5  CONSERVATION AND RESOURCE MANAGEMENT

5.1  INTENT

The Conservation and Resource Management Chapter provides the context for the long-term preservation and conservation of the natural resources and open space lands within the Hecker Pass Specific Plan Area. The preservation and conservation of these resources ensures that Specific Plan Area residents, City of Gilroy residents, visitors, and future generations can enjoy the natural beauty and rich history of the Hecker Pass Area. The Conservation and Resource Management Chapter also seeks to protect the environment and prevent the loss of important habitats and ecosystems. Resources to be protected include plants, animals, creeks, drainage ways, hillsides, scenic qualities, and historic and archeological features.

**Goal 5-1:** Protect the area’s natural resources and scenic qualities, including its view corridors and natural features.

Effective conservation and resource management programs not only protect natural and cultural resources, but also benefit the community by enhancing aesthetic values of an area, preserving community character, and providing recreational opportunities. The increased visual and recreational assets enrich the quality of life for residents, increase property values, and foster community pride.

5.2  AGRICULTURAL AND OPEN SPACE AREAS

The most important element of the *Hecker Pass Specific Plan* is the establishment of agricultural and open space areas. These areas serve to protect and conserve the natural, rural and agricultural character and resources within the Specific Plan Area. Open space and agriculture within the Hecker Pass Specific Plan Area have been sited in such a way to form a contiguous and interconnected network and to preserve views throughout the Specific Plan Area. These areas have been maximized by clustering the development that would normally occur across the entire site into three distinct clusters separated by agricultural uses or open space. In addition, open space areas through and within residential and commercial developments connect larger agricultural and open space areas, adding to the overall network. Together, all these open space and agricultural areas combine to preserve nearly 69% of the Specific Plan Area.
### Table 5-1: Agricultural and Open Space Areas

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Open Space within Land use</th>
<th>Land Use Acreses&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Open Space Acreses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td>100%</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Park/Recreational Facility</td>
<td>100%</td>
<td>98</td>
<td>98</td>
</tr>
<tr>
<td>Hecker Pass Agriculture</td>
<td>100%</td>
<td>59</td>
<td>59</td>
</tr>
<tr>
<td>Agricultural Commercial</td>
<td>50%&lt;sup&gt;2&lt;/sup&gt;</td>
<td>34</td>
<td>17</td>
</tr>
<tr>
<td>Agri-tourist Commercial</td>
<td>50%&lt;sup&gt;3&lt;/sup&gt;</td>
<td>17</td>
<td>8.5</td>
</tr>
<tr>
<td>Agri-tourist Commercial Overlay</td>
<td>80%&lt;sup&gt;3&lt;/sup&gt;</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>50%&lt;sup&gt;4&lt;/sup&gt;</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Hecker Pass Cluster North of Hecker Pass Highway</td>
<td>50%&lt;sup&gt;4&lt;/sup&gt;</td>
<td>21</td>
<td>10</td>
</tr>
<tr>
<td>Hecker Pass Clusters South of Hecker Pass Highway</td>
<td>5%&lt;sup&gt;4&lt;/sup&gt;</td>
<td>85</td>
<td>4</td>
</tr>
<tr>
<td>Hillside Residential</td>
<td>90%&lt;sup&gt;4&lt;/sup&gt;</td>
<td>49</td>
<td>44</td>
</tr>
<tr>
<td>Total</td>
<td>69%</td>
<td>423</td>
<td>295.5</td>
</tr>
</tbody>
</table>

1. All acreages are approximate
2. Acreage is based on existing uses on Goldsmith Seeds property.
3. Assumes a minimum percentage of landscaped, unpaved area.
4. Assumes a minimum percentage of private open space or common open space.

Uvas Creek provides the largest open space area within the Specific Plan Area. The riparian corridor provides an important path through the area because it allows for the continued free movement of wildlife through the area and contains the most sensitive habitat within the Specific Plan Area. The hillsides north of Hecker Pass Highway also provide a major open space element to the area and contain valuable habitat. The oak woodlands to the north and Gabilan Mountains to the south provide a scenic backdrop for the Hecker Pass Area. Agricultural areas sited along Hecker Pass Highway and around development clusters serve to reduce the impact of future development of residential and commercial uses on the rural character of the area. These agricultural areas extend to the Uvas Creek corridor.
Policy 5-1: Provide open space and agricultural spaces around development clusters to preserve views to Uvas Creek and the hillsides and oak woodlands north of Hecker Pass Highway.

To preserve the rural character, visual qualities, and natural resources of the Hecker Pass Area and maximize recreational opportunities, the agriculture and open space areas must be large enough to preserve existing views to the Gabilan Mountains and Uvas Creek and ensure agricultural viability. Agricultural areas should be contiguous and large enough to allow for and encourage the active planting and harvesting of low-intensity orchards, vineyards or other agricultural products or natural open spaces (refer to the Sections 3.4.1 and 7.4 for more detail).

5.2.1 AGRICULTURAL RESOURCES

Agricultural resources in the region are important both historically and culturally to Gilroy. The lands within the Hecker Pass Area have produced peaches, prunes, grapes and other agricultural products and have served as cattle rangelands for over 200 years. The agricultural history of Hecker Pass is connected to many prominent historical figures and families including Henry Miller the Cattle King, Henry Hecker, Electa Ousley, Pleasant Hodges, Lyttleton A. Whitehurst, the Kilpatrick family and more. To preserve this rich history and rural character, the Specific Plan creates agricultural areas to allow for continued agricultural use.

The remaining agriculture fields add to the rural character of the Hecker Pass Area. The most predominant agricultural use in the Hecker Pass Area is the headquarters for Goldsmith Seeds, Inc. Goldsmith Seeds is a multi-national flower and seed production company that employs more than 4,000 people worldwide. The headquarters in Gilroy consist of numerous greenhouses and presentation gardens where seeds are bred and tested for performance both in greenhouses and gardens. Goldsmith Seeds produces mostly annual flower seeds for seed companies and growers internationally. The presentation gardens at Goldsmith Seeds are a major attraction for Gilroy tourists. The Hoey lands south of Highway 152 have recently been used to dry farm hay. The lands on the north side of Highway 152 are used for cattle grazing. The Vanni property currently produces wine grapes for the Solis winery. Solis Winery is a Vanni family owned winery with tasting rooms located further west on Highway 152.

Although approximately 35% of the Specific Plan Area is capable of some kind of agricultural use, in recent years less than 100 acres have been actively farmed. According to the United States Department of Agriculture Natural Resources Conservation Service, some of the area south of Highway 152 could potentially be classified as Prime Agricultural Land or Agricultural Land of Statewide Importance. To further evaluate the capabilities of the land to support agricultural activities, Kelley and Associates Environmental Sciences, Inc. performed a Land Evaluation and Site Assessment for Lands of the Hecker Pass Specific Plan Area. The results of the LESA revealed that the Hecker Pass Specific Plan Area does not meet the standard.
Prime Agricultural Land or Agricultural Land of Statewide Importance. Nevertheless, the Hecker Pass Specific Plan recognizes the importance of the area's agricultural character, preserves existing agricultural lands, and encourages future agricultural operations.

The Specific Plan provides for the continuation of existing agricultural uses and possible enhancements by creating the agricultural land use designations described in Section 3.4. Cultivated lands such as vineyards and orchards are visual amenities that will contribute to the agricultural character of new and existing uses within the Specific Plan Area. The Specific Plan emphasizes agricultural open space by maximizing its visibility and utilizing agricultural uses to preserve Highway 152 as a scenic corridor. By placing these agricultural uses in the foreground of views from public roadways and trails, the Specific Plan will highlight the importance of agriculture and ensure that agriculture remains an important land use in the Hecker Pass Area. In addition, the Specific Plan creates an environment where residents and visitors feel they are nestled within a rural agricultural area. To accomplish this, the Specific Plan orients development to the open space and agricultural areas around development clusters. The Specific Plan establishes large contiguous areas of agricultural open space to ensure active cultivation and future viability. In addition to preserving agricultural character, the agricultural open space provides a unique landscape component for future development.

**Goal 5-2:** *Allow for continued and future agricultural operations within the Hecker Pass Area.*

**Goal 5-3:** *Preserve the unique agricultural character of the Hecker Pass Area by establishing historical and agricultural project features.*

**Policy 5-2:** Encourage the Hecker Pass Specific Plan property owners and project developers to promote the establishment of an agricultural history center, working farm, viticulture center, or agricultural educational programs in the Specific Plan Area.

**Policy 5-3:** To enhance the rural character of the Specific Plan Area, agricultural open space areas separating the Residential Cluster (RC) land uses shall be created. These open spaces should be of sufficient size and shape to allow for agricultural production. The size and shape of the open space shall be established through the tentative map and planned unit development architectural and site review processes at the time of development application.

**Policy 5-4:** Agricultural uses shall be established between Hecker Pass Highway and the Residential Cluster (RC) land use designation to preserve the rural character of the area.

The preservation of agricultural resources within the Hecker Pass Area requires design features that ensure agricultural activities do not conflict with residential activities. Descriptions of these design features and other appropriate measures are discussed later in this chapter, Section 5.2.1.3 Agricultural Management.
5.2.1.1 Agricultural Access

Access within agricultural land uses should be limited to ensure the viability of agricultural production. Fences should be avoided as much as possible in and around agricultural areas, however, public access may need to be restricted to prevent destruction and theft of crops. In addition, public access might conflict with harvesting activities. The use of farm machinery may present potential safety issues and conflicts. Agricultural areas should be at minimum, visually accessible to future residents and visitors. Therefore split rail fencing or other open type fencing consistent with the design guidelines provided in Section 7.4.5 should be used when fencing is necessary.

Policy 5-5: Public access within agricultural land uses should be limited to avoid potential conflicts with agricultural viability.

