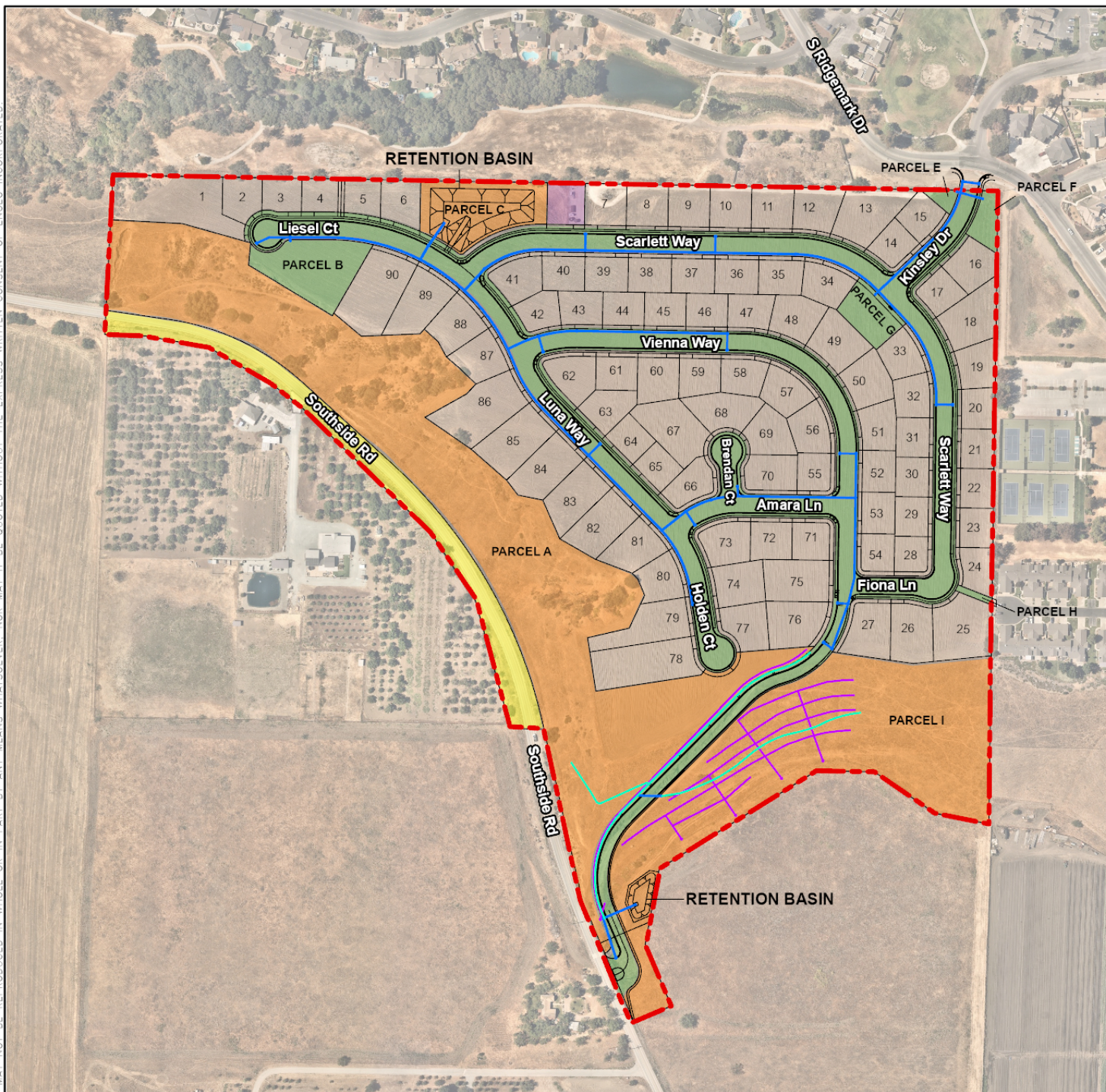
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- Wagner, D.L., Greene, H.G., Saucedo, G.J., and Pridmore, C.L., 2002, Geologic map of the Monterey 30' x 60' quadrangle and adjacent areas, California: California Geological Survey, Regional Geologic Map No. 1, scale 1:100,000.



FIGURE

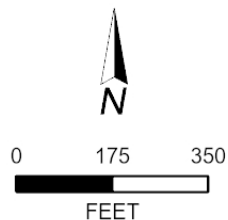
FIGURE 1: Long-Term Ownership and Maintenance Exhibit

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EXPLANATION

ALL LOCATIONS ARE APPROXIMATE



- | | |
|--|--|
| GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOUNDARY | RESIDENTIAL LOTS-PRIVATELY-OWNED AND MAINTAINED |
| HOMEOWNER'S ASSOCIATION (HOA)-OWNED AND MAINTAINED PARCELS | SUBDRAIN LOCATION- SAN BENITO GHAD-OWNED AND MAINTAINED |
| SAN BENITO COUNTY-OWNED AND MAINTAINED PARCEL | STORM DRAIN LOCATION- SAN BENITO GHAD-OWNED AND MAINTAINED |
| SAN BENITO GHAD - OWNED AND MAINTAINED PARCELS | CONCRETE-LINED DRAINAGE DITCH - SAN BENITO GHAD OWNED AND MAINTAINED |
| SUNNYSLOPE COUNTY WATER DISTRICT-OWNED AND MAINTAINED PARCEL | |

