



SAN BENITO COUNTY PLANNING COMMISSION

Eduardo
Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert
Gibson
District No. 4

Robert Rodriguez
District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,
California*

REGULAR MEETING AGENDA May 15, 2019 6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSIONER ANNOUNCEMENTS

DEPARTMENT ANNOUNCEMENTS

PUBLIC COMMENT

The San Benito County Planning Commission welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does **NOT** appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide to the Clerk prior to the meeting. Except as otherwise provided by law; no action shall be taken on any item NOT appearing on the Agenda or items that have been continued to a future public hearing date. When addressing the Commission, **please state your name for the record**. Please address the Commission as a whole through the Chair. This open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items.
- If you wish to speak on an item contained in the Agenda, please complete a Speaker Card identifying the Item(s) and provide it to the Clerk prior to consideration of the item.
- **Each individual speaker will be limited to a three (3) minute presentation.**

CONSENT AGENDA

ACKNOWLEDGEMENT OF PUBLIC HEARING

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

- These items will be considered as a whole without discussion unless a particular item is requested by

a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

- If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

ADOPTION OF ACTION MINUTES

CONSENT - PUBLIC HEARING - MINOR PROJECT REVIEW

1. **CC190001 (Certificate of Compliance)**: OWNER: John P. Haruff & Deborah L. Cote. APPLICANT: Deborah Cote. APN: 016-100-035 and -036. LOCATION: 8061 Fairview Road and its northwest neighbor lot, 5½ miles north of Hollister. REQUEST: To recognize two parcels of 7.90 and 8.00 acres as separate parcels each compliant with the State Subdivision Map Act (State Government Code §66499.35) and the Subdivision Ordinance of the County of San Benito (County Code §23.23.003). GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15061(b)(3) ("common sense exemption") and §15261(b) (entitlements preceding CEQA). PLANNER: Michael Kelly (*mkelly@cosb.us*)
2. **PLN190001 (Minor Subdivision)**: APPLICANT: Gordon Wynn. OWNER: Wynn 1999 Revocable Trust. APN: 025-570-005. LOCATION: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection. REQUEST: To subdivide a 20-acre property into two parcels each with 10 acres, with Parcel 2 already developed with a residence and with a new drive and building site for Parcel 1. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (*mkelly@cosb.us*).
3. **PLN180030 (Use Permit)**: OWNER/APPLICANT: Kenneth Harlan/Cingular Wireless–AT&T Mobility (TSJ Consulting & Vinculums). APN: 011-130-023. LOCATION: 2015 School Road. REQUEST: To install a wireless telecommunications facility in the form of an 87-foot tall mono-pole. GENERAL PLAN: Rural (R). ZONING: Rural (R). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15303(d). PLANNER: Richard Felsing (*rfelsing@cosb.us*).

PUBLIC HEARING

4. **PLN190010 (Use Permit)**: OWNER/APPLICANT: Troy & Michelle Van Dam. APN: 023-280-006. LOCATION: 11736 Cienega Road. REQUEST: To re-establish a winery /agricultural processing use on the property, and to establish a wine tasting room accessory use. GENERAL PLAN: Rangeland (R). ZONING: Agricultural Rangeland (AR). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15301 (Existing Facilities). PLANNER: Richard Felsing (*rfelsing@cosb.us*).
5. **Use Permit UP 1168-17 (Swank Farms — Continued from March 20, 2019)**: OWNER/APPLICANT: Richard & Bonnie Swank. APN: 026-130-026 and a portion of 016-140-012. LOCATION: 4751 Pacheco Pass Highway (the frontage road). REQUEST: To use the 21.3-acre parcel for an agritourism operation and event venue, to include Swank Farms' annual corn maze and related

seasonal attractions. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt. §15301, §15303(e), 15304(e). PLANNER: Richard Felsing (*rfelsing@cosb.us*).

6. **PLN180024-ZA (Zoning Code Amendment)**: Change provisions of County Code including Chapter 25.16 and Sections 25.03, 25.05 and 25.29 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. ENVIRONMENTAL EVALUATION: The proposed Code changes are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district to implement the General Plan was considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. The code amendment does not approve any development projects. PLANNER: Darryl Boyd (*dboyd@cosb.us*).
7. **PLN180024-ZC1 “Betabel” (Zone Change)**: OWNER/APPLICANT: McDowell Charitable Trust and Betabel RV Park, LLC. LOCATION: West side of U.S. 101 at Betabel Road interchange, 9664 and 9644 Betabel Road, San Juan Bautista, CA (APN 013-150-017, -018, -023, -024 & -025). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP) on approximately 55.5-acres. GENERAL PLAN LAND USE DESIGNATION: Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*).
8. **PLN180024-ZC2 “SR 129 / Searle Road” (Zone Change)**: OWNER/APPLICANT: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio. LOCATION: Westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista, CA (APN 012-010-007, -017, -021, -024, 012-030-019 & -023). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP), Rural or Commercial Thoroughfare (C-2) to Regional Commercial (C-3) on approximately 39.7-acres. GENERAL PLAN DESIGNATION: Rural or Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*). PLANNER: Darryl Boyd (*dboyd@cosb.us*).
9. **PLN180024-ZC3 “Rocks Ranch” (Zone Change)**: OWNER/APPLICANT: Bingaman Trust. LOCATION: Southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista, CA (portion of APN 011-310-006). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland (AR) or

Agricultural Productive (AP) to Regional Commercial (C-3) on approximately 72-acres. GENERAL PLAN DESIGNATION: Commercial Regional and Rangeland or Agriculture. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*).

10. **PLN180024-GPA “Livestock 101” (General Plan Amendment)**: Request to change and correct by resolution the 2035 General Plan Land Use Figures 3.2, 3.3, 3.4 & 3.5 to change the land use designation from Rural to Commercial Regional (CR) on approximately 159.3-acres at the location stated above, and remove the incorrect Commercial Regional designation shown at Hwy 156, OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). PLANNER: Darryl Boyd (*dboyd@cosb.us*).
11. **PLN180024-ZC4 “Livestock 101” (Zone Change)**: OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). If the General Plan amendment is approved, request to amend the Zoning Map by ordinance to change the zoning district for the land area included in the Livestock 101 CR node from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. The site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed general plan amendment and the change in zoning consistent with CEQA Guidelines Section 15164. The general plan amendment and the zone change are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15162 and 15126 both changes are consistent with the General Plan update project as considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*).
12. **Hemp Regulations (County Code Chapter 7.04)**: Adopt a Resolution recommending adoption of an ordinance by the Board of Supervisors adding Chapter 7.04 to Title 7 of the San Benito County Code related to Hemp regulation, including but not limited to definitions, prohibitions, the establishment of the Hemp Entity Management Program, registration requirements and regulations, fees, zoning for cultivation, required setbacks, odor and pollen drift mitigation, minimum parcel size, other requirements and administration and enforcement provisions. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308. APPLICANT/PROPONENT: San Benito County. PROPERTY: Unincorporated San Benito County.
13. **Cannabis and Hemp Regulations (County Code Chapter 19.43 and Section**

25.07.005): Adopt a Resolution recommending adoption of two ordinances by the Board of Supervisors: The First ordinance would amend Chapter 19.43 of the San Benito County Code relating to the land use regulations applicable to the manufacture and laboratory testing of Commercial Cannabis and/or Cannabis products. The second ordinance would amend Section 25.07.005 of Title 25 of the San Benito County Code to permit as a conditional use in agricultural districts the manufacture and laboratory testing of commercial cannabis and/or cannabis products as well as hemp or hemp products. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308.

ADJOURN

NOTE: A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

NOTE: In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 1.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER: CC190001

SUBJECT:

CC190001 (Certificate of Compliance): OWNER: John P. Haruff & Deborah L. Cote. APPLICANT: Deborah Cote. APN: 016-100-035 and -036. LOCATION: 8061 Fairview Road and its northwest neighbor lot, 5½ miles north of Hollister. REQUEST: To recognize two parcels of 7.90 and 8.00 acres as separate parcels each compliant with the State Subdivision Map Act (State Government Code §66499.35) and the Subdivision Ordinance of the County of San Benito (County Code §23.23.003). GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15061(b)(3) ("common sense exemption") and §15261(b) (entitlements preceding CEQA). PLANNER: Michael Kelly (mkelly@cosb.us)

AGENDA SECTION:

CONSENT - PUBLIC HEARING - MINOR PROJECT REVIEW

BACKGROUND/SUMMARY:

PROJECT DESCRIPTION: The applicant requests that the County recognize two parcels' compliance with the California Subdivision Map Act (Government Code §66410 et seq.) and County Subdivision Ordinance (County Ordinance 617 or County Code Title 23). The two parcels contain 7.90 and 8.00 acres and are located 5½ miles north of Hollister and a quarter-mile

northwest of the Fairview Road–Los Viboras Road intersection. At this time the applicant is not proposing construction or improvements on the site subsequent to certificate of compliance approval.

SITE DESCRIPTION: The subject property is agricultural land on level terrain that grows trees and contains one residence and accessory structures. Parcels in the vicinity mostly are similar in terrain, appearance, and use.

PLANNING AND ZONING: Creation of four or fewer new parcels required no County government map review prior to March 6, 1972, when the County passed a subdivision ordinance to comply with the state's Subdivision Map Act, effective March 4, 1972. Parcels created prior to the latter date, per California Government Code §66412.6, are to be considered lawfully created if resulting from land division establishing fewer than five parcels and if such action was not restricted by local ordinances effective at the time of division. The project's two parcels were originally transferred prior to 1972.

ENVIRONMENTAL EVALUATION: The project is exempt under California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Title 14 Chapter 3) §15061(b)(3), the "common sense exemption" under which a project is not subject to CEQA when "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

The project may also be consider exempt under §15261(b), a statutory exemption applying to entitlements granted prior to the passage of CEQA in 1973. All parcels were created before CEQA's existence and are entitled to legal recognition under the Subdivision Map Act upon granting of certificates of compliance.

STAFF ANALYSIS: The applicant has provided a chain of title that shows the project site's deed history from 1912 onward. The site was established as a 15.90-acre parcel at least as early as the chain's 1912 deed. The chain shows that the project site was then usually treated as that single 15.90-acre property but was separated into two lots by two deeds recorded in 1954. One deed transferred the project site's 7.90-acre lot, and the other transferred the 8.00-acre lot. This was the chain's only conveyance of the two lots separately, and the transfer of the two lots in their mapped dimensions was permissible under the subdivision and zoning regulations, or lack thereof, in effect at that time. Upon every other transfer of the land since 1912, both before and after the 1954 deeds, the land has been transferred using the same 15.90-acre metes-and-bounds legal description as in 1912. However, once the 7.90- and 8.00-acre lots were legally established by the 1954 deeds, they remained in existence. Neither the later 15.90-acre deeds nor any other subsequent action showed intent to pursue an official merging of the smaller lots. The 15.90-acre site is therefore composed of two legal parcels of 7.90 and 8.00 acres. Staff believes sufficient evidence exists to issue a certificate of compliance for each parcel.

- **Parcel 1, or APN 016-100-035:** Established February 10, 1954, by Book 202 Page 238 of San Benito County Official Records (grantors Maude E. Colburn and Charles E. Underwood; grantee Maude E. Colburn).
- **Parcel 2, or APN 016-100-036:** Established February 10, 1954, by Book 202 Page 239 of San Benito County Official Records (grantors Maude E. Colburn and Charles E. Underwood; grantees C. E. Underwood and Violet E. Underwood).

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

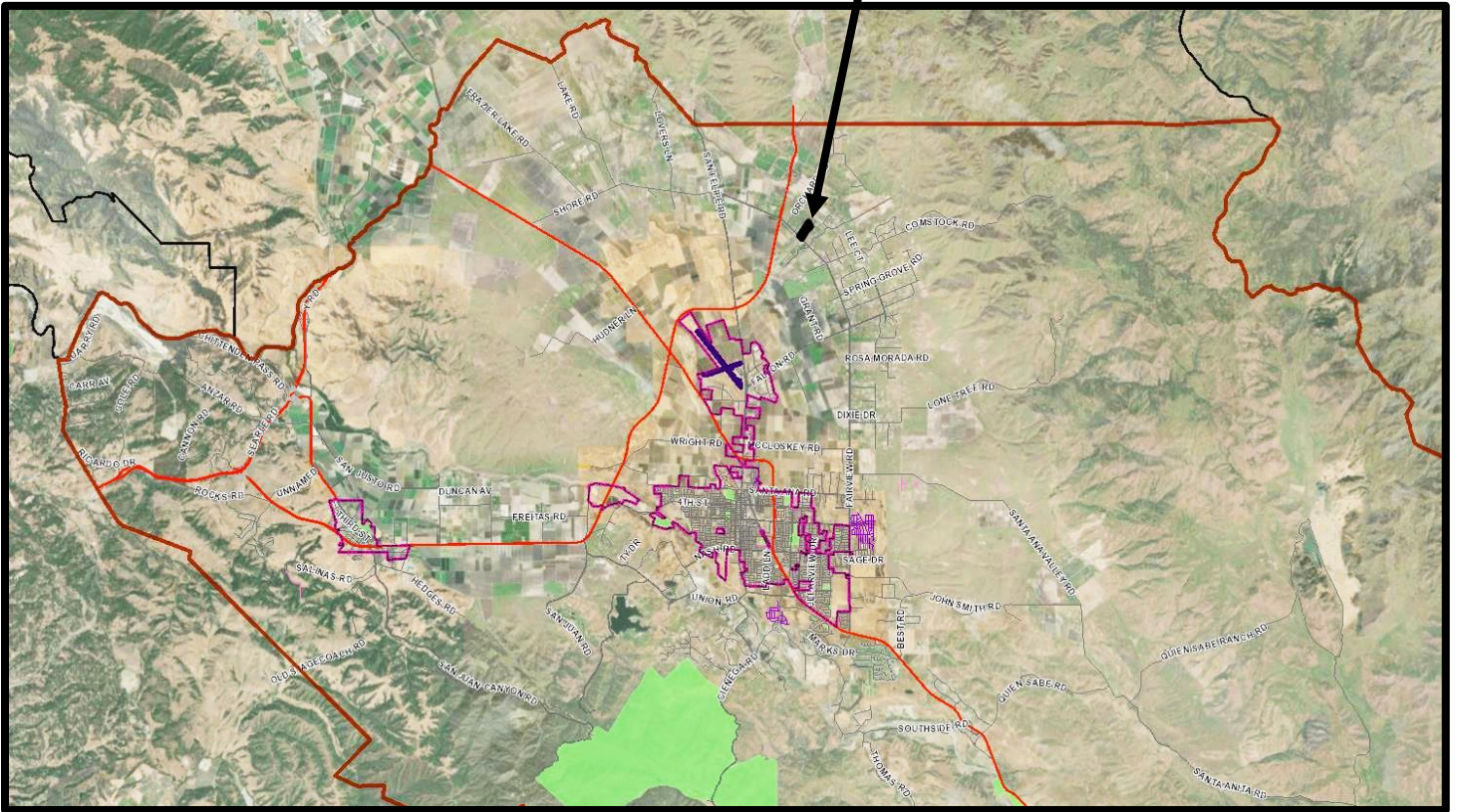
STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the project Background/Summary found in the Agenda Item Transmittal and review the attached draft resolution, which includes findings. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the CC190001 certificate of compliance.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Vicinity Map	5/6/2019	Map
Site Plan	5/6/2019	Site Plan
Parcel 1 Deed—County Official Records Book 202 Page 238 (1954)	5/6/2019	Grant Deed
Parcel 2 Deed—County Official Records Book 202 Page 239 (1954)	5/6/2019	Grant Deed
Planning Commission Resolution 2019-__	5/6/2019	Resolution



Vicinity of subject properties, located along Fairview Road between Los Viboras Road and Orchard Road.

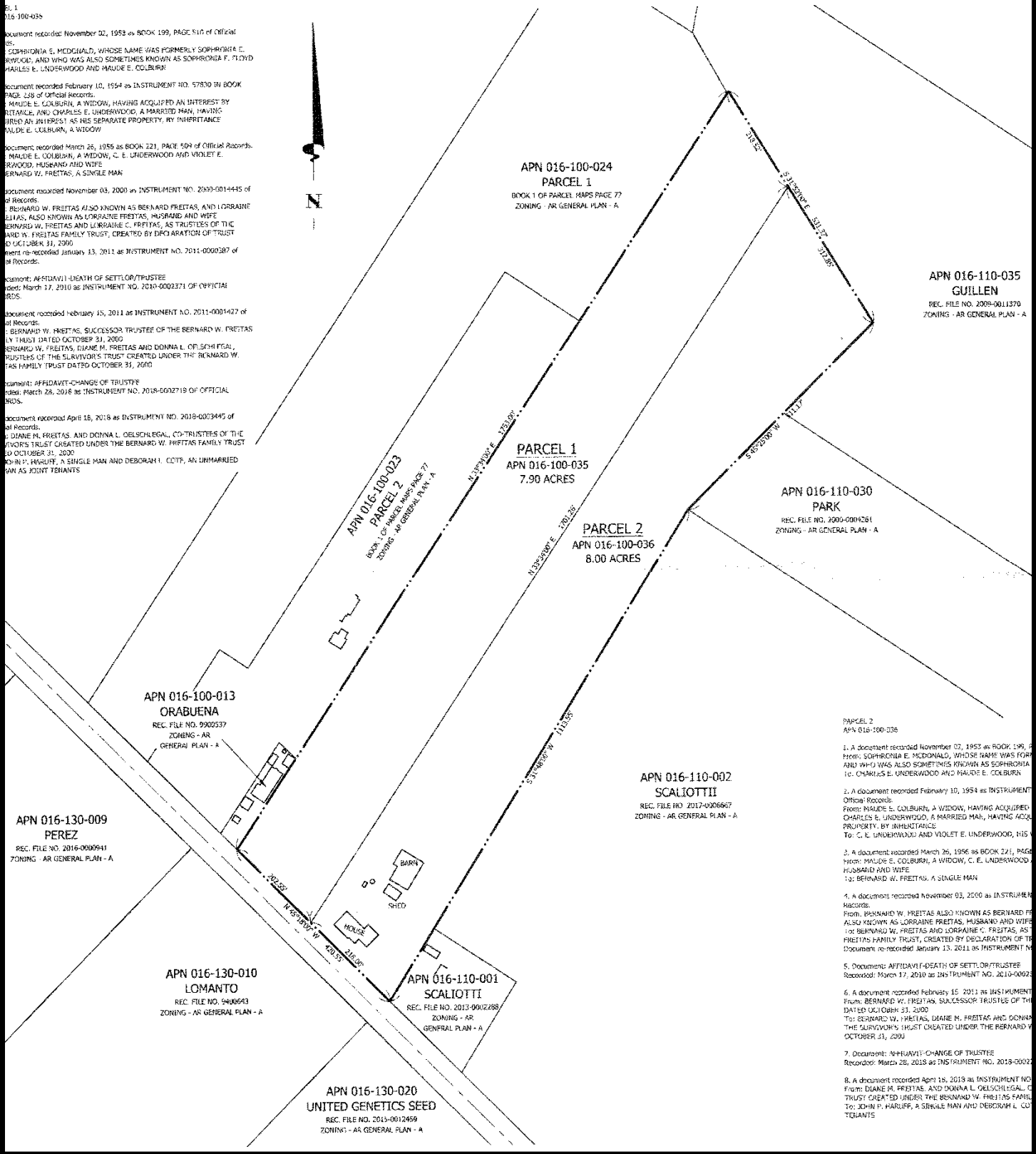


Illustration of Parcels 1 and 2, the subject properties of the application.

GRANT DEED (Individual)

MAUDE E. COLBURN, a widow, having acquired an interest in the following described property by inheritance, and CHARLES E. UNDERWOOD, a married man, having acquired an interest in the following described property, as his separate property, by ~~XXXXXX~~ inheritance,

For Recorder's Use Only

GRANT TO
MAUDE E. COLBURN, a widow,

all that real property situate in the County of San Benito State of California, described as follows:

BEGINNING at the most westerly corner of that certain 15.904 acre tract of land conveyed by Walter A. Underwood to Sophronia E. Underwood by deed dated November 20th 1928 and recorded December 24th 1928 in Vol. 38 of Official Records at page 384, San Benito County Records also recorded December 31st 1928 in Vol. 173 of Official Records at page 456 Monterey County Records, said point of beginning being on the Northeastly side of the Fairview Road running thence S. 45° 18' E., along said Northeastly side of the Fairview Road also being the Southwestly line of said 15.904 acre tract, 202.55 feet; thence N. 33° 34' E., parallel to the Northwestly line of said 15.904 acre tract, 1701.26 feet to a point on the Northeastly line of said 15.904 acre tract distant N. 31° 52' W., 312.85 feet from the most Easterly corner thereof; thence N. 31° 52' W., along said Northeastly line of said 15.904 acre tract, 218.52 feet to the most Northerly corner of said 15.904 acre tract; thence S. 33° 34' W., along the Northwestly line of said 15.904 acre tract, 1753.0 feet to the point of beginning, containing 7.904 acre of land more or less and being a part of said 15.904 acre tract.

57830
RECORDED AT REQUEST OF C. E. Underwood
Feb. 10, 1954 AT 25 MIN. PAST 2 P. M.
IN VOL. _____ OF OFFICIAL RECORDS PAGE _____ SAN BENITO COUNTY
Ralph E. Louie REC. RECORDER OF _____ DEPUTY RECORDER
FEE: 1.60 PD.

DATED: February 6, 1954
STATE OF CALIFORNIA }
County of Monterey } ss.
On February 6, 1954 before me,
a Notary Public, in and for said County and State, personally appeared
Maude E. Colburn and Charles E. Underwood,
Underwood,
person S. whose name is _____ known to me to be the
person S. whose name is _____ subscribed to the within instrument, and
a known (1) to me, (2) by _____ attested the same.
[Signature] Notary Public

GRANT DEED (Joint Tenancy)

VOL. 202 PAGE 239

MAUDE E. COLBURN, a widow, having acquired an interest in the following described property by inheritance, and CHARLES E. UNDERWOOD, a married man, having acquired an interest in the following described property, as his separate property, by GRANDFATHER'S inheritance,

For Recorder's Use Only

GRANT TO

C. E. UNDERWOOD and VIOLET E. UNDERWOOD, his wife,

as Joint Tenants, all that real property situate in the County of San Benito State of California, described as follows:

BEGINNING at the most Southerly corner of that certain 15.904 acre tract of land conveyed by Walter A. Underwood to Sophronia E. Underwood by deed dated November 20th 1922 and recorded December 24th 1928 in Vol. 32 of Official Records at page 154, San Benito County Records also recorded December 31st 1928 in Vol. 171 of Official Records at page 456 Monterey County Records, said point of beginning being on the Northeasterly side of the Fairview Road, running thence N. 31° 48' E., along the Southeast-erly line of said 15.904 acre tract, 1113.55 feet; thence N. 45° 25' E., continuing along said Southeast-erly line, 511.17 feet to the most Easter-ly corner of said 15.904 acre tract; thence N. 31° 52' W., along the Northeasterly line of said 15.904 acre tract, 312.85 feet; thence S. 33° 34' W., parallel to the Northwesterly line of said 15.904 acre tract, 1701.26 feet to a point on said Northeasterly side of Fairview Road being also the Southwest-erly line of said 15.904 acre tract; thence S. 45° 18' E., along said Southwest-erly line of said 15.904 acre tract, 218.0 feet to the point of beginning, containing 3.9 acres of land more or less and being a part of said 15.904 acre tract.

57831
RECORDED BY KING HESTER as C. E. Underwood,
Feb. 10, 1934, at 26 MIN. PART 2 P. 10
Ralph G. Lavelle
17

DATED February 6, 1934

STATE OF CALIFORNIA

County of San Benito

Maude E. Colburn

Charles E. Underwood

February 6, 1934 before me,
Notary Public, in and for said County and State, personally appeared
Maude E. Colburn and Charles E. Underwood.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-__**
COMMISSION APPROVING COUNTY FILE CC190001, A)
CERTIFICATE OF COMPLIANCE TO RECOGNIZE TWO)
PARCELS AS COMPLIANT WITH THE PROVISIONS OF THE)
CALIFORNIA SUBDIVISION MAP ACT AND THE SUBDIVISION)
ORDINANCE OF THE COUNTY OF SAN BENITO.)

WHEREAS, the subject parcels are located on property commonly known as 8061 Fairview Road and on neighboring property, both lots having frontage along Fairview Road approximately one quarter-mile northwest of the road’s intersection with Los Viboras Road and 5½ miles north of Hollister, San Benito County, California (Assessor’s Parcels 016-100-035 and 016-100-036); and

WHEREAS, Deborah Cote on behalf of herself and the property co-owner has filed an application to request a certificate of compliance for the subject property; and

WHEREAS, the two parcels were established by deeds recorded in San Benito County Official Records Book 202 Pages 238 and 239 on February 10, 1954; and

WHEREAS, the two parcels upon their creation, in the lots’ dimensions and in their manner of legal conveyance, each complied with State and County subdivision laws in effect at that time; and

WHEREAS, CC190001 proposes no construction and no change in land use or development density; and

WHEREAS, available documentation of the two parcels’ history of transfer by deed or by similar means demonstrates no need or reason under State Government Code §66499.35(b) to impose conditions on the recognition of the two parcels’ compliance with State and County subdivision laws; and

WHEREAS, the Planning Commission has determined the project qualifies for exemptions from the California Environmental Quality Act (CEQA) under §15061(b)(3) and §15261(b) of State CEQA Guidelines; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the certificate of compliance application at its regularly scheduled meeting held on May 15, 2019; and

WHEREAS, the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act (CEQA), this project qualifies for exemptions under State CEQA Guidelines §15061(b)(3) (the “common sense exemption”) and §15261(b) (regarding entitlements granted prior CEQA enactment).

Evidence: *The proposed certificate would recognize the subject properties as they currently exist with regard to the State Subdivision Map Act and the County Subdivision Ordinance. The project proposes no change in land use, density, property boundaries, or any other aspect of the subject lots physically or*

legally, other than to establish a legal record of confirmation that the lots comply with said State and County law. The project being limited to this confirmation, the action can be seen with certainty to have no significant effect on the environment. The two lots were each established by deed in 1954 in compliance with subdivision law in effect at that time, prior to passage of CEQA in 1973, and evidence does not demonstrate any subsequent action that could have caused the lots to deviate from that law or to require remedy to bring them into compliance with subdivision law.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations and based on the evidence in the record, the Planning Commission hereby approves a certificate of compliance for the subject property.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 2.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER:

SUBJECT:

PLN190001 (Minor Subdivision): APPLICANT: Gordon Wynn. OWNER: Wynn 1999 Revocable Trust. APN: 025-570-005. LOCATION: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection. REQUEST: To subdivide a 20-acre property into two parcels each with 10 acres, with Parcel 2 already developed with a residence and with a new drive and building site for Parcel 1. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (mkelly@cosb.us).

AGENDA SECTION:

CONSENT - PUBLIC HEARING - MINOR PROJECT REVIEW

BACKGROUND/SUMMARY:

The applicant proposes a tentative parcel map to subdivide an existing 20-acre property already developed with a single family residence, an accessory dwelling, and a paved driveway, into two parcels each with 10 acres. Parcel 2 would contain the existing residences. Parcel 1 would be constructed with a flattened building site to permit a dwelling together with a well water connection, a septic system, and driveway access to Tortola Way.

The project site is a 20-acre property with one residence and an accessory dwelling located in grassy, rolling hills along Santa Ana Valley Road's transition from the Hollister Valley to Santa Ana Valley. Properties in the area are generally used for rural residences, dry farming, and grazing. The subject property is located at the end of Tortola Way, which branches off Santa Ana Valley Road. Similar rural residential properties are found nearby along Rodeo Drive, Kennedy Court, and Santa Ana Valley Road. Most other lots in the area are agricultural and are substantially larger.

The proposal qualifies for multiple Categorical Exemptions under State CEQA Guidelines, and the attached resolution contains findings expressing this together with supportive evidence, including the minor amount of new residential construction that could result, terrain conducive to the new construction, aspects of the site's low environmental sensitivity, and the use of regulations and typical conditions of approval that would minimize environmental impacts.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN190001 tentative parcel map, subject to the conditions of approval found in the resolution.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	5/2/2019	Staff Report
Attachment B. Planning Commission Resolution 2019-__ (draft)	5/2/2019	Resolution

STAFF REPORT

PROJECT INFORMATION:

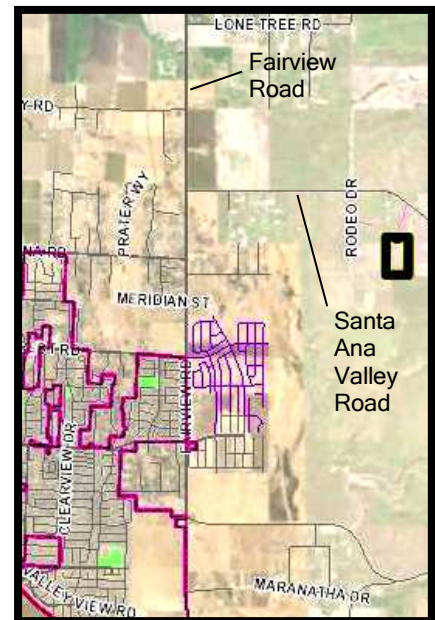
Application: PLN190001 (Minor Subdivision)
Date of Hearing: May 15, 2019
Applicant: Gordon Wynn
Owner: Wynn 1999 Revocable Trust
Location: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection
APN: 025-570-005
General Plan: Agriculture (A)
Zoning: Agricultural Productive (AP)
Project Planner: Michael Kelly

PROJECT DESCRIPTION

The applicant proposes a tentative parcel map to subdivide an existing 20-acre property already developed with a single family residence, an accessory dwelling, and a paved driveway, into two parcels each with 10 acres. Parcel 2 would contain the existing residences. Parcel 1 would be constructed with a flattened building site to permit a dwelling together with a well water connection, a septic system, and driveway access to Tortola Way.

SITE DESCRIPTION

The project site is a 20-acre property with one residence and an accessory dwelling located in grassy, rolling hills along Santa Ana Valley Road's transition from the Hollister Valley to Santa Ana Valley. Properties in the area are generally used for rural residences, dry farming, and grazing. The subject property is located at the end of Tortola Way, which branches off Santa Ana Valley Road. Tortola Way was established as part of Minor Subdivision 1198-06, which created the rural residential lots along Tortola Way and designated the subject property as a remainder parcel, later converted to a standard parcel by Certificate of Compliance 15-91. A similar group of eight rural residential properties is found along Rodeo Drive and Kennedy Court to the west, established by Tentative Subdivision Map 07-76, with one more to the east established by Minor Subdivision 1121-02. Most other lots in the area are agricultural and are substantially larger.