5.2.1.2 Agricultural Ownership and Maintenance

Lands designated as Hecker Pass Agriculture will be either owned by an agricultural operator, owned by the adjacent commercial use, owned by a third party, or owned by a homeowner association or other such private entity. Agricultural lands can either be leased to one or more growers or planted and maintained by the direct owner or responsible entity. When agricultural lands are leased, the owner shall still maintain responsibility for conformance with the agricultural management policies set forth in Section 5.2.1.3 and shall disclose these policies to all potential lessees prior to the lease agreement.

Policy 5-6: Owners of agricultural properties shall be responsible for conformance to all agricultural management policies set forth in the Hecker Pass Specific Plan and shall be required to disclose these policies to all potential lessees prior to the lease agreement.

Policy 5-7: To ensure the preservation of designated agricultural areas in perpetuity, permanent agricultural easements, deed restrictions or other such instruments shall be created for each property in each agricultural area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final map and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and that map shall generally describe the area to be restricted.

5.2.1.3 Agricultural Management

Continued agricultural use is a critical component to preserving the rural and agricultural character of the Hecker Pass Area. Since agricultural production may involve the use of pesticides, heavy machinery and other practices that may disturb or annoy nearby residents, the
Specific Plan recommends that the City consider enacting a “right-to-farm” ordinance for the Specific Plan Area that allows agricultural activities to continue.

To reduce potential conflicts, the Specific Plan also requires a minimum 50-foot buffer between crops and dwelling units to ensure residents are not affected by chemical applications and other agricultural activities. Site features and improvements within the buffer may include agricultural maintenance roads, driveways, public roads, swales or landscaping and may act as a fuel transition zone for structures. The buffer may occur wholly or in part on either residential, Hecker Pass Agriculture (HPA) or Agricultural Commercial (AC) designated land use areas.

The Specific Plan requires that an Integrated Agricultural Management Plan be incorporated into the Conditions, Covenants and Restrictions (CC&Rs) for all properties that include agricultural uses. The Integrated Agricultural Management Plan should ensure that agricultural operations and residential uses may coexist with minimal conflict by identifying appropriate times and uses of farm machinery (see Section 5.7.2) and suitable methods for weed abatement, pest control, fertilization, and erosion control (see Section 5.7.3). This plan shall be prepared based on the recommendation of the Santa Clara County Department of Agriculture and the City of Gilroy and shall require City administrative approval. Future homebuyers, renters, and commercial tenants must be informed of and acknowledge this ordinance and any related Integrated Agricultural Management Plans prior to purchasing a home or leasing space adjacent to agricultural areas.

**Goal 5-4:** Reduce potential conflicts between continued and future agricultural operations and residential and commercial uses.

**Policy 5-8:** The City of Gilroy shall consider adoption of a “right-to-farm” ordinance to prevent existing and future agricultural uses from becoming nuisances to future residential uses.

**Policy 5-9:** Future property and homebuyers shall execute right-to-farm disclosure statements as part of all sales transactions.

**Policy 5-10:** All properties that include agricultural uses shall include an Integrated Agricultural Management Plan in the Conditions, Covenants and Restrictions for the property.

**Policy 5-11:** Any related Integrated Agricultural Management Plans and the “right-to-farm” ordinance shall be disclosed to future residents and commercial tenants prior to lease or purchase.
Policy 5-12: Establish minimum 50-foot agricultural buffers between agricultural crops and dwelling units.

5.2.2 OPEN SPACE RESOURCES

Open space refers to lands to remain undeveloped for active or passive recreation, environmental preservation, and/or aesthetics. Open space plays an important role in the Hecker Pass Specific Plan because open space serves as the method for preserving the rural character and natural resources of the area. The open space areas serve as scenic backdrops, visual and physical buffers between adjacent developments and gradual graceful transitions from existing rural uses and natural features to future development. Open space also provides recreational and educational opportunities for area residents and visitors.

The Specific Plan establishes large areas of natural and recreational open space by providing permanent open space for the Uvas Creek Preserve and the hillsides north of Hecker Pass Highway (State Route 152), and by establishing buffers along the Uvas Creek riparian corridor and Hecker Pass Highway. Permanent open space areas include active recreation areas, habitat protection areas, scenic open spaces, and potential neighborhood common open space areas. Resources preserved within open space include the Uvas Creek riparian corridor, steep slopes, oak woodlands, grasslands, view sheds to the Gabilan Mountains, and the Hecker Pass Highway scenic corridor.

There are four types of open space within the Hecker Pass Specific Plan:

- **Habitat Preserve** refers to areas to be dedicated to the City of Gilroy or resource agency for the preservation of naturally occurring plant and animal species and their habitats. This type of open space occurs along the Uvas Creek riparian corridor and may include natural habitats, buffer areas, biological enhancements, mitigation areas, and limited passive recreational uses.

- **Park/Recreational Open Space** refers to the integrated park and open space system designed to meet the recreational needs of the future Specific Plan Area residents, the Gilroy community, and visitors to the area. This type of open space includes public trails, linear parks, buffer areas, pocket parks, neighborhood parks, tot lots and playfields. The majority of recreational open space occurs along the Uvas Creek corridor in the form of a linear park and trail. The linear park also serves as a buffer between Uvas Creek and future development. Small pocket parks may occur along this trail where appropriate to provide additional recreational opportunities. A 3-acre neighborhood park has also been designated near or adjacent to this linear park and shall be physically linked to the linear park.
Natural Open Space refers to those open spaces that will be privately owned and maintained. These areas include portions of the hillsides north of Hecker Pass Highway and possibly some Hecker Pass Agriculture, Agri-tourist and Agricultural Commercial areas that are not used for agricultural production. Although some of these lands may be designated as part of the Hecker Pass Agriculture or Hillside Residential land use, soil conditions, steep slopes or other factors may make agricultural production or residential development undesirable or inappropriate. Since these lands will be left in their natural state, this type of open space may include areas used for the preservation of naturally occurring plant and animal species and their habitat or agricultural buffer areas. This open space differs from park preserve open space because although these areas are required to be planted with native plant species, they will not be dedicated to the City for habitat preservation purposes.

Common Open Space refers to open space areas associated with residential or commercial development. Common open space may include private and common landscape areas, gardens, walkways, recreational areas, courtyards, patios, paseos, picnic areas, barbeque areas, pools, spas, tot lots, etc.

The various open space types are shown in Figure 5-1:

![Figure 5-1: Open Space Types](image)

The combination of these open space components and the agricultural land uses creates a comprehensive interconnected network that preserves the rural character and visual qualities of the Hecker Pass Specific Plan Area while serving the needs of a community as a whole. Open space is discussed in more detail in Chapter 3: Land Use.
Open space within the Hecker Pass Specific Plan Area should be available for all residents and visitors to enjoy. Access to open space areas can be visual or physical. Visual access from Hecker Pass Highway to the Uvas Creek Park Preserve and the Gabilan Mountains should be emphasized. Physical access should be maximized where appropriate to allow for the full enjoyment of the open space.

**Goal 5-5:** *Extend the Uvas Creek Park Preserve and trail to the western boundary of the Hecker Pass Specific Plan Area at the intersection of Uvas Creek and Hecker Pass Highway.*

The extension of the Uvas Creek Park Preserve along the Uvas Creek corridor should be dedicated to the City and used as a public park and habitat preserve for all Gilroy residents and visitors to enjoy. Although all of the main riparian corridor should be visually accessible to the public, physical access should be limited to protect the sensitive habitat. Trails into the riparian habitat should be restricted to dirt pedestrian paths or natural wildlife corridors. The riparian habitat should also remain accessible for the free movement of wildlife. Solid fencing and other structures that obstruct the movement of animals along the creek shall be prohibited. Split rail or other open type fencing may be used to restrict physical access to sensitive habitat areas within the riparian corridor. Recreational activities should remain outside the riparian corridor within the linear park between Uvas Creek and Third Street. This linear park will provide a buffer between development and the riparian corridor and will also serve as the main recreational amenity for the Hecker Pass Specific Plan Area. The Uvas Creek Park Preserve is proposed to include the extension of the Class I bicycle trail within the buffer area.

**Policy 5-13:** *Access to the Uvas Creek channel and into the associated riparian corridor shall be limited to dirt paths and natural wildlife corridors.*

**Policy 5-14:** *Solid fencing and structures that restrict the movement of wildlife through the Uvas Creek corridor shall be prohibited. Open fencing is allowed when needed to prevent human intrusion into ecologically sensitive areas.*

**Policy 5-15:** *Enhance public enjoyment and visibility of the stream corridor by providing public trails and recreational areas within the setback area along the Uvas Creek corridor.*

The most important element in providing public access to open space is the hierarchy of trails that connect through the Specific Plan Area. According to the *City of Gilroy Parks and Recreation Master Plan*, the existing sanitary sewer maintenance road that runs adjacent to Uvas Creek will be improved to a Class I recreational trail and extend all the way through the Specific Plan Area.
Plan Area from its existing terminus at Santa Teresa Boulevard to the intersection of Burchell Road and Hecker Pass Highway. Also, a new Class I trail will be constructed south of Hecker Pass Highway and the existing Deodar Cedar trees from the South Valley Community Church property to Uvas Creek. These paths will accommodate the movement of pedestrians and bicyclists through the Specific Plan Area with minimal conflict from vehicular traffic. These trails will provide the backbone for a hierarchy of public and private trails. Smaller pedestrian trails will extend from the Uvas Creek trail along public right-of-ways and connect roadways, the 3-acre public neighborhood park, residential neighborhoods, and future Agri-tourist businesses. This Uvas Creek trail should serve as part of the regional trail network and should eventually connect to the Bay Ridge Regional Trail. This trail system is intended to attract tourists to the recreational and agricultural resources of the area, maximize the public's full enjoyment of the open space, reduce the number of vehicular trips by residents within the Specific Plan Area by creating a "walkable" community, and foster social interaction and a shared sense of community (additional policies and design standards for public and private trails are discussed in Chapter 4 and Chapter 6).