BASEMAP SOURCE: CBG, MAY 2021 AND NEARMAP MAPPING SERVICE 2021



LONG-TERM OWNERSHIP AND MAINTENANCE EXHIBIT THE PROMONTORY AT RIDGEMARK DEVELOPMENT SAN BENITO COUNTY, CALIFORNIA

PROJECT NO. : 13072.001.000

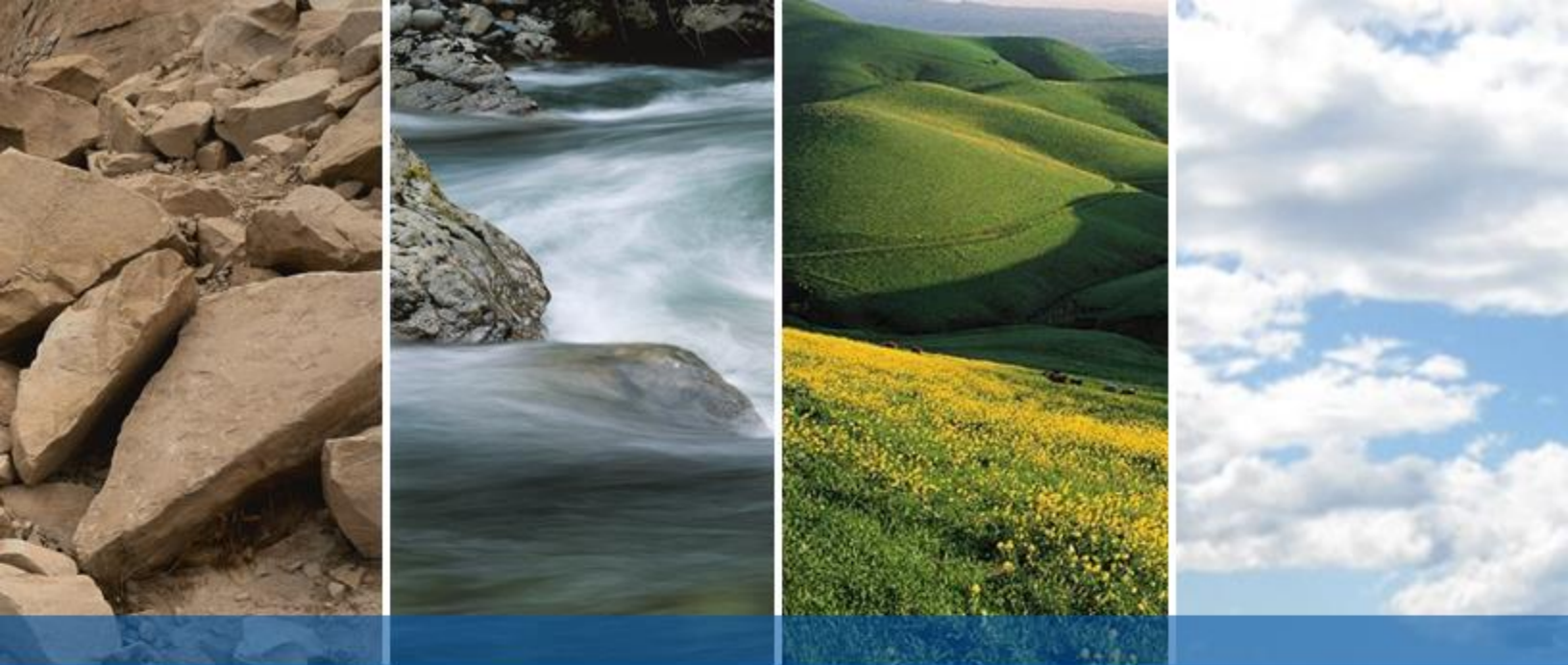
SCALE: AS SHOWN

DRAWN BY: MAT

CHECKED BY: EH

FIGURE NO.