Legal Lot of Record: San Benito County Official Records Book 11 of Parcel Maps Page 37 (Minor Subdivision 1198-06), followed by document 2016-0001027 (Certificate of Compliance 15-91).

Minimum Building Site Allowed: Five acres.

Sewage Disposal: Septic systems.

Water: Well with a single connection for Parcel 1, connection to a shared well for Parcel 2.

State Farmland Map Designation: Farmland of Local Importance.

Land Conservation Act (Williamson Act): Not a preserve.

Soils: Cropley clay, 2 to 9 percent slopes (grade 3); Diablo clay, 9 to 15 percent slopes (grade 3).

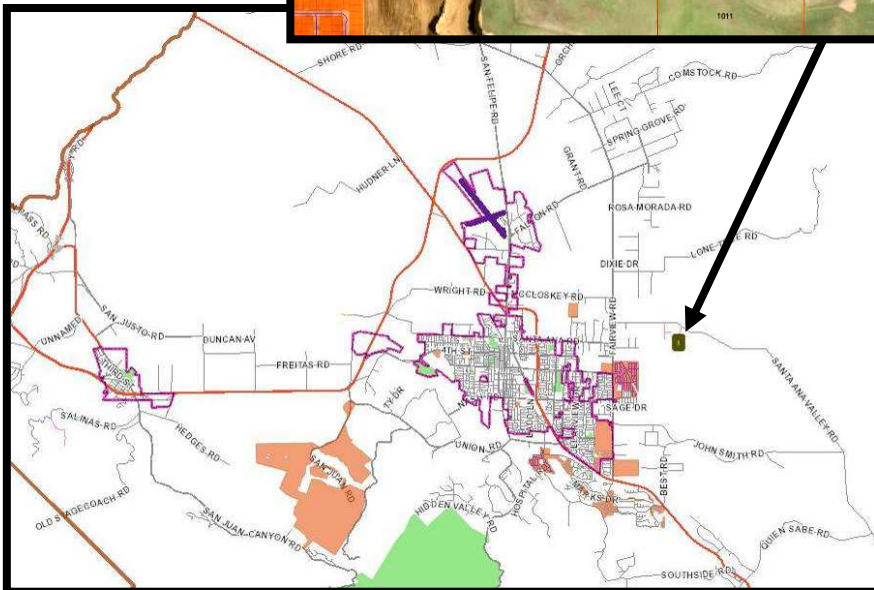
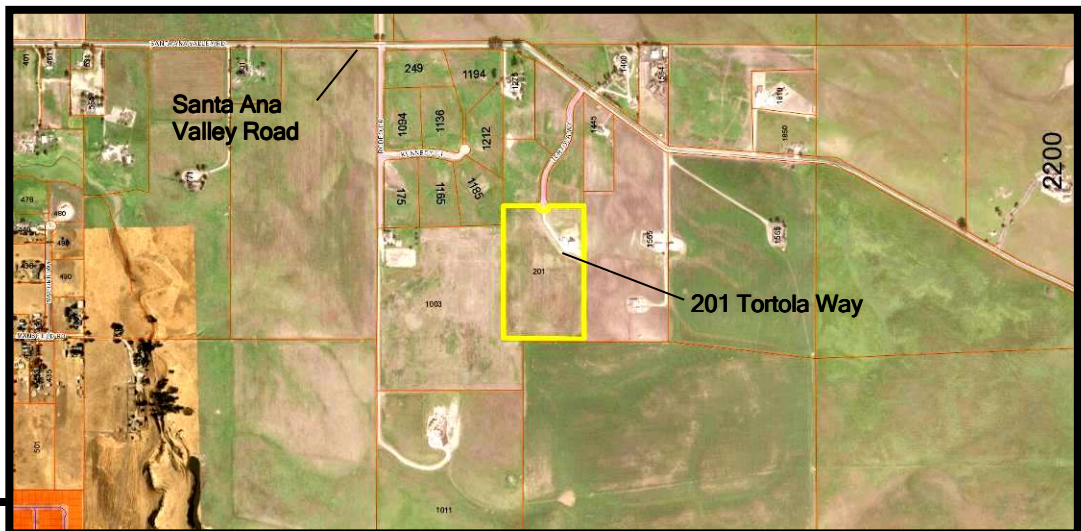
Seismic: Not within an Alquist–Priolo Earthquake Fault Zone.

FEMA Flood Zone: Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0205D, effective April 16, 2009.

Fire Severity: Moderate (State responsibility area).

Wildlife Habitat: Past observance of California horned lark and San Joaquin kit fox in area.

Archaeological sensitivity: Not sensitive.



PLANNING AND ZONING

The property is designated as Agriculture (A) by the County General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The General Plan’s A designation is intended for agriculture, activities in support of agriculture, and residential use if on building sites of at least five acres, and the AP zoning district implements the A designation. Both also allow secondary dwellings for family relatives and employees provided the minimum building site area, and one accessory dwelling as large as 1,200 square feet is also allowed on each lot as directed by State law for zones permitting residential use.

ENVIRONMENTAL EVALUATION

The proposal qualifies for Categorical Exemptions under State CEQA Guidelines Sections 15303 (Class 3, New Construction or Conversion of Small Structures), 15304 (Class 4, Minor Alterations to Land), and 15305 (Class 5, Minor Alterations in Land Use Limitations). The attached resolution (see Attachment B) contains findings expressing this together with supportive evidence. This evidence includes the minor amount of new residential construction that could result relative to that currently allowed without the subdivision, along with gently sloping terrain conducive to the new construction. The finding also takes into account aspects of the site’s low environmental sensitivity and further considers the use of regulations and typical conditions of approval that would minimize environmental impacts.

STAFF ANALYSIS

The subdivision proposes two 10-acre lots, double the minimum building site of the Agricultural Productive (AP) zoning district and double the permissible density of the site's Agricultural (A) land use designation under the County General Plan. As noted in the discussion of environmental evaluation, the project occurs with a location and layout that avoid environmental sensitivity. The draft resolution found in Attachment B contains findings recognizing the subdivision's suitability for the setting and its compliance with the General Plan.

The General Plan includes policies to reduce impacts from development and construction. Among these are Policy NCR-4.7, regarding best-management practices for preserving water quality through runoff reduction and source controls, and Policy HS-5.4, to minimize particulate matter emissions that could be generated by construction. Conditions of project approval have been included to implement these requirements in this project. Also addressing environmental concerns are further conditions, including restriction of water softeners, a limit on exterior lighting, procedures for discovery of cultural resources, and contribution to habitat conservation planning. Together these conditions allow the subdivision to impose minimal environmental impact.

The use of the land for primarily residential purposes on large lots is already found in the project's surroundings. Other properties along the project site's access, Tortola Way, and nearby lots on Rodeo Drive, Kennedy Court, and Santa Ana Valley Road have each been established with fewer acres than those currently proposed. Seventeen such lots can be found within a half-mile of the subject property.

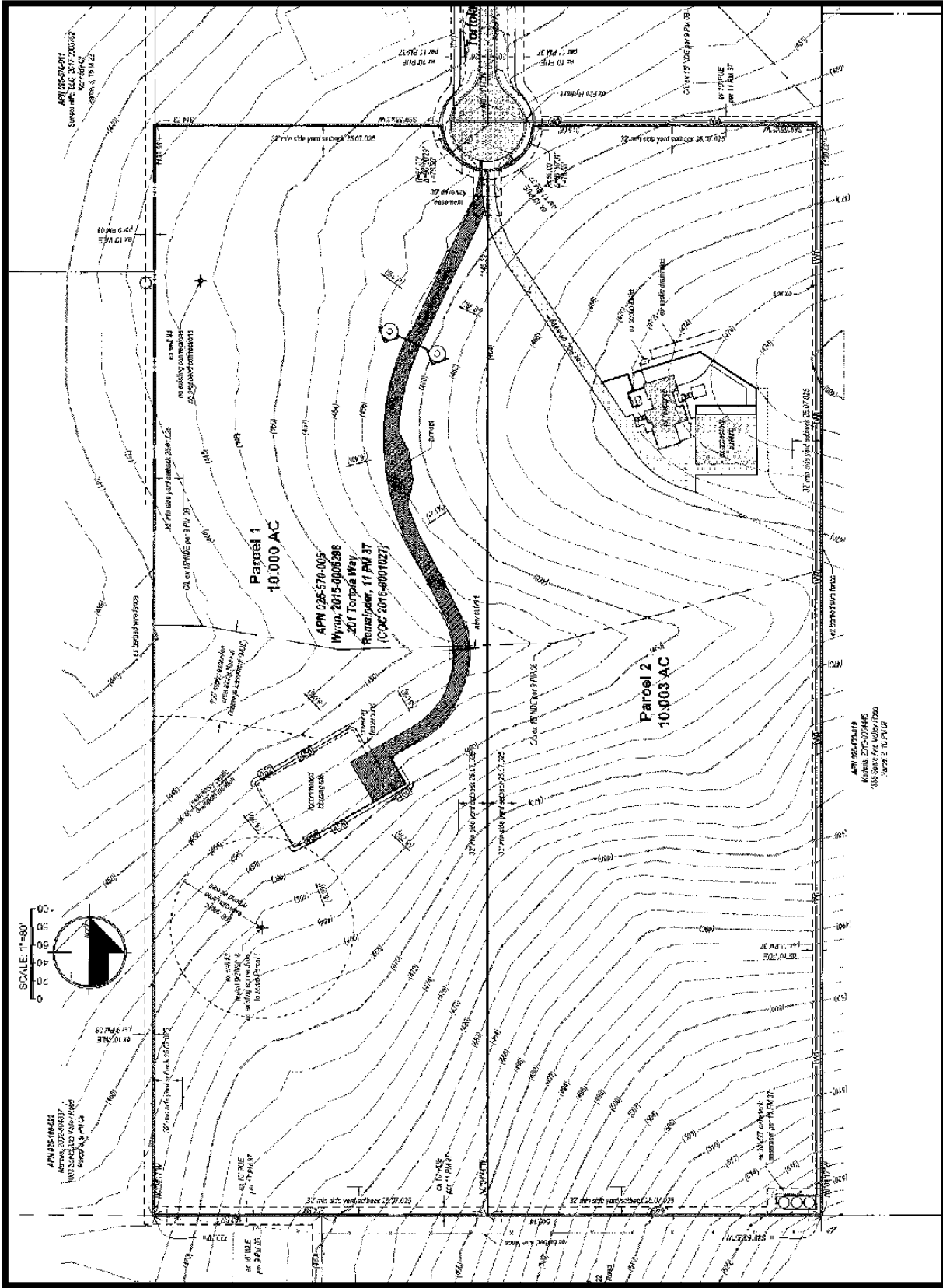
In addition, the proposal has been reviewed by multiple public agencies for compliance with regulations, reduction of environmental effects, and proper design. These agencies have offered conditions of approval that are included in the staff recommendation.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN190001 tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Proposed Tentative Parcel Map
- B. Planning Commission Resolution 2019-___ (draft)



ATTACHMENT A (continued). Closer view of the two parcels.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
PLANNING COMMISSION TO APPROVE)
COUNTY PLANNING FILE PLN190001, A)
PROPOSAL FOR A TENTATIVE PARCEL MAP.)

Resolution No. 2019-__

WHEREAS, the subject parcel is located on Tortola Way one quarter-mile south of Santa Ana Valley Road and 1½ mile east of Santa Ana Valley Road’s intersection with Fairview Road, near Hollister, San Benito County, California (Assessor’s Parcel 025-570-005) and currently contains 20 acres; and

WHEREAS, Gordon Wynn has filed an application for a tentative parcel map (illustrated in Attachment A) to subdivide the property into two lots; and

WHEREAS, the property is currently a legal lot formerly designated a 20-acre remainder parcel by Book 11 of Parcel Maps Page 37, Official Records of San Benito County, State of California, recorded on June 30, 2015, and later recognized as a legal lot by a conditional certificate of compliance recorded as document 2016-0001027 in Official Records of San Benito County on February 3, 2016; and

WHEREAS, the property currently contains one residence with the address of 201 Tortola Way and a neighboring accessory dwelling unit; and

WHEREAS, the property currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS, the applicant and owner have demonstrated adequate street access, septic-system suitability, and water availability to demonstrate the subject parcel’s usability and buildability to the satisfaction of responsible County personnel; and

WHEREAS, the Planning Commission has determined the project qualifies for Class 3, Class 4, and Class 5 of Categorical Exemptions under California Environmental Quality Act Guidelines; and

WHEREAS, the proposal has been reviewed in consideration of current, existing regulations that are designed to diminish the degree of negative environmental effect that could otherwise result from activities similar to the currently proposed project, and conditions of project approval have been included for the same purpose; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regularly scheduled meeting held on May 15, 2019; and

WHEREAS, the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding 1: The project is Categorical Exempt, per California Environmental Quality Act (CEQA) Guidelines Sections 15303 (Class 3, New Construction or Conversion of Small Structures), 15304 (Class 4, Minor Alterations to Land), and 15305 (Class 5, Minor Alterations in Land Use Limitations).

Evidence: *The project would result in one single-family residence and potentially an accessory unit, both in a zone allowing residential use by right, exempt under State CEQA Guidelines §15303. Private alteration of land would occur on terrain with slope under 10 percent and would not affect healthy, mature, scenic trees, in keeping with State CEQA Guidelines §15304. Under current regulations, in addition to the property's existing residence and existing accessory dwelling, the site allows without a subdivision additional residences not limited as to size if restricted to family members and employees of the property owner or lessee; the project would minimally affect this intensity of use and is therefore permissible under State CEQA Guidelines §15305. In addition, the proposal would not qualify for State CEQA Guidelines §15300.2's exceptions to Categorical Exemptions as it is located away from the attributes and circumstances listed in the exceptions. While California tiger salamander critical habitat exists in the vicinity, the project would take place away from that habitat, and other species' habitat is imprecisely defined. Land use and development more intensive than this proposal has occurred in recent years in the immediate surroundings of the subject property, and the project has a low likelihood of creating significant environmental impact beyond current conditions, including that which has already affected wildlife habitat. The project would customarily be subject to existing regulations and to conditions of approval that address environmental concerns and avoid significant impacts.*

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The property is designated as Agricultural (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. Both designations allow single-family dwellings with a minimum building site of five acres, half the size of each proposed lot's 10 acres. While General Plan Policy LU-3.12 expects that agricultural viability be demonstrated in subdivisions with lots under 40 acres, the existing lot is already significantly smaller than this standard. In accordance with General Plan Policy NCR-4.7, development in general is subject to best-management practices to reduce water runoff and preserve quality of drainage water, and air quality effects from construction are similarly addressed by emission-reduction standard practices in satisfaction of Policy HS-5.4. No adopted specific plan has been adopted in this area.*

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Evidence: *The project is consistent with the General Plan in terms of use and density. The proposed project would provide adequate access, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan policies, and the proposal is similar to the surrounding area. Planning and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards provided compliance with conditions of approval. No specific plan affects the subject property.*

Finding 3: The site is physically suitable for the type of development.

Evidence: *The project site contains 20 acres, where the two resulting 10-acre lots would each be of a size midway between the sizes of its residential neighbor parcels and its agricultural neighbor parcels. The gentle slopes of the site and its surroundings are not susceptible to landsliding. The site is overall lacking in physical hazards and sensitivity that would be in conflict with the proposed rural-style residential use. The applicant has presented evidence to the satisfaction of the County Environmental Health Division that the site's soils will suit the use of an additional septic system.*

Finding 4: The site is physically suitable for the density of development.

Evidence: The location's General Plan land use district allows one dwelling per five acres, with the County Zoning Ordinance setting the five-acre figure as the minimum lot size. The proposal would create lots twice that size, or half the allowable density. As earlier mentioned, the site does not present physical hazards or sensitivity that the proposed density would exacerbate.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The site is not mapped or otherwise identified as exceptional habitat for fish or wildlife. The parcel at present is partially developed with a single-family dwelling, an accessory dwelling, an accessory building, a driveway, a water connection, and a septic system. Approval of the project would allow an additional residence and additional accessory dwelling and establish an appearance similar to neighboring development. The minor degree of change would not create high risk of substantial damage to the environment, including wildlife and its habitat.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: Project improvements have been reviewed by relevant agencies in consideration of public health, and conditions of approval have been included to ensure public health. This includes emphasis on water quality with regard to well and septic system use and on controlling effects from grading including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements could cause serious problems for public health. Any future development on the project site will be subject to additional review as part of building permit issuance.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: The project would affect no such easements other than a natural drainage easement, which the Parcel 1 driveway would cross and accommodate with a culvert designed to the approval of County Public Works engineering staff.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) Contract.

Finding 9: Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board, provided compliance with conditions of project approval. Use of a community sewer system is not proposed, with septic systems proposed for sewage disposal.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations accordingly.

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: The subject property is located within a State responsibility area (SRA); the California Department of Forestry and Fire Protection, or CAL FIRE, generally gives response for wildfire suppression, with additional aid given by the County Fire Department, staffed by the City of Hollister Fire Department. Structural fire protection and other related emergency services are provided by the County Fire Department. The closest fire stations are CAL FIRE at 1979 Fairview Road, 3 miles by road; Hollister Fire Station 1 in Downtown Hollister, 4½ miles; and Hollister Fire Station 2 in southeast Hollister, 5 miles; with the planned future Fire Station 3 at the Fairview Road–Rosa Morada Road intersection 4 miles by road.

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

Evidence: Qualified personnel from responsible agencies have reviewed the proposed minor subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN190001 and its tentative parcel map subject to the following conditions of approval:

Conditions of Approval:

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’S choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements.
[Planning]

2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in Attachment A) and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
5. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
6. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Construction Hours:** As required by County Ordinance 667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
9. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
10. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.

- b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
11. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
12. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$600.00 for each lot over 5.1 acres. [Planning]
13. **Dust Control:** The applicant shall incorporate the following requirements into grading activities occurring as part of this project:
- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
 - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
 - c. Haul trucks shall maintain at least two feet of freeboard.
 - d. All trucks hauling dirt, sand, or loose materials shall be covered.
 - e. Inactive storage piles shall be covered.
 - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]
14. **Geotechnical Engineering Investigation:** All preparation, grading, foundations, site drainage, and finish improvements shall be designed to comply with the geotechnical engineering recommendations with the file number SH-12639-SA, prepared by Earth Systems Pacific. A note shall be placed on the parcel map to this effect. [Planning]

San Benito County Fire:

15. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. Particular requirements include:
- a. That a wharf fire hydrant with a 2½-inch connection be installed within 50 feet of any residence with a driveway longer than 600 feet. [Fire]

Public Works Division:

16. **Easements:** The Parcel Map shall show all easements as shown on the Tentative Map including the 30-foot driveway easement serving Parcels 1 and 2. [Public Works]
17. **Roadway Improvements:** Prior to recordation of the Parcel Map, the applicant shall bond for or make the following roadway improvements in accordance with County Code Chapter 23.17 (Improvements):
 - a. Widen Tortola Way to a 24-foot asphalt concrete (AC) surface on a 34-foot aggregate base (AB) roadbed to the extent illustrated on the Tentative Map.
 - b. Prior to the recordation of the parcel map, the applicant shall pay a fair-share contribution toward the intersection improvement at Fairview Road–Santa Ana Valley Road. The fair-share contribution amount, per lot, shall be determined by the applicant’s Engineer, shall be subject to the review and approval by the County Engineer, and shall be based on current costs. [Public Works]
18. **Maintenance of Subdivision Facilities:** Prior to the recordation of the Parcel Map, in order to satisfy County Code §23.25.007 (Maintenance of Subdivision Facilities), the applicant shall be required to annex into the Community Facilities District (CFD) 2018-1 (residential services) or to amend the existing maintenance agreement for those properties subject to Minor Subdivision 1198-06 to include the newly created PLN190001 minor subdivision lots in the maintenance agreement. The applicant shall be responsible for all costs associated with this process. [Public Works]
19. **Improvement Plans:** Prior to the recordation of the Parcel Map, the subdivider shall submit the improvement plans and all supplementary data associated with these to the County Engineer for review in accordance with County Code §23.17.007 (Improvement Plans).
 - a. As part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and therefore shall provide storm drainage system which shall be designed for ultimate development of the watershed and shall be capable of collecting and conveying runoff generated by a 100-year flood. The storm drain system shall provide for the protection of abutting and offsite properties that could be adversely affected by any increase in runoff attributed to the development. Off-site storm drain improvements may be required to satisfy this requirement. Internal drainage facilities shall be designed and constructed in conformance with county standards for subdivision improvements. Drainage calculations and construction details of any proposed, and or existing drainage improvements (these include but are not limited to retention/detention ponds, ditches, French drains, bioswales, rain gardens, etc.) shall be provided. All drainage improvements shall be installed or bonded for prior to recordation of the Final Map. [County Code §23.17.003(B) (Required Improvements)]
 - b. As part of the submission of Improvement Plans for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to sanitary sewer, water, gas, electric, telephone, and cablevision, and shall furnish copies said approved plans to Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan. [County Code §23.17.003(E)] [Public Works]
20. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission

regulations. All necessary utilities shall be installed or bonded for prior to recordation of the Parcel Map. [County Code §23.17.003(F)(1) (Required Improvements)] [Public Works]

21. **Encroachment Permit:** Pursuant to §19.27.004 of County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
22. **Dedication of Parkland:** Prior to recordation of the parcel map, pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]
23. **Storm Water Pollution Prevention:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to County Public Works staff prior to start of any construction activities as part of this project. A note to this effect shall be added on the Improvement Plans. [Public Works]
24. **Warranty Security:** Upon completion of the required improvements, applicant shall provide warranty security in an amount not less than 10 percent of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [County Code §23.17.009(C)(4)] [Public Works]
25. **As-Built Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and shall be submitted to County Public Works staff. [County Code §23.31.002(K)(1)] [Public Works]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

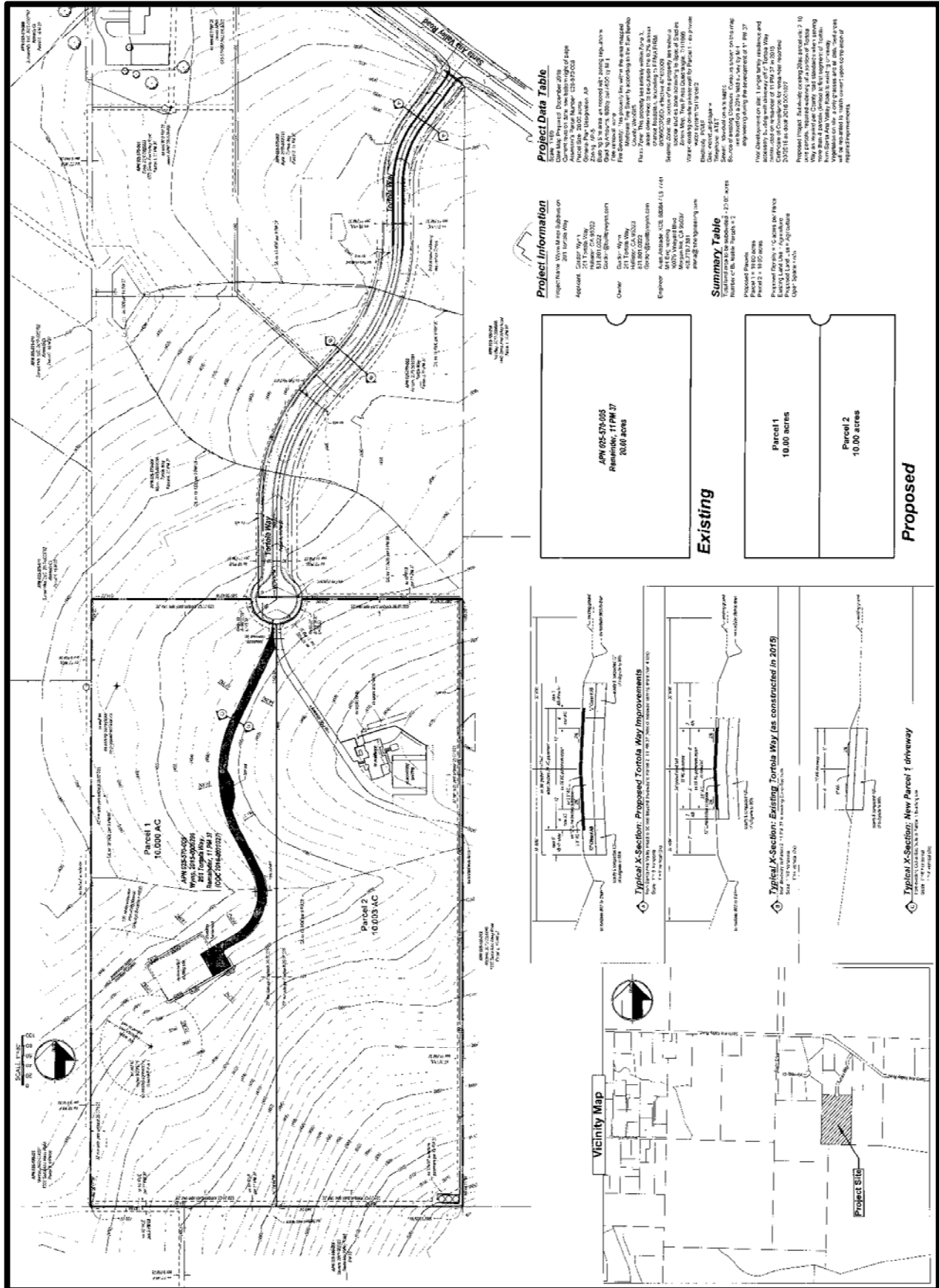
ABSTAIN

Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

ATTACHMENT A to Planning Commission Resolution



Project Data Table

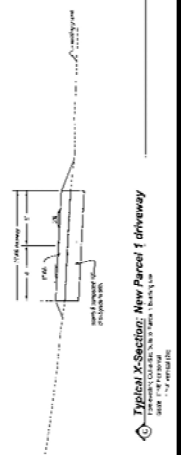
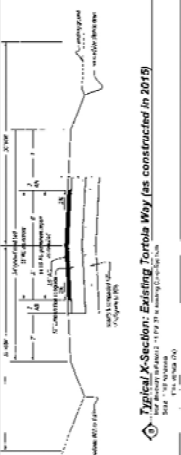
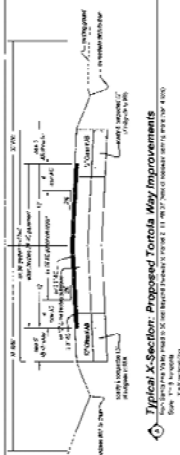
Date: 11/15/19
 Consultant: December 2019
 Consultant's License Number: 025-872028
 Applicant: Cedar Valley
 Owner: Cedar Valley
 State: CA
 County: Contra Costa
 City: Walnut Creek
 Project Name: Tortosa Way
 Project Address: 11 PM 37
 Project Area: 20.003 acres
 Project Description: This project is for the proposed improvements to Tortosa Way, including the widening of the roadway, the installation of a new drainage system, and the installation of a new sidewalk. The project also includes the installation of a new utility line and the installation of a new fire hydrant.

Project Information

Project Name: Tortosa Way
 Address: 11 PM 37
 City: Walnut Creek
 County: Contra Costa
 State: CA
 Project Area: 20.003 acres
 Project Description: This project is for the proposed improvements to Tortosa Way, including the widening of the roadway, the installation of a new drainage system, and the installation of a new sidewalk. The project also includes the installation of a new utility line and the installation of a new fire hydrant.

Summary Table

Project Name: Tortosa Way
 Address: 11 PM 37
 City: Walnut Creek
 County: Contra Costa
 State: CA
 Project Area: 20.003 acres
 Project Description: This project is for the proposed improvements to Tortosa Way, including the widening of the roadway, the installation of a new drainage system, and the installation of a new sidewalk. The project also includes the installation of a new utility line and the installation of a new fire hydrant.





SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Tognazzini
District No. 1
Chair

Valerie Eglund
District No. 2

Pat Loe
District No. 3

Ray Pierce
District No. 4

Robert Rodriguez
District No. 5
Vice-Chair

Item Number: 3.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Richard Felsing

SBC DEPT FILE NUMBER: PLN180030

SUBJECT:

PLN180030 (Use Permit): OWNER/APPLICANT: Kenneth Harlan/Cingular Wireless–AT&T Mobility (TSJ Consulting & Vinculums). APN: 011-130-023. LOCATION: 2015 School Road. REQUEST: To install a wireless telecommunications facility in the form of an 87-foot tall monopine. GENERAL PLAN: Rural (R). ZONING: Rural (R). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15303(d). PLANNER: Richard Felsing (*rfelsing@cosb.us*).