Policy 5-16: A hierarchy of pedestrian trails shall be provided by future projects throughout the Specific Plan Area. Trails should connect future residential neighborhoods and commercial developments to Uvas Creek, the hillsides north of Hecker Pass Highway and other open space areas.

Policy 5-17: Public access along all public trails within the Hecker Pass Specific Plan Area should be provided in right-of-ways or publicly owned lands.

5.2.2.2 OWNERSHIP AND MAINTENANCE OF OPEN SPACE

Open space within the Hecker Pass Specific Plan Area will either be privately or publicly owned. Publicly owned open space will include the Uvas Creek Linear Park, The Uvas Creek Park Preserve, the 3-acre neighborhood park (if acquired by the City), and any additional parks dedicated to the City as a part of future development projects. Publicly owned lands will be available to all residents and visitors and will be maintained by the City. Trails within publicly owned lands shall be maintained by the City.

Privately owned lands within the Hecker Pass Specific Plan include common open space areas within residential clusters and commercial developments and the hillside open space north of Hecker Pass Highway. Common open space areas within residential housing clusters will be maintained by a Landscape and Lighting Maintenance District, project Homeowners Associations or other such private entity to be determined at the time of development. The portion of land within hillslides owned by the Country Estates will continue to be owned and maintained as permanent open space by Country Estates HOA or other such private entity. It is likely that the hillside open space located on the Hoey property and the Forest property will be either owned and maintained by a private residence, project homeowners' associations, or a combination of both.
Policy 5-18:  All of the public park preserve and linear park areas will be dedicated to or reserved for the City of Gilroy prior to or concurrent with final map approvals.

Policy 5-19: Hecker Pass property owners or future developers shall offer the 3-acre neighborhood park to the City of Gilroy for future purchase.

Policy 5-20: To ensure the preservation of designated open space areas in perpetuity, permanent open space easements, deed restrictions, or other such instruments shall be created for each property in each open space area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final map and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and that map shall generally describe the area to be restricted.

5.3 GEOLOGY, SOILS, GRADING

The Specific Plan Area ranges from level flood plains in the south along Uvas Creek to steep slopes in the northern hillsides. Elevations range from 203 feet in the flat areas south of Hecker Pass Highway to 442 feet in the hillsides north of Hecker Pass Highway. The area contains several types of soils. Generally, these soil types exist either entirely north or south of Hecker Pass Highway. A more detailed description of geology and soil types, including maps, can be found in ENGEO’s Preliminary Geotechnical Evaluation for the Hecker Pass Specific Plan, dated February 8, 2001 and ENGEO’s Preliminary Geotechnical Exploration for Bonfante Gardens Nursery Site, Hecker Pass Specific Plan Area [now the South Valley National Bank/Raley’s Property], dated October 15, 2001.

The flat areas south of Hecker Pass Highway are underlain with younger alluvial deposits. Alluvial materials including unconsolidated clay, silt, sand and gravel have been deposited by Uvas Creek as it meandered across the site over thousands of years (ENGEO Sep 9, 2001). Much of the area south of Hecker Pass Highway, with the exception of areas immediately adjacent to the creek and where past quarry activities have occurred, are conducive to agricultural production including orchards, vineyards and row crops. Although much of this land has not been irrigated or used for agricultural production in years, the Specific Plan preserves a large portion of these soils as Hecker Pass Agricultural between Hecker Pass Highway and future residential development. These areas will be utilized for agricultural production. Soils unsuitable for agricultural production should be used as development sites, recreational areas, or natural open space areas.
The hillsides north of Hecker Pass Highway are underlain by Miocene-age marine sedimentary rock of the Monterey formation. The majority of the hillsides consist of the Monterey formation, which generally includes thinly bedded claystone, siltstone, and sandstone. Residual soils consisting of dark brown silty clay overlay bedrock in the northern portions of the site. Thicker colluvium soils also exist within swales and valleys on the Hoey property and on other properties near Hecker Pass Highway (ENGEO Sep 8, 2001).

5.3.1 SOIL STABILITY

The hillsides north of Hecker Pass Highway are known to contain both superficial and deep-seated landslides. Superficial landslides include slumps, earthflows, and debris flows. Two suspected deep-seated landslides were identified to exist in these hillsides and could range from 20-50 feet deep. These landslides are considered dormant but the risk for instability is considered high. Should development occur in these areas, additional geologic exploration should be conducted and appropriate mitigation measures should be implemented as part of future projects (See ENGEO’s Preliminary Geotechnical Exploration, September 17, 2001, Figure 2 for slide locations).

**Policy 5-21**: Development shall not be permitted on slopes greater than 30% and should be avoided in areas of high landslide risk. Applicants for clustered residential projects located north of Hecker Pass Highway shall retain a qualified geologist to verify site specific locations of high landslide risk if improvements are proposed within areas as identified in Figure 2 of ENGEO’s Geotechnical Exploration, September 17, 2001. Habitable structures and supporting infrastructure shall be sited and constructed consistent with the findings of the geologist.

Ground shaking is a concern for any site located within the San Francisco Bay Area. Although the site is outside the State of California Earthquake Fault Hazard Zone and no indication of faulting has been identified on site, the site may be subject to at least one moderate to strong earthquake during the life span of the project. This hazard can be mitigated through seismic design provisions that are set forth in current building codes.

**Policy 5-22**: All buildings shall be constructed in accordance with current seismic building codes and should be designed to resist minor earthquakes without damage, resist moderate earthquakes without structural damage, and resist major earthquakes without collapse.

The colluvial soils located in the hillsides north of Hecker Pass Highway also have moderate to high plasticity and high expansion potential. These soils also tend to be relatively compressible under deeper fills and are susceptible to landsliding if undercut (ENGEO Sep 9, 2001). The claystone layers within the Monterey formation are highly expansive and the sandstone layers within the Monterey formation are resistant to erosion. In general, the Monterey formation is friable to moderately strong and highly fractured.
South of Hecker Pass Highway, alluvial soils have been deposited in areas where the creek channel used to occur as Uvas Creek has moved over the past century. Alluvial soils such as these tend to be less cohesive and are more susceptible to liquefaction, lurching and lateral spreading. Liquefaction refers to the phenomenon where loose uniformly clean fine sandy soils are subject to temporary but total loss of shear strength during earthquakes. Lurch cracking and lateral spreading are also the result of earthquakes. As part of the Preliminary Geologic Exploration dated September 17, 2001, ENGEO, Inc. analyzed 20 test pits and 5 borings. Generally, the borings along Uvas Creek consisted of dense coarse grained soils with limited silt and clay sized particles that were described as gravel or gravely sand. Stiff to very stiff sandy clay was encountered at depths of 29 and 33 feet in these borings (ENGEO Feb 2001, 10). The test pits encountered similar materials at ground level and the upper soil consisted of clayey silt or silty clay. The clayey silt or silty clay deposits were shallowest near the creek and got deeper as they moved towards Hecker Pass Highway. Based on these tests, ENGEO, Inc. concluded that liquefaction is unlikely and that lurching and lateral spreading will be limited at the site with very little potential for ground failure to extend a significant distance back from the top of creek bank. Three additional borings were analyzed as part of a letter report prepared by ENGEO on February 4, 2003. These boring confirmed the findings of the earlier report. To avoid the potential for lurching and lateral spreading near Uvas Creek, the Specific Plan establishes a 50-foot minimum improvement setback from top of bank for all structures in accordance with the findings and recommendations of ENGEO, Inc. This 50-feet is within the Uvas Creek Composite Setback discussed in Section 5.5 and 3.3.1. In addition, subsurface exploration should be required for all future development projects and mitigation measures should be considered if necessary.

Policy 5-23: All developments shall mitigate any geologic safety hazards that might be present on a development site to ensure public safety.

5.3.2 EROSION

Erosion occurs along steep creek banks with little or no vegetation. The Uvas Creek banks vary in height and slope and are generally covered in vegetation, minimizing the overall threat of erosion. Past activities along the creek have also reduced the threat of erosion. Riprap has been placed along a section of the creek along the southwestern and western boundaries of the Specific Plan Area to protect these banks. The Specific Plan geological consultant, ENGEO Incorporated, prepared a Preliminary Geotechnical Evaluation of the Hecker Pass Specific Plan Area on February 8, 2001 and identified only two sections along the creek that were near vertical and free of vegetation and therefore, subject to erosion. ENGEO, Inc. conducted additional study as part of the Preliminary Geotechnical Exploration dated September 17, 2001 and the Creek Bank Movement and Erosion Assessment dated April 8, 2003. Historical photographs of the creek indicated that the creek corridor has remained unchanged since at least 1939. Flooding resulted in creek flow levels exceeding the top of bank in 1939; however, Uvas
Creek was still in its current location. Borings and test pits analyzed as part of the Exploration encountered sands and gravels that can withstand velocities of 2-3 feet per second. Based on the soils found in this subsurface exploration, the historical photographs, and the vegetation along the channel, ENGEO, Inc. determined that the potential for future erosion is low. The reports recommended a minimum 50-foot structural and infrastructure setback from top of bank and recommended possible protection with some form of revetment in one particular section of the creek bank where the bank is in close proximity to the existing sanitary sewer. The subsequent Draft Meander Analysis: No-build Setback Determination for Uvas Creek, Gilroy prepared by Engineering and Hydrosystems Inc. indicated possible erosion at the toe of bank for particular sections along the Creek and established minimum setback criteria from the toe of bank. All improvements shall be setback a minimum of 100 feet from the Uvas Creek toe of bank for the portions of land between Santa Teresa Boulevard and the downstream end of the gravel pit and a minimum of 145 feet from the Uvas Creek toe of bank slope for the portions of land between the downstream end of the gravel pit and the upstream end of the Specific Plan Area. The Specific Plan requires compliance with the setbacks established by this most recent study. These setbacks have been incorporated into the composite setback shown on the Land Use Diagram and discussed in Sections 3.3.1 and 5.5.