1



APPENDIX A

**PLAT AND LEGAL DESCRIPTION OF
THE PROMONTORY AT RIDGEMARK
SAN BENITO GHAD**

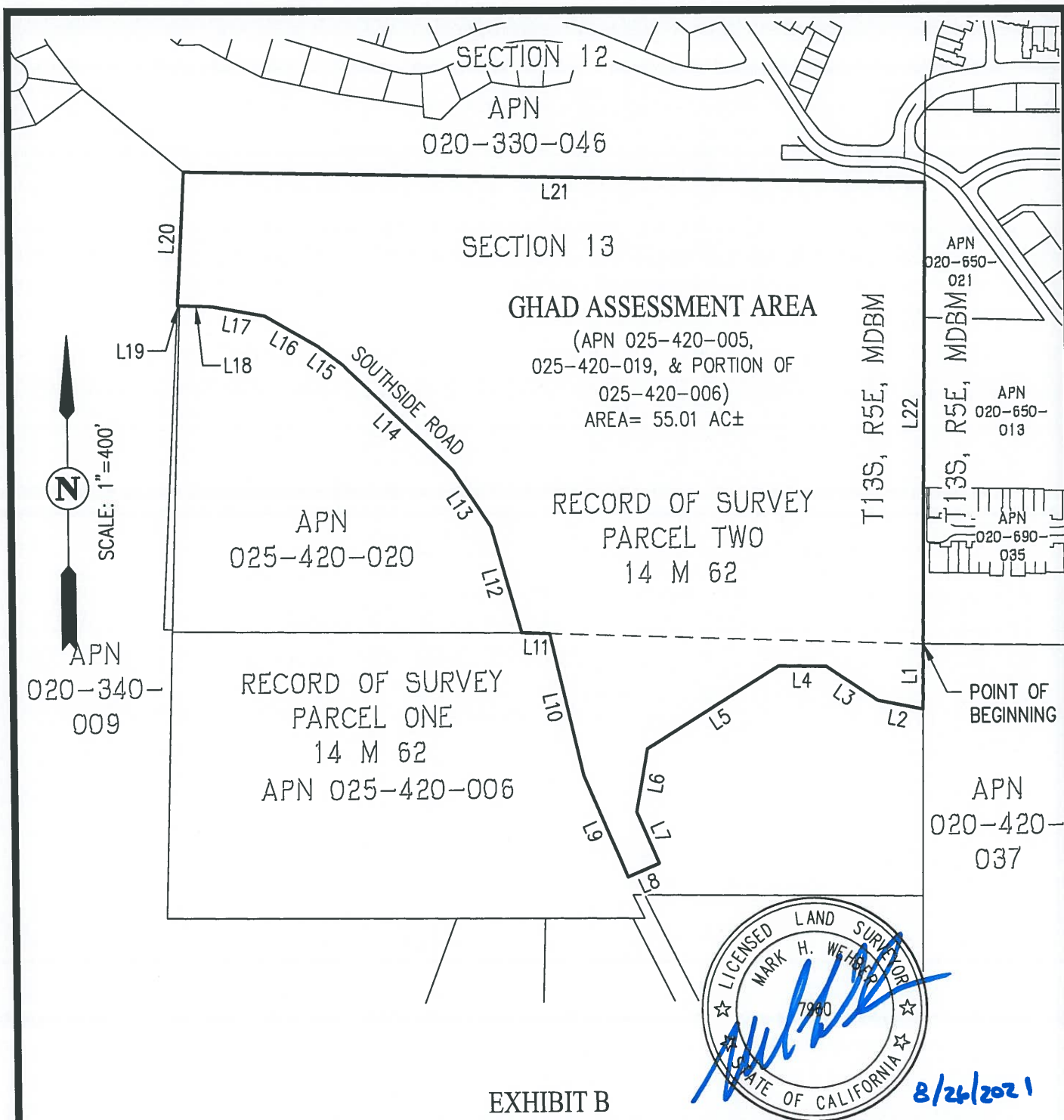


EXHIBIT B PLAT TO ACCOMPANY LEGAL DESCRIPTION

GHAD ASSESSMENT AREA
APN 025-420-005, 025-420-190, & PORTION OF 025-420-006
SAN BENITO COUNTY, CALIFORNIA

AUGUST 24, 2021

SHEET 1 OF 2

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866 - 0322
WEST SACRAMENTO • (916) 375 - 1877

LINE TABLE		
NO	BEARING	LENGTH
L1	S00°49'12"W	187.98'
L2	N78°44'15"W	132.62'
L3	N55°34'27"W	175.54'
L4	N88°57'35"W	139.34'
L5	S58°03'27"W	444.49'
L6	S10°29'14"W	184.46'
L7	S23°01'08"E	160.34'
L8	S66°58'52"W	97.50'
L9	N23°01'08"W	316.95'
L10	N12°35'53"W	419.71'
L11	N87°55'27"W	80.41'

LINE TABLE		
NO	BEARING	LENGTH
L12	N15°27'24"W	317.38'
L13	N33°15'20"W	196.67'
L14	N45°53'20"W	433.60'
L15	N52°25'20"W	89.76'
L16	N59°52'20"W	172.25'
L17	N79°35'00"W	152.37'
L18	N87°49'55"W	95.04'
L19	N87°46'04"W	5.51'
L20	N03°00'22"E	383.37'
L21	S88°57'35"E	2124.01'
L22	S00°49'12"W	1330.85'

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION

GHAD ASSESSMENT AREA
 APN 025-420-005, 025-420-190, & PORTION OF 025-420-006
 SAN BENITO COUNTY, CALIFORNIA

SHEET 2 OF 2

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866 - 0322
 WEST SACRAMENTO • (916) 375 - 1877

AUGUST 24, 2021
JOB NO. 2486-000

**EXHIBIT A
LEGAL DESCRIPTION
GHAD ASSESSMENT AREA
APN 025-420-005,
025-420-019 & PORTION OF 025-420-006
SAN BENITO COUNTY, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL ONE AND A PORTION OF PARCEL TWO, AS SAID PARCELS ONE AND TWO ARE SHOWN AND SO DESIGNATED ON THAT CERTAIN RECORD OF SURVEY, FILED FOR RECORD ON MAY 28, 2008 IN BOOK 14 OF MAPS, AT PAGE 62, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BENITO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF SAID PARCEL TWO;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCEL TWO, SOUTH 00°49'12" WEST 187.98 FEET;

THENCE, LEAVING SAID EASTERN LINE NORTH 78°44'15" WEST 132.62 FEET;

THENCE, NORTH 55°34'27" WEST 175.54 FEET;

THENCE, NORTH 88°57'35" WEST 139.34 FEET;

THENCE, SOUTH 58°03'27" WEST 444.49 FEET;

THENCE, SOUTH 10°29'14" WEST 184.46 FEET;

THENCE, SOUTH 23°01'08" EAST 160.34 FEET;

THENCE, SOUTH 66°58'52" WEST 97.50 FEET;

THENCE, NORTH 23°01'08" WEST 316.95 FEET;

THENCE, NORTH 12°35'53" WEST 419.71 FEET TO A POINT ON THE EXTERIOR BOUNDARY OF SAID PARCEL ONE;

THENCE, ALONG SAID EXTERIOR BOUNDARY, THE FOLLOWING TWELVE (12) COURSES:

1) THENCE, NORTH 87°55'27" WEST 80.41 FEET,

2) NORTH 15°27'24" WEST 317.38 FEET,

LEGAL DESCRIPTION

PAGE 2 OF 2

AUGUST 25, 2021
JOB NO.: 2486-000

- 3) NORTH 33°15'20" WEST 196.67 FEET,
- 4) NORTH 45°53'20" WEST 433.60 FEET,
- 5) NORTH 52°25'20" WEST 89.76 FEET,
- 6) NORTH 59°52'20" WEST 172.25 FEET,
- 7) NORTH 79°35'00" WEST 152.37 FEET,
- 8) NORTH 87°49'55" WEST 95.04 FEET,
- 9) NORTH 87°46'04" WEST 5.51 FEET,
- 10) NORTH 03°00'22" EAST 383.37 FEET,
- 11) SOUTH 88°57'35" EAST 2,124.01 FEET,
- 12) SOUTH 00°49'12" WEST 1,330.85 FEET TO THE **POINT OF BEGINNING**.