AGENDA SECTION:

CONSENT - PUBLIC HEARING - MINOR PROJECT REVIEW

BACKGROUND/SUMMARY:

The applicants propose to install an 87'-foot tall wireless telecommunications facility with a monopine design near the crest of the hills abutting School Road.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff has reviewed the proposal and can find no objection to the proposed project, provided that colocation requirements can be verified. Staff recommends that the Planning Commission act on Use Permit PLN180030 by approving the attached draft Resolution for Approval.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Harlan PLN180030	5/6/2019	Staff Report
Reso Harlan PLN180030	5/6/2019	Resolution
Attach 3 Aromas Fire Conditions	5/6/2019	Backup Material

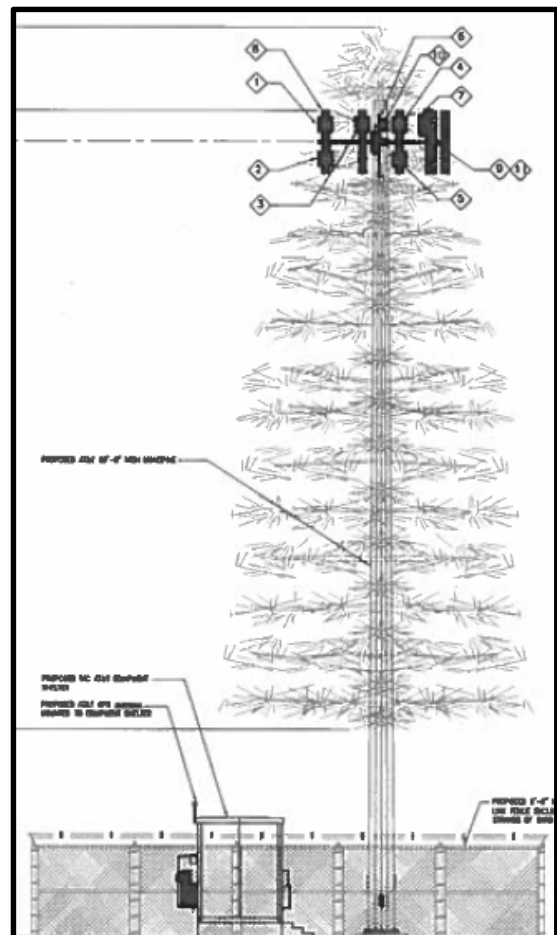
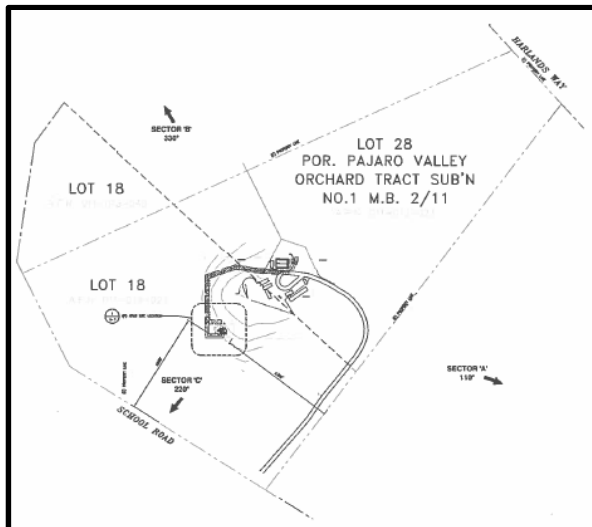
STAFF REPORT

PROJECT DATA:

Application: PLN 180030 / Use Permit / Wireless Communications Tower
Public Hearing: March 20, 2019
Applicant/Owner: AT&T Mobility / Kenneth Harlan / Tom Johnson Consulting
Location: 2015 School Road
APN: 011-130-023
General Plan: Rural (R)
Zoning: Rural (R)
Planner: Richard Felsing

PROJECT DESCRIPTION: The applicant proposes to install a wireless facility in the form of an 87' tall monopine and equipment shelter to be operated by AT&T Mobility on a parcel owned by Kenneth Harlan at 2015 School Road. The proposed project consists of 6 panel antennas and associated equipment enclosed within a 6' high chain link fence. It involves constructing and installing new AT&T Wireless equipment:

- 34' x 50' lease area;
- 6' tall chain link fence with 3 barbed-wire strands
- 87' tall monopine;
- WIC equipment shelter;
- 15 kw diesel generator;
- 6' tall panel antennas (12);
- RRUS (23);
- DC-6 surge suppressors (4);
- GPS antenna;
- ice bridge; and
- power & fiber trunks



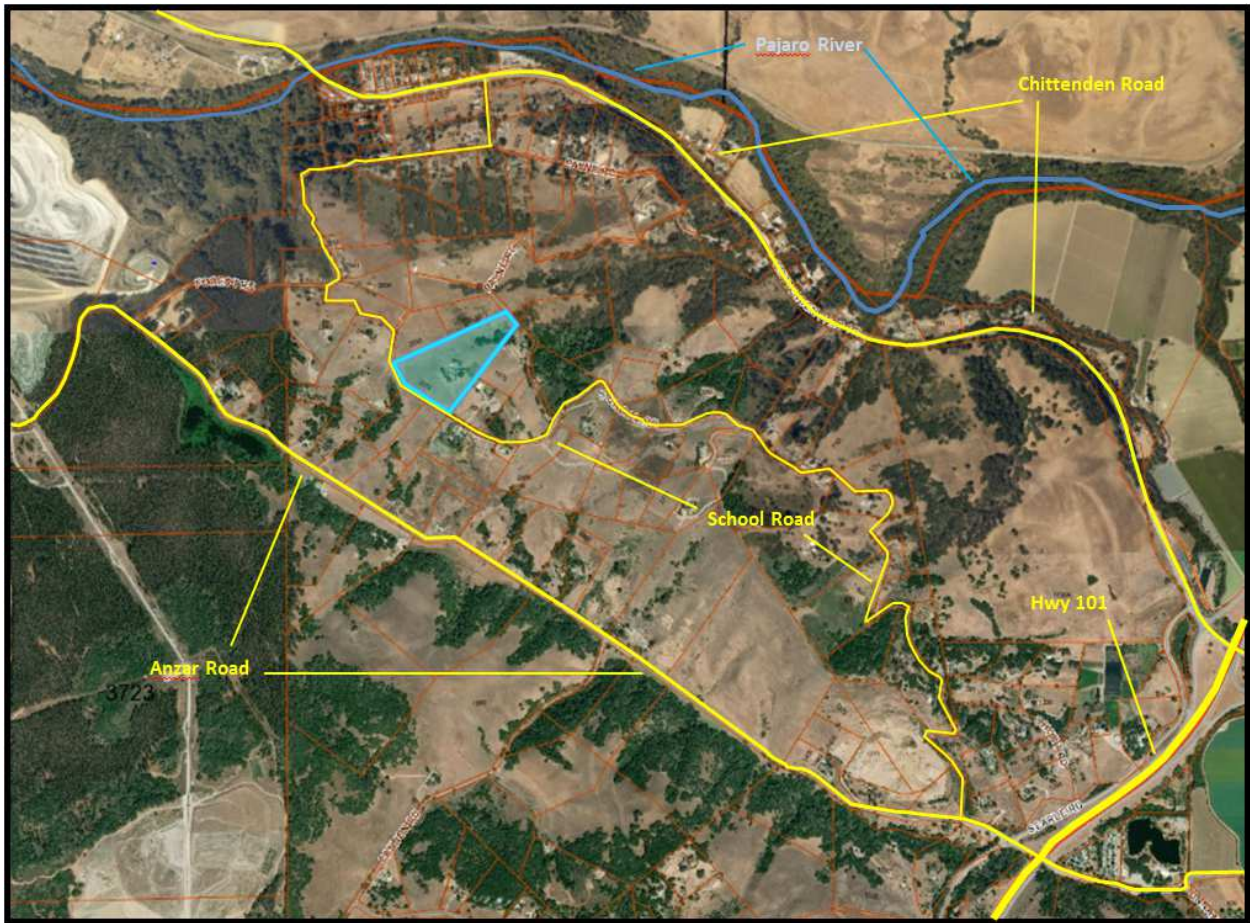


Figure 1. Vicinity Map

The subject parcel is located on the northeast side of School Road about 1.3 miles from its intersection with Chittenden Road and approximately 4.1 miles from the outlet of School Road onto Anzar Road. The property is situated advantageously in the hills bounded by Highway 101, Anzar Road and Chittenden Road (Old Chittenden Pass Highway), at a higher elevation than the surrounding valleys and roadways.

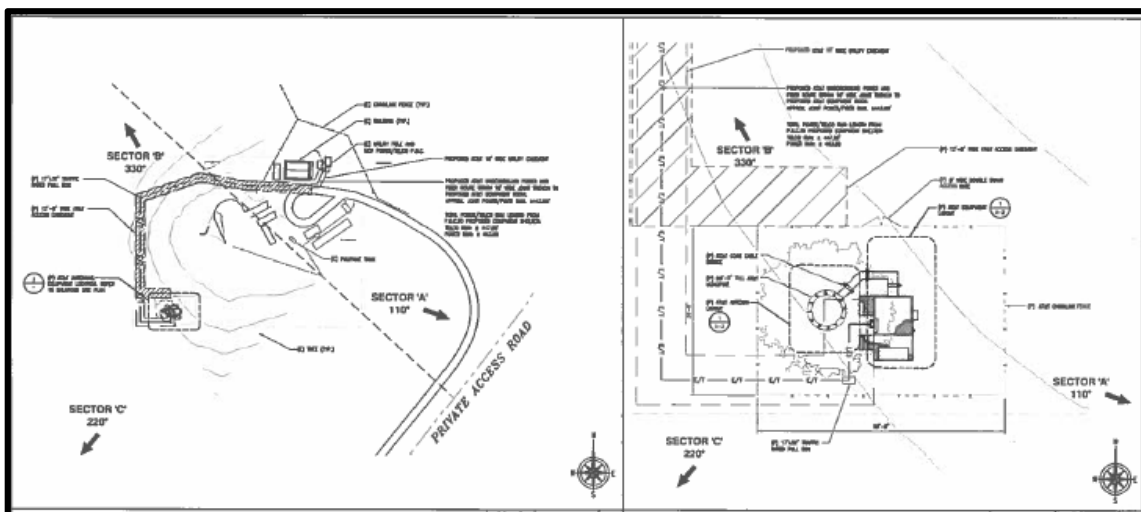


Figure 2. Site and Facility Schematics

SITE DESCRIPTION: The 16.68-acre subject property consists of scattered oaks and grassland on sloping hillsides, with one residence and several accessory structures. The parcel is located on the northeast side of School Road and the facility would be sited approximately 260 feet from the road right-of-way (ROW). No homes are within 500 feet of the proposed tower site; subject parcels that host telecommunications towers are exempt from this requirement. The surrounding rural landscape is characterized by residential properties as well as pasturing, hay production and other agricultural uses on rolling hills.

Scenic Highway: No

Seismic: Not Within an Alquist Priolo Earthquake Fault Zone.

Fire Hazard: High Fire Hazard Severity Zone

Floodplain: None

Archaeological Sensitivity: No known sensitivity

Kit Fox Habitat: Not within Habitat Conservation Plan study Area

Other Endangered or Sensitive Species: None known to be documented in this area.

The San Andreas Fault runs northwest-to-southeast roughly 50 feet to the southwest of School Road at this location, with its associated Alquist Priolo Earthquake Fault Study Zone running on a tangent to the northeast side of School Road, at or near the subject parcel.



Figure 3 & 4. School Road, Project Parcel/Site

REQUIRED MATERIALS: The applicant has submitted materials that the Planning Commission may assess in making its determination for approval or denial, as required by County of San Benito Code of Ordinances for the Planning Commission (SBCC §7.11.003 Submittal Requirements). The materials although adequate do not adhere precisely to submittal requirements (SBCC §7.11.003, lines (A) and (B)(1-11)).

Submitted items include a site plan (1), graphics illustrating the project’s visual impact including photosimulations and monopine elevations (5), revegetation or landscaping elements in the site plans (as the required landscaping plan) (6), adequate information to make a CEQA assessment (8), standard application information (9), noise/acoustical information (10), and filing fees (11). [Note: number citations correspond to list found in SBCC §7.11.003(B)]

Maps submitted show existing coverage and estimated coverage after installation of the proposed telecommunications monopine (See Figures 6 & 7) (3). However, the maps submitted do not show “how the proposed facility fits into the individual service provider’s network of existing and proposed antenna sites (2), and may not identify “all of the applicant’s existing telecommunications facilities within the . . . relevant area” (3).

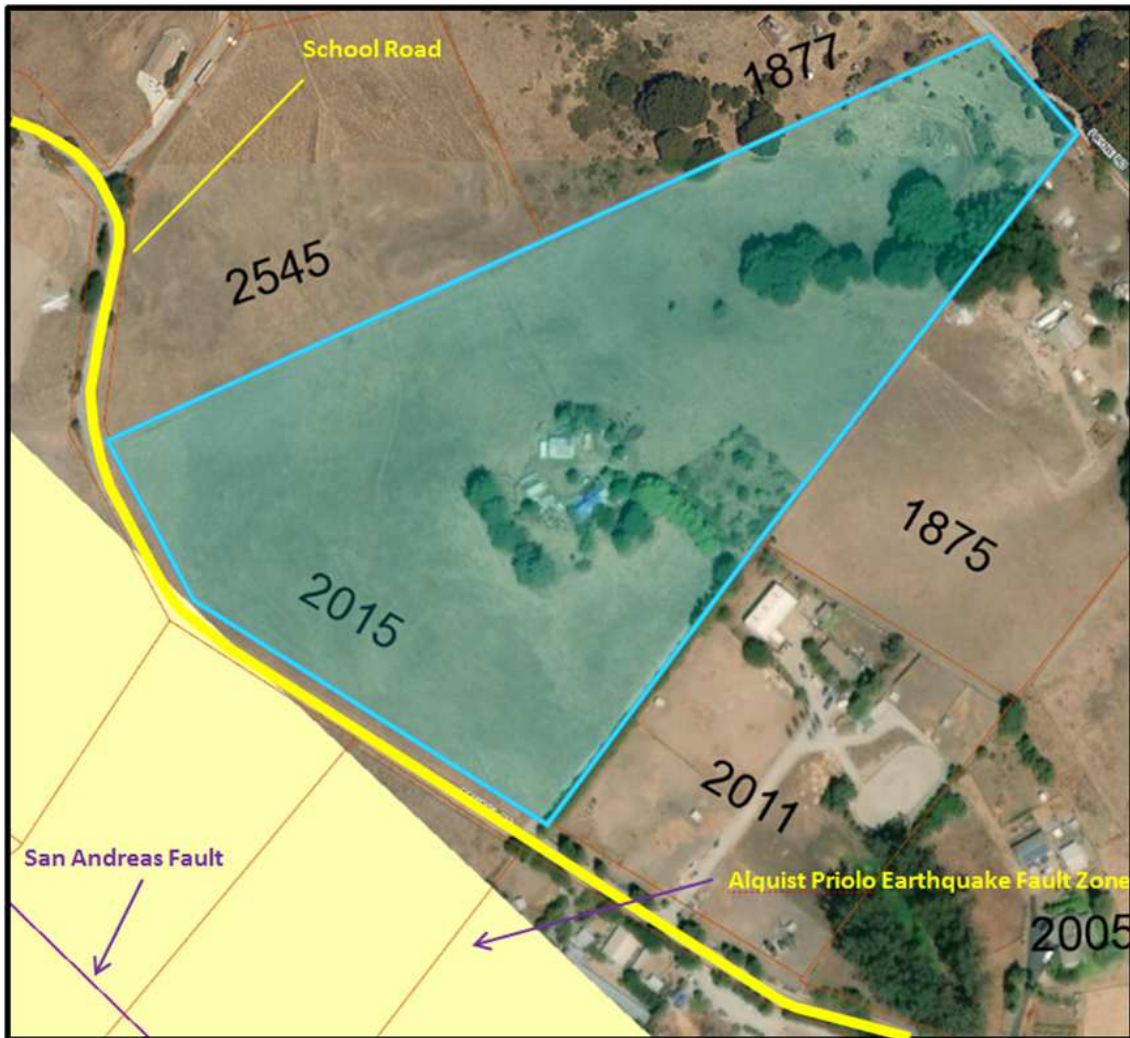


Figure 5. Subject Parcel

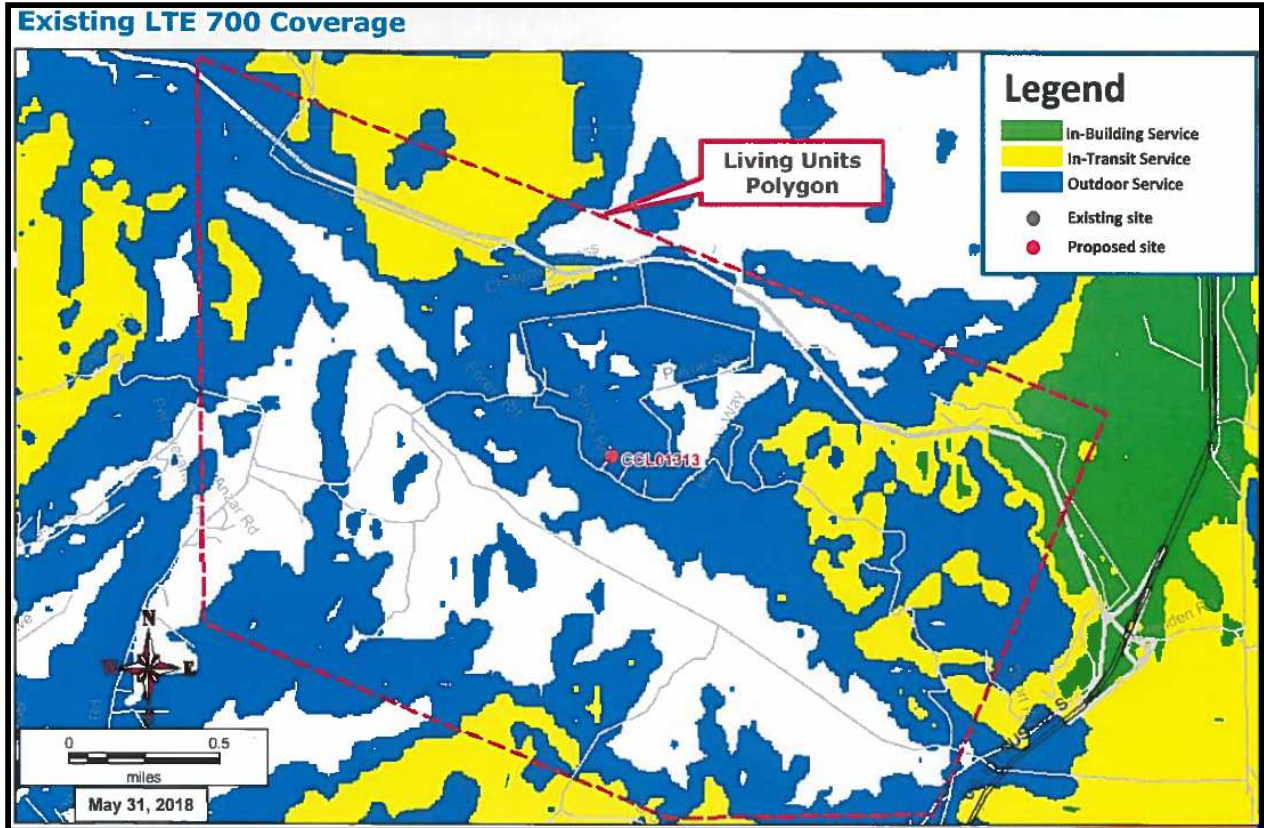


Figure 6. Existing LTE 700 Coverage

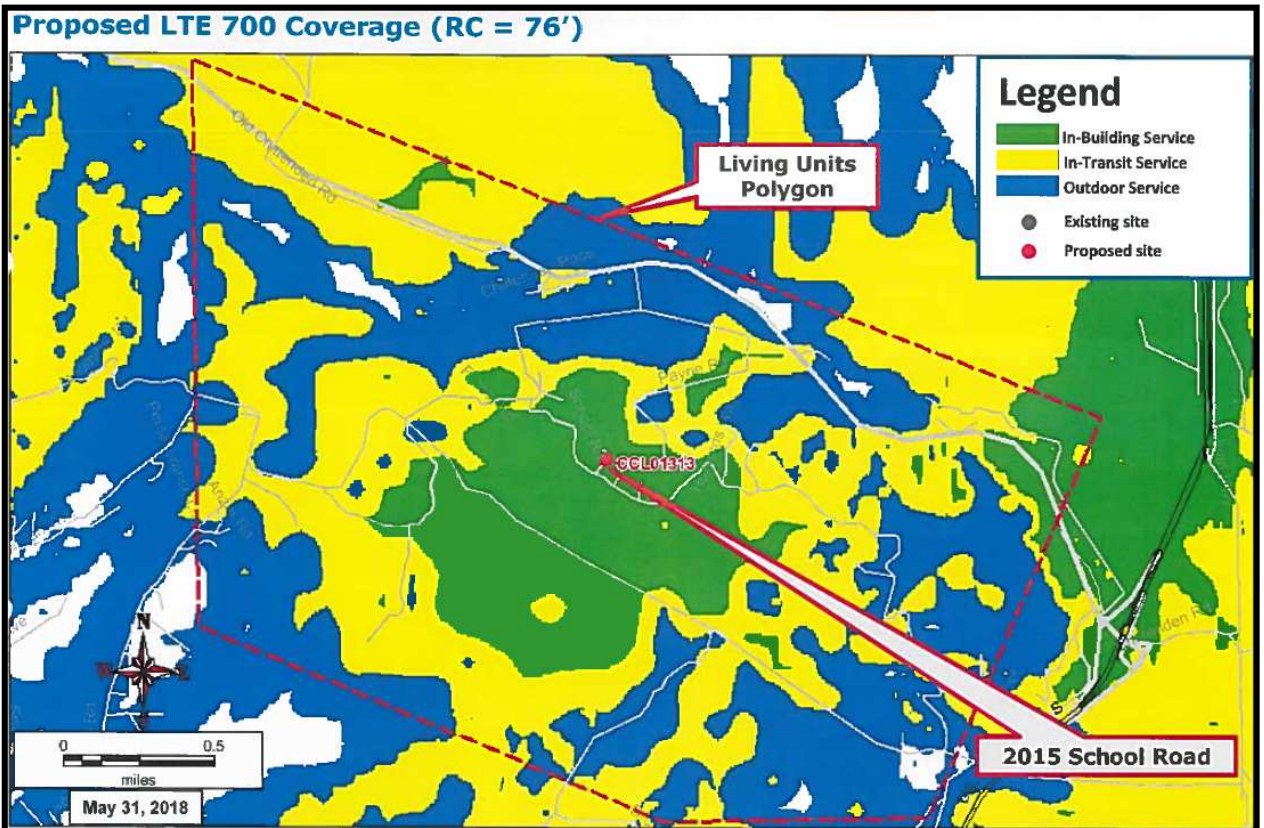


Figure 7. Proposed LTE 700 Coverage



Figure 8. PhotoSimulation, View from School Road

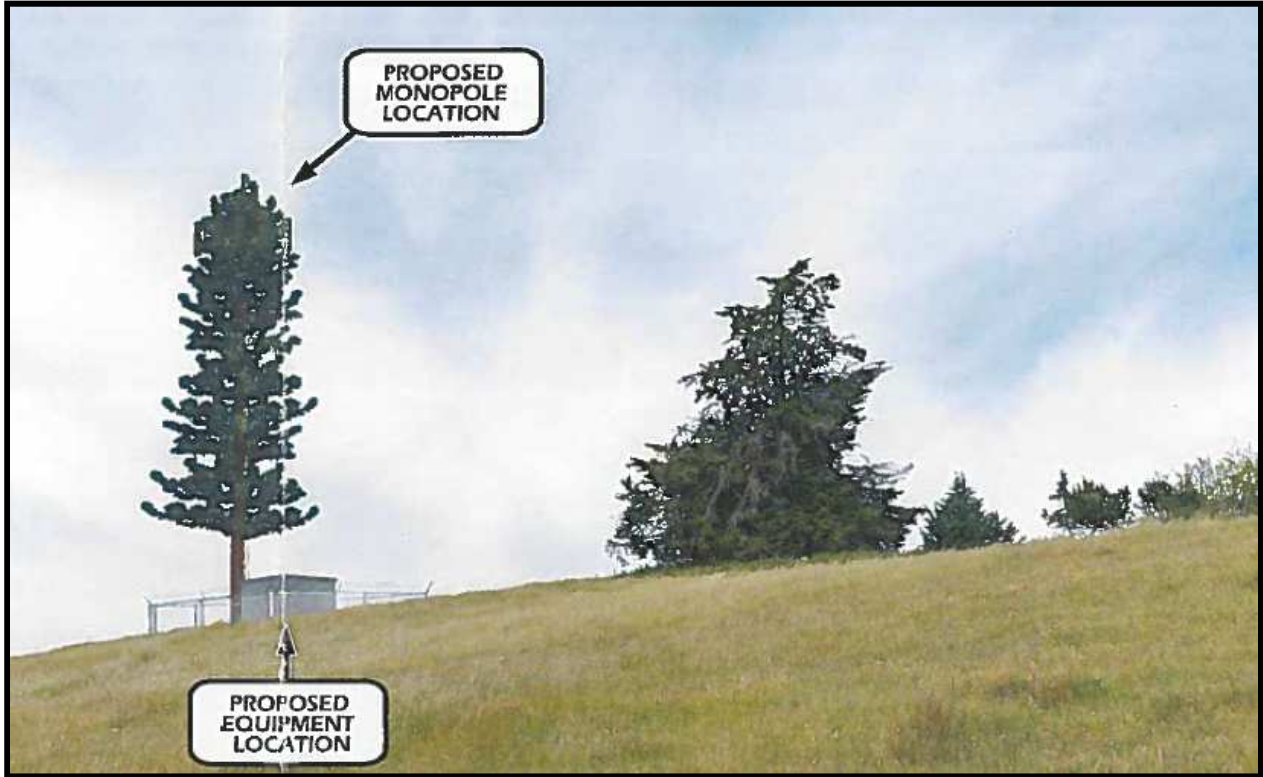


Figure 9. PhotoSimulation, View from School Road

PLANNING AND ZONING: The site is designated Rural (R) in the County General Plan and as Rural (R) in the Zoning Ordinance. Wireless telecommunication facilities are a conditional use under Rural (R) zoning and the Planning Commission is empowered to permit wireless telecommunications facilities (§25.09.003(B), §25.07.0059(H), -(X), and §25.29.106(M)).

General Plan. “The purpose of [the Rural (R) land use] designation “is to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations” (Table 3-1, page 3-4, County of San Benito 2035 General Plan). The proposed use conforms to the General Plan insofar as it falls under SBCC §25.29.106, which allows for certain uses such as parks, churches and telecommunications towers in land use designation where it is not otherwise specified.

Zoning. Under the Rural (R) zoning designation conditional uses include “[a]ll those uses listed in §25.07.005 and §25.29.106 (§25.09.003(B) Conditional Uses). Among the uses listed are “Microwave, radio and television transmission and/or related structures,” (§ 25.07.005(H)) as well those “[u]ses similar to the above as determined by the Planning Commission (§25.07.005(X)). “[W]here the uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the general plan,” the Commission may permit “Radio, television, microwave and other transmitters ... [and] public utility facility[ies]” (§25.29.106(M)) Additional Uses Permitted).

ENVIRONMENTAL EVALUATION: The proposed project extends a utility service, consists of “limited numbers [one] of new, small facilities or structures” and would be an “installation of small new equipment and facilities in small structures.” As such this project has been determined to be categorically exempt under §15303(d), New Construction or Conversion of Small Structures, from the California Environmental Quality Act (CEQA). Hazardous substances are addressed as a condition of project approval and are limited to a diesel fuel tank for a generator.

Potential issues related to habitat, environmental resources of hazardous or critical concern, cumulative impact or significant effect, scenic highways, hazardous waste, and historical resources have been reviewed; each has been determined not significant or not applicable. The exceptions to this proposed categorical exemption, as listed within §15300.2, are not applicable.

STAFF ANALYSIS: The applicant has submitted technical and illustrative materials adequate to make a determination for denial or for approval (SBCC §7.11.003). Provided colocation opportunities are not available, and such colocation capacity is included in this project, staff finds this proposal broadly consistent with applicable requirements.

STAFF RECOMMENDATION: Staff has reviewed the proposal and can find no objection to the proposed project, provided that colocation requirements can be verified. Staff recommends that the Planning Commission act on Use Permit PLN180030 by approving the attached draft Resolution for Approval.

Attachments

Exhibit A. Resolution for approval, with attachments:

Attachment 1. Project Site Plan CL01313

Attachment 2. Monopine Elevations

Attachment 3. Aromas Tri-County Fire Protection Site Requirements

Exhibit B: Project Data Sheet PLN 180030

Exhibit B: Project Data Sheet PLN 180030
ATT&T Mobility / Harlan / Tom Johnson Consulting / 2015 School Road, Hollister

Project proposal: To construct a wireless communications facility in the form of an 87' tall monopine.

Assessor Parcel Number: 011-130-023

Legal Lot of Record: The 16.68-acre subject parcel appears on the map entitled "Pajaro Valley Orchard Tract, Subdivision Number One" as Lot 28 and a portion of Lot 18, Book 2 Page 11 of Maps, recorded November 17, 1913. The grant deed recorded November 2, 1962 and conveying the parcel from James A. & Angelus C. Harlan to Kenneth J. Harlan establishes the parcel as a legal lot of record in its current shape and size, as recorded in Book 281 Official Records Page 495, Rec. File No. 81716.

Permit Requirement: Use Permit

Zoning: R Rural

General Plan: R Rural

Land Use: Residential, scattered oaks and grassland

Minimum Building Site Allowed: 5 Acres

Lot Sizes: 16.68 acres

Sewage Disposal: Not Applicable

Water: Not Applicable

CEQA Determination: Exempt.

FEMA Flood Zone: Not in Floodplain. Zone X, areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0040D, effective April 15, 2009.

Fire Severity: High Fire Hazard Severity Zone

Within earthquake fault zone: No. The edge of the Fault Zone for the San Andreas Fault overlaps slightly with the other side of the School Road right-of-way (ROW) for roughly 20% of the property frontage. At its closest point this parcel is approximately 506 feet from the San Andreas Fault proper.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN)
BENITO COUNTY PLANNING)
COMMISSION APPROVING)
PLN180030, A USE PERMIT FOR A)
WIRELESS)
TELECOMMUNICATIONS)
FACILITY, AT 2015 SCHOOL)
ROAD, APN 011-130-023.)**

Resolution No. 2019-0_

WHEREAS, AT&T Mobility/Tom Johnson Consulting and Kenneth Harlan filed an application on June 22, 2018, to erect a wireless communications facility on property under their ownership at 2015 School Road; and

WHEREAS, County staff received the Use Permit proposal (File # PLN180030) and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS, the subject parcel is on the northeast side of School Road, about 1.3 miles south of the Chittenden Road/School Road intersection, and approximately 2.1 miles northwest of the Anzar Road/School Road intersection, San Benito County, CA (011-130-023) and is approximately 16.68 acres in area; and

WHEREAS, the Use Permit PLN180030 proposes to construct a 87'-foot tall wireless communications facility approximately 260' feet from the School Road right-of-way; and

WHEREAS, no unusual circumstances, features of the land, or unexpected issues have arisen that prevent approval of this minor subdivision; and

WHEREAS, the subject parcel has a General Plan Designation of R Rural and a Zoning Designation of R Rural; and

WHEREAS, the County assessed the potential for any substantial effect on the environment for the project consistent with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on May 15, 2019, the Planning Commission in considering Use Permit PLN180030 as described herein and in the staff report, heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to any matter related to the petition; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal; and

~~WHEREAS, the Planning Commission of the County of San Benito finds that no enhancements or clarifications are necessary to the California Environmental Quality Act (CEQA) Findings and Evidence, nor to the Use Permit Findings and Evidence.~~

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for a Categorical Exemption (New Construction or Conversion of Small Structures) under Section 15303(d) (Class 3).