Policy 5-24: Prior to issuance of a grading permit for any project proposed within the Specific Plan Area, project applicants shall prepare an erosion control plan consistent with the City’s erosion control ordinance. The plan shall be subject to review and approval of the City of Gilroy Engineering Division and its implementation by project applicant shall be monitored by the City.

Policy 5-25: Setback all improvements a minimum of 100 feet from the Uvas Creek toe of bank for the portions of land between Santa Teresa Boulevard and the downstream end of the gravel pit and a minimum of 145 feet from the Uvas Creek toe of bank slope for the portions of land between the downstream end of the gravel pit and the upstream end of the Specific Plan Area.

Policy 5-26: Any improvements within the 100-foot or 145 foot-setback other than minor trail and park improvements will require full mitigation recommended by the project geotechnical engineer and approved by the City of Gilroy Engineer.

5.4 NATURAL RESOURCE PROTECTION

The Hecker Pass Area has been touted as "the Jewel of Gilroy" because of its rural and scenic qualities, open spaces, and natural resources. These natural resources contribute to the overall character of the area and are the basis for the plan’s design. Preservation of these resources is important because the Hecker Pass Area also serves as a gateway to the City of Gilroy. Natural resources within the Hecker Pass Area include the Uvas Creek corridor and its associated riparian woodlands, oak woodlands, grasslands and agricultural/horticultural lands. Figure 5-2 shows the various habitat areas within the Specific Plan Area.
There are no rare or endangered plant species identified as existing within the Specific Plan Area; however, several special-status animal species are identified to potentially occur within the Specific Plan Area or adjacent areas. Special status species include species that are threatened and may be eligible for listing as rare or endangered species by a number of regulatory agencies. While many of the species identified are not known to occur in the Specific Plan Area, the Specific Plan Area and adjacent areas provide potential habitat for these species.

To preserve sensitive habitats to the greatest extent possible, the majority of proposed development within the Specific Plan Area has been limited to areas that currently consist primarily of cultivated field, orchards, and horticultural nursery operations. These active agricultural areas currently comprise approximately 65% of the Specific Plan Area and contain no naturally occurring plant species other than a few isolated native trees. Continual human interaction in these areas also limits the presence of wildlife to occasional foraging and hunting. Animals are unlikely to inhabit these areas. The remaining sensitive grasslands and oak woodlands have been mostly preserved as open space or consist of limited cluster and hillside development. *The Hecker Pass Specific Plan Biological Resource Assessment* prepared by EMC Planning Group in February 2001 provides a more detailed description of the existing biologic conditions for these areas.

**Goal 5-6:** *Preserve the natural resources in the Hecker Pass Specific Plan Area.*

**Policy 5-27:** *Impacts to sensitive wildlife species and habitats that occur in the Specific Plan Area shall be avoided whenever possible. Mitigation measures shall be implemented as necessary to reduce or eliminate impacts to special status species and their habitats.*

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Conservation and Resource Management

*Final Hecker Pass Specific Plan May 2015*
Policy 5-28: Sensitive habitat areas should be designated as permanent open space to preserve the natural resources of the area.

Policy 5-29: Wildlife corridors and connections to sensitive habitat areas should be preserved to the greatest extent possible to permit the free movement of wildlife through open space areas.

Policy 5-30: As a means of preserving wildlife corridors and habitat areas, development should be clustered on lands with less valuable habitat.

Policy 5-31: Development should be designated in a manner that will minimize adverse impacts to native trees and habitats.

Policy 5-32: Promote environmental awareness and education for residents and visitor of the Hecker Pass Specific Plan Area.

5.4.1 RIPARIAN HABITATS

The most important and prominent natural resource in the Specific Plan Area is the Uvas Creek riparian corridor and its associated riparian woodland. Uvas Creek is located along the southern and western boundary of the Specific Plan Area. The associated riparian woodland ranges from 25 to 100 feet from the centerline of Uvas Creek to the edge of the tree canopy. Willow thickets, mature western sycamore trees, coast live oak, valley oak, Fremont cottonwood and California blackberry are the most prominent trees in the woodland. The tree canopy provides roost and nesting sites for raptors and other birds including white-crowned sparrows, yellow-rumped warblers, bushtits, scrub jays, black phoebe, and northern flickers. Beyond the tree canopy, non-native annual grasses and forbs provide an edge between agricultural lands and the woodland. These grasses and forbs may also provide seeds and nesting materials for sparrows, finches and small mammals such as black-tailed hares, pocket gophers and ground squirrels. Harbor insects may also reside in these grasses and forbs.

One of the major objectives of the Hecker Pass Specific Plan is the preservation of the Uvas Creek Corridor located along the southern boundary of the Specific Plan Area. The City of Gilroy General Plan also provides policies for the preservation of natural resources and wildlife habitat areas and specifically targets the Uvas Creek riparian community as a natural resource for protection.
Goal 5-7: Ensure the protection of Uvas Creek Corridor by establishing policies and protective measures for adjacent land uses.

Goal 5-8: Preserve and enhance the Uvas Creek corridor and the associated riparian habitat wherever possible.

The Specific Plan calls for the extension of the Uvas Creek Park Preserve along the Uvas Creek corridor. The Park Preserve extension includes Uvas Creek, the associated riparian habitat, and the lands within the Uvas Creek setback. The Park Preserve will be offered for dedication to the City of Gilroy or resource agency. The extension of this Park Preserve provides for the protection of this natural habitat.

Policy 5-33: The Uvas Creek riparian corridor, the associated riparian habitat, and the lands included in the setback area shall be incorporated into the existing Uvas Creek Park Preserve and offered for dedication to the City of Gilroy or resource agency.

Because riparian habitats are important to sensitive species, riparian habitats are regulated by many federal, state and local government agencies. Regulating federal agencies include the US Army Corps of Engineers (USACE), the United States Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS). State jurisdictional agencies include the California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board. Finally, local jurisdictional agencies include the City of Gilroy and the Santa Clara Valley Water District (SCVWD).

Policy 5-34: Any recreational improvements proposed adjacent to Uvas Creek and its associated riparian habitat shall be done in consultation with appropriate resources agencies (i.e., California Department of Fish and Game, National Marine Fisheries Service, U.S. Army Corps of Engineers, Santa Clara Valley Water District) to determine possible permitting requirements.

The US Army Corps of Engineers, with jurisdiction established under Section 404 of the Clean Water Act, is primarily concerned with any potential impacts to the Uvas Creek Streambed. Permits are required for any proposed alterations within the streambed including grading and filling and any new discharges into the streambed. Prior to approving any permits, the Regional Water Quality Control Board must issue a certificate or waiver of a certificate that states the proposed activity meets state water quality standards. The Specific Plan does not propose any alterations to the streambed, however, permits for new storm drainage outfalls, as proposed in Chapter 9 - Public Utilities, should be obtained prior to construction.

Policy 5-35: All proposed outfalls shall be designed to meet all state water quality standards and shall obtain permits from all required resource agencies.

Any improvements occurring within 50 feet of the top of bank must also be submitted to and reviewed by the Santa Clara Valley Water District (SCVWD). SCVWD determines the impact of improvements on hydraulic capacity, the environment, water supply, and water quality and
provides recommendations to reduce these impacts. Generally, SCVWD discourages improvements within 50 feet of the top of bank but provides guidance for improvements that may be necessary within this area such as creek bank stabilization and storm drain outfall structures.

The California Department of Fish and Game acts as the lead agency for all of the state and federal regulatory agencies and is concerned with preserving habitat for rare and endangered species. CDFG requires notification, review, and potentially permits for any proposed alterations to the streambed and generally recommends that all improvements be setback a minimum of 100 feet from the edge of riparian habitat or top of creek bank to ensure preservation of the riparian habitat. Encroachments into the 100-foot setback should be mitigated by replacing any lost habitat.

**Policy 5-36:** All improvements within the Hecker Pass Specific Plan Area shall be setback a minimum of 100 feet from the top of bank or edge of riparian corridor (whichever is greater), subject to review and approval by the City of Gilroy and the California Department of Fish and Game. No development should be allowed in the buffer areas except for improvements associated with passive recreational uses such as pedestrian trails, picnic tables and benches, etc. To the greatest extent feasible, recreation improvements within the buffer area should be sited and designed to avoid direct and indirect impacts to the riparian habitat. Any encroachments will require mitigation.

**Policy 5-37:** Any loss of habitat within the Uvas Creek corridor resulting from development shall require the project proponent to retain a qualified biologist to prepare a Habitat Mitigation Plan to identify the exact amount and location of impacted and replacement habitat. Replacement vegetation shall be locally obtained native riparian species. Any loss of riparian woodland vegetation should be mitigated on-site, when possible, at a minimum of 3:1 replacement ratio, unless otherwise determined by the Department of Fish and Game and the City of Gilroy.

**Policy 5-38:** Discourage human intrusion into natural riparian habitat by limiting access into the riparian corridor and restricting trails to dirt paths and natural wildlife corridors.

**Policy 5-39:** Landscaping plans for any recreation improvements proposed in or adjacent to riparian habitat shall include lighting specifications that shall be consistent with the requirements of the adopted environmental mitigation measures, and shall include at least the following elements:

1. All lighting adjacent to riparian habitat along Uvas Creek will be directed away from the riparian habitat;
2. No lighting will be installed in the riparian buffer area; and
3. No lighting will generally be allowed after 11:00PM.
Policy 5-40: Prior to construction, proponents for any recreation improvements proposed in or adjacent to the Uvas Creek riparian corridor should retain a qualified biologist to inform workers of potential presence of the special-status species, their protected status, work boundaries, and measures to be implemented to avoid loss of these species during construction activities.