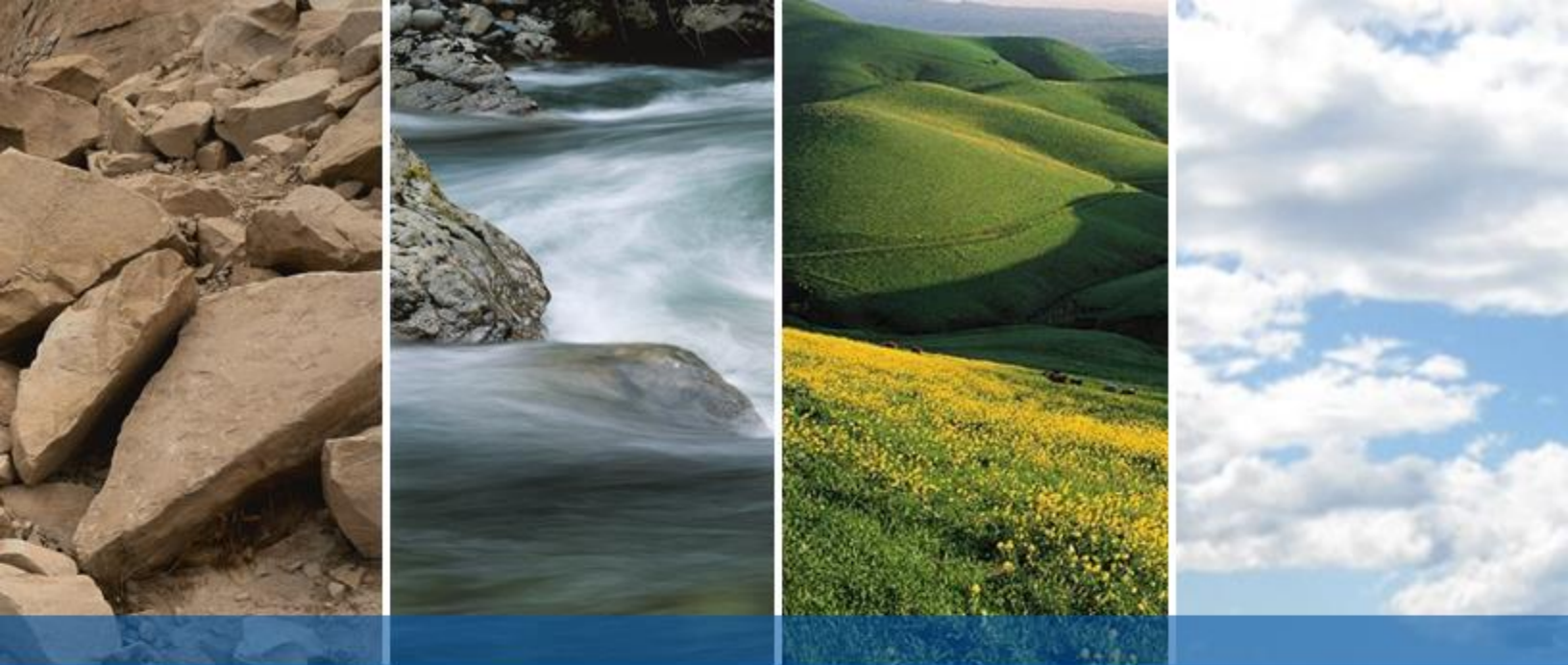
CONTAINING 55.01 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



 8/26/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



APPENDIX B

BACKGROUND

BACKGROUND

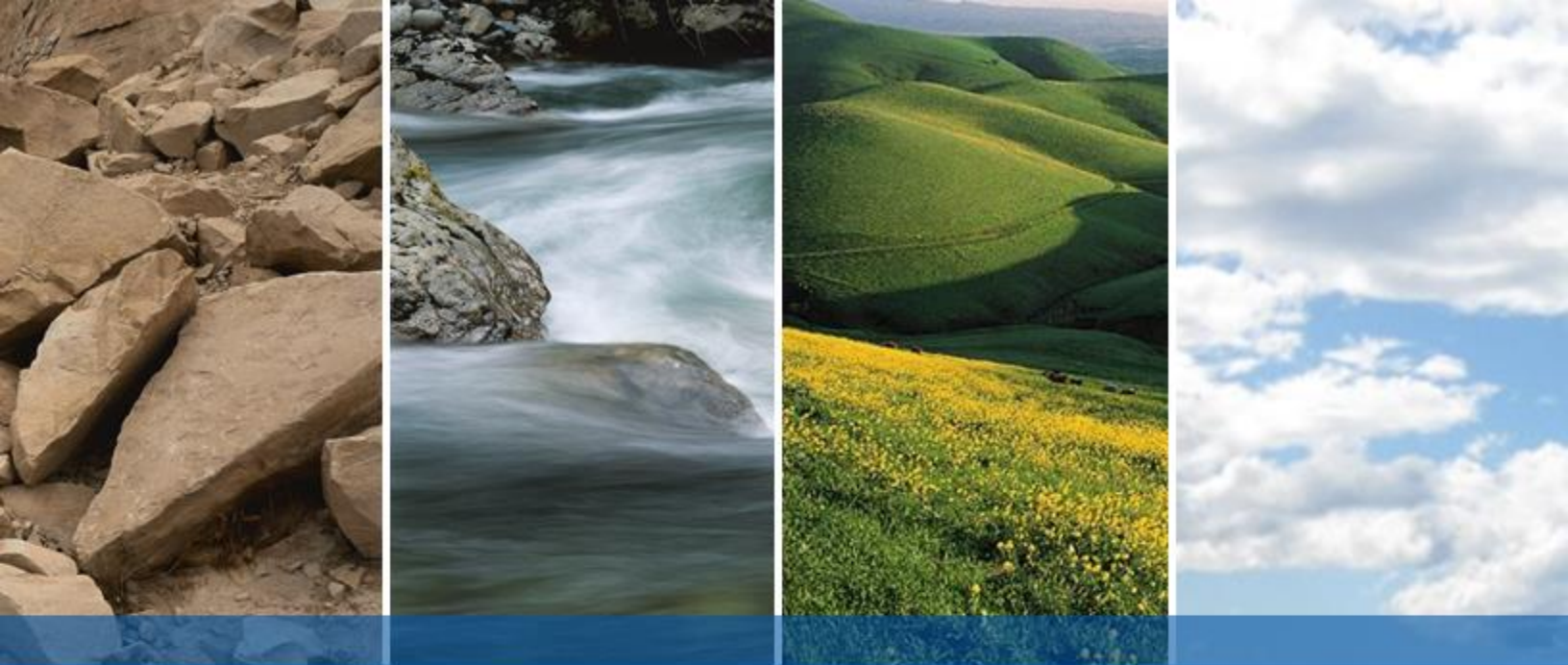
SITE CONDITIONS

The proposed Promontory at Ridgemark Project is located east of Southside Road in San Benito County near Hollister, California (Figure 1). The main feature of the 54.08-acre site is a gradually sloping terrace ranging from 515 feet in the southeastern portion of the site to 460 feet in the northwestern corner of the site. The terrace area has been used for dry land farming. Sunnyslope County Water District Well No. 8 is located along the northern edge of the site.