***Evidence:** The proposed use would extend a utility service, and consists of a “limited number of new, small facilities or structures” and would be an “installation of small new equipment and facilities in small structures.” Hazardous substances are addressed as a condition of project approval and are limited to diesel fuel for a 15kw diesel generator. The proposed use would not exceed the limits stated in State CEQA Guidelines §15303 nor qualify for State CEQA Guidelines §15300.2’s exceptions to Categorical Exemptions.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that it hereby finds as follows:

Use Permit Findings

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

***Evidence:** The subject parcel has a Rural (R) Land Use designation in the General Plan, the purpose of which is to allow very low-density residential development in areas not suited for agriculture, that lack public infrastructure and are not suitable for higher density residential uses.*

***Evidence:** The site’s zoning designation for this property is Rural (R), which requires a conditional use permit for “[m]icrowave, radio and television transmission and/or relay structures” (SBCC §25.09.003(B) Conditional Uses, §25.07.005(H), §25.29.106 (M) Radio, television, microwave and other transmitters . . . [and] public utility facility[ies]).*

***Evidence:** The use would not generate substantial traffic affecting transportation systems in the vicinity, nor any traffic beyond maintenance personnel. Improved wireless communication will serve and assist the general public, especially in cases of emergency. With the exception of the tower’s lease area and any future access road, the proposed use would allow residential, agricultural, and other uses in the area to continue as before with minimal impact.*

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard, or nuisance to persons or property.

***Evidence:** The tower will be visible to surroundings but broadly compatible with the larger landscape by its faux pine tree ‘monopine’ design. Ground equipment will be softened by earth toned materials and nonreflective paint, enclosed by chain-link fencing, and screened with landscape plantings to soften the view of the structure. The facility’s location satisfies the requirement for 1,500 feet of setback*

from schools, and 500 feet of setback would be maintained from all existing residences. The installation will be subject to the California Building Code. County departments and responsible agencies have reviewed the application and recommended conditions of project approval to address possible effects on the vicinity and the overall County general public and to prevent hazard or nuisance to persons and property. Activity beyond the scope of the proposed use as approved by the County shall require further permit review.

Conditions of Approval

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’S choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
- 2. Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]

- 3. Agreement with All Conditions of Approval:** Prior to or upon approval by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all conditions of approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

- 4. Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan, and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code. See Attachments 1, 2, and site plan #CCLO1313, 11/30/18. [Planning]
- 5. Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 6. Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.00 made out to the County of San Benito shall be submitted to the Planning Department for the filing of the notice. [Planning/CDFW]
- 7. Landscape Plan for Screening Visual Impact:** Prior to operations, the applicants &/or owners shall plant/install landscape plantings in the form of native, drought-tolerant shrubs &/or trees that will visually screen the base of the facility from School Road and nearby neighbors, sufficient to obscure height & width of the chain link fence. The owners/applicants shall submit a landscaping plan to RMA Planning Department for this purpose, subject to the Planning Director's satisfaction (§7.11.003(B)(6), §7.11.008(D),(E), §25.43.005(D)(8)(10)).
- 8. Exterior Color:** Non-reflective paint/colors similar to the surrounding trees and land shall be maintained and applied to the exterior of the new structures, antennas, and tower, and the exterior appearance of the structures shall be maintained at all times. [Planning]
- 9. Lighting:** The exterior equipment building lighting shall be installed with a manual on/off switch and shall only be lighted while maintenance personnel are working at the site; at all other times any exterior lights shall be switched off except for those necessary for public safety, and all lighting shall comply with County Ordinance 748 (Development Lighting Regulations). [Planning]
- 10. Colocation:** The applicant shall allow other wireless carriers to collocate antennas on the monopole where technologically and economically feasible and prior to operations shall provide a written commitment to the County Resource Management Agency Director to this effect. All wireless carriers that collocate antennas shall also use a stealth design, compatible with a pine tree appearance. [Planning]
- 11. Equipment Removal:** The applicant shall remove the equipment and equipment shelter no later than six (6) months after operation of the communication facility ceases. [Planning]

- 12. Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (from §27460 on) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

Fire

- 13. Fire Code:** The project, including driveway details, shall meet the standards set forth *in the latest adopted editions* of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. [Fire, Public Works, Planning]
- 14. Fire—Address and Driveway:** Prior to any construction, fire access and temporary roadway address shall be in place:
- a. **Address:** The site address shall be posted at the gate, on the project-side of School Road, not across the street.
 - b. **Driveway:** Access drive design shall meet applicable fire codes, as specified by the Aromas Tri-County Fire Protection District in Attachment 2, appended to this Resolution.
 - c. **Knox Box:** A lock-box key system shall be installed for Fire Department use should the owner/applicant install a gate at the driveway entrance
- 15. Attachment 3, Aromas Tri-County Fire Protection District Conditions of Compliance:** Attachment 3 is a Condition of Compliance for this project that specifies California Fire Code (CFC) sections as requirements specifically applicable to this project.
- 16. Prior to and during any construction,** the owner &/or applicant shall contact and consult the Aromas Tri-County Fire Protection District regarding the Fire Protection conditions of approval outlined in Attachment 2, appended this Resolution, to ensure adequate compliance.

Division of Environmental Health

- 17. Hazardous Materials:** Prior to operations, the owner is required to complete a Hazardous Materials Business Plan (HMBP) and shall submit the HMBP to the County Division of Environmental Health. [Environmental Health]

Public Works. Prior to any ground disturbance:

- 19. Encroachment Permit:** The applicant shall obtain an Encroachment Permit for any work done in the right-of-way (ROW).
- 20. PG&E:** The owner and subconsultants shall conform to PG&E practices/requirements for utility work, particularly under School Road, for this project.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

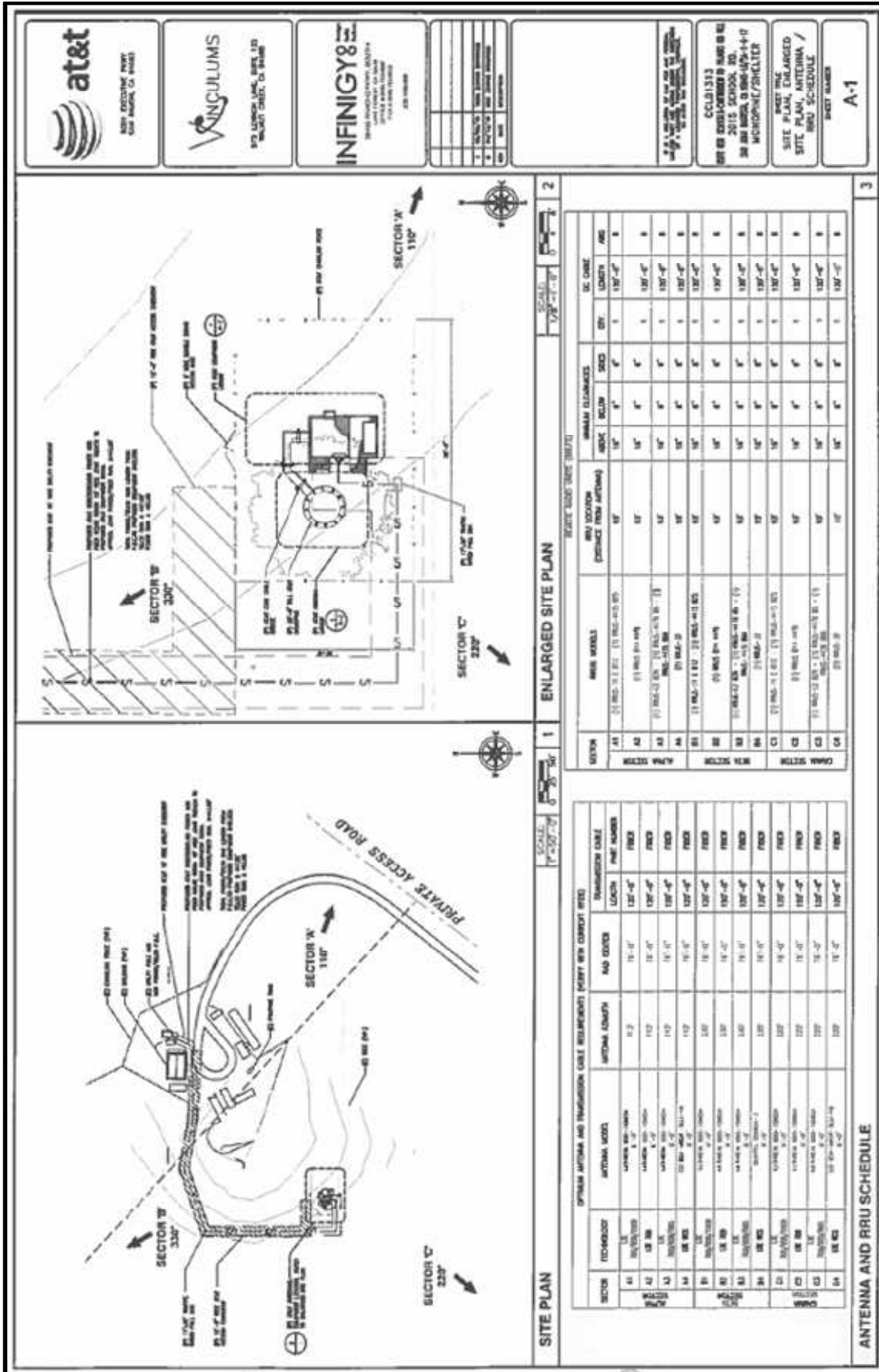
ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

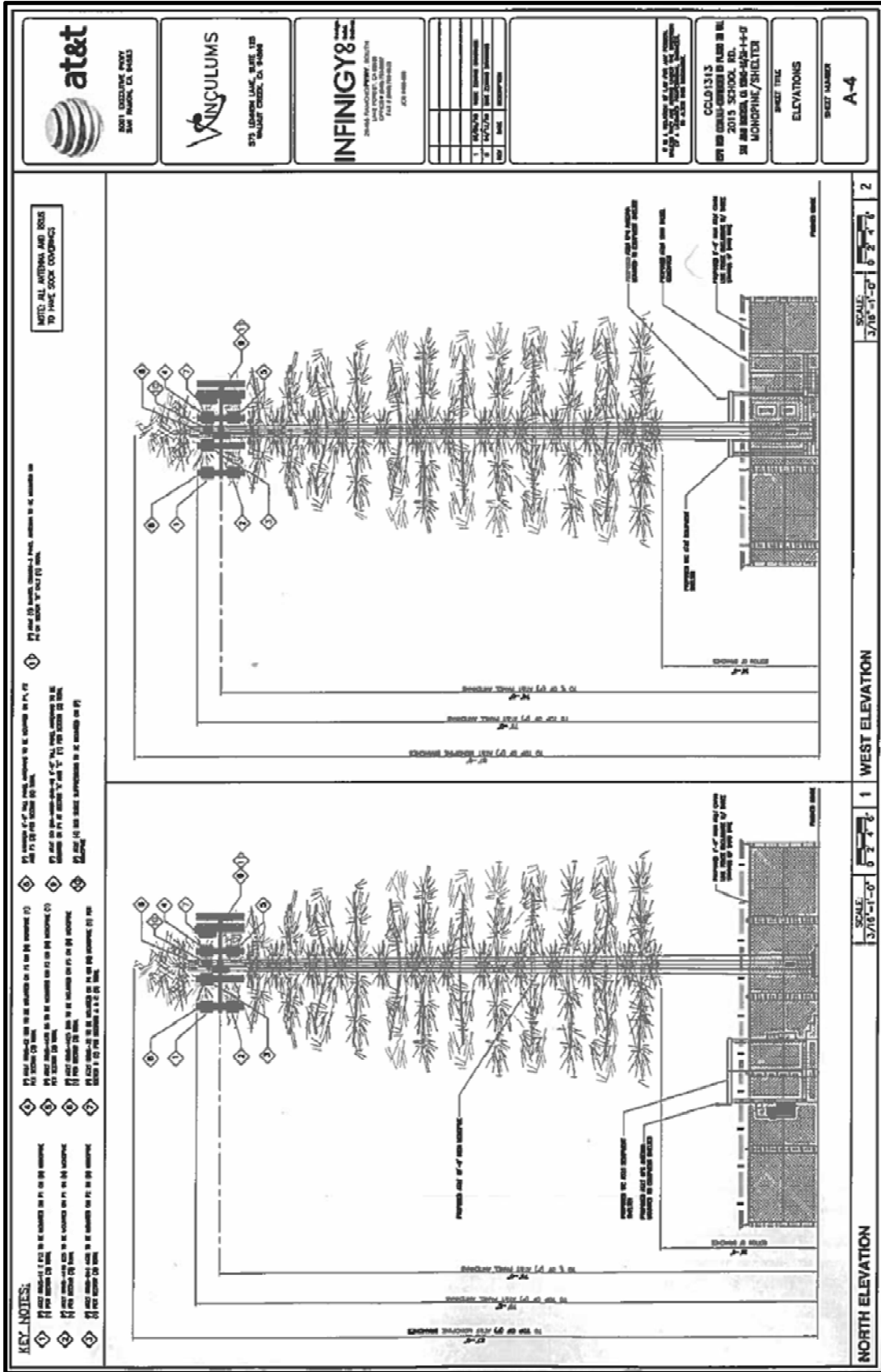
ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

Attachment 1: Site Plan



Attachment 2: Monopine Elevations



AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT

492 Carpenteria Rd., Aromas CA 95004 (831)726-3130 FAX (831)726-3131



RECEIVED

SEP 06 2018

DATE: 8/1/2018
TO: San Benito County Planning and Building Department
FROM: Chris Lynch, Aromas Tri – County Fire Protection District
RE: PLN180030 2015 School Road, San Juan Bautista APN#011-130-023

SAN BENITO COUNTY
PLANNING & BUILDING

SUBJECT:

Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 2010 California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size.

ACCESS AND ROADWAY REQUIREMENTS

CFC Section 501.4 Fire access for fire protection shall be in place prior to any construction. Temporary roadway address shall also be in place.

CFC Section 503.2.1 Fire access roads shall have an unobstructed width of not less than 20 feet to 150 feet of the structure and an unobstructed vertical clearance of not less than 13 feet 6 inches.

CFC Section 503.2.3 Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

CFC Section 503.2.4 Access road turning radius shall be determined by the Fire Official.

CFC Section 503.2.5 Dead-end access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT

492 Carpenteria Rd., Aromas CA 95004 (831)726-3130 FAX (831)726-3131



PRC 1273.10. Driveways

(a) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane and fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

(b) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(c) A turnaround shall be provided to all building sites on driveways over 300 feet in length, and shall be within fifty (50) feet of the building.

CFC Section 503.4 Fire access roads shall not be obstructed in any manner.

CFC Section 505.1 Address numbers shall be placed at the entrance of access road and on all habitable structures. Numbers shall be a minimum of 4 inches in height with a ½ inch stroke. Numbers shall be of contrasting color to the background it is placed on. Address shall be plainly visible from the roadway.

CFC Section 506.1 A Knox Locking System shall be installed on all access road gates. A signed order form can be obtained from the Fire Official.

FIRE PROTECTION AND UTILITY EQUIPMENT IDENTIFICATION AND ACCESS

CFC Section 509.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.

CFC Section 509.1.1 Utility identification, gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.

CFC Section 509.2 Equipment access. Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash and other materials or objects shall not be placed or kept in such a manner that would prevent such equipment from being readily accessible.

AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT

492 Carpentaria Rd., Aromas CA 95004 (831)726-3130 FAX (831)726-3131



Defensible Space: (State Responsibility Areas)

A 100 foot defensible space, with regards to landscaping and vegetation clearance is required for all projects located in High and Very High Fire Hazard Severity Zones and all State Responsibility Areas.

Fire Department Clearance:

A representative of the fire department shall signoff the project permit prior to occupancy being granted. All fire department requirements shall be met prior to the project permit being signed off.

A handwritten signature in blue ink, appearing to read 'Chris Lynch', is written over the printed name.

Chris Lynch

CAL FIRE

Aromas Tri - County Fire Protection District

for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

SECTION M103 DRIVEWAYS, GATES, AND BRIDGES

M103.1 Driveways (FIRE 007) Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent with a maximum side slope of 5%. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

M103.2 Gates (FIRE 008) All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

M103.3 Bridges (FIRE 009) All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire

bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

SECTION M104. SIGNS AND ADDRESSES

M104.1 Road signs (FIRE 010) All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the fire code official.

M104.2 Addresses for buildings. (FIRE 011) All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 4.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Richard Felsing

SBC DEPT FILE NUMBER:

SUBJECT:

PLN190010 (Use Permit): OWNER/APPLICANT: Troy & Michelle Van Dam. APN: 023-280-006. LOCATION: 11736 Cienega Road. REQUEST: To re-establish a winery /agricultural processing use on the property, and to establish a wine tasting room accessory use. GENERAL PLAN: Rangeland (R). ZONING: Agricultural Rangeland (AR). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15301 (Existing Facilities). PLANNER: Richard Felsing (rfelsing@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The existing 2,700sf building hosted a small winery from 1977-1994 under use permit UP82-77, which capped production at 10,000 gallons and had not proposed a tasting room. That business ceased operations for more than one year, requiring that a fresh Use Permit be issued for the current proposal.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff reviewed the proposal and found that the project meets multiple General Plan objectives supportive off the Winery/Hospitality Priority Area, and is consistent with AR Agricultural Rangeland zoning allowing agricultural support uses, agricultural processing uses, and the sale of agricultural produce. Staff recommends that the Planning Commission approve Use Permit PLN190010 by acting on the attached draft resolution for Approval.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report: Van Dam Winery/Tasting Room (PLN190010)	5/6/2019	Staff Report
Resolution: Van Dam Winery/Tasting Room (PLN190010)	5/6/2019	Resolution

STAFF REPORT

PROJECT DATA:

Application: PLN 180010 / Use Permit / Winery & Wine Tasting Room
Public Hearing: May 15, 2019
Applicant/Owner: Troy & Michelle Van Dam / Epicentrum Winery
Location: 11736 Cienega
APN: 023-280-006
General Plan: Rangeland (RG)
Zoning: Agricultural Rangeland (AR)
Planner: Richard Felsing

PROJECT DESCRIPTION: The applicant proposes to open a wine tasting room on the subject property at 11736 Cienega Road, and would then relocate the owners' existing winery to the same site (APN 023-280-006) at a later date.

SITE DESCRIPTION: The subject property consists of 10 acres of scattered live oak and grassland sloping moderately uphill from Cienega Road. The parcel is located on the southwest side of Cienega and the facility will be located in the same existing metal building that previously hosted a small premium bonded winery.

Scenic Highway: No

Seismic: The project site is not within an Alquist Priolo Earthquake Fault Zone. The subject parcel is adjacent to &/or across the road from the San Andreas Fault Zone, which runs along the northeast border of the Cienega Road right-of-way (ROW). The parcel is no less than 746 feet from the San Andreas Fault.

Fire Hazard: Moderate-to-High Fire Hazard Severity Zone

Floodplain: None

Archaeological Sensitivity: No known sensitivity

Kit Fox Habitat: Within Impact Fee Area for Habitat Conservation Plan.

Other Endangered or Sensitive Species: None known.

BACKGROUND & ANALYSIS: The subject parcel hosted a winery under UP82-77 from 1977 to 1994 after which time it ceased operation. Use Permits that cease operating for more than one year are no longer valid. The prior owner-operator did not propose a retail component as part of the winery operation when the original use permit was approved in 1977. The owners/applicants propose to establish a wine tasting room, now, to offer the wines produced under an existing ABC license at their 11 Laurel Court operation (Epicentrum Winery), a conditional use under Agricultural Rangeland (AR) zoning (SBCC §25.07.005(K) Permanent stands for the sale of agricultural products). Following County approval, the applicants would then apply to ABC for a duplicate Type 2 license to produce wine at the 11736 Cienega location. County approval of the winery is a condition of a Type 2 duplicate license approval from ABC. The winery itself is a conditional use under Agricultural Rangeland zoning (SBCC §25.07.005 (V) Agricultural processing).

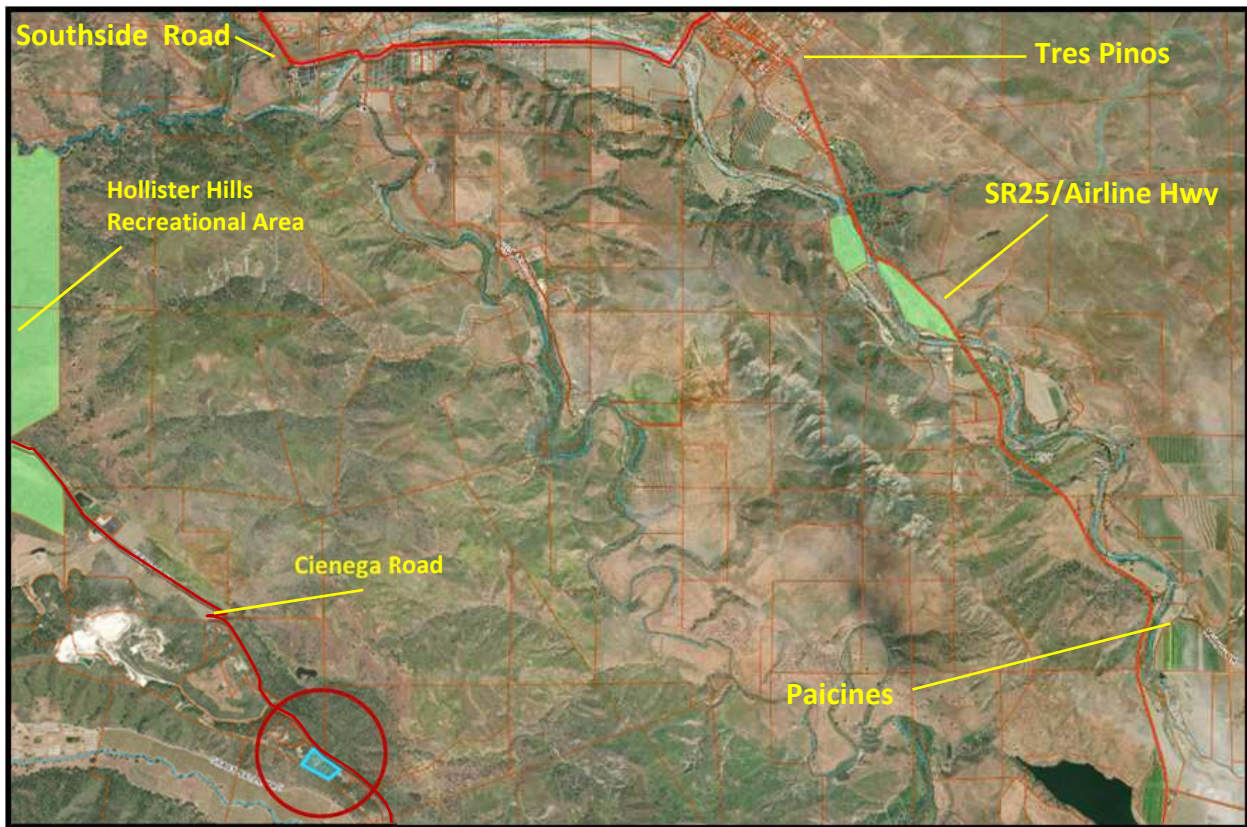


Figure 1. Vicinity Map

PLANNING AND ZONING: The site is designated Rangeland (RG) in the County General Plan and as Agricultural Rangeland (AR) in the Zoning Ordinance.

The purpose of the Rangeland (RG) land use designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county. This land use allows support uses such as wineries and permanent sales of produce and value-added products “that directly support agricultural operations.”

The proposed project conforms to the General Plan by fulfilling GOAL ED-4 and Policy ED-4.1 which call for “the expansion of the wine and hospitality industries in order to ensure San Benito County becomes a regional leader in the wine industry and a premier tourist destination,” in part by establishing and maintaining a Wine/Hospitality Priority District” (see Figure 2). The proposed project is well within the Priority District and would be one of more than half-a-dozen wineries strung along Cienega Road (the nearest being Calera Winery, just to the north).

Wine tasting rooms and wineries are both conditional uses under Agricultural Rangeland (AR) zoning (SBCC §25.07.005(K) Permanent stands for the sale of agricultural products, and §25.07.005(V) Agricultural processing). The proposed wine tasting room and winery are both consistent with AR zoning, subject to approval by the Planning Commission as a conditional use. At some point in the future, pending approval, the applicant would relocate the 11 Laurel Court winery operation to 11736 Cienega Road.

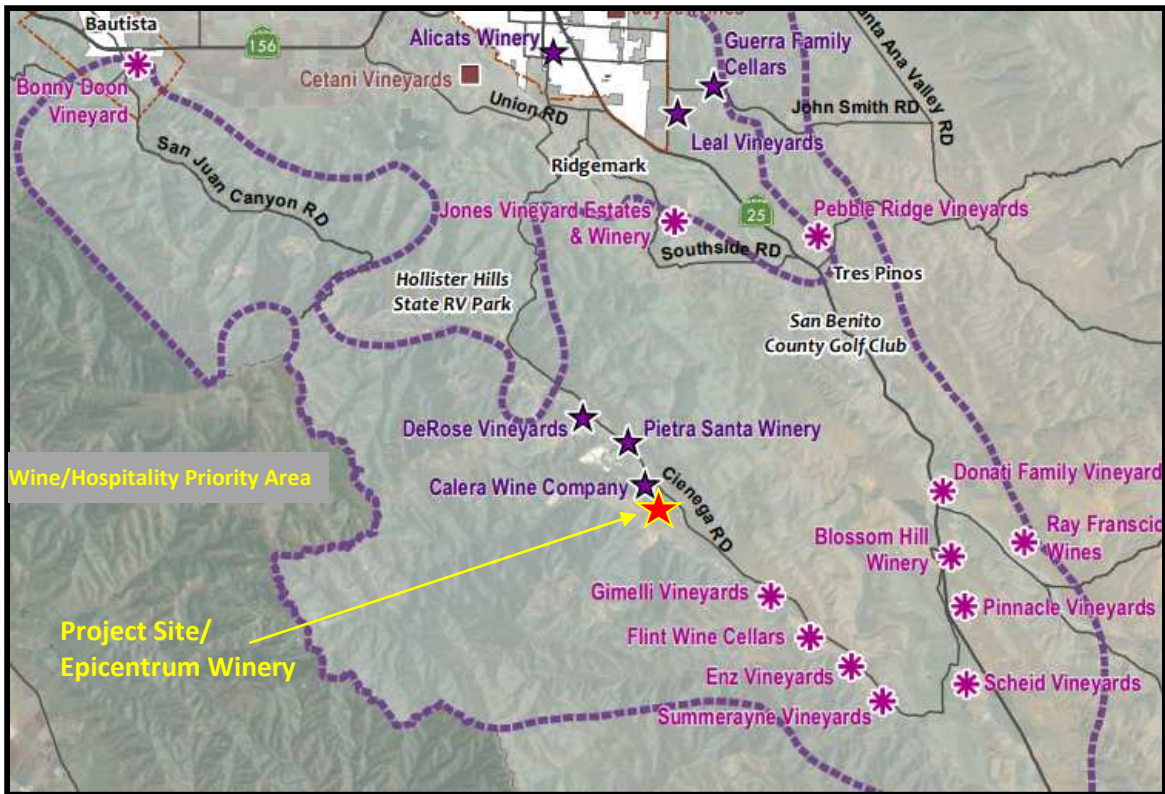


Figure 2. Wine/Hospitality Priority Area



Figure 3. Project Site

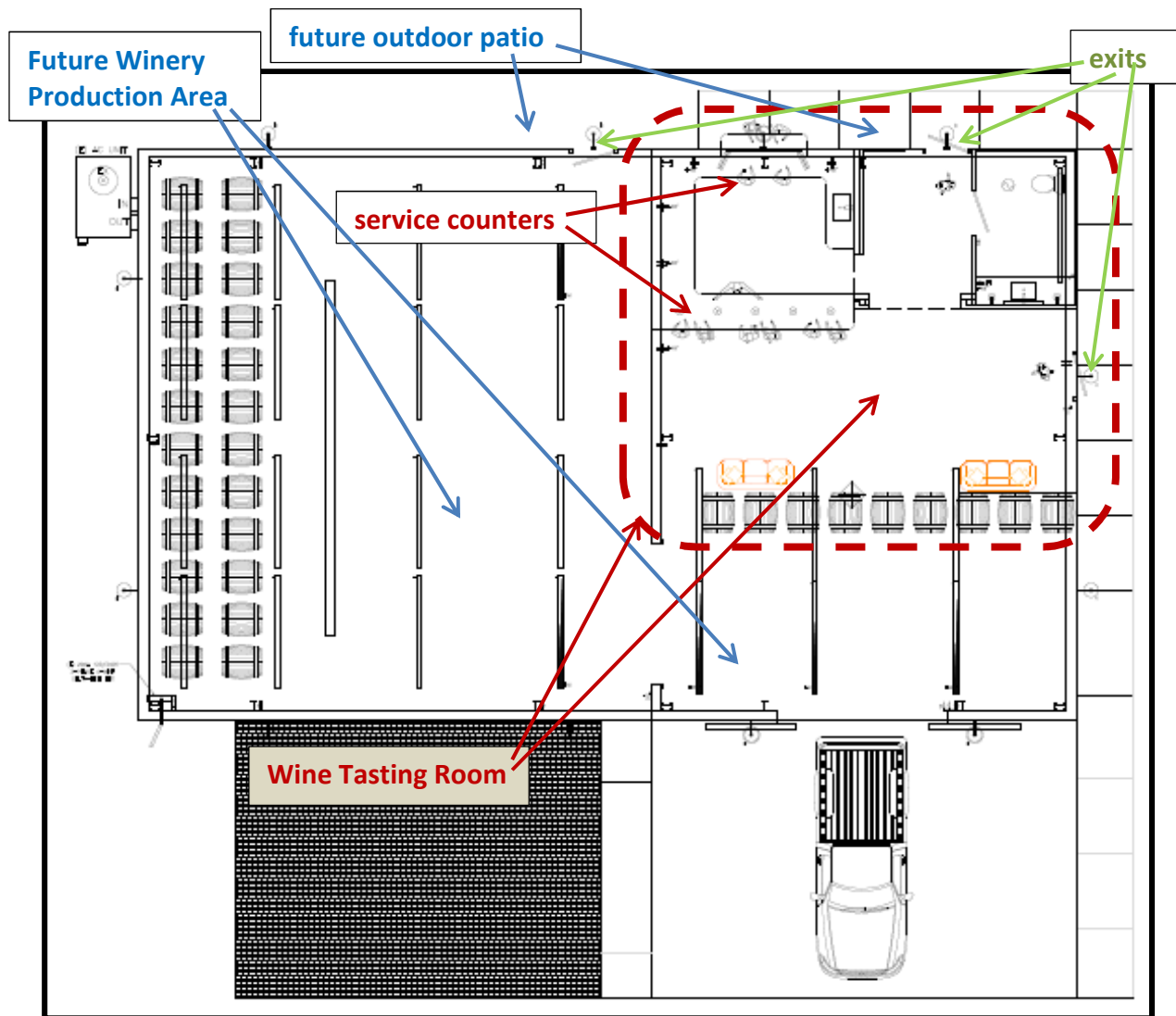
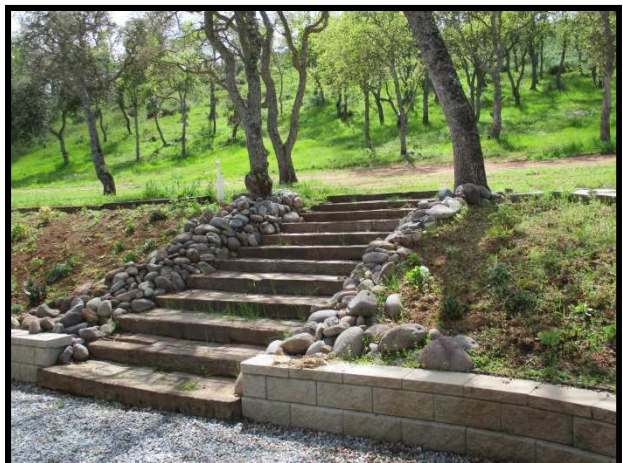


Figure 4. Wine Tasting Room Layout

The wine tasting room includes interior and patio seating; ADA upgrades are among minor modification to the existing 2,700sf facility. Epicentrum produces fewer than 500 cases per year, with limited hours to match, set at 11am–4pm, weekends, and by appointment. The winery that operated from 1977-1994 under UP82-77 (Jim Johnson/Cygnat Cellars) was licensed for 10,000 cases per year, as is the winery operation to be relocated from 11 Laurel Court.