Policy 5-41: Any recreation improvements proposed in or adjacent to the Uvas Creek riparian corridor shall undergo additional environmental review to assess impacts of the proposed development on potential biological resources in these habitats.

Policy 5-42: Encourage Hecker Pass property owners and project developers to promote environmental preservation and restoration through the establishment of an environmental education center and trail along Uvas Creek that includes information centers or kiosks, trail monumentation, and informational signage.

In addition to setback requirements, the CDFG identifies a number of species that require protections or special consideration. This list also identifies those species federally protected by the US Fish and Wildlife service. Additional species are identified by the National Marine Fisheries Service that are not included on the CDFG list.

Steelhead are known to exist within the Specific Plan Area and migrate and spawn in gravel areas of Uvas Creek. Although steelhead are no longer considered endangered or threatened by either the USFWS or CDFG, the National Marine Fisheries Service identifies this species as threatened along the Central California Coast. Other important species known to exist in the area that have potential habitat within Uvas Creek and the associated riparian corridor but have not been observed in the Specific Plan Area include the California tiger salamander, a federally proposed threatened species and the California red-legged frog, a federally threatened species; Species of special concern that have no known listing of occurrence in the area but have potential habitat in Uvas Creek include the western spadefoot toad, foothill yellow-legged frog and the western pond turtle.

Policy 5-43: For any recreational improvements proposed in or adjacent to the Uvas Creek riparian corridor, which contains potential habitat for California tiger salamander, western spadefoot toad, yellow-legged frog, California red-legged frog, western pond turtle, steelhead, yellow-breasted chat, and/or yellow warbler, construction related activities should be conducted outside of the rainy season. The project proponent shall retain a qualified biologist to monitor construction activities occurring within 100 feet of the Uvas Creek riparian corridor. If any special status species are observed at the site, a qualified biologist shall salvage and relocate individual(s) to an appropriate area outside of the construction zone. If California red-legged frog, a federally threatened species, or California tiger salamander, a species proposed for federal listing as threatened, are observed at the site, construction activities shall be halted and the USFWS shall be contacted for further assistance.
Policy 5-44: Pre-construction surveys for protected birds shall be conducted for improvements or development proposed in or adjacent to potential nesting habitat (i.e., riparian woodland) if development is proposed during the nesting and/or breeding season of loggerhead shrike (generally February through June) or raptors (generally March through August). If any active nests are found within survey area, at the discretion of the biologist, clearing and construction within 250 feet shall be postponed or halted until nests are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

Policy 5-45: Landscaping plans for any recreation improvements proposed in or adjacent to riparian habitat shall include appropriate guidelines to prevent contamination of Uvas Creek and its associated riparian habitat by pesticide, herbicides, fungicides, and fertilizers. Landscaping should include appropriate native plant species and should not include plantings of non-native, invasive plant species.

In addition to protecting the existing habitat, SCVWD, CDFG, and USFWS encourage the restoration and enhancement of habitat that has encountered intrusion of non-native species or has been damaged by human activity. Uvas Creek is a prime example of this type of habitat since the Uvas Creek corridor has become overrun with a highly invasive non-native grass called Arundo Donax. Restoration and enhancement planting plans are subject to jurisdictional review and approval. Restoration and enhancement landscaping guidelines for the Uvas Creek Corridor are discussed in further detail in Chapter 7 – Community Design. Restoration and enhancement may also include the restoration of animal species such as the establishment of a steelhead fishery to repopulate Uvas Creek.

Policy 5-46: Future mitigation in the Uvas Creek Park Preserve should include revegetation with native plant species to enhance the appearance and improve the habitat value of the corridor. Revegetation plans shall be subject to review and approval by the Department of Fish and Game.

Policy 5-47: The City of Gilroy should work with the Santa Clara Valley District to pursue eradication of non-native plants, revegetation with native plants, native plantings within existing riprap, and establishment of a mitigation bank site for mitigation of future Gilroy development.

Policy 5-48: The City in conjunction with the SCVWD should consider establishing future mitigation bank areas within the Specific Plan Area for other City project mitigations.

Policy 5-49: Encourage Hecker Pass Specific Plan property owners and project developers to promote the creation of an environmental education center and trail along the Uvas Creek park area, including an information center or kiosk, trail monumentation and informational signage.
Policy 5-50: Encourage Hecker Pass Specific Plan property owners and project developers to promote the establishment of a steelhead trout fishery project for Uvas Creek.

5.4.2 GRASSLANDS AND OAK WOODLANDS

In addition to the Uvas Creek Riparian habitat, the Hecker Pass Specific Plan Area contains two other sensitive habitat areas including grasslands and oak woodlands.

Grasslands located on the northern side of Hecker Pass Highway include annual non-native grasses such as wild oat, foxtail, soft chess and ripgut brome and forbs such as wild mustard, bur clover and yellow star thistle. These grasses provide habitat for small mammals including voles and pocket gophers, which are an important source of prey for species such as red fox, various snakes, American kestrel and raptors including the red tailed hawk. Small mule deer may also use these grasses for foraging.

Oak woodlands exist on the hillsides north of the grasslands. Coast live oaks are the dominant species and scattered valley oak and blue oak also occurs. Non-native and annual grasses and forbs occur underneath the tree canopies. The oak woodland habitat provides food, cover, roosting and breeding sites for animals such as mule deer, western grey squirrel, deer mice, woodrats, woodpeckers, northern flickers and scrubjays. Insects living within the foliage and bark of oak trees provide food for ash throated flycatchers, white-breasted nuthatches and western kingbirds. Fungus, lichen, mistletoe and galls growing on oak trees provide food for raccoons and mockingbirds. Western bluebirds, American kestrels, rufous-sided towhee, and California quail may also occur within this woodland. Snakes and raptors such as the red-tailed hawk may prey on smaller animal within this woodland.

Habitat for potential special status species exists in the grasslands and oak woodlands north of Hecker Pass Highway. Raptors such as the golden eagle, white tailed kite, northern harrier, cooper's hawk and short eared owl are known to occur in the area and could maintain active nests in riparian woodland and oak woodland habitats. Active raptor nests are protected by the California Department of Fish and Game. Loggerhead shrike and burrowing owl habitat are present in the Specific Plan Area but these species have not been observed in the area.

The Specific Plan seeks to preserve rare and endangered species to the greatest extent possible. To achieve this goal, development locations are mostly limited to lands subject to agricultural and horticultural uses with little or no habitat value. The habitats where these special status species might occur will be avoided to the greatest extent possible and preserved as permanent open space areas or mitigated.
Policy 5-51: Prior to construction, proponents for any development proposed adjacent to oak woodland and grassland habitat should retain a qualified biologist to inform workers of potential presence of the special-status species, their protected status, work boundaries, and measures to be implemented to avoid loss of these species during construction activities.

Policy 5-52: Any development proposed in or adjacent to oak woodland and grassland habitats should undergo additional environmental review to assess impacts of the proposed development on potential biological resources in these habitats.

Policy 5-53: Pre-construction burrowing owl surveys shall be conducted for development proposed in or adjacent to grasslands and fallow agricultural land that contains burrowing mammals, or show signs of burrowing. If active nests are found within the survey area, a burrowing owl habitat mitigation plan shall be submitted to the California Department of Fish and Game for review and approval. The burrowing owl habitat mitigation plan shall contain mitigation measures contained in the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995).

Policy 5-54: Pre-construction surveys for protected birds shall be conducted for improvements or development proposed in or adjacent to potential nesting habitat within oak woodlands if development is proposed during the nesting and/or breeding season of loggerhead shrike (generally February through June) or raptors (generally March through August). If active nests are found within survey area, at the discretion of the biologist, clearing and construction within 250 feet shall be postponed or halted until nests are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

5.5 COMPOSITE UVAS CREEK SETBACK

As discussed above, there are a variety of factors and jurisdictional agencies requiring protection along Uvas Creek Corridor. Since the setbacks required for each of these considerations do not always coincide, a composite Uvas Creek setback was established that combines all of the various standards into one comprehensive setback. Figure 5-3 shows how each setback along Uvas Creek combined to form the composite setback depicted as "The Composite Uvas Creek Setback" on the Land Use Diagram in Chapter 3.
In areas where the minimum setback cannot be achieved, on-site mitigation may be provided to the satisfaction of the appropriate jurisdictional resource agencies, geologic consultants and the City of Gilroy to augment the areas of encroachment.

Two notable areas will likely require encroachment into the riparian setback. The first encroachment occurs near the existing terminus of the Third Street extension. In order to provide for a safe and smooth geometric alignment of the Third Street extension, the roadway must encroach into the setback as the roadway curves slightly north and continues west. The second encroachment occurs behind the Goldsmith Seeds property. Existing buildings prevent the roadway from shifting further north and may require encroachment into the riparian setback. Figure 5-3 shows the location of future encroachments into the riparian setback area. The exact location and amount of encroachment will be determined when the final alignment for Third Street is designed. Any encroachments will require mitigation.

5.6 CULTURAL RESOURCES

Hecker Pass’s rich culture has established the area as one of Gilroy’s most prized areas. The Hecker Pass Area played an important role in Gilroy history and the area still contains remnants of this rich and colorful past. In addition to these remnants, the area continues to provide working agricultural lands and beautiful scenery. These resources add to the overall character of the Hecker Pass Area, provide educational opportunities, and serve as a potential tourist draw. The protection of these resources ensures that Hecker Pass remains one of Gilroy’s most valuable resources.