Steep slopes, up to about 120 feet in height, are located along the western and southern edges of the site. The slopes are inclined at from approximately 1.5:1 (horizontal:vertical) to 3:1. In general, the steep slopes are eroded with active landslide areas.

PROPOSED IMPROVEMENTS

Based on a review of the Grading Plan prepared by Carlson, Barbee, and Gibson, we understand the development will comprise 90 single-family homes, landscaped park area, and open-space areas. Access to the development will be provided from Ridgemark Drive. In addition, two retention basins will be constructed as part of the Project.



APPENDIX C

SITE GEOLOGY

SITE GEOLOGY

The geologic units mapped on the Project include deposits consisting of landslide, colluvium, and alluvial terrace. The geologic units described below are adapted from the geotechnical report that was completed for portions of the Project in 2015 and updated in 2021.

GEOLOGIC UNITS

The site is located in the Coast Range geomorphic province in the San Benito Valley. The materials on the site are predominantly Pleistocene alluvial terrace deposits with lesser mapped landslide and colluvium deposits. Regional landslide mapping by Majmundar (1994) depicts several small earthflows and debris flows on the slope adjacent to Southside Road.

A brief discussion of the geologic units and mapped locations follows.

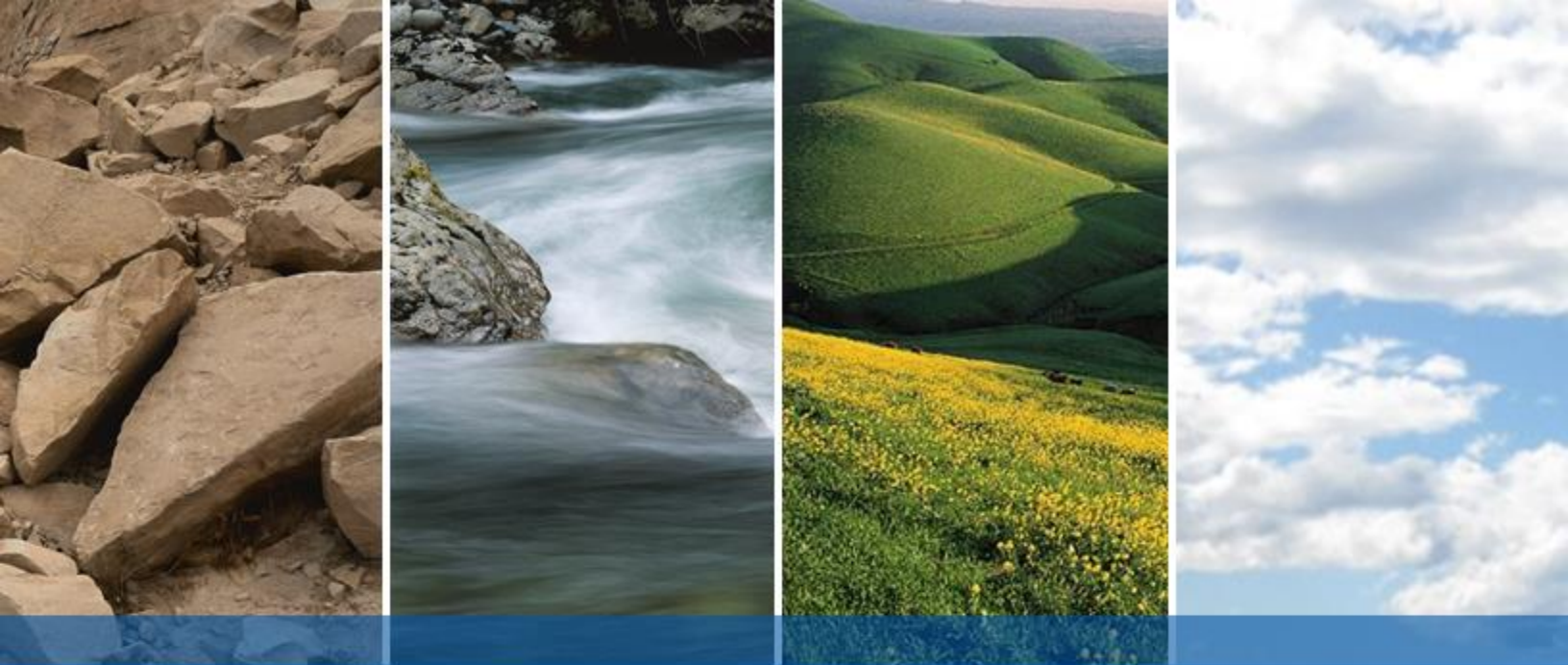
- Landslide Deposits (Qls) were identified in slope above Southside Drive and generally consist of silty clay materials.
- Colluvial Deposits (Qc) were mapped as overlying terrace deposits on the southern end on the Project. Typically, colluvium encountered during site explorations consists of silty clay and sandy clay.
- Pleistocene Alluvial Terrace Deposits (Qoa) were mapped as underlying the majority of the Property to the depth of the exploratory borings, 110 feet. Typically, the alluvial deposits encountered at the site consist of interlayered stiff to hard clays, silts, and medium dense to very dense sands and gravels. The upper two feet of the terrace deposit has been extensively reworked during farming activities.