Figures 5, 6. Rear Exterior Views

ENVIRONMENTAL EVALUATION: The proposed project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Sections §15301 Existing Facilities, involving no expansion of an existing or former use, and/or §15303 New Construction or Conversion of Small Structures, involving minor modification of the existing structure. Article 19 of CEQA lists the exemptions from the filing of environmental documents for projects that do not pose a significant environmental impact.

Potential issues related to noise, habitat, environmental resources, hazards, scenic highways, and historical resources have been reviewed by staff; each area has been determined to be insignificant or is not applicable. Therefore, the exceptions to this proposed categorical exemption, as listed within §15300.2, are not applicable.

STAFF ANALYSIS: The proposed project conforms to the General Plan in that the wine tasting room and winery both fulfill General Plan objectives and policies specified as key elements that directly support the County’s grape-producing agricultural areas. Approval would fulfill the goals and objectives of, or otherwise implement, the Wine/Hospitality Priority Area (ED-4, pp. 4-5-4-7, 2035 General Plan, County of San Benito). The proposed winery and wine tasting room are allowed conditional uses under Agricultural Rangeland (AR) zoning (SBCC §25.07.005(K),(V) Permanent stands for the sale of agricultural products, Agricultural processing).

With limited hours reflecting the proposed small lot production of high quality wines, no adverse impacts would be expected on neighboring properties or persons.

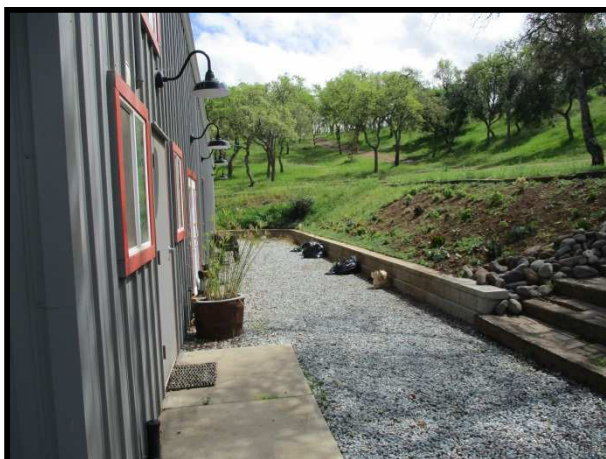
STAFF RECOMMENDATION: Staff has reviewed the proposal and can find no objection to the proposed request on the project site. Staff recommends that the Planning Commission approve Use Permit PLN190010 by acting on the attached draft resolution for Approval.

Attachments

Exhibit A. Resolution for approval, with attachments:

Attachment 1. Project Site Map

Attachment 2. Wine Tasting Room Layout, with future Winery Production Area



Figures 7, 8. Rear Exterior Views

Exhibit A: Project Data Sheet PLN 190010
Troy & Michelle Van Dam / 11736 Cienega Road, Hollister

Project proposal: To open a wine tasting room & relocate a winery to the site of a former winery.

Assessor Parcel Number: 023-280-006

Legal Lot of Record: The 10-acre subject parcel was established as a legal lot of record according to Book 2 Parcel Maps Page 38, Official Records of the County of San Benito, recorded December 4, 1974.

Permit Requirement: Conditional Use Permit

Zoning: AR Agricultural Rangeland

General Plan: RG Rangeland

Land Use: Not used; scattered oaks and grassland

Minimum Building Site Allowed: 40 Acres

Lot Sizes: 10 acres

Sewage Disposal: On-site septic

Water: On-site well

CEQA Determination: Exempt.

FEMA Flood Zone: Not in Floodplain. Zone X, areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0350D, effective April 15, 2009.

Fire Severity: Moderate to High Fire Hazard Severity Zone

Within earthquake fault zone: No. The edge of the Fault Zone for the San Andreas Fault runs along the other side of Cienega Road right-of-way (ROW). No less than 746 feet from the San Andreas Fault proper.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes. The General Plan allows wineries and other agricultural processing facilities in agricultural zones, as well as permanent stands for sale of value-added agricultural products from crops grown on-site.



BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN)
BENITO COUNTY PLANNING)
COMMISSION APPROVING)
PLN190010, A USE PERMIT FOR A)
WINE TASTING ROOM & WINERY,)
AT 11736 CIENEGA ROAD, APN)
023-280-006.)**

Resolution No. 2019-0_

WHEREAS, Troy & Michelle Van Dam filed an application on February 11, 2019, to erect a wireless communications facility on property under their ownership at 11736 Cienega Road; and

WHEREAS, County staff received the Use Permit proposal (File #PLN190010) and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS, subject parcel APN 023-280-006 is on the southwest side of Cienega Road, approximately 8.8 miles south of the Union Road/Cienega intersection, and about 9.1 miles (north & west, indirectly) from the Airline Highway/Cienega Road intersection, San Benito County, CA and is approximately 10 acres in area; and

WHEREAS, Use Permit PLN190010 proposes to establish a wine tasting room in an existing 2,700sf building that had housed a winery from 1977–1994, when it ceased operations; and

WHEREAS, the owner/applicant proposes to relocate their existing winery, Epicentrum Cellars, from 11 Laurel Court to the project site at 11736 Cienega Road at some point in the future, operating under a duplicate Type 2 ABC license; and

WHEREAS, the use permit UP 82-77 for the previous winery, having ceased operations for more than one year, is no longer valid and a new use permit is required; and

WHEREAS, the subject parcel has a General Plan designation of RG Rangeland and a Zoning designation of AR Agricultural Rangeland; and

WHEREAS, the winery and wine tasting room conform to the County of San Benito 2035 General Plan Rangeland land use, and are allowed uses under AR Agricultural Rangeland zoning with a conditional use permit; and

WHEREAS, no unusual circumstances, features of the land, or unexpected issues have arisen that prevent approval of this use permit; and

WHEREAS, the County assessed the potential for any substantial effect on the environment by the project consistent with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on May 15, 2019, the Planning Commission in considering Use Permit PLN180010 as described herein and in the staff report, heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to any matter related to the petition; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal; and

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project is categorically exempt under CEQA Sections §15301 Existing Facilities and §15303 New Construction or Conversion of Small Structures.

***Evidence:** The proposed project involves negligible or no expansion of a current or former use. The existing facility hosted a winery from 1977 to 1994 under UP82-77, limited to 10,000 gallons annually, and no expansion of the structure or the use is proposed or anticipated. Minor modifications of the existing small structure would occur to meet current Building Code. Hazardous substances are addressed as a condition of project approval. The proposed use would not exceed the limits stated in State CEQA Guidelines §15303 nor qualify for State CEQA Guidelines §15300.2's exceptions to Categorical Exemptions.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that it hereby finds as follows:

Use Permit Findings

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

***Evidence:** The General Plan Land Use Element designation for the site is Rangeland (RG) which allows support uses that directly support agricultural operations. The proposed winery and wine tasting room are agricultural support uses that conform to this land use designation and to other General Plan provisions.*

***Evidence:** The project site is properly related to other land uses protected by the Rangeland (RG) land use designation such as open space and grazing, and is properly located in relation to other wineries and wine tasting rooms within the Wine/Hospitality Priority Area (see Figure 2 of the May 15, 2019 Staff Report) along Cienega Road. Cienega provides adequate road access, and the proposed project would not generate substantial traffic beyond the traffic characteristic of the area generated by existing nearby land uses.*

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard, or nuisance to persons or property.

Evidence: *The proposed project will be subject to the California Building Code. County departments and responsible agencies have reviewed the application and recommended conditions of project approval to address possible effects on the vicinity, to protect the general public, and to prevent hazard or nuisance to persons and property. Activity beyond the scope of the proposed use as approved by the County shall require further review.*

Conditions of Approval

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’S choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
- 2. Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]

3. **Agreement with All Conditions of Approval:** Prior to or upon approval by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all conditions of approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan, and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans attached to this Resolution (Attachments 1, 2) and with San Benito County Code. [Planning]
5. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
6. **Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.00 made out to the 'County of San Benito' shall be submitted to the Planning Department for the filing of the notice. [Planning/CDFW]
7. **Future Food Service:** The operator shall first seek modification to this use permit and additional permitting, should the owner wish to offer Food Services at some point in the future.
8. **Building Permit Required:** Prior to use, the applicant shall apply for building permits for interior remodeling of the space or modification of the structure, including electrical, plumbing, or mechanical permits. [Planning]
9. **Lighting:** The owner/applicant shall meet exterior lighting design requirements by complying with SBCC §19.31: Development Lighting. [Planning]
10. **Sign Permit:** Prior to its placement on or attachment to the building, the applicant shall submit plans to the RMA for review and approval for all signs. [Planning]
11. **Timing:** This conditional use permit shall remain valid for up to three years, within which time it shall be formalized and actuated by the construction, occupancy, and use of the property.
12. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or of any artifact or other evidence of an archeological site, the applicant or builder shall:
- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (from §27460 on) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

Fire Department

13. Prior to occupancy and public use of the winery, the owner shall:
 - a. **Install wharf hydrant** (2½-inch, at tank near building), and **install sprinkler system** in the existing building.
 - b. **Install concrete pad** at the FDC (Fire Dept. Connection) adequate to support Fire vehicles.
 - c. **Conduct fire inspection** prior to occupancy to ensure compliance with plans.
14. The project shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. [Fire, Public Works]

Division of Environmental Health

15. **Plot Plan:** The owner shall provide an accurate detailed plot plan (to DEH & RMA) drawn by a licensed civil engineer showing the existing septic system, existing structures, water systems, water courses and property lines. Note, a dual leachfield system with a diversion valve is **required** for all commercial septic systems. Such plot plan shall also be made part of plans maintained on file by the RMA for this permit.
16. **Water Well:** A new well (water system) is proposed to provide potable water. The owner shall a) illustrate the location of the well and all buildings connected to the well, and b) provide the construction log for the well.
17. **Water Quantity:** The owner shall complete a 24-hour pump test to document the new well has sufficient quantity of water of this project. *8.5-hour pump test submitted.*
18. **Water Quality:** The owner shall complete a Title 22 water quality analysis test to determine bacteriological and chemical qualities of the water source.
19. **Sewage Disposal:** Environmental Health has no records of an existing septic system on this site. The proposed project appears to be a commercial business. All proposed septic systems shall be designed and/or determined approved to meet all requirements by a licensed civil engineer (or equivalent) knowledgeable in designing onsite waste water treatment systems. *2015 septic inspection report submitted.*
20. **Attendance/Capacity:** The owner shall provide an accurate estimate of the maximum number of guests and staff during any given time of business hours.
21. **Food/Beverage Service:** California Retail Food Code 113789(c)(5) states that commercial premises set aside for wine tasting shall not be considered a “Food Facility” *and shall be limited to offering crackers/pretzels* with any wine and/or non-potentially hazardous beverages consumed on-site or for purchase.

22. Hazardous Materials: The owner is required to complete a Hazardous Materials Business Plan (HMBP) and shall submit the HMBP to the County Division of Environmental Health. [Environmental Health]

Public Works

23. Encroachment Permit: The applicant shall obtain an Encroachment Permit for any work done in the right-of-way (ROW).

24. Drainage and Erosion Control: The applicant shall comply with SBCC §19.17 Grading, Drainage and Erosion Control by providing at least, but not limited to, Drainage and Erosion Control plan Best Management Practices (BMPs) during project implementation (SBCC §19.17).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

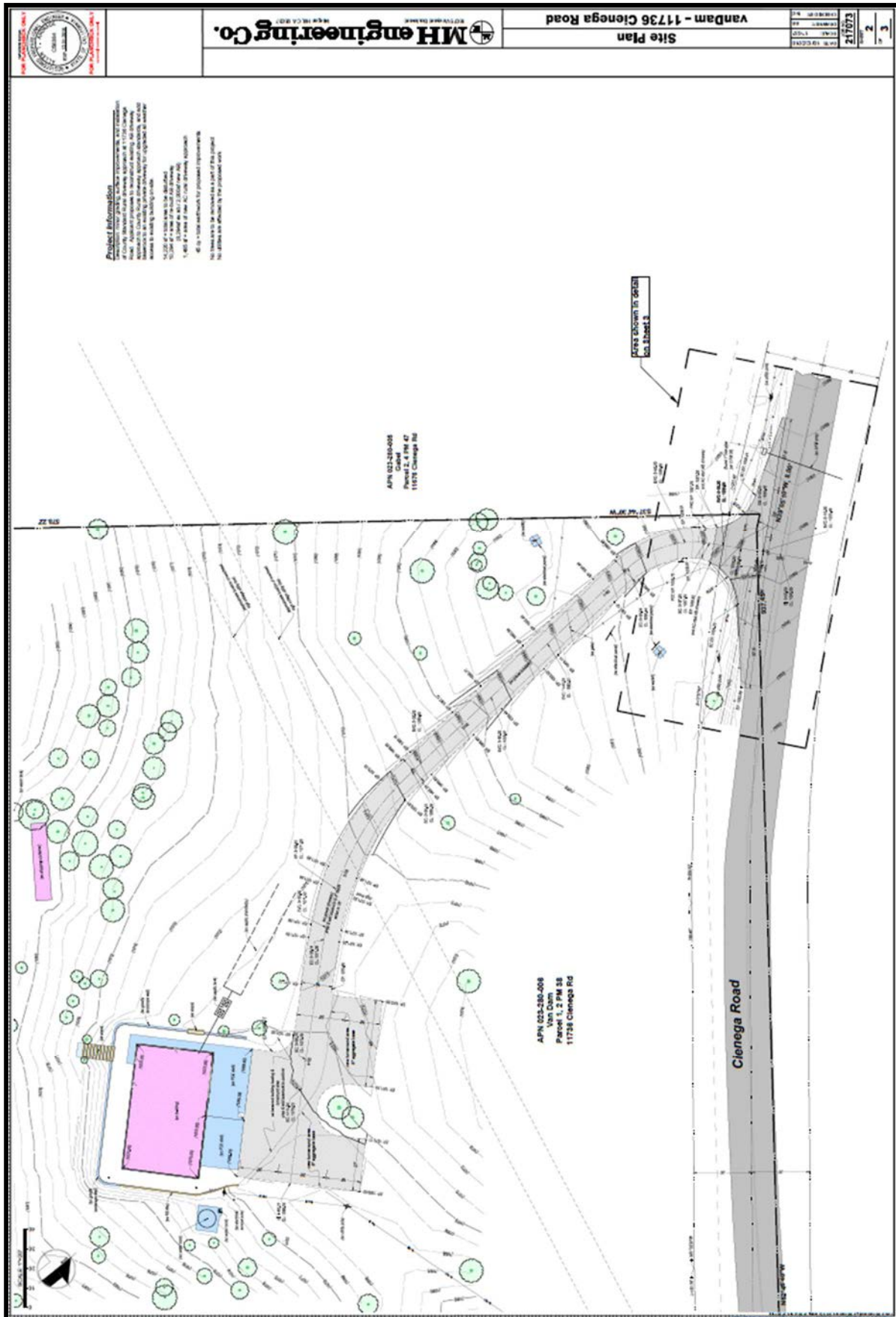
ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

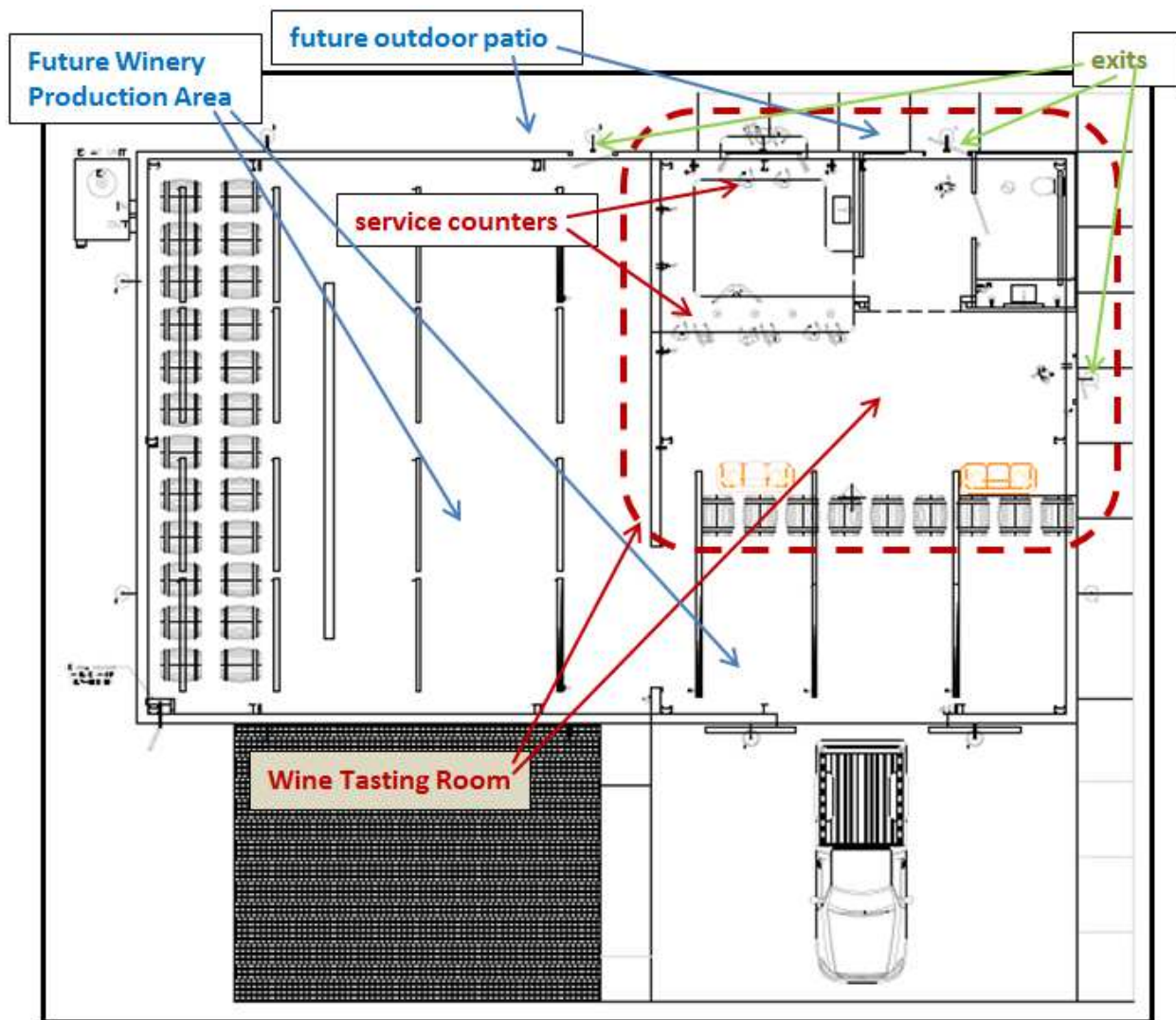
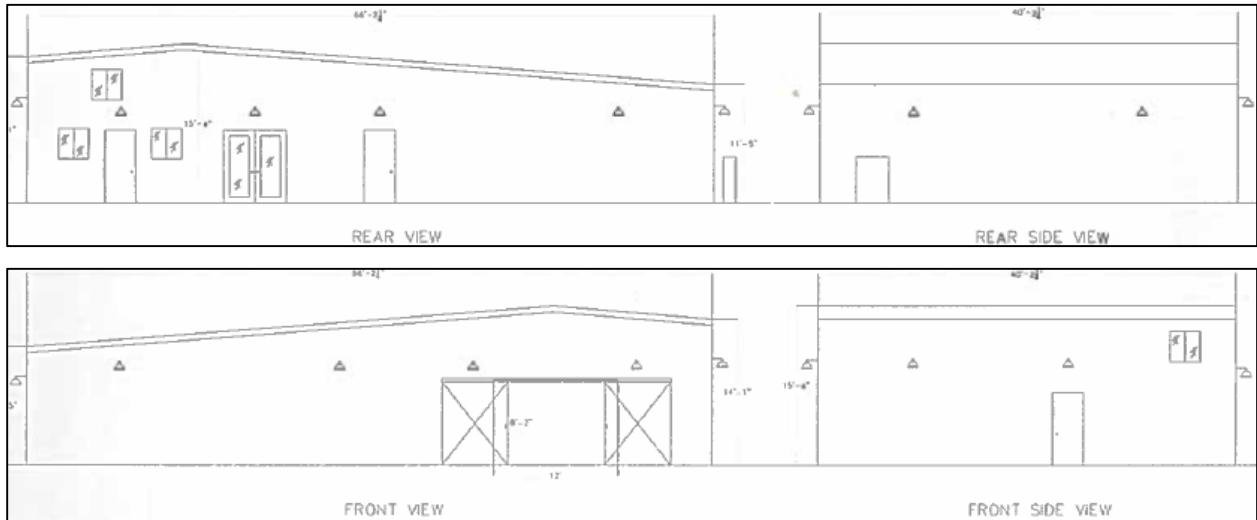
ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

Attachment 1. Project Site Map



Attachment 2. Wine Tasting Room Layout, with future Winery Production Area





SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 5.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Richard Felsing

SBC DEPT FILE NUMBER: UP 1168-17

SUBJECT:

Use Permit UP 1168-17 (Swank Farms — Continued from March 20, 2019): OWNER/APPLICANT: Richard & Bonnie Swank. APN: 026-130-026 and a portion of 016-140-012. LOCATION: 4751 Pacheco Pass Highway (the frontage road). REQUEST: To use the 21.3-acre parcel for an agritourism operation and event venue, to include Swank Farms' annual corn maze and related seasonal attractions. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt. §15301, §15303(e), 15304(e). PLANNER: Richard Felsing (rfelsing@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

After relocating from a site near the airport, Swank Farms has operated a one-month-long corn maze/fall festival on the subject parcel under a Temporary Use Permit. The project was continued. While the transition was successful, the prospect of increased activity, new uses, and year-round attractions prompted neighbors to request conditions and measures to buffer adverse impacts be developed, and requested a continuance in which to do so. The Planning Commission continued the matter.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project so long as measures mitigating adverse impacts on neighboring property are agreed to, adopted, or otherwise determined by the Planning Commission to be useful in buffering impacts beyond those set out by County ordinance.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report UP1168-17 Swank Agritourism Venue	5/8/2019	Staff Report
RESO_UP1168-17 Swank	5/8/2019	Resolution
Attach2_EmergencyPlan & Exit Maps_UP1168-17	5/6/2019	Backup Material
Attach 3 Fire Dept Requirements_UP1168-17	5/8/2019	Backup Material

STAFF REPORT

PROJECT DATA:

Application: UP 1168-17 / Use Permit / Corn Maze & Event Center
Public Hearing: May 15, 2019
Applicant/Owner: Bonnie & Richard Swank
Location: 4751 Pacheco Pass Highway, Hollister, CA
APN: 016-130-026, portion of 016-140-012
General Plan: Agriculture (A)
Zoning: Agricultural Production (AP)
Planner: Richard Felsing

PROJECT DESCRIPTION: The applicants propose to establish a permanent, year-round agri-tourism operation on the same property that has hosted the annual Swank Farms' Corn Maze & Fall Festival under 2017 and 2018 temporary use permits. The proposed agricultural-support use would allow the applicants to host farm-to-table dinners, produce locally-grown value-added products on-site, and create seasonal attractions similar to the fall corn maze/fall festival.

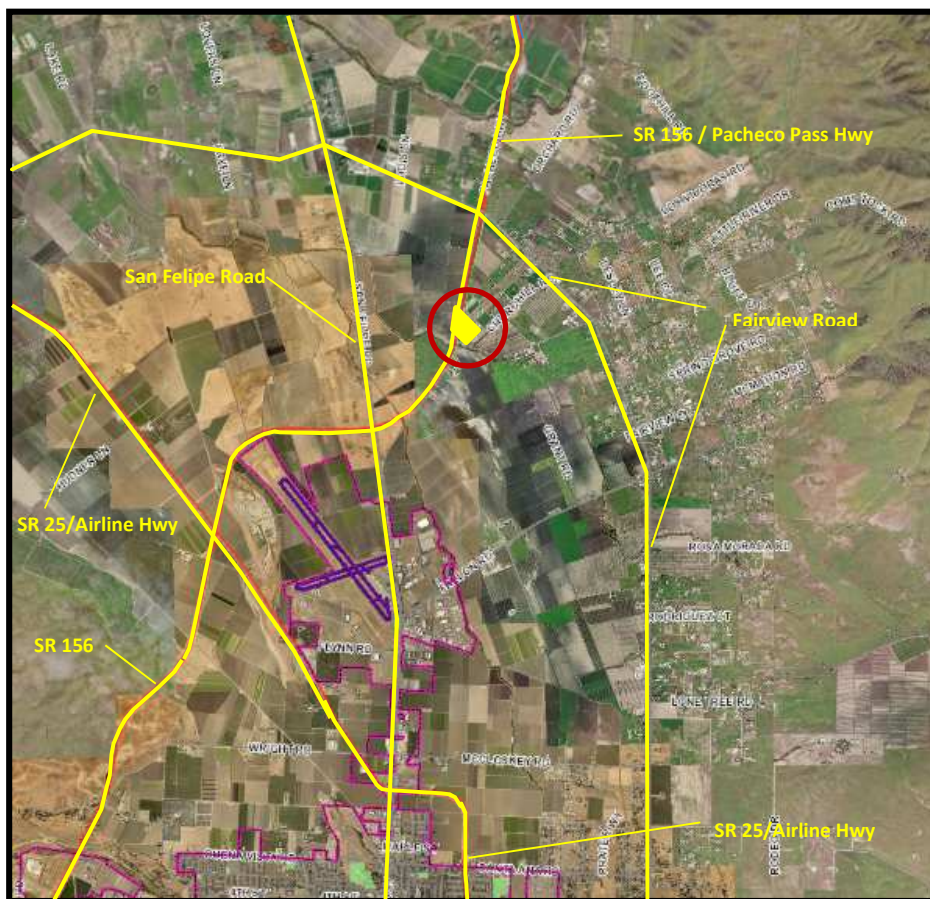


Figure 1. Project Site within Broader Region

The project proposes to consolidate several small existing accessory structure within one large barn, which is permitted under AP zoning and would host special events, food sales, and a commercial kitchen for the production of value-added products. For more information visit <https://www.swankfarms.com/>.

SITE DESCRIPTION: The subject property consists of 21.3 acres of mostly level terrain that slopes gently toward Los Viboras Creek at the rear of the property. Two to three (2-3) acres located across from and adjacent to the creek have been used to host the Fall Festival's haunted house attraction after the applicants were granted a determination of Compatible Use from the Board of Supervisors under the Land Conservation Act.

The parcel is located on the southeast side of the Pacheco Pass Highway, which is the frontage road for SR156 (which is also known as Pacheco Pass Highway). Los Viboras Creek runs along the southeast property line, and residential parcels abut either side to the northeast (600 Churchill, permitted home on agricultural field) and southwest (4551 Pacheco Pass Hwy, existing home). The frontage road—Pacheco Pass Highway provides substantial linear capacity to handle large volumes of arriving/departing vehicles, which would minimize unmanageable traffic patterns. Attendees/customers of the facility find that ingress from or access onto SR 156 and the regional highway network is readily accessible and easily navigated.

The area and site are zoned Agricultural Productive (AP), and the property was formerly cultivated for row crops. The corn maze is located on the rear two-thirds of the property, which will remain in cultivation. The front third of the property is already developed as festival/event grounds with a range of small structures including concession stands, ticket booths, an office, and kitchen store (built to standards per §19.15.004(B) Methods of Reducing Flood Losses; §19.15.070 Provisions for Flood Hazard Reduction). The parcel's entire frontage is a parking area with three entrances onto the frontage road, with overflow parking lining the entire northeast property boundary, for a total of 295 spaces.

Scenic Highway: SR 156 is eligible for scenic highway status

Seismic: Not Within an Alquist Priolo Earthquake Fault Zone. The Quien Sabes Fault Zone is 7,400 feet northeast of the subject parcel boundary, and the Calaveras Fault Zone is 11, 275 feet southwest of the subject property.