5.6.1 HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources are protected by the National Park Service, the California Office of Historic Preservation, the County of Santa Clara and the City of Gilroy. Many relics of Hecker Pass’ history remain in the form of structures and may be significant historical resources. Figure 5-4 illustrates the location of these historic resources.
The historic Greek Revival-style home on the Hoey Ranch site, also known as the Ousley House is located at 2485 Hecker Pass Highway. The Ousley House has been designated as a historic site by the City of Gilroy, is listed on the County Register, and was identified as eligible for the National Register by Caltrans in 1991. The home is currently owned and occupied by the Hoey family and is intended to be preserved in its current state. The home, associated structures and site provide a significant historical resource to the City of Gilroy and the County of Santa Clara. In the event that the family chooses to sell the property, the home should be preserved as a residence or may be used as a future site for a bed and breakfast, a historical and cultural center, or other appropriate agri-tourist uses.

The large red Hoey barn located on the south side of Hecker Pass Highway also provides a historically significant resource to the area. The Specific Plan incorporates the preservation of this barn for continued agricultural use or agri-tourist commercial use.

**Policy 5-55:** Prior to approval of any future development plans on the property containing the potentially historical Ousley house and associated structures (currently owned by the Hoey family) that call for the demolition of these structures, the applicant shall contract with a qualified historian to have the structures evaluated for historical significance and shall implement mitigation measures recommended by the historian to mitigate any potential impacts to the structures.
Policy 5-56: Encourage owners and project developers of the Hoey property to provide for the preservation of the Ousley House/Hoey Ranch House and possibly the establishment of a historic cultural center.

Hecker Pass is often associated with the wineries that exist along this well traveled thoroughfare. The first and oldest winery within the Specific Plan Area is the Conrotto Winery. Although this winery is no longer in production, nor is it listed on any historical register, it provides numerous structures that may have some cultural value. The oldest home on the former Conrotto site, built circa 1890, is a vernacular home with Queen Anne Victorian style elements. The second home is a Spanish colonial revival home built by Anselmo Conrotto prior to World War II. This home once housed the tasting rooms for the winery. The winery complex consists of five structures including the main winery building, a small pressing room, a tasting room, a small barn and a shed. The main winery building, which was built into a hill, includes a fermentation room on the upper level and a storage room on the lower level. This unique configuration allowed fermented juice to gravity flow into the storage tanks below without the aid of expensive pumping equipment. In addition to the building, much of the old equipment, including the wine press, used by the Conrotto Winery are still located in the press room. The final element of the Conrotto winery site is a large oak tree next to the oldest home. Many of the buildings are in serious disrepair and may not be suitable for preservation.

Policy 5-57: Prior to approval, any development on the portion of the South Valley Community Church property adjacent to the former Conrotto Winery shall prepare and submit a plan to the City to mitigate impacts to the Conrotto Winery and associated structures. The plan shall be prepared in consultation with a registered archeological historian and follow one of the following four options specified in the historical resource evaluation:

- Keep all or some of the structures of architectural and historical significance. The structure may have use changes in order to merge with the proposed development;
- Move structures to a new location on Hecker Pass Highway where they may be still viewed and appreciated. This relocation alternative may involve all or some of the structures depending on feasibility;
- Construct new building and landscaping to merge some or all of the old structures with the new project architecture;
- Design a display along Hecker Pass Highway in front of the proposed project, or a new location along Hecker Pass Highway that would utilize structures, winery elements, and landscaping for a theme of Conrotto viniculture.

In addition to the historic resource mentioned above, The City of Gilroy Hecker Pass Corridor Land Use Plan, prepared by Crawford, Multari & Starr in November 1993, identifies existing archaeological resources within the Specific Plan Area, which are also protected by state agencies. According to the Hecker Pass a Family Adventure Final EIR prepared by EMC Planning Group in 1990, three archeological sites were identified within the Hecker Pass Specific Plan Area. Past construction activities have either buried or destroyed site CA-SCL-84 in the flood plain area and severely impacted site CA-SCL-82. Four bedrock mortar holes were
found on site CA-SCL-82 and the site may still contain intact materials. The third site (CA-SCL-89) was located at the corner of Santa Teresa Boulevard and Hecker Pass Highway. Mortar bowls and pestles were discovered at a house located near this corner and larger sites are buried by creek sedimentation. There is also a known archeological site located on the Hoey property north of Hecker Pass Highway. These archeological sites should be preserved to the greatest extent possible.

**Policy 5-58:** Any applicant proposing development on the property north of Hecker Pass Highway where the known archeological resource is located shall retain a qualified archeological consultant to carry out an archeological testing program prior to approval of a development permit. The testing program will document the content, extent, and quality of the resource and include specific mitigation measures for protecting the resource. The report shall be reviewed with the City and mitigation measures shall be implemented as required by the City. Mitigation options include: 1) planning construction to avoid the site; 2) deeding the site into a permanent conservation easement; 3) capping or covering the site with a layer of soil before building on site; or 4) planning parks, green space or other open space to incorporate the site.

### 5.6.2 VISUAL RESOURCES

The visual resources in an area help define that area’s character. This is especially true of the Hecker Pass Specific Plan Area because of its agricultural fields and spectacular views to Uvas Creek, the hillsides north of Hecker Pass Highway and the Gabilan Mountains. Preservation of these views are critical to maintaining the rural feel of the area and preserving Hecker Pass as the Jewel of Gilroy.

**SCENIC CORRIDORS**

Hecker Pass Highway is the main vehicular corridor through the Hecker Pass Area and provides the greatest opportunity for visitors to first experience the Hecker Pass Area. Upon entering Gilroy from the west, the Hecker Pass Area serves as a scenic gateway to the city. Residents and tourists traveling out of the city can also experience the views to Uvas Creek and the Gabilan Mountains. The portion of Hecker Pass Highway within the Specific Plan Area is lined with mature stands of deodara cedar and oak trees that provide shade and a natural edge along the
Hecker Pass corridor. The *City of Gilroy General Plan* has identified these trees as important visual resources. West of the Specific Plan Area, Hecker Pass Highway winds through beautiful vineyards, into the hillsides, through redwood forests, and finally to the Pacific coast. A major goal of the *Hecker Pass Specific Plan* is to preserve the aesthetics and character of the Hecker Pass Highway corridor.

The California Scenic Highway Program was established by the State legislature in 1963 to preserve California’s Scenic highways. The premise for scenic highway preservation is the enhancement of California’s natural beauty, the encouragement and growth of recreational and tourist industries, and enjoyment for California residents. The California Department of Transportation (Caltrans) implements the program throughout the state, maintains a list of Highways eligible for scenic designation and has established *Guidelines for the Official Designation of Scenic Highways* in March 1995. The list of eligible highways includes the portion of Hecker Pass Highway that extends through the Specific Plan Area to Highway 1.

In order to achieve the scenic designation, the local jurisdiction must prepare and submit a visual assessment and resolution package to Caltrans based on the requirements set forth in the *Guidelines*. Once Caltrans and the Department Transportation Advisory Committee (DTAC) determine that the highway and application meet scenic highway standards, the local jurisdiction must prepare and adopt a Scenic Corridor Protection Program. This program must be prepared with public participation and must address five minimum requirements:

- Regulation of land use and density of development (i.e., density classifications and types of allowable land uses);
- Detailed land and site planning (i.e., permit or design review authority and regulations for the review of proposed developments);
- Prohibition of off-site outdoor advertising [as required per Section 5440.1 of the Business and Professions Code (Outdoor Advertising Act)] and control of on-site outdoor advertising;
- Careful attention to and control of earthmoving and landscaping (i.e., grading ordinances, grading permit requirements, design review authority, landscaping and vegetation requirements); and
- The design and appearance of structures and equipment (i.e., placement of utility structures, microwave receptors, etc.).

The guidelines also reference Section 320 of the California Public Utilities Code, which requires that all new or relocated electric and communication distribution facilities visible from the highway be buried underground whenever feasible.

Although the *Specific Plan* cannot pursue designation of the Scenic Highway designation, the *Specific Plan* ensures preservation of the existing scenic qualities within the Specific Plan Area by addressing many of the requirements listed above. The City of Gilroy is encouraged to collaborate with the County of Santa Clara and pursue future Scenic Highway designation for the portion of Highway 152 that extends through the Specific Plan Area to Highway 1. The numerous policies and design measures provided in the Land Use, Community Design, and
Circulation Chapters intend to preserve the natural beauty of the Specific Plan Area and allow for the future Scenic Highway designation.

**Goal 5-9:** Establish protection measures that will assist the City of Gilroy and the County of Santa Clara to obtain a State Scenic Highway designation for Hecker Pass Highway.

**Policy 5-59:** The City of Gilroy shall promote Hecker Pass Highway as a “scenic highway” and enlist the support and cooperation of the County of Santa Clara and the California Department of Transportation to designate Hecker Pass Highway as a State Scenic Highway.

In order to maintain the scenic qualities of the highway corridor, the Specific Plan Land Use Diagram (Chapter 3) has limited the amount and type of development allowed to occur within the Specific Plan Area. Since Hecker Pass Highway’s scenic features include agricultural fields and Uvas Creek to the south and the hillsides to the north, the majority of the hillsides to the north will remain undeveloped and large areas to the south have been designated for agricultural use adjacent to the highway to ensure that residential development is less visible. Development should be carefully clustered and sited to preserve views to Uvas Creek and the Gabilan Mountains. In addition, design guidelines provided in Chapter 7 regulate the type of architecture, signage and landscaping allowed in the area to ensure the rural charter of the entire Specific Plan Area is preserved.

Chapter 4 of the Specific Plan establishes a minimum 115-foot setback from the existing centerline of Highway 152 as the Hecker Pass Setback Corridor. This prohibits any development within the setback other than future roadway improvements necessary to maintain acceptable levels of service through the Specific Plan Area. This includes the prohibition of parking areas and structures such as buildings, sound walls and fencing. Limited signage is allowed but is subject to the provisions in Section 7.4.6 of this Specific Plan and Section 5440.1 of the Business and Professions Code (Outdoor Advertising Act). Off-site signage along the highway is strictly prohibited. Uses within the corridor are limited to agriculture, natural landscaping, pedestrian paths, and roadway improvements necessary to facilitate adequate levels of service along Highway 152. New or relocated electric and communication distribution facilities within the Specific Plan Area will also be placed underground so they are not visible from the highway.