GROUNDWATER

At the time of subsurface work, free groundwater was reportedly encountered in one boring at 78½ feet below the ground surface. Additional information in the geotechnical report for the Project reported that groundwater is approximately 60 to 100 feet below the ground surface in this area. A San Benito County groundwater well is located within Parcel C on the northern edge of the site between Lots 9 and 10. Fluctuations in groundwater levels may occur seasonally and over a period of years because of precipitation, changes in drainage patterns, irrigation, and other factors. Future irrigation may cause an overall rise in groundwater levels.

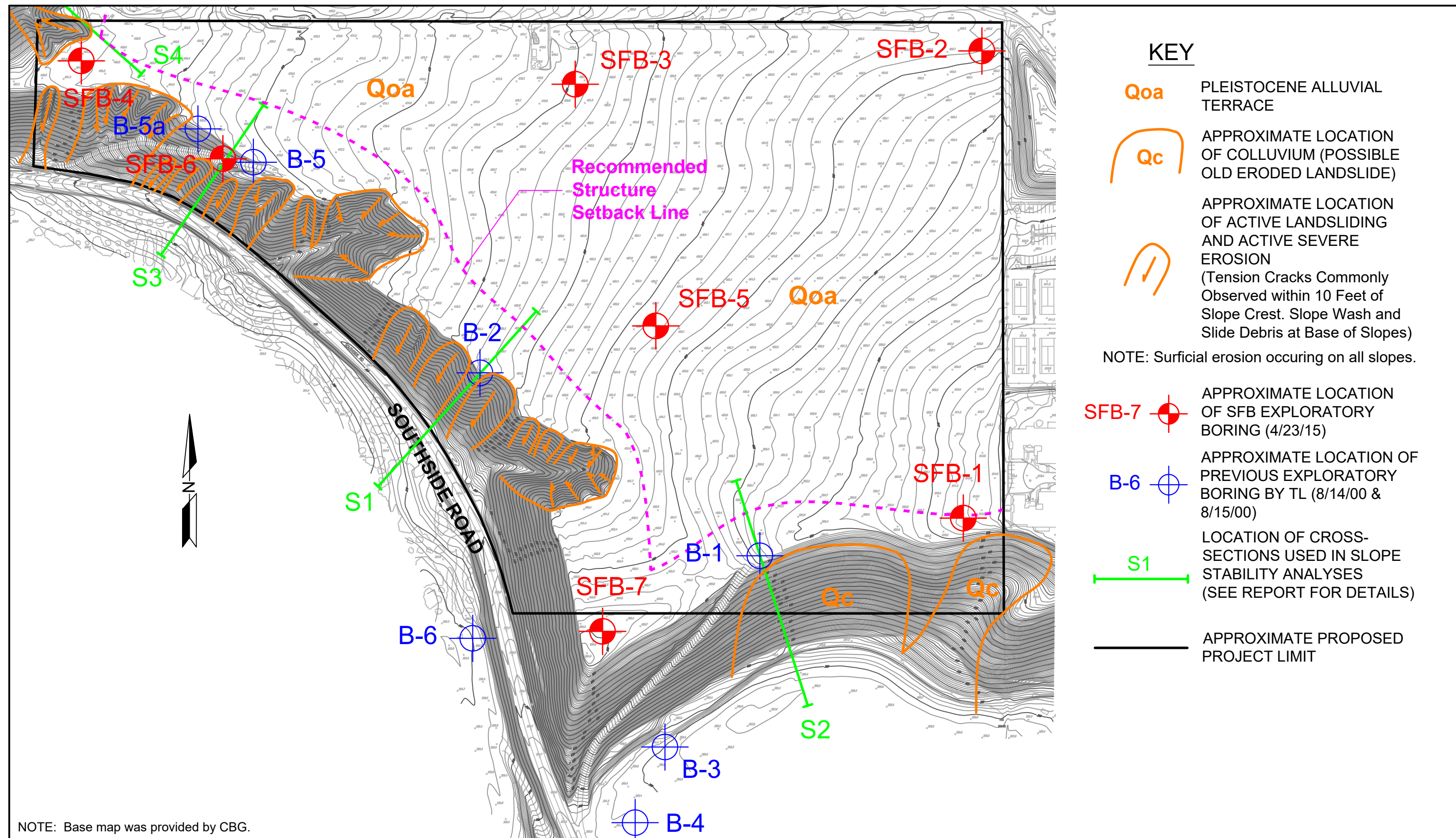
SEISMIC SOURCES

The Promontory at Ridgemark development area is not located within a designated California Earthquake Fault Zone for active fault; however, the site is located in the San Benito Valley, a very seismically active area.