Fire Hazard: Non-Wildland/Non-Urban

Floodplain: Flood Zone A

Archaeological Sensitivity: High Sensitivity

Other Endangered or Sensitive Species: None known

PROJECT BACKGROUND: Since the project was heard by the Planning Commission on March 20th, and continued in response to public testimony by Rich and Lizz Hunter regarding potential adverse impacts on neighboring property owners, County staff has met with applicants and neighbors to develop special conditions of approval to minimize such potential. The project Swank Farms' Corn Maze & Fall Festival is recognized as a regional attraction that draws attendees from nearby counties. The event had previously been held at a site near the Hollister Municipal Airport that required customers to access the event from San Felipe Road. The influx of vehicles on this stretch of San Felipe at/near the airport north of Fallon Road, while desirable for its proximity, had potential to create congestion on the key roadways most-used by fire, emergency, and law enforcement vehicles in the act of responding to emergencies or accessing the airport, jail, city police or sheriff's offices. In contrast, the proposed location offers a substantial linear stretch of the frontage road to accommodate cars/trucks queuing to enter the event grounds, a roadway that sees little-to-no traffic and no through-traffic. Vehicles would not

stack-up on SR 156 as they could on San Felipe, and event traffic would not conflict with existing background traffic, nor interfere with emergency or law enforcement use of the roadway in the ordinary course of their activities.

The Corn Maze & Fall Festival has operated at the current (proposed) site for the past two years, under Temporary Use Permits (TUPs) issued in 2017 and 2018. Please refer to the information packet provided by Swank Farms. During these month-long events attendance levels, traffic patterns, and crowd control measures were monitored by transportation engineers, law enforcement and emergency personnel. With this information the applicants were able to further refine their site plan and emergency protocols to the satisfaction of the public agencies responsible for protecting the public health, safety, and welfare. Emergency services



Figure 2. Project Site and Vicinity Map

currently operate with urban/10-minute ambulance response times here primarily due to these uncongested and well-maintained highways. Swank Farms hired security personnel for crowd-control purposes generally, to be on-hand in case of emergency, and to help improve facility and emergency protocol design.

Planning staff accompanied Fire Inspectors on preliminary and final site inspections to ensure clear interagency communication and first-hand project knowledge. The Planning Director and Building Official performed site/ structure/ building inspections to determine whether the event site and haunted house presented any safety hazards.

Traffic data was collected and vehicle circulation patterns were observed during peak attendance periods of the 2017 and 2018 corn maze events to gauge impact and refine safety measures. Keith B. Higgins, PE, TE, conducted a Traffic Impact Analysis, concluding that “Neither project component would impact operations of the study intersections. No improvements are required.”

USE PERMIT ELEMENTS and SITE CONFIGURATION: This proposal would reconfigure the project site to support seasonal and special events year-round. Tentative options include farm-to-table dinners, weddings, and potentially, seasonal attractions similar to the annual month-long ‘corn maze and fall festival’. Several existing single-use structures would be consolidated under an accessory barn allowed by right under AP zoning and permitted through the Building Department. The barn would host special events; the outcome would be a more efficient operation, a more orderly site configuration, and a more coherent visitor experience.

Attractions		Utilities and Temporary Structures
<u>New:</u> Seasonal Attractions Special Events Barn / Event Center Weddings Farm-to-Table Dinners Wine/Beer Tastings		Shade Structures BBQ Area Water Storage Tanks Porta Potties Temporary Electricity Bathroom / Septic
		Other Features of the Site Plan
<u>Existing:</u> Ticket booths Employee trailer Office Dinosaur Mountain Kitchen Store Freezer and Cooler 28' x 40' Tent 2 Jumping Pillows Pedal Carts Sling Shot Pumpkin Sling Shot	Butterfly Garden Bee Garden Cow Train Station Cow Train Path Pig Races Rat Roller Chicken Coop Goat Walk Cow Inflatable Slide Inflatable Corn Box Chalk Board	<u>Existing:</u> Hay Bale Maze Garden Area Spooky Maze Maniac Maze Haunted Outdoor Area / w Staging Area Creek Crossing Lookout Tower Electrical Pole Utility feed Parking Areas w/ Decomposed granite Exterior & Exterior Site Fencing

Table 1. New and Existing Attractions

See Attachment 1 for Site Plan with full layout. The festival grounds on the front third of the property hosts the attractions above (left column). The plan would incorporate food sales and commercial kitchen into the event barn, with the attractions populating the fairway.

OPERATIONS PLAN: Approval of this project would permit the applicant to host special events and seasonal agriculture-themed attractions year-round:

- Special Events: farm-to-table dinners, weddings, and similar one-off events;
- Seasonal Agriculture-Themed Attractions similar to the annual Corn Maze & Fall Festival; and
- Applicant shall notify the Planning Director of site revisions, new structures, and attractions.

Event Venue: Open year-round on weekends, the event venue consists of a large barn and event grounds. The applicants will consolidate the following uses—Snack Shack, Kitchen, Store, Restrooms, Ticket Booth/Office, Employee Breakroom, and Storage—into a single structure in the form of the proposed barn/event venue.

Site Capacity & Operations

<u>Maximum Capacity</u>	<u>Barn/Event Venue:</u>	<u>occupancy to be determined</u>
	Seasonal Attractions:	parking: 295 stalls = 885 guests
	Seasonal Attractions/Corn Maze:	Site: < 3,000; Maze: 56/acre
<u>Expected Attendance</u>	<u>Retail:</u>	<u>25 = hoped-for baseline</u>
	Special Events (Barn Venue):	up to 250 max per event
	Seasonal Attractions/Corn Maze:	100-1000, F/S/S,(high of 1101)
<u>Hours of Operation</u>	<u>Retail:</u>	<u>10am-6pm, weekends only</u>
	Special Events (Barn Venue):	12noon-10pm; event-specific
	Seasonal Attractions/Corn Maze:	10am-11pm, F/S/S in October
<u>Staffing Levels</u>	<u>Retail:</u>	<u>3-6 employees</u>
	Special Events (Barn Venue):	5-10 employees
	Seasonal Attractions/Corn Maze:	7-20 employees
<u>Security/Emergency</u>	<u>Retail:</u>	<u>not applicable</u>
	Special Events:	as needed
	Seasonal Attractions/Corn Maze:	6-12 Security Management International staff & 1-2 off-duty sheriff's deputies

Emergency: Emergency Response Plan, with Emergency Exit Routes—developed in concert with County emergency personnel

Flooding Events: Facility closes during rain.

Signage: One 16’x12’ mural proposed under this use permit. Other signs subject to County Code.

Dark Skies Lighting Requirements shall apply to this project: The applicants submitted an engineered lighting plan to meet standard safety requirements. Other night-time lighting shall be pointed down, shielded, and otherwise meet SBCC §19.31 to maintain rural feel, night vision, and general safety.

Amplified Music: Allowed inside. Allowed outdoors, so long as a nuisance is not created, subject to code enforcement and reasonably maintaining rural character.

PLANNING AND ZONING: The County General Plan indicates the property and the surrounding rural landscape carry the Agriculture (A) land use designation. Under the County Zoning Ordinance the subject parcel is zoned Agricultural Productive (AP).

The proposed use conforms to the General Plan in that it implements a series of key objectives identified as critical to the continued economic viability and competitiveness of the County's agricultural sector. The agri-tourism component fulfills land use policy LU-3.7, Visitor Serving Uses in Agricultural Areas, in the same way that Swank Farms' annual corn maze and fall festival carries a recognizable regional profile that attracts visitors and customers to San Benito County. In consolidating several ventures on-site the proposed use implements land use policy LU-3.1, Agricultural Diversification, by hosting farm-to-table dinners, making and selling value-added products, and further developing the site's seasonal agricultural-themed attractions. The entrepreneurial diversification presented by the applicants qualifies the proposed use as an agricultural support service or operation under land use policy LU-3.6, Agricultural Support Services.

Approval would implement land use policy LU-3.2, Agricultural Integrity and Flexibility, which provides for the operational flexibility that supports the economic viability of existing farms and protects the integrity of the county's agricultural resources. The diversified business ventures here have potential to generate revenue streams that enable local farms to continue operating.

The proposed use is consistent with the conditional use permit provisions of Agricultural Productive (AP) zoning (SBB §25.07.022 and §25.07.005 Conditional Uses), in that the project qualifies as a commercial recreational use, as a permanent stand for the sale of agricultural products, or similar (§25.07.005(I) Commercial recreational uses, including but not limited to RV parks, hunting clubs and riding clubs; §25.07.005(K) Permanent stands for the sale of agricultural products; and §25.07.005(X) Uses similar to the above as determined by the Planning Commission).

ENVIRONMENTAL EVALUATION: The proposed project is Categorically Exempt under CEQA Sections §15301, §15303(e), and 15304(e).

Evidence: Section §15301 Existing Facilities exemptions consist of “the operation, repair, maintenance, permitting . . . or minor alterations of existing public or private structures.” The existing agritourism facility includes a range of small existing accessory structures. These were previously permitted and are allowed by right under AP zoning. Under this determination for a use permit the project would continue to operate and maintain the previously permitted accessory structures.

Evidence: Section §15303(e) New Construction or Conversion of Small Structures exemptions consists of “[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” One new large barn has been approved by the County Building Department and is permitted by right as an accessory structure in areas with an Agriculture land use designation. New Construction exempts large accessory structures, a determination that is consistent with regional practice.

Evidence: Section, 15304(e) Minor Alterations of Land exemptions consist of “[m]inor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.” Class 4 exemptions consist of “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of

healthy, mature, scenic trees.” No trees were removed under the prior temporary use permit, nor are any trees proposed to be removed for this use permit or any associated activities. Only minor alterations of the land were required for the establishment of the annual temporary corn maze.

STAFF ANALYSIS: In making its findings, the Planning Commission may impose conditions, pursuant to SBCC §25.43.005 Conditions, that regulate time, place, and manner in order to protect the general health, safety, and welfare. While the activities and attractions proposed under this use permit are many and varied, responsible County agencies have reviewed the proposed project and responded with feedback and conditions required by County ordinance.

An Operations Plan has been submitted providing estimated parameters of the proposed use of the property. While all numbers are approximate (See CoA#7), approval would endorse or allow administrative review and abatement by the Planning Director should adverse impacts to neighboring persons or property occur (SBCC §1.06: Alternative Public Nuisance Abatement Procedures and Remedies).

The standard and special conditions of approval were developed in consultation with County and regional staff, the applicants, and neighboring residents. Approval of the conditions of approval in their entirety ensure that adverse impacts generated by the proposed use would be minimized given the tools available (SBCC §25.43.005 Conditions).

The use, as presented, conforms to the General Plan in that it supports, diversifies, and protects agriculture in the county, by raising the profile of San Benito agriculture regionally, generating tourist traffic, and diversifying the local agricultural sector—all of which applies to Swank Farms itself and its viability as a farming operation. The proposed use is consistent with Agricultural Productive (AP) zoning in several respects.

As an agricultural support use, the project qualifies as an entrepreneurial diversification that would have the potential to improve the resilience and viability of the applicants’ farming operation, and increase agricultural competitiveness of the agricultural sector generally.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve Use Permit UP1168-17, subject to the conditions of approval found in the resolution.

Exhibits and Attachments

Exhibit A. Site Plan UP 1168-17, 11 March 2019

Exhibit B. Project Data Sheet

Exhibit C. Resolution for approval, with conditions of approval, and with attachments:

Attachment 1. Project Site Plan

Attachment 2. Emergency Response Plan & Emergency Exit Route Maps

Attachment 3. Fire Dept. Regulations/Requirements for Corn Maze and Haunted House

**Exhibit A. Site Plan UP 1168-17, 11 March 2019
Swank Farms / 4751 Pacheco Pass Highway, Hollister**

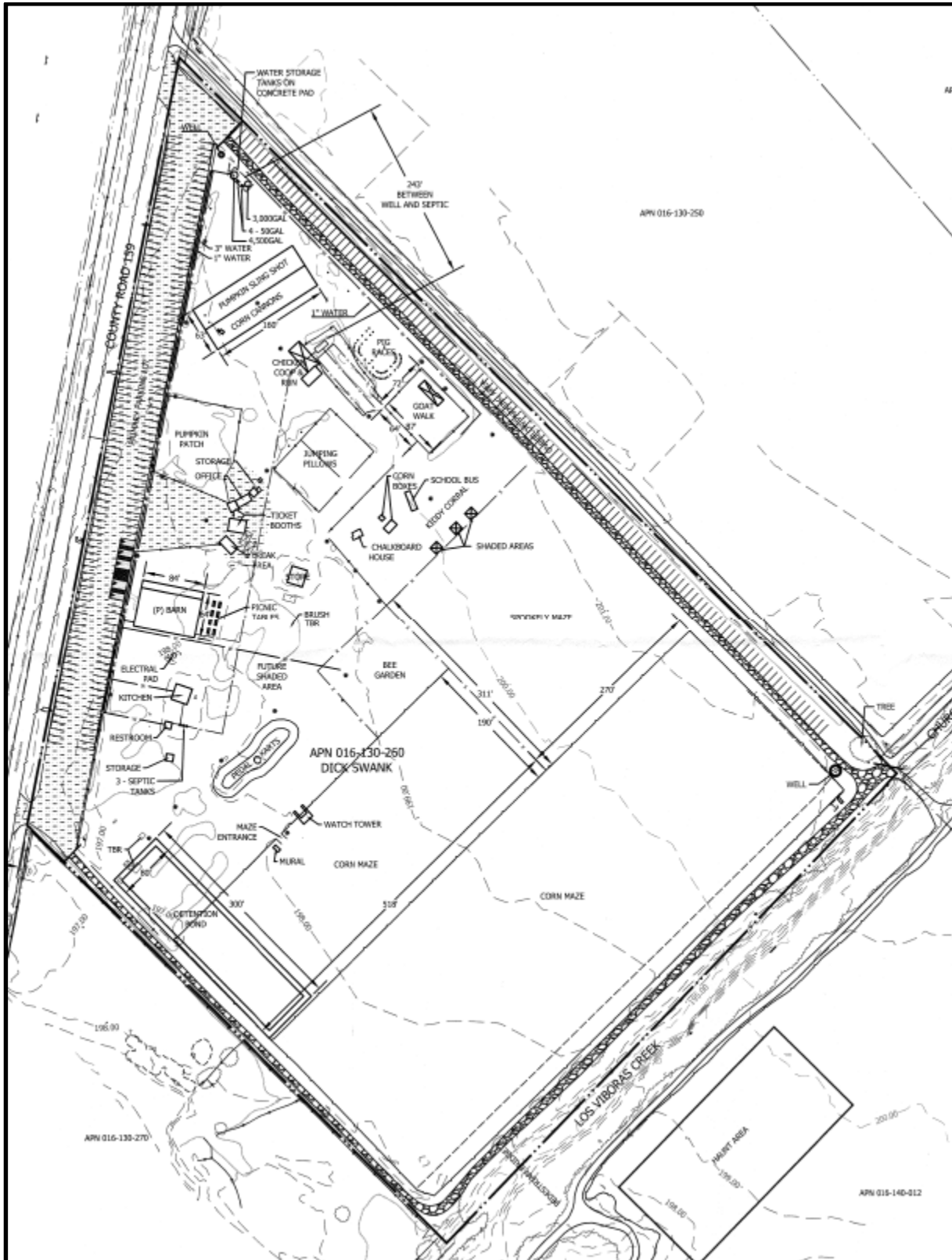


Exhibit B: Project Data Sheet UP 1168-17
Swank Farms / 4751 Pacheco Pass Highway, Hollister

Project proposal: To establish a permanent agritourism operation and event center, inclusive of the annual October corn maze and fall festival held on the property at 4751 Pacheco Pass Highway.

Assessor Parcel Number: 016-130-026; portion of 016-140-012

Legal Lot of Record: The 21.30 acre subject parcel, a portion of the Rancho Ausaymas Y San Felipe appearing on Volume 1 of Maps at Page 37, San Benito County Records, was established as a legal lot of record as shown on F#198 as Parcel 2, Book 16 Page 13 of Assessor's Maps, and subsequently adjusted by Lot Line Adjustment LLA 99-371, and recorded as Rec File No. 9917390.

Permit Requirement: Use Permit

Zoning: AP Agricultural Productive

General Plan: A Agriculture

Land Use: Agricultural/Agricultural Support. The parcel currently is used to host Swank Farm's annual Corn Maze & Fall Festival, which includes pumpkin patch, haunted house, and related attractions.

Minimum Building Site Allowed: 5 Acres

Lot Sizes: Parcel 21.3 acres, and 2-3 wooded acres of APN 016-140-012

Sewage Disposal: The applicant has worked with County Environmental Health to design a mound septic system required by the parcel's high water table.

Water: The applicant has complied with County Environmental Health and the regional water quality board to ensure water quality requirements are met.

CEQA Determination: Exempt per CEQA Sections §15301, §15303(e), and 15304(e).

FEMA Flood Zone: In Flood Zone A. Zone A, floodplain, according to FEMA FIRM 06069C0070D, effective April 15, 2009.

Fire Severity: Non-Wildland/Non-Urban Fire Hazard Severity Zone

Within earthquake fault zone: No. Not Within an Alquist Priolo Earthquake Fault Zone. The Quien Sabes Fault Zone is 7,400 feet northeast of the subject parcel boundary, and the Calaveras Fault Zone is 11, 275 feet southwest of the subject property.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? The proposed agritourism operation (corn maze and wedding venue) conforms to the General Plan Agriculture land use designation and is consistent with Agricultural Productive zoning, subject to approval by the Planning Commission.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN)
BENITO COUNTY PLANNING)
COMMISSION APPROVING UP)
1168-17, A USE PERMIT FOR AN)
AGRITOURISM OPERATION WITH)
EVENT CENTER, CORN MAZE,)
AND RELATED ATTRACTIONS, AT)
4751 PACHECO PASS HIGHWAY,)
HOLLISTER, CA, ASSESSOR'S)
PARCEL NUMBERS 016-130-26 AND)
016-140-012.**

Resolution No. 2019-05

WHEREAS, Bonnie and Richard Swank (Swank Farms) filed an application on August 4, 2017, to establish a year-round agritourism operation and event center (inclusive of the seasonal corn maze, pumpkin patch, haunted house, and assorted related attractions held each October) on property under their ownership at 4751 Pacheco Pass Highway; and

WHEREAS, County staff received the proposal as Use Permit UP1168-17 and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS, the subject parcel is the new location for Swank Farms' annual month-long corn maze, pumpkin patch, and haunted house agritourism event, held each October; and

WHEREAS, the applicants have held the annual corn maze event under a Temporary Use Permit (TUP) for each of the past two years, on the proposed subject parcel; and

WHEREAS, the applicants propose to establish a permanent use on the basis of the annual seasonal attraction's temporary use permit, extending agritourist operations year-round to host weddings and similar special events, eventually to include seasonal activities such as holiday or Christmas-themed attractions; and

WHEREAS, substantial adverse effects have not been observed under the annual temporary use permit for the same activities proposed here; nor has the seasonal corn maze caused any damage or hazard to persons or property, having been monitored for safety and security by law enforcement, fire, and engineering personnel; and

WHEREAS, the proposed facility is to be sited on the 21.3-acre property southeast of Pacheco Pass Highway (APN 016-130-026), and a portion of a property under the same ownership to the rear (APN 016-140-012); and

WHEREAS, as APN 016-140-012 is under a Williamson Act contract, for which the County of San Benito Board of Supervisors granted a Compatible Use determination under the Land Conservation Act, to use 2-to-3 wooded acres of that 56.8+ agricultural reserve to host a

haunted house attraction (at the rear of the subject parcel (APN 016-130-026)) associated with Swank Farms' annual corn maze, finalized by Resolution No. 2017-75 on August 8, 2017; and

WHEREAS, the subject parcel has a General Plan designation of A Agriculture and a zoning designation of AP Agricultural Productive; and

WHEREAS, the proposed project is consistent with the area's Agriculture (A) land use designation in the General Plan in that it meets or fulfills LU-3.7 Visitor Serving Uses in Agricultural Areas, LU-3.1 Agricultural Diversification, LU-3.6 Agricultural Support Services, and LU-3.2 Agricultural Integrity; in that the proposed use is an entrepreneurial diversification that increases the economic viability and resilience of the applicants' farming operation, qualifies as an agricultural support use, and attracts and serves visitors to the County by marketing the agricultural character of the area; and

WHEREAS, the proposed project is consistent with the conditional use provisions of Agricultural Productive (AP) zoning (SBCC §25.07.022, §25.07.005), in that the project qualifies as a commercial recreational use, as a permanent stand for the sale of agricultural products, and as uses similar to the above as determined by the Planning Commission; and

WHEREAS, the County assessed the potential for any substantial effect on the environment for the project consistent with the California Environmental Quality Act (CEQA), and found the project exempt from the requirements of that statute; and

WHEREAS, on March 20, 2019 the Planning Commission, in hearing and receiving oral and written testimony and evidence, learned of citizen concerns about increased adverse impacts due to the new uses, increased activity, and year-round operations proposed by this project, as registered by neighbors Rich and Liz Hunter who reside at 4551 Pacheco Pass Highway on property directly abutting the subject parcel on the southwest boundary; and

WHEREAS, having heard and taken into account these potential impacts and concerns, and recognizing that the options to minimize, mitigate, or avoid such impacts had not been fully discussed between the neighbors, or exhausted, the Planning Commission determined that the project was not yet ripe, and continued the matter to the next feasible hearing date, so that measures to minimize adverse impacts could be discussed, developed, and agreed upon; and

WHEREAS, no unusual circumstances, features of the land, or any other unexpected issues have arisen with the newly proposed location; and

WHEREAS, on May 15, 2019, the Planning Commission in considering Use Permit UP 1168-17 heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to any matter related to the petition; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal.

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding

Finding: In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074, the Planning Commission considered the comments received during the public review process prior to approving the project, and finds, on the basis of the whole record before it, that the proposed project is Categorically Exempt under CEQA Sections §15301, §15303(e), and 15304(e).

Evidence: Section §15301 Existing Facilities exemptions consist of “the operation, repair, maintenance, permitting . . . or minor alterations of existing public or private structures.” The existing agritourism facility includes a range of small existing accessory structures. These were previously permitted and are allowed by right under AP zoning. Under this determination for a use permit the project would continue to operate and maintain the previously permitted accessory structures.

Evidence: Section §15303(e) New Construction or Conversion of Small Structures exemptions consist of “[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” One new large barn is permitted by right as an accessory structure under AP zoning and would be approved by the County Building Department. New Construction exempts large accessory structures, a determination that is consistent with regional practice.

Evidence: Section, 15304(e) Minor Alterations of Land exemptions consist of “[m]inor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.” Class 4 exemptions consist of “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.” No trees were removed under the prior temporary use permit, nor are any trees proposed to be removed for this use permit or any associated activities. Only minor alterations of the land were required for the establishment of the annual temporary corn maze.

FURTHER RESOLVED by the Planning Commission of the County of San Benito that it hereby finds as follows:

Use Permit Findings

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

Evidence: *This project conforms to the General Plan’s Agriculture (A) land use designation for this area and contributes to its implementation. The primary purpose of this land use category is to “maintain the productivity of agricultural land,” and “allows agricultural support uses” necessary to maintain existing farm operations through their continued development and diversification. The proposed project qualifies as an agricultural support use in that Swank Farms’ seasonal corn maze and associated attractions generates revenue sufficient to maintain the economic viability of the applicant’s farming operation.*

Evidence: *The project is properly located in relation to the General Plan, to the community as a whole, and to other land uses. The subject property is situated among large fields kept in row crops or orchards—the proper location for an agritourism/event center, offering a culturally appropriate rural landscape as context, at some distance from many of the residences in the area.*

Evidence: *The project is sited along the frontage road (Pacheco Pass Highway) for SR156 (same name) just north of Los Viboras Creek—about 1,975 feet from the frontage road entrance onto SR156—and properly located in relation to transportation infrastructure and service facilities. Ambulance response times are about 10 minutes, and the site is well-served and/or easily accessed by fire and law enforcement services.*

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, would not adversely affect other properties in the vicinity or cause any damage, hazard or nuisance to persons or property.

Evidence: *The proposed use is located within a primarily agricultural land use context with few residential neighbors nearby.*

Evidence: *While no formal noise complaints, disturbances or safety issues had been registered for the one-month-long annual corn maze held under a Temporary Use Permit, it has since come to light that adverse impacts have been felt by neighbors/property owners and reported to the applicants.*

Evidence: *Substantial adverse effects have not been observed under the annual temporary use permits for some of the similar activities as have been proposed, on the same site, nor have the proposed activities been observed to cause any damage or hazard to persons or property.*

Evidence: *The event has been monitored for safety and security by law enforcement, fire, engineering personnel, traffic consultants, and related responsible agencies for two years at this location and many years at its former location.*

Evidence: *County departments and responsible agencies have reviewed the project and recommended conditions of approval to address potential adverse effects and minimize impacts on residents, on the vicinity and on the general public; and to prevent hazard or nuisance to persons and property.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves Use Permit UP1168-17 subject to the following conditions of approval:

Conditions of Approval

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend,

settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT's choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys' fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]

2. **Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]
3. **Agreement with All Conditions of Approval:** Prior to or upon approval by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all conditions of approval. [Planning]
 - a. I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.
 - b. Applicant Signature: _____
 - c. Date: _____
4. **Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption (NOE) and shall submit a \$50.00 administrative filing fee to the Planning Department for the filing of the notice. The County Planning Department shall provide the NOE and file with the County Clerk within five (5) days of approval of the project. [Planning/CDFW]
5. **Compliance Documentation:** Prior to issuance of building permits, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
6. **Conformity with Plan:** The development and use of the site shall conform substantially to the project description, site plan, operations plan, and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be substantially changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code. [Planning]

Attractions	Utilities and Temporary Structures
<p><u>New:</u> Barn / Event Center Farm-to-Table Dinners Weddings Special Events Seasonal Attractions</p> <p><u>Existing:</u> Ticket booths Employee trailer Office Dinosaur Mountain Kitchen Store Freezer and Cooler 28' x 40' Tent 2 Jumping Pillows Pedal Carts Sling Shot Pumpkin Sling Shot</p>	<p>Shade Structures BBQ Area Water Storage Tanks Porta Potties Temporary Electricity Bathroom / Septic</p>
	Other Features of the Site Plan
<p>Bee Garden Cow Train Station Cow Train Path Pig Races Rat Roller Chicken Coop Goat Walk Cow Inflatable Slide Inflatable Corn Box Chalk Board</p>	<p><u>Existing:</u> Hay Bale Maze Spooky Maze Maniac Maze Haunted Outdoor Area / w Staging Area Creek Crossing Lookout Tower Electrical Pole Utility feed Parking Areas w/ Decomposed granite Exterior & Interior Site Fencing</p>

Table 1. Proposed Attractions, Uses, Activities, Elements, and Features; See Attachment 1

7. **Operations Plan:** All times are approximate and subject to the discretion of the Planning Director. All estimated event sizes and participant numbers are approximations and subject to the discretion of the Planning Director.

OPERATIONS PLAN: Approval of this project would permit the applicant to host special events and seasonal agriculture-themed attractions year-round:

- Special Events: farm-to-table dinners, weddings, wine/beer-tastings, and other one-off events;
- Seasonal Agriculture-Themed Attractions similar to the annual Corn Maze & Fall Festival; and
- related special events and similar seasonal attractions, at the Planning Director’s discretion.

Event Venue: Open year-round on weekends, the event venue consists of a large barn and event grounds. The applicants will consolidate the following uses—Snack Shack, Kitchen, Store, Restrooms, Ticket Booth/Office, Employee Breakroom, and Storage—into a single structure in the form of the proposed barn/event venue. Retail may occur in the barn or other structure.

Site Capacity & Operations

Maximum Capacity	Barn/Event Venue:	occupancy to be determined
	Seasonal Attractions:	parking: 295 stalls = 885 guests
	Seasonal Attractions/Corn Maze:	Site: < 3,000; Maze: 56/acre
Expected Attendance	Retail:	25 = hoped-for baseline
	Special Events (Barn Venue):	up to 250 max per event
	Seasonal Attractions/Corn Maze:	100-1000, F/S/S, (max 1101)
Hours of Operation	Retail:	10am-6pm, weekends only
	Special Events (Barn Venue):	12noon-10pm; event-specific
	Seasonal Attractions/Corn Maze:	10am-11pm, F/S/S in October
Staffing Levels	Retail:	3-6 employees
	Special Events (Barn Venue):	5-10 employees
	Seasonal Attractions/Corn Maze:	7-20 employees
Security/Emergency	Retail:	not applicable

Special Events (Barn Venue): as needed
Seasonal Attractions/Corn Maze: 6-12 Security Management
International staff & 1-2 off-duty sheriff's deputies

Emergency: Emergency Response Plan, with Emergency Exit Routes—developed in concert with County emergency personnel

Flooding Events: Facility closes during rain.

Signage: One 16'x12' mural proposed under this use permit. Other signs subject to County Code.

Dark Skies Lighting . shall apply to this project: The applicants submitted an engineered lighting plan to meet standard safety requirements. Other night-time lighting shall be pointed down, shielded, and otherwise meet SBCC §19.31 to maintain rural feel, night vision, and general safety.

Amplified Music: Allowed inside. Allowed outdoors, so long as a nuisance is not created, subject to code enforcement and reasonably maintaining rural character.

8. **Emergency Response Plan:** The applicant shall update the Emergency Response Plan and Maps to match the revised site map (See Attachment 1), and do so going forward as necessary, and shall spell out procedures for staff, to the satisfaction of Fire, Building, and Planning.

General

9. The Planning Director shall be notified of any new seasonal attractions, new structures, games, or rides, prior to construction. Any such adjustments/improvements shall be administratively reviewed and subject to the discretion of the Planning Director.
10. Prior to opening any new Seasonal Attraction similar to the Corn Maze/Fall Festival, the new facility shall be inspected by the Fire Marshall and Building Department. Existing seasonal attractions such as the Corn Maze/Fall Festival shall be inspected annually, prior to opening.
11. Prior to opening any new structure, game, or food facility, the new facility shall be inspected by the Fire Marshall, Environmental Health, &/or Building Department (relevant County staff).
12. **Use Permit Provisions:** Standard conditions that address adverse impacts to neighboring persons and property apply to this project, in conformance with County ordinances (SBCC §25.43). [Planning]
13. **Places of Public Amusements:** The owner/applicant shall comply with the provisions of SBCC Chapter 7.09, subject to administrative determination by the Planning Director, by acquiring and maintaining a license to operate a place of public amusements (SBCC §7.09.001–013).
14. **Alcohol Sales/Service:** The applicant/owner may apply for, obtain, and maintain compliance with a Type 42 (or similar) ABC License from the State of California Department of Alcoholic Beverage Control, and provide documentation to the Planning Director of any ABC licenses and license renewals.