**Policy 5-60:** Provide view corridors through development areas that visually connect Hecker Pass Highway to Uvas Creek.

**Policy 5-61:** Improvements and permitted uses within the Hecker Pass Setback Corridor are restricted to agriculture, natural landscaping, trails, signage and roadway improvements necessary to facilitate adequate levels of service along Highway 152. Parking areas and structures including buildings, and fences are prohibited within the Hecker Pass Setback Corridor.
Policy 5-62: Develop road and community design standards to protect and enhance Hecker Pass Highway's scenic and rural character.

Policy 5-63: All new or relocated electric and communication distribution facilities shall be placed underground whenever feasible.

Policy 5-64: Uses within the Specific Plan Area, which detract from scenic values of the Hecker Pass Highway corridor, shall be mitigated by proper siting, landscaping or screening.

Policy 5-65: Off-site signage shall be prohibited along the Hecker Pass Highway corridor and on-site signs shall be regulated so that they do not detract from the scenic views.

Policy 5-66: Building siting, height, colors and materials that are harmonious with the surrounding area shall be required within the Hecker Pass Specific Plan Area to make development more compatible with the environment.

Policy 5-67: Grading activities within the Hecker Pass Specific Plan Area shall be regulated to minimize alteration of existing contours and to preserve important vegetative features along Hecker Pass Highway.

Policy 5-68: To eliminate the use of soundwalls along Hecker Pass Highway, all residential and commercial development shall mitigate noise by employing City approved mitigation measures such as setbacks, building, orientation, landscape berming, architectural sound attenuation, etc.

Development along Hecker Pass Highway shall respect and preserve the existing stands of deodara cedar trees and the mature oak trees at Two Oaks Lane and the existing Gilroy Municipal Golf Course entrance that line the highway except at intersections. Future access from Hecker Pass Highway should be carefully sited to ensure that a minimum number of these trees are impacted.

Policy 5-69: Preserve the existing stand of trees along the Hecker Pass Highway right-of-way except at intersections.

Policy 5-70: Create roadside development controls and design guidelines to protect the scenic quality of Hecker Pass Highway.

HILLSIDE DEVELOPMENT

Some low-density development already exists or has been approved within the hillsides north of Hecker Pass Highway. The remaining hillsides consist mostly of slopes that exceed 30% and are considered undevelopable by City of Gilroy Hillside Development Policies. The Specific Plan preserves these steep slopes as designated Open Space. The Specific Plan allows for some development only in the few areas with gentler slopes. To ensure that this development does not
compromise the visual quality of the hillsides, homes should be sited to reduce the visibility from Hecker Pass Highway. Architectural design, color, and materials should also be chosen that minimize the visual impact and reduce grading to the hillsides in accordance with the City's Hillside Design Guidelines and the architectural design guidelines of the *Hecker Pass Specific Plan* (See Chapter 7).

**Policy 5-71:** Sensitive engineering and landscaping techniques should be utilized to reduce the visual impacts of extensive grading.

**Policy 5-72:** In hilly development areas, building pads should not be allowed or should be stepped or graded individually if possible to conform to the natural contours of the site and reduce the amount of grading.

**Policy 5-73:** Grading and streets should conform to the natural slopes of the hillside to the greatest extent possible to maintain the hillside's shape and form.

**Policy 5-74:** Buildings should conform to the natural landscape through the use of building design and materials. Multi-level foundations, rooflines that compliment the topography, variations in massing, and earth tone colors and material should be used to blend in with the surrounding hillsides.

**UVAS CREEK**

Uvas Creek provides some of the most aesthetic views within the Specific Plan Area. These views should be accessible to all residents and visitors. To achieve this, the creek corridor and areas immediately adjacent to the creek have been preserved as public open space. The *Specific Plan* leaves a majority of the creek visually accessible by providing public roadway frontage along the creek rather than backing homes up to the creek. View corridors extending from Hecker Pass Highway, between development clusters, to the riparian corridor and the surrounding open space further enhance views to Uvas Creek.

**5.7 PUBLIC SAFETY**

The concerns for public safety within the *Hecker Pass Specific Plan* are related to fire safety and noise.

**5.7.1 FIRE**

If not properly mitigated, the *Hecker Pass Specific Plan* presents more potential fire hazards than typical residential development because of the large areas of open space provided. Open fields
between development clusters and the hillsides north of Hecker Pass are particularly vulnerable to fire. The Gilroy Fire Department designates the hillsides north of Hecker Pass Highway as a high fire hazard area. Fire protection services provided by the City of Gilroy are discussed in Section 6.4.

Goal 5-10: Protect existing and future development within the Hecker Pass Area from fire hazards.

Maintenance of the open space areas will be the single most important factor to preventing fires in the area. Homes and commercial structures adjacent to open space shall provide 60-foot fire hazard reduction zones as shown in Figure 5-5.

Figure 5-5: Fire Hazard Reduction Zone

Policy 5-75: Future development and agricultural areas or open space areas adjacent to development shall maintain a 60-foot fire hazard reduction zone between buildings and open areas. This hazard reduction zone shall consist of 30-feet of irrigated landscape area adjacent to the building pad and an additional 30-feet of fuel transition area. The irrigated landscape area may consist of private yard and other landscaped areas. The fuel transition area may consist of irrigated crops, agricultural maintenance roads, roadways, agricultural buffers or may simply consist of land that has brush removed, trees pruned and grass kept mowed no greater than 4 inches high from March through November.

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Policy 5-76: Homes with deep lots and against hillside or open areas shall have a 60-foot fire hazard reduction zone. The first 30 feet from the building pad shall consist of an irrigated landscape area. The remaining 30 feet shall have brush removed, trees pruned and grass kept mowed no greater than 4 inches high from March through November or may contain irrigated crops. Open fields should be plowed or disked when not in active agricultural use.

Policy 5-77: Open Space not part of a home parcel shall be maintained so that there is a 30-foot irrigated strip of fire resistive landscaping surrounding any building. An additional 30-foot strip shall have brush removed, trees pruned and grass kept mowed no greater than 4 inches high from March through November. Landscaping in front and rear yards shall be planted with fire resistant plants as discussed in Section 7.4, the City’s Consolidated Landscaping Policy, and applicable sections of the Uniform Building Code. Open space areas and yards abutting hillsides, agricultural areas, or open space areas shall have brush removed, trees pruned and grass kept mowed no greater than 4 inches high from March through November and small branches on trees shall be pruned to a height of 6-feet to remove “ladder fuels.” Irrigated crops are allowed in Fuel Transition Zones. Open fields should be plowed or disked regularly when left fallow to eliminate tall combustible grasses and weeds.

Policy 5-78: All new landscaping shall be approved fire resistive plants as required by the City’s Consolidated Landscaping Policy and applicable sections of the Uniform Fire Code (UFC app.11-a). All landscaping within 30 feet of a building shall be irrigated. Landscaping plans shall be submitted to the Deputy Fire Marshall for approval prior to building final occupancy permit.

Policy 5-79: Maintain all open space areas to reduce the risk of fire in the Hecker Pass Area, including disking fallow agricultural lands.

Policy 5-80: Prior to building final occupancy permit, trees shall be trimmed at least 10 feet from chimney outlets. Dead branches shall not overhang roof-lines.

Policy 5-81: Prior to combustible construction, native bushes and weeds shall be cleared a minimum of 30 feet from the structure/pad. All small branches on trees shall be pruned to a height of 6 feet to remove “ladder fuels.”

Project design can be used to reduce the risk of fire hazard in the Specific Plan Area. All hillside homes will be subject to the hillside design requirements set forth in the City of Gilroy Zoning Ordinance. Homes within the hillsides north of Hecker Pass Highway shall use “Class A” roofing materials to reduce the risk of fire. Fire resistant landscaping, such as the landscaping required by the City’s Consolidated Landscaping Policy and applicable sections of the Uniform Fire Code (UFC app.11-a) shall also be required in hillside developments. Chimneys shall be equipped with spark arresters and must be located a minimum of 10 feet away from trees. Addresses must be clearly marked so emergency vehicles can find each residence easily and
quickly when responding to emergency calls. Adequate emergency vehicle access shall be provided to all developments per the review and approval of the Gilroy Fire Department. Fire sprinklers shall be required in all hillside homes and shall be monitored by local alarm. Fire hydrants must be appropriately located and provide the necessary pressure and fire flows determined by the Fire Department.

In addition to hillside areas, other high-risk fire areas shall also be required to meet the requirements of the City of Gilroy fire department. Residential fire sprinklers shall be required for projects where unusual fire risk (e.g., weather, hazardous vegetation, interface to wild-lands or intermix with wild-lands), limited access for firefighting, excessive response times, difficult topography or limited water flow, create the need for such protection and other forms of mitigation are unavailable. Other forms of acceptable mitigation may include the construction and staffing of a new fire station. When hazardous vegetation is adjacent to or within a development, fuel transition zone policy, defensible space policy and fire resistive exterior construction methods shall be adopted, subject to review and approval of the Gilroy Fire Department Chief. Site-specific fire mitigation measures will be established at the tentative map or architecture and site approval phases of projects to the satisfaction of the Gilroy Fire Department Chief.

Policy 5-82: Residential fire sprinklers shall be required for projects where unusual fire risk (e.g., weather, hazardous vegetation, interface to wild-lands or intermix with wild-lands), limited access for firefighting, excessive response times, difficult topography or limited water flow, create the need for such protection and other forms of mitigation are unavailable. Other forms of acceptable mitigation may include the construction and staffing of a new fire station.

Policy 5-83: All hillside construction shall be required to meet the City of Gilroy Hillside Development Guidelines including all policies related to fire protection.

Policy 5-84: Homes shall be constructed with Class ‘A’ Roof systems.