APPENDIX D

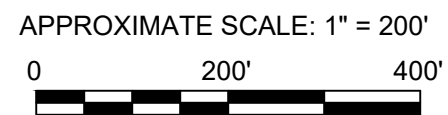
SITE PLAN AND ENGINEERING GEOLOGY MAP



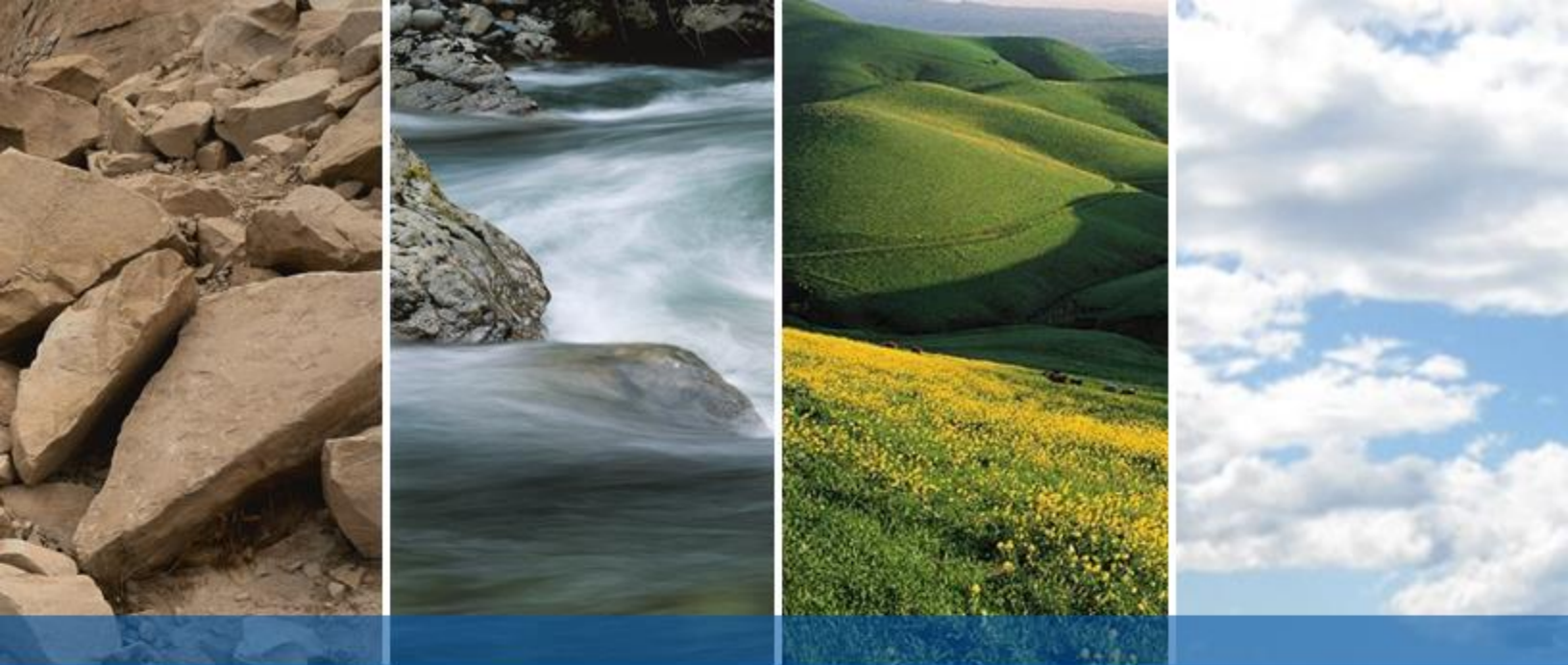
KEY

- Qoa** PLEISTOCENE ALLUVIAL TERRACE
- Qc** APPROXIMATE LOCATION OF COLLUVIUM (POSSIBLE OLD ERODED LANDSLIDE)
- APPROXIMATE LOCATION OF ACTIVE LANDSLIDING AND ACTIVE SEVERE EROSION (Tension Cracks Commonly Observed within 10 Feet of Slope Crest. Slope Wash and Slide Debris at Base of Slopes)
- NOTE: Surficial erosion occuring on all slopes.
- SFB-7** APPROXIMATE LOCATION OF SFB EXPLORATORY BORING (4/23/15)
- B-6** APPROXIMATE LOCATION OF PREVIOUS EXPLORATORY BORING BY TL (8/14/00 & 8/15/00)
- S1** LOCATION OF CROSS-SECTIONS USED IN SLOPE STABILITY ANALYSES (SEE REPORT FOR DETAILS)
- APPROXIMATE PROPOSED PROJECT LIMIT

NOTE: Base map was provided by CBG.



DATE		1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com
PROJECT NO.		
631-22		



APPENDIX E

FUNDING AND ACCEPTANCE

FUNDING AND ACCEPTANCE OF RESPONSIBILITY BY THE GHAD

An annual assessment shall be levied on all residential parcels with habitable building areas within The Promontory at Ridgemark development.

ACTIVATION OF ASSESSMENT

The assessment shall be levied by the GHAD on each individual parcel beginning the first property-tax assessment cycle following issuance of a building permit for that parcel.

RESPONSIBILITY FOR GHAD ACTIVITIES

The GHAD is not responsible for any GHAD Activities on the property within the GHAD boundaries until the GHAD formally accepts such responsibility. The property owner shall remain responsible for all GHAD Activities until the GHAD formally accepts such responsibility. GHAD activities may be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit within The Promontory at Ridgemark boundaries is issued by San Benito County provided that the items listed below have been completed. This turnover date may be extended at the sole discretion of the Project developer provided that the assessments shall continue to be levied during the extension period and that notice of such extension is delivered to the GHAD Manager at least 30 days prior to the turn-over date. The petitioners for formation of the GHAD intend that the approximate three-year period between the initial levying of the GHAD assessment and the GHAD becoming responsible to perform activities on property within each Final Map will allow the District to accumulate reserve funds without incurring significant expenses.