- 15. Noise:** The applicant/owner shall conform to County noise regulations to prevent adverse impacts to area residents and property owners (SBCC §19.39.020, §19.39.030, §19.39.040). The applicant/owner shall install a ‘small-speaker sound system’ within the proposed barn/event venue and require its use by bands and other providers of amplified music.
- 16. Lighting:** Prior to operation, the owner/applicant shall comply with lighting development design requirements to reduce adverse impacts, including using of shielded fixtures that direct light onto the subject property. (SBCC §19.31.001–§19.31.17)
- 17. Landscaping:** Prior to operation, the applicant/owner shall install landscape plantings along the southeast property line in the form of tree rows &/or hedgerows that will screen views and buffer noise and other adverse impacts, to the satisfaction of the Planning Director. Trees shall be Aptos Blue, Monterey Cypress, or similar native, drought-tolerant, context-appropriate non-deciduous species that will form a continuous 6- to 8-foot opaque barrier. (§25.43.005(D)(3), §25.43.005(D)(3)).
- 18. Floodplain:** The owner shall comply with provisions of the SBCC Chapter 19.15, Flood Damage Prevention. The parcel is designated Flood Zone A (FIRM map panel #06069C0070D, April 16, 2009).
- 19. Water Softeners:** Use of on-site regenerating water softeners shall be prohibited. Use of water softener loops shall be prohibited; no water softener loops may be installed. Any proposed off-site regeneration softening systems must be approved by the San Benito County Water District.
- 20. Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

Fire

- 21. Fire Standard Requirements:** The project, including driveway details, shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. [Fire, Public Works]

Note: The applicants have worked closely with the Fire Inspector and Fire Marshall to fulfill fire safety measures; having installed fire hydrants and/or water tanks at northeast and northwest corners, trimmed trees, kept access points/drives clear, &etc. (partial list).

22. **Fire Inspections:** Prior to operation of the Corn Maze, Haunted House or any similar new seasonal attractions, the site shall be inspected and the applicant shall comply with any new safety measures or adjustments, determined necessary by the Fire Marshall/Fire Inspector, with particular attention to emergency and evacuation measures and plans.
23. **Prior Conditions.** The prior year's safety precautions, fire prevention measures, and conditions of approval shall apply the following year, unless fulfilled or stricken in writing.
24. **Water Truck:** The applicant shall provide a water truck with Fire Dept. 2½-inch connections.
25. **Corn Maze Requirements:** The applicant shall follow and meet Corn Maze Requirements. *See Attachment 3.*
26. **Haunted House Regulations:** The applicant shall follow and meet Haunted House/Ghost Walk Regulations. *See Attachment 3.*

Division of Environmental Health:

27. **Hazardous Materials:** Prior to issuance of building permits, the owner/applicant is required to complete a Hazardous Materials Business Plan (HMBP) and shall submit the HMBP to the County Division of Environmental Health (DEH). [Environmental Health]
28. **Sewage Disposal:** A licensed civil engineer or (equivalent) knowledgeable in designing onsite waste water treatment systems shall be required to design the septic system for this commercial property and business. The owner shall provide an accurate estimate of the maximum number of guests and staff on-site during business hours.
Note: the owner has indicated there is high ground water that exceeds the required minimum 8' separation from water table to bottom of a leachfield. The owner shall apply for and complete the process to obtain an alternative (mound) system for waste water disposal.
29. **Water:** The owner shall provide the total number of dwellings/structures to be served by the existing water system. Water systems consisting of two (2) or more connections shall complete an application for a Local Small Water System (LSWS) permit from the Division of Environmental Health.
30. The owners shall contact the State Office of Drinking Water when a cumulative total of 60 days is reached, in any given year, that have had more than 25 people on-site (staff, customers, contractors, visitors) during any time of business operation.
31. The owner is required to provide documentation of sufficient quantity of water for the project. The required flow rate depends upon the number of service connections. Two (2) or more connections shall require a 24 hour pump test.
32. The owner shall submit documentation that the water quality meets the relevant standards. The type of analysis required is dependent upon the number of service connections, as above.
33. **Temporary Food Facilities (TFF).** The applicant shall apply for a temporary event/organizers permit when 2 or more TFFs owners are operating at an event. Each TFF owner must obtain a TFF permit from DEH.

34. **Permanent Food Facilities.** The applicant shall apply for and obtain food facility permits for any permanent commercial kitchens.

Public Works

35. **CALTRANS:** Project application, staff report, and resolution with conditions was provided to CALTRANS, due to proximity with SR 156, for review and comment.
36. **Right-of-Way:** The applicant shall verify the width of the right-of-way (ROW) by providing recorded documents or title report of the subject property to Public Works. Record of Survey (6 SM 114) from 1965 indicates the existing right-of-way to be 80 feet.
37. **Traffic Impact Mitigation Fee (TIMF):** TIMF fees shall be collected prior to issuance of building permits for the proposed barn/event venue.
38. **Traffic Study:** A required traffic study was conducted that monitored attendance levels and traffic patterns during the 2017 Corn Maze & Fall Festival to evaluate this proposal's traffic impact. Keith B. Higgins, PE, TE, conducted the Traffic Impact Analysis (TIA), concluding that "Neither project component [Halloween Activities/Corn Maze or Wedding Venue] would impact operations of the study intersections. No improvements are required."
39. **Geotechnical Engineering Report:** The applicant, as previously required, has submitted a geotechnical engineering report prepared by Earth Systems (File No. SH-13240-SA) the recommendations of which shall be followed in designing any potential future development, grading, or improvements.
40. **Drainage & Erosion Control:** The applicant shall comply with County Drainage Standards and provide details regarding any drainage and erosion control measures that are intended to address drainage or runoff generated by impermeable surfaces created for this project. Included may be drainage calculations and construction details for the proposed detention pond.
41. **SWPPP:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to Engineering prior to start of any construction activities as part of this project. A note to this effect must be added on Grading or Improvement Plans
42. **Improvement Plans:** Public Works may require detailed Improvement Plans.
43. **Existing Right-of-Way Encroachments:** Existing structures (dinosaur sculptures) now located within the County ROW shall be relocated onto the subject property.
44. **Encroachment Permit:** The applicant shall obtain a Public Works Encroachment Permit for any work performed within the County Right-of-Way (ROW) or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [§19.27.004]

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF
SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:**

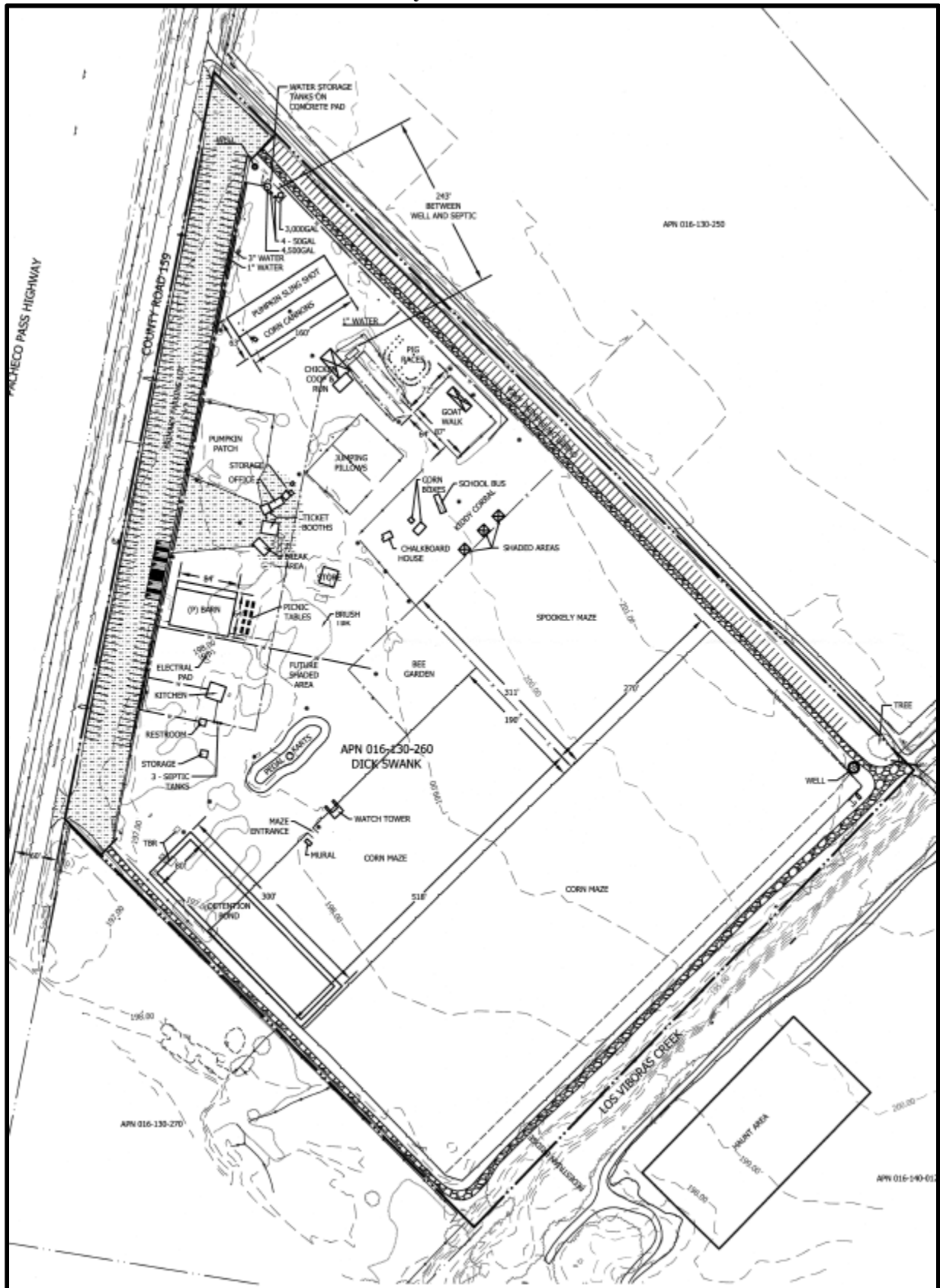
AYES:
NOES:
ABSENT:
ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

**Attachment 1. Swank Farms Proposed Site Plan, 11 March 2019
County File UP 1168-17**





EMERGENCY RESPONSE PLAN

PURPOSE

The goals of this emergency response plan are, in order of priority, to protect the lives and health of **Swank Farms Produce, Inc.** employees, and customers and to protect and minimize damage to company property in the event of an emergency for site address: **4751 Pacheco Pass Highway, Hollister, California**

PRIORITIES

The objectives of this plan are, in order of importance:

To evacuate and account for all employees and visitors;

To contact local emergency service organizations;

To assemble the company's Emergency Response Team (ERT) for implementation of the response plan;

Contact pertinent regulatory agencies;

Conduct search and rescue operations, turnoff utilities

Conduct post-incident critique and evaluation;

File any applicable reports with regulatory agencies.

EMERGENCY RESPONSE PROCEDURES

INCIDENT REPORTING

If an emergency, or situation that could become an emergency, occurs, inform management immediately.

Types of emergencies to be reported by site personnel are;

MEDICAL (ALL onsite injuries MUST be reported)

FIRE

SEVERE WEATHER

VEHICLE OR MACHINERY ACCIDENT OR BREAKDOWN

Emergency Response Team Notification

The following personnel should be contacted in the event of an emergency;

Dick Swank 831-245-8991

Bonnie Swank 831-245-8990

Michelle Cabotage 831-801-1722

Employee Notification

The alarm system, cell phones, or direct supervisory contact can be used to notify employees of emergency situations in the facility or in the field.

There will be someone on the lookout Tower, with a sound system blowing a bull horn guiding our employees and customers to the proper emergency exit

EVACUATION PROCEDURES

After the senior manager on the scene determines the evacuation is necessary, specific responsibilities are as follows;

SUPERVISORS

Lead employees and customers from work areas when the evacuation alarm sounds or are notified by cell phone or walkie talkie

Escort employees and customers to Assembly area located in the front of Ticket Booth

The haunt area will meet at the graveyard and or the cemetery and exit thru those emergency exits

Account for all employees and customers upon reaching the designated assembly area;

Notify an ERT member of any employee or customer not accounted for;

Ensure that employees and customers stay in the assembly area.

ERT SUPERVISORS

The following precautionary tasks should be taken dependent on type and severity of emergency

Shut off main water valve

Shut off main electrical

Shut off Propane

Administer First aid

Call (**911 or equivalent**) to contact local fire or police department, emergency medical service or other emergency response units

Other Responsibilities

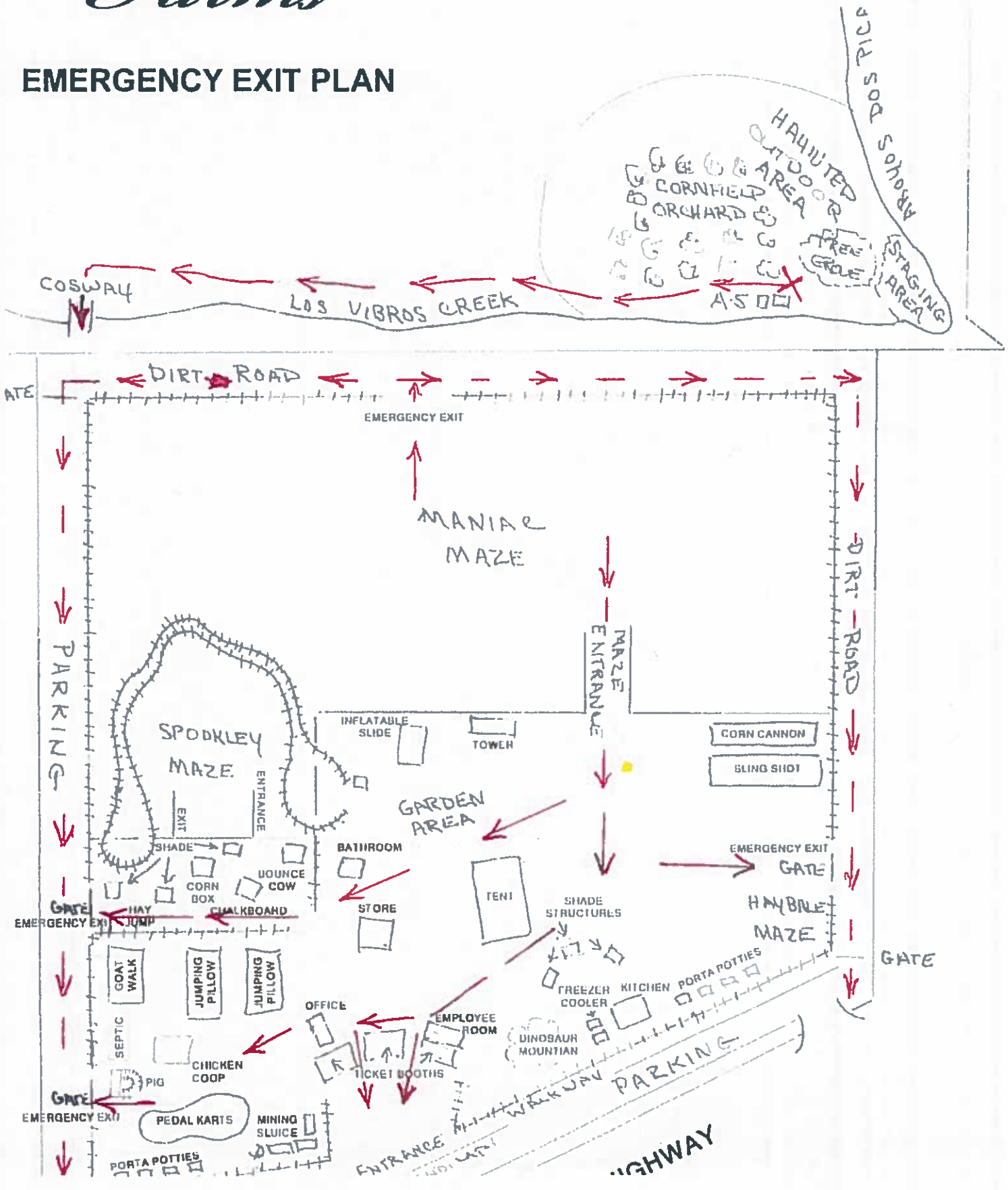
FIRE FIGHTING

No employee shall fight a fire that is beyond the incipient stage (able to be put out with a fire extinguisher),

Enter if the building is on fire to conduct search and rescue, or provide advanced medical care and treatment. These situations must be left to emergency services professionals who have the necessary training, equipment and experience.

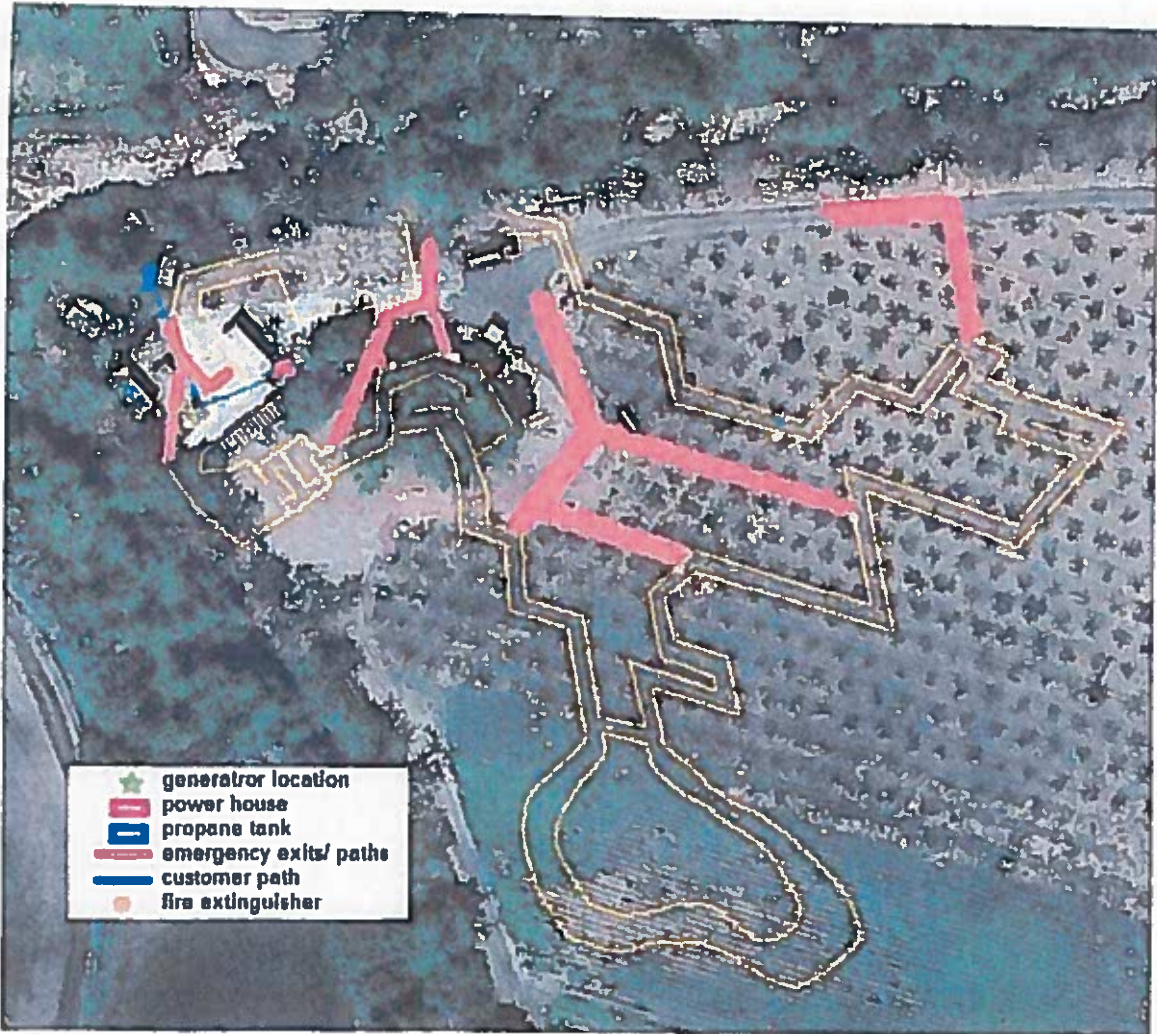
SWANK Farms

EMERGENCY EXIT PLAN



Dick Swank

From: Jason Allwardt <Jason.Allwardt@quantumclean.com>
Sent: Friday, September 21, 2018 10:09 AM
To: Bonnie Swank; Dick Swank
Subject: 2018 haunt map and generator layout
Attachments: Wiring Layout for Generator.png



Jason Allwardt
Production Supervisor
Cell: (408) 655-0604



HOLLISTER FIRE DEPARTMENT

Fire Station 1 110 Fifth Street • Hollister, CA 95023-3926
Headquarters (831) 636-4325 • Fax (831) 636-4329

CROP MAZE REQUIREMENT

NFPA 1 addresses a number of requirements pertaining to these crop mazes. Some of the biggest concerns are communication of regulations and instructions to both employees and visitors and making sure there is a way to make announcements to visitors should an emergency occur. It is also important to reduce the likelihood for a fire to occur by keeping potential ignition sources at a safe distance from the maze.

In summary, Section 10.14.11 of NFPA 1 contains the following provisions related to crop mazes:

- The owner/operator is required to advise all employees of the fire and life safety regulations as well as provide safety instructions to the visitors and patrons of a crop maze prior to their entrance to the maze.
- The owner/operator must contact the local fire department and provide them with the opportunity to prepare a pre-plan of the maze prior to the start of seasonal operations.
- A minimum of two employees shall be on duty to monitor a crop maze during hours of operation and at least one of the employees shall be located on an elevated platform a minimum of 10 ft above the maze.
- Motorized vehicles shall not be parked within 75 ft of a crop maze and a fuel break of a minimum of 20 ft wide shall be cleared between a crop maze and any vehicles or vegetation outside the maze.
- A public address system is required to make announcements during an emergency.
- The entrance and exit from the maze cannot be blocked or obstructed anytime the maze is open to and occupied by the public.
- No more than 200 persons per acre can occupy the maze at one time.
- No open-flame devices are permitted within the boundaries of the maze, including no smoking.



HOLLISTER FIRE DEPARTMENT

Fire Station 1 110 Fifth Street • Hollister, CA 95023-3926
Headquarters (831) 636-4325 • Fax (831) 636-4329

HAUNTED HOUSE/GHOST WALK REGULATIONS

SCOPE

These regulations shall apply to temporary Haunted Houses, Ghost Walks, or similar amusement uses where decorative materials and confusing sounds and/or visual effects are present.

DEFINITIONS

Decorative Materials: All materials used for decorative, acoustical or other effect (such as curtains, draperies, fabrics, streamers, and surface coverings) and all other materials utilized for decorative effect (such as batting, cloth, cotton, hay stalks, straw, vines, leaves, trees, moss and similar items), including foam plastics and other materials containing foam plastics.

Haunted House: A temporary or permanent building or structure, or portion thereof, which contains a system that transports passengers or provides a walkway through a course so arranged that the means of egress are not apparent due to theatrical distractions, not visible due to low illumination, are disguised or are not readily available due to the method of transportation through the building or structure.

Ghost Walks: Similar to a Haunted House and may include both indoor and outdoor areas where the means of egress is similarly not readily identifiable.

REFERENCES

California Fire Code, and California Code of Regulations, Title 19.

ALLOWABLE STRUCTURES

Haunted Houses, Ghost Walks and similar amusement uses shall only be located in structures that comply with the provisions for Special Amusement Buildings in accordance with the California Building Code. Tents or membrane structures may be used when in compliance with all applicable requirements of this regulation and when the total floor area is less than 1,000 square feet and the travel distance to an exit from any location is less than 50 feet.

PERMITS

1. A permit application shall be submitted a minimum of two (2) weeks prior to the event. An inspection will be required prior to operation.
2. Additional permits may be required from local Planning and/or Building Departments. Those agencies should be contacted directly.



HOLLISTER FIRE DEPARTMENT

Fire Station 1 110 Fifth Street • Hollister, CA 95023-3926
Headquarters (831) 636-4325 • Fax (831) 636-4329

PERMIT SUBMITTAL INFORMATION

The permit application submittal shall include the following:

1. A dimensioned site plan that shows:
 - a. The proximity of the event building(s) to other structures or hazardous areas.
 - b. The path of travel from the event building or area to the public way.
 - c. The location of exterior evacuation assembly points (if required).
2. A floor plan showing the following:
 - a. Dimensions of the area being used (include total square footage, width of exits, aisle or interior exit pathways, etc.)
 - b. The path of travel participants will take. Include the layout of any mazes, mirrors or other display items that may confuse the egress path.
 - c. A brief description of what will be depicted in each room or area along the walk or course including what type of special effects will be utilized.
 - d. Location of exits, exit signs, and emergency lighting.
 - e. Location of electrical panel(s) and light switches.
 - f. Identification of what the normal or prior use of the structure(s) being used is.
 - g. Accessible egress routes.
 - h. Areas of refuge (if any).
 - i. Fire alarm panel location (if any).
 - j. Manual fire alarm pull station and horn/strobe locations (if any)
 - k. Portable fire extinguisher locations.
3. A fire safety and evacuation plan that includes the following:
 - a. Procedures for reporting a fire or other emergency.
 - b. Procedures for accounting for occupants and staff after evacuation has been completed.
 - c. Identification and assignment of personnel responsible for rescue or emergency medical aid.



HOLLISTER FIRE DEPARTMENT

Fire Station 1 110 Fifth Street • Hollister, CA 95023-3926
Headquarters (831) 636-4325 • Fax (831) 636-4329

- d. The means of notifying occupants (both patrons and event personnel) of a fire or emergency.
- e. Identification and assignment of personnel in charge that can be contacted for further information.
- f. A description of the emergency alarm, voice/alarm, alert tone or preprogrammed voice messages.
- g. A description of all staff positions and their duties.
- h. A statement that all personnel will carry flashlights and know the location of all exits, fire extinguishers, light switches, electrical panels, and emergency phones. Additionally, that personnel will be trained on fire safe practices and fire evacuation.
- i. A statement that personnel will be designated to turn off all distracting noises (i.e.: sound system) and turn on lights when alerted by either fire alarm or otherwise notified of an emergency condition.

OCCUPANT LOAD AND STAFFING REQUIREMENTS

1. Maximum occupant load (which shall include event personnel) shall be determined during plan review. A sign stating maximum occupant capacity shall be posted in a visible location near the entrance, and personnel shall control the flow of patrons so as not to exceed this limit.
2. The event shall be adequately staffed to control the occupant load and assist patrons in exiting should an evacuation become necessary. Staffing level shall be determined upon review of plans and may be increased at the discretion of the Fire Department.

EXITS

1. Two exits shall be provided from each room with an occupant load of 50 or more. Required exit doors shall swing in the direction of egress.
2. Illuminated exit signs shall be provided at each exit serving an occupant load of 50 or more.
3. Exit doors serving an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware.
4. When tents or membrane structures are approved for use, curtains shall not be allowed to cover the exits.
5. Emergency lighting shall be provided in exit pathways.
6. Exhibits and decorative materials shall not obstruct, confuse, or obscure exits, exit pathways,



HOLLISTER FIRE DEPARTMENT

Fire Station 1 110 Fifth Street • Hollister, CA 95023-3926
Headquarters (831) 636-4325 • Fax (831) 636-4329

exit signs, or emergency lights.

7. Additional exit pathway markings, including low level exit signs and directional exit path markings installed in accordance with the Building Code, may be required at time of field inspection.

FIRE PROTECTION

1. An automatic fire sprinkler system shall be provided.

Exception: When the total floor area is less than 1,000 square feet and travel distance to an exit is less than 50 feet.

2. Provide an approved automatic fire detection system in accordance with the California Building Code as required for amusement buildings.

3. Actuation of a single smoke detector, the fire sprinkler system or other automatic fire detection device shall immediately sound an alarm at the structure in a constantly attended location.

4. Provide an emergency voice/alarm communication system in accordance with the California Building Code as required for amusement buildings.

5. Fire Extinguishers shall be provided as follows:

- a. A minimum 2A10BC rated.
- b. Properly mounted (top of unit between 3 and 5 feet from floor).
- c. Visible and accessible at all times and clearly illuminated or marked with reflective tape.
- d. Located within 50 feet travel distance from anywhere in the building.

6. Decorative materials shall not obstruct fire sprinklers, fire extinguishers, or any other Fire Department equipment.

ELECTRICAL

1. Extension cords shall be a heavy commercial type. UL listed, in good condition, and shall be appropriate for the intended use.

2. Only UL listed power strips with over-current protection shall be used when the number of outlets provided is inadequate. Power strips shall be plugged directly into the outlet, and shall not be plugged into one another in series.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 6.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER: PLN180024-ZA (Zoning Code Amendment)

SUBJECT:

PLN180024-ZA (Zoning Code Amendment): Change provisions of County Code including Chapter 25.16 and Sections 25.03, 25.05 and 25.29 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. ENVIRONMENTAL EVALUATION: The proposed Code changes are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district to implement the General Plan was considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. The code amendment does not approve any development projects. PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

2035 General Plan Implementation

A series of six separate related requests to implement the County 2035 General Plan Land Use Diagram Designation of Commercial Regional (CR) and associated General Plan policies. The Commission will consider one or more resolutions to make a recommendation to the Board of

Supervisors for the following items:

1. PLN180024-ZA, Title 25 Zoning Code Amendment to add Regional Commercial (C-3) District and related minor changes
2. PLN180024-ZC1, Zone Change "Betabel" CR Node
3. PLN180024-ZC2, Zone Change "SR 129/Searle Road" CR Node
4. PLN180024-ZC3, Zone Change "Rocks Ranch" CR Node
5. PLN180024-GPA, General Plan Change "Livestock 101"
6. PLN180024-ZC4, Zone Change "Livestock 101" CR Node

Planner: Darryl Boyd (*dboyd@cosb.us*)

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Title 25 Amendment Regional Commercial	5/7/2019	Staff Report
Proposed Regional Commercial (C-3) Ordinance & Title 25 Amendments	5/8/2019	Ordinance
CEQA Addendum and Initial Study	5/8/2019	Backup Material
PC Recommendation to BOS Draft Resolution	5/8/2019	Resolution

STAFF REPORT

PROJECT INFORMATION

Application:	PLN180024-ZA Amend County Code Title 25 “Zoning Code” to Implement 2035 General Plan Commercial Regional Land Use Designation & Related Policies
Date of Hearing:	May 15, 2019 Planning Commission
Applicant/Owner:	Not Applicable
Location:	Not Applicable
Assessor’s Parcel No:	Not Applicable
General Plan Designation:	Commercial Regional (CR)
Zoning District:	Pending Adoption of Regional Commercial (C-3)
CEQA:	Addendum to 2035 General Plan Final Environmental Impact Report, Resolution No. 2015-58
Project Planner:	Darryl Boyd, Principal Planner

EXECUTIVE SUMMARY

The purpose of this overall project is to implement the County’s 2035 General Plan Land Use Designation of Commercial Regional (CR) and associated policies. The primary objective is to amend County Code Title 25 to add a new Regional Commercial (C-3) Zoning District to implement the intent and provisions of the General Plan. The County Zoning Map will be changed by separate actions to include specific land areas in the Regional Commercial (C-3) District. A General Plan Amendment is proposed to designate a fourth Commercial Regional node at Livestock 101.