Policy 5-85: Fire sprinklers conforming to NFPA 13D are required in hillside homes including the garage and crawl spaces greater than 50 square feet with 5 feet of clearance. Hillside homes shall be monitored by local alarm.

Policy 5-86: Attic vents within hillside homes shall be screened with meshed material suitable for high hazard zones.

Policy 5-87: All chimneys in hillside homes shall be equipped with spark arresters and must be located a minimum of 10 horizontal feet from trees.

Policy 5-88: Decks in hillside homes shall have the underside protected by “one-hour-rated” construction or fire sprinkler coverage.

Policy 5-89: Building pads for hillside homes shall be within 150 feet of a fire access road.
Policy 5-90: Roadways and shared driveways shall provide a minimum of 20 feet of unobstructed travel. Roadways less than City Standard shall be posted for no parking with red striping. Signage and striping shall be maintained in good condition.

Policy 5-91: Address numbers in hillside areas must be provided on a 4-inch square post, 36 inches tall if address numbers on homes are not clearly visible from the street. The post can include a mailbox or can stand alone. All numerals shall be minimum of 2-1/2 inches in height with a 3/8 inch stroke and must read from left to right or top to bottom. (UFC 10.301)

Policy 5-92: Fire hydrants must be installed in locations determined necessary by the Fire Department and must have a static pressure of at least 43 psi. Fire hydrant flows must also meet the Fire Department requirements of 2000 gpm@ 20 psi residual. (UFC app. III-A)

Policy 5-93: Roadways and shared driveways shall provide a minimum of 20 feet of unobstructed travel. Roads shall not exceed 15% grade. Driveways greater than 15% grade shall provide Fire Engine turnouts.

Policy 5-94: Gates, including emergency vehicle access and agricultural gates, shall be the same width as the roadway and if locked, shall be provided with KNOX key access.

All homes and commercial structures within the Hecker Pass Specific Plan Area, regardless of whether they are located in the Hillsides or not, shall be required to meet the most current fire department development policies that are adopted at the time of development.

Policy: 5-95: All future development within the Hecker Pass Specific Plan Area shall be subject to the most current fire department policies and regulations in place at the time of development.

5.7.2 NOISE

The major source of noise in the Hecker Pass Specific Plan Area will be the traffic along Hecker Pass Highway. As the City of Gilroy continues to grow, traffic along this thoroughfare will increase, generating more noise in the Hecker Pass Area. Projections by Edward L. Pack Associates, Inc. indicate that under build-out conditions the 60dbI DNL noise contour will occur about 246 feet from the Centerline of Hecker Pass Highway and the 65 dbI DNL contour will occur about 114 feet from the centerline.

Since the installation of soundwalls along Highway 152 is prohibited in the Specific Plan Area, alternative methods for sound attenuation and a reduction in the required noise levels are required. Rather than installing soundwalls, the Specific Plan incorporates broad agricultural and open space areas and buffers between proposed development and roadways as a means of

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minimizing traffic generated noise impacts on proposed development. These open space buffer areas provide a 115-foot setback from the existing centerline of Hecker Pass Highway for proposed commercial development and 250-foot setback from the existing centerline of Hecker Pass Highway for proposed residential development as shown in Figure 5-6.

Figure 5-6: Noise Setbacks

These buffers serve not only to enhance the rural agricultural character of the area, but they also avoid the need for unsightly sound walls that might ordinarily be used to attenuate sound. In cases where noise setbacks are not feasible, alternative City approved noise mitigation measures such as building orientation, landscape berming, architectural sound attenuation, etc. may be utilized.

Policy 5-96: All proposed residential development should be setback a minimum of 250 feet from Hecker Pass Highway Centerline. If 250 feet cannot be accomplished, lesser setbacks that still meet the City of Gilroy noise policies may be implemented or alternative sound attenuation measures may be utilized. Mitigation measures must not interfere with views over the site and must be consistent with the scenic highway criteria and design standards.

Policy 5-97: All proposed agri-tourist and agricultural commercial development should be setback a minimum of 115 feet from the existing centerline of Hecker Pass Highway. Proposed Agri-tourist and Agricultural Commercial projects where outdoor uses are proposed within 115 feet of the existing centerline of Hecker Pass Highway shall prepare a project noise study. The study shall define mitigation measures needed to ensure that exterior and interior noise levels do not exceed city noise standards. Mitigation measures shall be included in
proposed projects subject to review and approval of the City of Gilroy Engineering Division. Mitigation actions must not interfere with views over the site and must be consistent with scenic highway designation criteria and design standards contained in the Specific Plan.

**Policy 5-98:** Sound walls shall not be permitted along the Hecker Pass Highway Corridor.

**Policy 5-99:** No sensitive noise receptors should be located within 115-feet of the existing centerline of Hecker Pass Highway unless adequately mitigated.

**Policy 5-100:** The City should pursue lowering speed limits on Hecker Pass Highway in the Specific Plan Area to reduce impacts from vehicle noise.

The second greatest source of ambient noise in the Hecker Pass Area is Santa Teresa Boulevard. Currently Santa Teresa Boulevard generates 60 dBA DNL 216 feet from centerline and 65 dBA DNL 100 feet from centerline. These noise levels are expected to increase to 60 dBA DNL 294 feet from centerline and 60 dBA DNL 137 feet from centerline at General Plan buildout. These noise levels do not extend into the proposed development areas of the Specific Plan, which are located at least 400 feet from Santa Teresa Boulevard.

The future extension of Third Street and the Uvas Creek park preserve will generate new noise levels in the area. Traffic along Third Street and the use of Uvas Creek Trail by bicyclists, pedestrians, and others will likely result in noise levels, however it is anticipated that they will not exceed the city noise standards.

Agricultural operations within the Specific Plan Area may generate noise that could disturb residents. In order to address these potential noise conflicts, the Specific Plan suggests that the City adopt a "right-to-farm" ordinance and requires an Integrated Agricultural Management Plan be incorporated into the Conditions, Covenants and Restrictions (CC&R's) for all properties that include agricultural uses (see Section 5.2.1.3). The Integrated Agricultural Management Plan should ensure that agricultural operations and residential uses may coexist with minimal conflict by identifying appropriate times and uses of farm machinery and other agricultural operations that may generate noise. This plan shall be prepared based on the recommendation of the Santa Clara County Department of Agriculture and the City of Gilroy and shall require City administrative approval. Future homebuyers, renters, and commercial tenants must be informed of and acknowledge this ordinance and any related Integrated Agricultural Management Plans prior to purchasing a home or leasing space adjacent to agricultural areas.
5.7.3 HAZARDOUS MATERIALS

Since agricultural production can involve the use of pesticides that may pose a safety risk to residents, the Specific Plan requires a minimum 50-foot buffer between crops and dwelling units to ensure residents are not affected by chemical applications and other agricultural activities. Site features and improvements within the buffer may include agricultural maintenance roads, driveways, public roads, swales or landscaping and may act as a fuel transition zone for structures. The buffer may occur wholly or in part on either residential, Hecker Pass Agriculture (HPA) or Agriculture Commercial (AC) designated land use areas.

In addition to minimum buffers, the Specific Plan requires that an Integrated Agricultural Management Plan be incorporated into the Conditions, Covenants and Restrictions (CC&R’s) for all properties that include agricultural uses (see section 5.2.1.3). The Integrated Agricultural Management Plan should ensure that agricultural operations and residential uses may coexist with minimal conflict by identifying appropriate and suitable methods for weed abatement, pest control, fertilization, and erosion control.

An Integrated Agricultural Management Plan should establish appropriate weed abatement and pest control measures that have the least impact on surrounding residential uses but still effectively eliminate pests and weeds identified by area surveys. Non-chemical methods such as cultivation, soil solarization, diversified crop types, mowing, disking, tilling, mulching, use of cover crops, introduction of beneficial predator species and competitive plants, release of sterile insects, nets, fencing, and traps are the preferred methods for weed and pest control (University of California and Live Impact). Chemical control methods should be limited. Weed and pest surveys should be conducted in late winter and in late spring or summer to determine what weeds and pests are present (University of California). Weed abatement and pest control measures that most appropriately suit the conditions of the area should be selected based on these surveys. The type of crops anticipated and adjacent uses should also be taken into consideration. Appropriate herbicides and pesticides should be identified including selective chemicals (Pheromones), semi-selective pesticides, non-selective short persistence pesticides, preemergent herbicides and post-emergent herbicides (University of California and Live Impact)

The Plan should indicate appropriate application methods that reduce the amount of drift such as direct application by backpack sprayers, low-pressure flat fan nozzles on short booms, or low volume controlled droplet applicators (UCIMP). Appropriate monitoring programs that ensure that application equipment is functioning properly should also be included. This includes repairing or replacing faulty equipment and ensuring equipment is properly calibrated (Live Impact).

Fertilization and erosion control methods that limit the amount of contamination should be identified. The use of fertilizers with the least amount of potential pollutants and the use of organic fertilizers or minimal fertilization is encouraged. Erosion control measures should include wide tractor tires, use of cover crops and use of organic soil amendments (Live Impact). Appropriate use of agricultural machinery should be identified. The types and sizes of machinery allowed in the area should be appropriate for the type of crop being produced that results in the least amount of disturbance to neighbors. Hours of operation should be established that minimize disturbance to neighboring residents but still allow for effective agricultural operations.
The Integrated Agricultural Management Plan shall be prepared based on the recommendation of the Santa Clara County Department of Agriculture and the City of Gilroy and shall require City administrative approval. The Specific Plan also recommends that the City consider enacting a right-to-farm ordinance for the Specific Plan Area to disclose the potential conflict to residents while allowing agricultural activities to continue. Future homebuyers, renters, and commercial tenants must be informed of and acknowledge this ordinance and any related Integrated Agricultural Management Plans prior to purchasing a home or leasing space adjacent to agricultural areas.