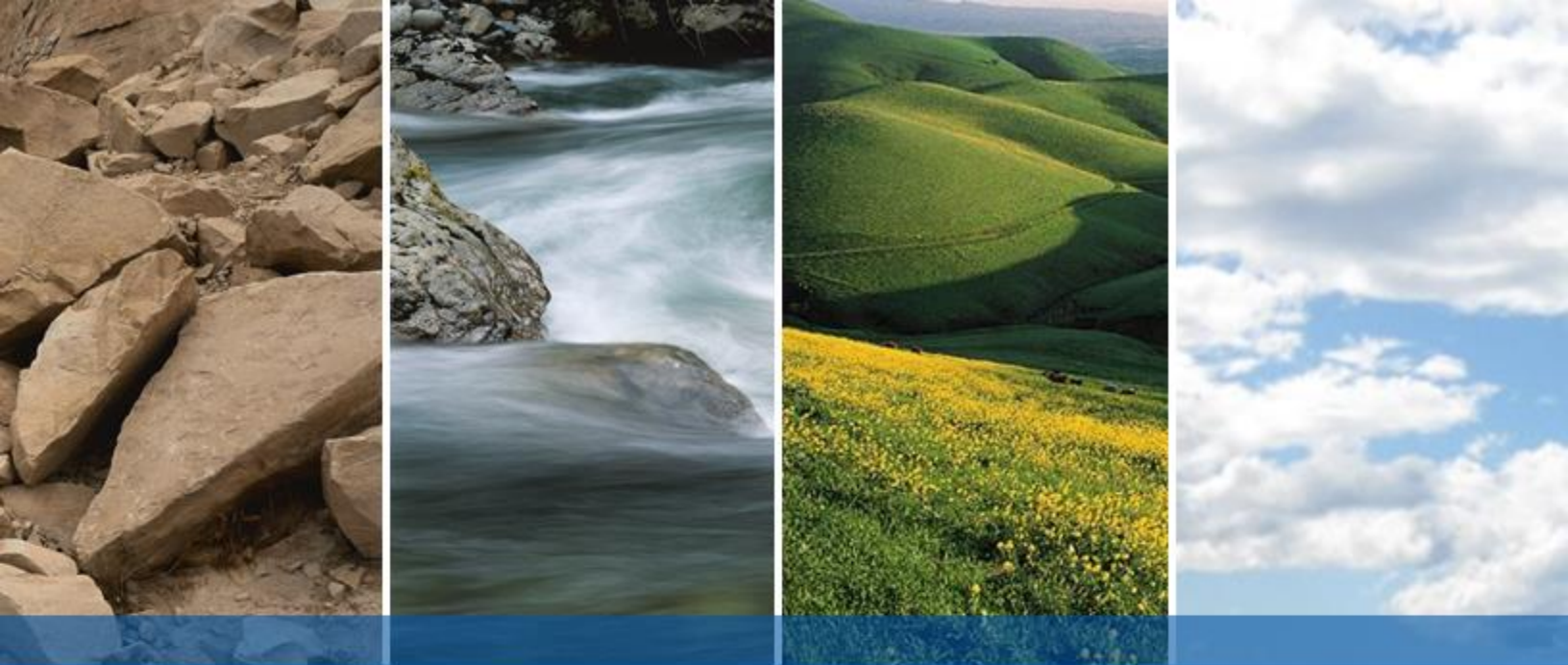
PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for parcel(s), the process for transferring responsibility for performing GHAD activities on such parcel(s) shall be as follows.

1. In the calendar year of the Transfer Eligibility Date or in any subsequent year, at its discretion, the developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities for parcel(s) to the District.
2. Within 45 days of receiving such notice, a representative of the GHAD shall verify that all the facilities for which the GHAD will have maintenance responsibility have been constructed and maintained according to the County-approved plans and specifications for the individual improvements, and that such facilities are operational and in good working order.
3. Within 15 days of such inspection, the GHAD will send the property owner a list ("Punch List") of all of the items that need to be constructed, repaired, or otherwise modified.
4. The property owner may notify the GHAD when it has completed the items identified on the Punch list.
5. Within 30 days of receipt of such notice, the GHAD shall verify whether all Punch List items have been completed. If such items have been completed, the GHAD shall notify the property owner that the District accepts responsibility for performing all future GHAD Activities on the parcel(s).

6. Ownership of the open space shall be transferred from the owner to the District.
7. The GHAD shall confirm that the reserve requirement defined in the approved Engineer's Report has been met.

As part of the transfer, the property owner shall provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, grading plans, corrective grading plans, improvement plans, field-verified geologic maps, as-built subdrain plans, and other pertinent documents as requested by the GHAD.



APPENDIX F

RIGHT-OF-ENTRY

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY
AND RESTRICTIVE COVENANTS REGARDING
SAN BENITO GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding San Benito Geologic Hazard Abatement District (the "Declaration") is made this ____ day of _____, 20__ (the "Effective Date"), by _____, Inc., a _____ company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in San Benito County, State of California, more particularly described as all of that certain real property shown in Final Map, Subdivision _____, filed on __, 20__, in Book_ of Maps, at pages __, all in the Official Records of San Benito County, California (the "Property").

B. The City of San Benito approved a 90-lot residential subdivision on the Property. A condition of approval of the tentative map for Subdivision _____ was that the Property be included within a Geologic Hazard Abatement District ("GHAD") to ensure proactive and effective maintenance of all subdrain facilities.

C. Under the authority of California Public Resources Code section 26500, et seq., the San Benito Board of Supervisors on May 10, 2016, adopted Resolution No. 2016-31 forming and establishing the San Benito Geologic Hazard Abatement District to prevent, mitigate, abate, or control potential geologic hazards within the boundaries of the GHAD. On _____, 20__, the San Benito GHAD adopted Resolution No. _____, approving of the assessment to the Property as described in the Plan of Control.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of San Benito GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the San Benito GHAD. The Board of Directors of the San Benito GHAD are the members of the San Benito Board of Supervisors. Pursuant to the Plan of Control for the San Benito Geological Hazard Abatement District as it may be amended from time to time (the "Plan of Control"), the Declarant and the San Benito GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement, and control of potential geologic hazards on the Property. The powers of the San Benito GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the San Benito GHAD to be imposed on the Property pursuant to adopted Resolution _____.
2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords San Benito GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the San Benito GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the San Benito GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the San Benito GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this

Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarant hereby grants the San Benito GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as legally described in Exhibit A, and depicted in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls, and pipelines; (b) the monitoring, maintenance, and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the San Benito GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The San Benito GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the San Benito GHAD accepts such responsibilities consistent with the Plan of Control.
4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.
5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify San Benito GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "San Benito GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify San Benito GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "San Benito GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.

6. Enforcement: The San Benito GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.
7. Modification or Termination: This Declaration shall not be modified, amended, or terminated without the written consent of the San Benito GHAD.

Executed as of the Effective Date.

Declarant:

By: _____

Its: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the San Benito Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20__ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. ____-__, dated _____, 20__. The County of San Benito, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

San Benito GHAD Manager

Date:

Attest:

San Benito GHAD Clerk

Approved as to form:

San Benito GHAD Attorney

THE PROMONTORY AT RIDGEMARK,
By:

Its: Owner