The project as proposed for Planning Commission consideration requires making six separate decisions as reflected on the meeting agenda. The Commission will make a recommendation to the Board of Supervisors for each of the following items. A separate staff report has been prepared for each item.

1. Adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. File: PLN 180024-ZA Amend County Code Title 25 “Zoning Code”, and if approved,
2. Change the County Zoning Map by three separate ordinances to rezone the land area recommended for inclusion in each of three CR nodes, with specific site and property boundaries, to Regional Commercial (C-3) Zoning District. Each site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4.
 - a. File: PLN 180024-ZC1 “Betabel”
 - b. File: PLN 180024-ZC2 “SR129/Searle Road”
 - c. File: PLN 180024-ZC3 “Rocks Ranch”
3. File: PLN 180024-GPA & ZC4 “Livestock 101”
 - a. Change by resolution the 2035 General Plan Land Use Diagrams to designate Livestock 101 as a fourth Commercial Regional Node, and if approved,

- b. Change the Zoning Map by ordinance to rezone the land area recommended for inclusion in the Livestock 101 CR node to C-3.

BACKGROUND

As stated above, the purpose of this overall project is to implement the County's 2035 General Plan Land Use Designation of Commercial Regional (CR). The primary work product is the preparation and adoption of County Code Title 25 Zoning Code amendments to establish a new Regional Commercial (C-3) Zoning District. The C-3 District implements the CR Land Use Diagram designation and associated General Plan policies.

On March 6, 2018, the Board of Supervisors approved a reimbursement agreement with four (4) property owners to fund the County's costs for the Regional Commercial implementation work, including consultant contracts. The reimbursement agreement was fully executed on August 17, 2018 with consultant and staff work commencing shortly thereafter. The four property owners are parties to the reimbursement agreement and are the applicants of record for this project. Their respective commercial node sites along the U.S. 101 corridor are listed below. Location maps for each of the four nodes are included in this staff report, as well as a list of APNs for each.

1. Betabel Road - Thomas and Victoria McDowell Charitable Remainder Unitrust
2. Highway 129 and Searle Road - Johnson Family Trust and Weiler Family Trust
3. Livestock 101 - Warren Family Trust
4. Rocks Ranch - Bingaman Irrevocable Trust



At staff's request, the Planning Commission held a duly noticed public hearing/study session on October 17, 2018. The purpose of the hearing was for staff and consultants to receive early feedback from the Commission and testimony from the public regarding the project approach and initial concepts. A staff report was distributed and a presentation made at the meeting. In

addition to comments made by the Planning Commission, about thirteen (13) members of the public gave testimony. Their comments were summarized and discussed in a memorandum dated November 26, 2018. Most of the public comments were focused on questions or concerns about the Livestock 101 location. The Commission requested staff to come back with responses to the questions and issues raised.

On January 16, 2019, the Planning Commission held a second study session. This was to provide a follow up status report in response to the Commission and public comments made at the October 17, 2018 meeting. The purpose was to further inform and solicit early input from the Planning Commission on the project scope of work and draft work products prepared to date. A staff report was distributed. EMC Planning Group, the County's consultant, and staff made a presentation at the meeting to provide an update on the work completed to date. A memorandum from EMC provided a summary of the comments made at the October meeting. A response or recommendation was included for each comment or question based on subsequent staff and consultant consideration. Several Aromas residents provided comments, concerns and opposition to the commercial nodes similar to those made at the October 2018 meeting.

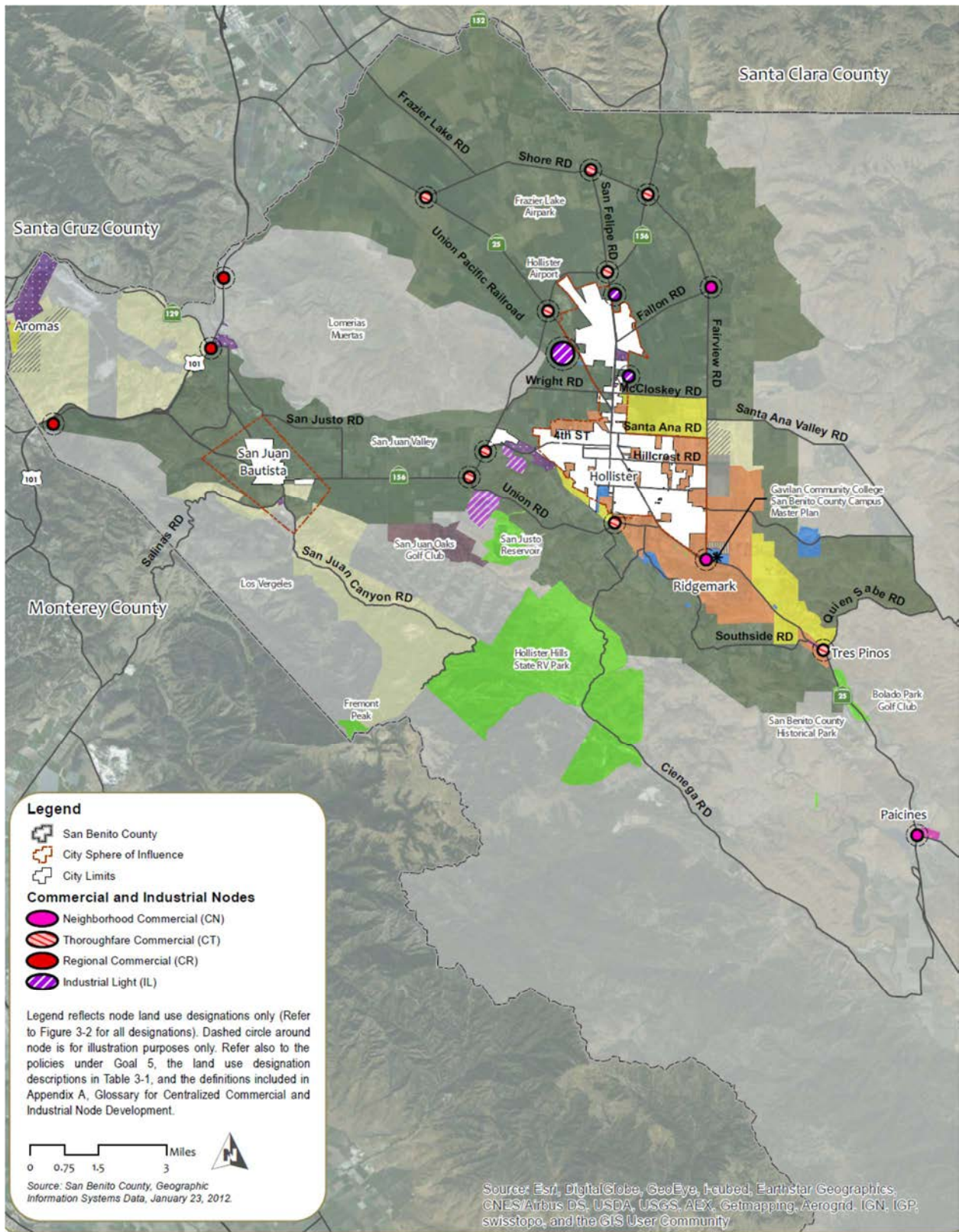
PROJECT DESCRIPTION

This agenda item is to amend Title 25 of the County Code to incorporate the provisions necessary to add a new Regional Commercial (C-3) Zoning District to implement the intent and provisions of the 2035 General Plan Land Use Diagram designation of Commercial Regional and associated policies. This agenda item does not include the application of the C-3 District to any specific property, i.e., "rezoning", or allow any new development projects. The code adoption is necessary before property can be rezoned or projects can develop under the new C-3 regulations.

GENERAL PLAN

The County's 2035 General Plan includes the Land Use designation of Commercial Regional (CR). CR nodes are generally located as shown on General Plan Figure 3-2 "*Land Use Diagram (North County Detail)*" and Figure 3-5 "*Commercial and Industrial Nodes*". The project includes a proposed change [PLN 180024-GPA & ZC4 "Livestock 101"] to both figures to include a fourth node located at Livestock 101. In addition, Figure 3-2 will be corrected to delete the node inaccurately shown at U.S. 101/State Route 156 because it was not approved by the Board's final action in 2015. An analysis of the proposed general plan change is included in the analysis section of the attached staff report.

The General Plan includes several land use policies that are specific for the implementation of the new commercial regional nodes. The proposed Regional Commercial (C-3) District is written to be consistent with the applicable general plan policies. As stated in the 2035 General Plan, the purpose of the Commercial Regional (CR) land use designation is "*to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101[sic] and other major State Routes. Uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.*"



General Plan Figure 3.5 Commercial and Industrial Nodes

General Plan Land Use Policy **LU-5.3 New Commercial Regional Nodes** states; *“The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.”*

General Plan Land Use Policy **LU-5.4 New Commercial Nodes Vision** states: *“The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County’s scenic resources and local character and quality of life attributes.”*

General Plan Land Use Policy **LU-5.5 Strip Commercial** states: *“The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.”*

General Plan Land Use Policy **LU-5.6 Visitor-Oriented Commercial Uses** states: *“The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.”*

General Plan Administration Element Policy **AD-3.5 Ordinance Consistency** states: *“The County shall maintain all applicable County ordinances and regulations to ensure their consistency with the adopted 2035 General Plan.”*

ENVIRONMENTAL EVALUATION

The Commission’s discretionary action on each of the major project components is a project subject to CEQA. Staff has prepared four initial studies for the adoption of the Regional Commercial (C-3) District code, with one focused on each of the four proposed sites to which the C-3 code would be applied. Based on the findings documented in those initial studies, the County has prepared an Addendum to the 2035 General Plan Final Environmental Impact Report (EIR), passed on July 21, 2015 by Resolution No. 2015-58.

Consistent with CEQA Guidelines Section 15164 an addendum is appropriate to provide environmental clearance for the proposed zoning code amendments in that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. Furthermore, the proposed Code changes are not subject to further environmental review in accordance with CEQA Guidelines Section 15126 in that the creation and adoption of a new zoning district to implement the General Plan Regional Commercial designation was considered in the preparation of the 2035 General Plan Update

Final EIR. The proposed code amendment does not approve any development projects and will not result in any physical changes to the existing environment.

STAFF ANALYSIS

Implementation of the Commercial Regional (CR) General Plan Land Use designation requires amending the Zoning Code (Title 25) to create a new zoning district that is consistent with the General Plan, particularly those policies cited above. The existing C-1 and C-2 Combining Commercial Districts are not consistent with the CR Land Use designation in that they are intended for neighborhood and major thoroughfare locations, respectively. This project includes the adoption of the proposed Regional Commercial (C-3) Zoning District that, if adopted by the County, is proposed for application to the four designated regional commercial sites as specified in accordance with the 2035 General Plan, as amended. The final draft C-3 ordinance is attached to this staff report and will be presented for Commission review at the May 15, 2019 meeting.

County Code Chapter 25.45 authorizes changing the provisions of Title 25 “Zoning Code” whenever the public necessity, convenience and general welfare require such amendments. This chapter also establishes the procedures to be followed for such proposed changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission is required to make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

Regional Commercial (C-3) District Code Overview

The C-3 District code has been written to implement the General Plan policies cited above, as well as meet the direction of other relevant General Plan policies. The proposed code amendment includes allowed and conditional uses, required development process, development standards, site design standards and design themes for each node. Consistent with the 2035 General Plan policies the County will be doing design review for future development at the individual nodes. As written, and by definition, the C-3 district conforms to the General Plan.

The C-3 code establishes most allowed uses through a Master Development Permit process, which is required for each C-3 District node. A few uses, such as agricultural activities, are allowed by right, and small changes to existing uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Commission when the Master Development Permit for each C-3 District node is approved, subject to later Site Plan Review if necessary for interpretation. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan and sign program

The C-3 code sets development standards. Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No

more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan. Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones.

The C-3 code has specific site design regulations and performance standards. Section 25.16.066 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.067 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.068 would impose the County's most-stringent lighting requirements, minimize light spill into natural areas and control the color qualities of lighting. Section 25.16.069 would impose additional grading restrictions, prohibit any removal of protected oak trees and limit the area that could be irrigated.

Each node would have an established design and architectural theme that would specify that node's unique visual character to promote an aspect of the County's history or economy. Approval of a master development plan, consisting of at least a site plan, architectural elevations, lighting plan, landscaping plan and sign program, would be required for each development project. The review and approval of the master development plan would be by the Planning Commission prior to the approval of the first building permit. Subsequent projects would be reviewed and approved by the RMA Director if consistent with the approved master development plan and design standards.

Conclusion

In summary, staff's opinion is that approval of the proposed zone change petition will serve the public necessity, convenience and general welfare in that the code amendments will implement the County's adopted 2035 General Plan goals and policies. The proposed code amendment fulfills the direction and vision of the General Plan and includes the components necessary for good zoning practice. No specific development proposals are proposed or a part of this project. Subsequent development projects and permits will require consistency with the district requirements.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed code amendment,
- 2) Adopt a resolution finding the proposed Zoning Code amendment will serve the public necessity, convenience and general welfare, and is good zoning practice and
- 3) Recommend the Board of Supervisors adopt an Ordinance to amend the County Code Title 25 to incorporate the new Regional Commercial (C-3) District, including allowed uses and development standards, and associated minor code amendments necessary to integrate fully the new district into the existing Code.

ATTACHMENTS

1. Draft Ordinance for Title 25 Amendments
2. Addendum/Initial Study
3. Draft Resolution to BOS

C: Applicants/Property Owners:

1. "Betabel"
McDowell Charitable Trust
P.O. Box 485
Pebble Beach, CA 93953
2. "Hwy 129"
Johnson Family and Weiler Family Trusts
920 Egan Avenue
Pacific Grove, CA 93950
3. "Livestock 101"
Warren Family Trust
4400 Hwy 101
Aromas, CA 95004
4. "Rocks Ranch"
Bingaman Trust #1
P.O. Box 1116
Salinas, CA 93902

Property Owners' Representative

Daniel J. DeVries
P.O. Box 996
San Juan Bautista, CA 95045

EMC Planning Group

Michael Groves
Richard James

Planning Commission Draft – May 8, 2019 revised
Blue code highlights are internal to the C-3 regulations
Green code highlights are external to the C-3 regulations

Amend 25.05.001 to add:

C-3	Regional Commercial
-----	---------------------

Amend Section 25.03.002 to read:

DESIGN REVIEW. A permit application review procedure in which the authority for the decision makes a determination as to the consistency of a proposed land use with the established criteria and required findings.

DESIGN THEME. A conceptual description of the physical and visual characteristics of a development proposal, with emphasis on the aesthetic qualities.

NODE. A concentration of development at or within a reasonable distance of an intersection of interchange.

TRUCK GARDENING. The growing of vegetables, herbs, or flowers for sale.

Amend title of Chapter 25.16 to read:

CHAPTER 25.16: COMMERCIAL THOROUGHFARE (C-1), NEIGHBORHOOD COMMERCIAL (C-2), AND REGIONAL COMMERCIAL (C-3) DISTRICTS

Amend 25.16.001 to add:

(C) The C-3 Regional Commercial district shall act as an independent standalone (not combining) district. All of the C-3 district regulations, development standards and procedures are set forth in Article IV.

Amend Chapter 25.16 to add:

ARTICLE IV. REGIONAL COMMERCIAL (C-3) DISTRICT

§ 25.16.060 INTENT.

§ 25.16.061 PERMITTED USES

§ 25.16.062 PERMITTED USES, SITE PLAN REVIEW.

§ 25.16.063 PERMITTED USES, DESIGN REVIEW PERMIT REQUIRED IN EACH CASE.

§ 25.16.064 PERMITTED USES, USE PERMIT REQUIRED IN EACH CASE.

§ 25.16.065 PERMITTED USES, MASTER DEVELOPMENT PLAN.

§ 25.16.066 DEVELOPMENT STANDARDS.

§ 25.16.067 YARDS AND RESERVATIONS.

§ 25.16.068 PARKING, LOADING AND ACCESS/CIRCULATION.

§ 25.16.069 SIGNS.

§ 25.16.070 LIGHTING.

§ 25.16.071 GRADING AND LANDSCAPING.

§ 25.16.072 THEME AND TOURISM MARKETING PLANS.

§ 25.16.073 PROCEDURES AND FINDINGS.

§ 25.16.074 CONTINUANCE OF EXISTING USES.

§ 25.16.075 SPECIAL REGULATIONS FOR BETABEL ROAD NODE.

§ 25.16.076 SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.

§ 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK 101 NODE.

§ 25.16.078 SPECIAL REGULATIONS FOR ROCKS RANCH NODE.

§ 25.16.060 INTENT.

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall integrate displays dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

§ 25.16.061 PERMITTED USES

The following uses shall be permitted by right in the C-3 district:

- (A) Crop and tree farming and truck gardening;
- (B) Grazing; and

- (C) Fruit and vegetable stands.

§ 25.16.062 PERMITTED USES, SITE PLAN REVIEW.

The following uses are permitted in the C-3 district with an administrative Site Plan Review approved by the Planning Director in accordance with [§25.16.073 \(A\) 1](#):

- (A) Changes of existing commercial uses pre-existing or established under this code, within an existing site or structure, provided that the change will not alter the nature or intensity of the use of the site or structure, and subject to submittal and review of a site plan and/or project summary detailing the change and demonstrating how it is similar to the previously approved use, but excluding any use that requires a Design Review Permit under [§25.16.063](#), or a Use Permit under [§25.16.064](#);
- (B) Souvenir and curio shops, roadside stands;
- (C) Public parks, playgrounds, and open spaces;
- (D) Uses for which a determination of consistency with an approved Master Development Plan is necessary;
- (E) Uses for which a general or conceptual description is approved in a Master Development Plan, or additional detail is provided after approval of a Master Development Plan; and
- (F) Final site plans, lighting plans, landscape plans, and sign programs, where such have not been approved in final form as part of a Planning Commission approval.

§ 25.16.063 PERMITTED USES, DESIGN REVIEW PERMIT REQUIRED IN EACH CASE.

The following uses and/or new structures are permitted in the C-3 district with a Master Development Plan in accordance with [§ 25.16.065](#), or a Design Review Permit issued by the Planning Commission at a noticed public hearing:

- (A) Retail business establishments, including drugstore; fruits, vegetables, and groceries; plants; art or antiques; books; camping and recreational gear and supplies; hardware; clothing; souvenirs; etc.;
- (B) Eating and drinking establishments, including restaurants; delicatessens; bakeries; coffee houses; and soda fountains not including service of alcoholic beverages;
- (C) Drive-in eating and drinking establishments not including service of alcoholic beverages;
- (D) Off-sale of alcoholic beverages, with an emphasis on San Benito County products;
- (E) Motels, hotels, bed and breakfasts, and other overnight accommodations limited to stays of 30 nights or fewer;
- (F) Recreational trailer parks, campgrounds, and resorts;
- (G) Commercial entertainment and amusement, including theaters;
- (H) Museums; exhibits; and information centers;
- (I) Outdoor recreation or education;

- (J) Miniature golf; swimming; tennis; sporting and social clubs;
- (K) Automobile service stations with incidental minor repair;
- (L) Agricultural product sampling and/or agricultural production or processing not occupying more than 5,000 square feet;
- (M) Laundromat and laundry services;
- (N) Caretaker units and employee housing;
- (O) Limited medium or high density residential uses secondary to commercial uses and provided as part of an integrated mixed use development;
- (P) Customary accessory uses to the above;
- (Q) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;
- (R) Themed wall and billboard-type murals, not including business identification names, logos, or iconography;
- (S) Design Themes and Marketing Plans; and
- (T) Other uses similar to the above as may be determined by the Planning Commission.

§ 25.16.064 PERMITTED USES, CONDITIONAL USE PERMIT REQUIRED IN EACH CASE.

The following uses are permitted in the C-3 district with a Master Development Plan in accordance with § 25.16.065, or a Conditional Use Permit issued by the Planning Commission at a noticed public hearing:

- (A) Establishments that intend to include service of alcoholic beverages;
- (B) Outdoor display or storage of merchandise, if not pre-existing;
- (C) Vehicle repair shops including system and component repair and service, glass, tires, and similar, but not including painting, body and fender work, or motor and transmission rebuilding as principal uses;
- (D) Truck stops/travel plazas;
- (E) Medical or veterinary offices or clinics;
- (F) Limited business or professional offices not secondary to commercial uses;
- (G) Customary accessory uses to the above;
- (H) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;
- (I) Themed wall and billboard-type murals, that do include business identification names, logos, or iconography; and
- (J) Other uses similar to the above as may be determined by the Planning Commission.

§ 25.16.065 PERMITTED USES, MASTER DEVELOPMENT PLAN.

- (A) In lieu of Site Plan Review, Design Review, and/or Conditional Use Permits the applicant for development within the C-3 district may prepare a Master Development Plan, consisting of a narrative and standards, architectural design theme and marketing plan, site plan, lighting plan, landscaping plan, and sign programs for the entirety of the District node, or a sub-section not immediately

contiguous (e. g., separated by a street) with the remainder of the District node, within which development is proposed.

- (B) Architectural Theme, drawn from San Benito County history and landscapes. The submittal shall include proposed architectural concept and general site theme, including architectural materials, colors, building elevations, site planning, layout of connecting spaces and pathways, landscaping, wayfinding, and signs.
- (C) The narrative and standards shall provide the following information:
 - 1. A description of the land uses to be included within the District, correlating those uses to the site plan.
 - 2. A table of approximate square footage of each proposed use.
 - 3. A description of any deviations from established development standards.
- (D) A site plan shall provide the following information:
 - 1. Lot boundaries and names of adjacent streets.
 - 2. Adjacent structures, public utilities, and all easements within 50 feet of the lot boundary.
 - 3. Existing built features and trees.
 - 4. Topographic contour lines, existing water features, and flood zone boundaries.
 - 5. Existing utilities and easements.
 - 6. Yard and building setback lines.
 - 7. Locations of proposed buildings, paved areas, and landscaped areas.
 - 8. Proposed access, circulation and parking plan including typical dimensions.
 - 9. Size of proposed building footprints and floor areas and lot coverage.
 - 10. Locations of proposed freestanding signs and lights.
 - 11. Proposed site drainage features and non-point source compliance.
 - 12. Proposed wastewater disposal facilities and generation calculations.
 - 13. Proposed water supply wells, water lines, and utility lines and demand calculations.
 - 14. The final site plan shall contain additional detail as determined necessary by the Planning Director.
- (E) A lighting plan shall provide the following information:
 - 1. Drawings and specifications required by [§19.31.011](#).
 - 2. Coordination with lighted signs included in a sign program.
 - 3. The lighting plan shall conform to the requirements of [§25.16.070](#).
 - 4. A final lighting plan shall specify bulb type and color, specific lighting fixtures, and be accompanied by a photometric analysis and graphics.
- (F) A landscaping plan shall provide the following information:

1. Overall plan matched to the site plan, showing general location of planting and hardscape areas.
2. Location, species, size, and health of any existing tree, meeting the definition in § 25.29.212, to be removed.
3. Location, species, size, and health of any existing tree, meeting the definition in § 25.29.212 and located within 20 feet of proposed development, to be preserved.
4. Locations and general description of new trees and shrubs.
5. Location and type of groundcover plants or materials.
6. Description of hardscaped areas, including materials, colors, and typical dimensions.
7. Descriptions of landscape structures including benches, arbors, fences, and screens.
8. On sites where improvements are proposed on slopes of five percent or greater, the landscape plan or a separate grading and erosion control plan, shall provide a map of cut and fill areas, earthwork quantities, construction and post-construction erosion control details, retaining structures, and vegetative screening plans.
9. The landscaping plan shall conform to the requirements of §25.16.071.
10. Irrigation plan.
11. The final landscape plan shall provide compliance with the Model Water Efficient Landscape Ordinance.
12. The final landscape plan shall list the species and container size of each plant.

(G) A sign program shall provide the following information:

1. Site plan showing location and orientation for each attached and detached sign.
2. Schematic drawing showing approximate size, shape, colors, and materials of each sign.
3. Schematic drawing showing type and size of supporting components.
4. Elevation views of the building(s) showing the proposed sign(s).
5. Description of sign illumination method and intensity.
6. The sign program shall conform to the requirements of §25.16.069.
7. If a height exception is requested in accordance with §25.16.069(D), a visual study demonstrating that the requested sign height is warranted.
8. The final sign program shall provide exact heights, sign dimensions, materials, anchoring details, and lighting specifications if applicable

(H) Final site plans, lighting plans, landscape plans, and sign programs shall include detail and specifications adequate for the Planning Director to ascertain that the plans and programs meet all County requirements.

§ 25.16.066 DEVELOPMENT STANDARDS.

(A) The minimum lot area in the C-3 district shall be one acre.

- (B) The maximum height of structures in the C-3 district shall generally be 35 feet; however, a Master Development Plan may allow heights up to 65 feet.
- (C) Buildings, including accessory buildings, shall not cover a total of more than 40 percent of the lot area, exclusive of any portion of the lot area located within riparian or hillside reservations.
- (D) Motel, hotel, bed and breakfast, and other overnight accommodations shall be limited to stays of 30 nights or fewer, and shall not exceed 125 rooms within any node.
- (E) Total retail commercial floor area within any node shall not generally exceed 85,000 square feet, however, a Master Development Plan may allow up to 100,000 square feet.
- (F) Residential and caretaker units shall not exceed 1,400 square feet each, and shall be a minor component within any node, as established by the Master Development Plan.
- (G) All storage shall be within a completely enclosed building unless otherwise allowed by an approved use permit.

§ 25.16.067 YARDS AND RESERVATIONS.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, yards shall be consistent with the provisions of §25.29.005 and §25.29.006.
- (B) Yards contiguous to streets shall be a minimum of 35 feet measured from the right-of-way or plan line. Yards contiguous to rural or residential zoning districts shall be a minimum of 50 feet measured from the contiguous property line with the exception that non-commercial structures may be set back from the property line in accordance with the requirements of the adjoining district.
- (C) No structures, parking, or storage shall be permitted within the yards required in subsection (B), with the exception that non-commercial structures and freestanding signs may be located within yards contiguous to streets or highways.
- (D) Notwithstanding §19.27.001 or subsection (B), no structures shall be located closer than 150 feet from the side line of the nearest U.S. Highway 101 travel lane, or closer than 50 feet from the side line of an on- or off-ramp with the exception that freestanding signs may be located within these areas.
- (E) Flood zones designated by the Federal Emergency Management Agency shall be included within flood zone reservations. Development in flood zone reservations shall be restricted to driveways, parking, signs, picnicking, sports, temporary

structures, freestanding signs, and permanent structures that are in compliance with the provisions of [Chapter 19.15](#).

- (F) Water courses and associated riparian vegetation, inclusive of a 100 foot wide buffer area from top of bank and edge of vegetation of the Pajaro River or San Benito River, and 50 foot wide buffer area from top of bank and edge of vegetation of other natural water courses, shall be included within riparian reservations. Development in riparian reservations shall be restricted to storm water management, habitat restoration, access drives not resulting in a net loss of vegetation, and passive recreational activities.
- (G) Slopes in excess of 30 percent shall be included within slope reservations. No development shall be allowed within slope reservations.
- (H) The requirements of [§25.15.060](#) through [§25.15.068](#) shall apply to locations within the defined scenic corridor, except that application of [§25.15.063](#) and [§25.15.064](#) shall be modified for consistency with the list of uses established by the Master Development Plan.

§ 25.16.068 PARKING, LOADING AND CIRCULATION.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, parking shall be required in the C-3 district as provided in [chapter 25.31](#).
- (B) When considering multiple use parking in accordance with [§25.31.042](#), the lowest number of parking spaces that is adequate shall be provided in order that parking areas be kept as compact as possible.
- (C) Unless specifically authorized by the Planning Commission, no parking area shall exceed a single double-loaded aisle without a landscaped separation of at least 12 feet between aisles.
- (D) Parking lots shall be landscaped to include native shade trees.
- (E) Parking lots and loading areas shall be visually screened from public roadways.
- (F) Loading and unloading areas shall be required to comply with [§25.31.064](#).
- (G) Each lot or contiguous development site shall have not more than two access-ways to any one street or highway, which shall comply with the following requirements:
 1. The width of any access-way leading to or from a street or highway shall not exceed 36 feet nor be less than 15 feet at the right-of-way line. The alignment of access-ways and curb return dimensions shall be determined by the County Engineer.

2. At its intersection with the lot line, no part of any access-way shall be nearer than 20 feet to any other access-way on the same lot, nor shall any part of any access-way be nearer than ten feet to any side or rear property line at its intersection with a right-of-way line. The use of common access-ways by two or more permitted uses shall be required in order to reduce the number and closeness of access points along highways. When a site is adjacent to both a local County road and a State Highway, access shall be limited to the local County road and/or existing or historic access points onto the State Highway.
3. The location and number of access-ways shall be so arranged in relation to other access-ways, streets or highways, and site improvements, that they will reduce the possibilities of traffic hazards to the extent feasible in the judgment of the County Engineer.

§ 25.16.069 SIGNS.

- (A) Except as otherwise required or allowed in this section, or as established in a Master Development Plan, on-site signs shall be consistent with the provisions of §25.29.060 through §25.29.076.
- (B) In addition to the signs described in §25.29.070, the following sign types shall be prohibited.
 1. Internally illuminated plastic signs;
 2. Signs with flashing or animated lights, or moving or changing text, or images;
 3. Signs that conflict with the lighting requirements of §25.16.070.
- (C) Sign types to be encouraged include sandblasted redwood or similar hand-crafted, hand-painted custom signs with “elemental” components, such as wood, steel, iron, brick, stone, etc. and exterior down-oriented lighting fixtures, if lighting is provided.
- (D) An alternative calculation of sign area may be used, allowing one square foot of sign area for each 150 feet of building coverage area, with no single sign or group of signs exceeding 150 square feet.
- (E) Maximum height of signs shall be 45 feet. On sites where views from the highway of a sign constructed to the maximum height would be demonstrated obscured by terrain or vegetation, a sign height exception may be granted through the Master Development Plan, provided no additional height shall be allowed than is necessary to make the sign visible to travelers.
- (F) Regional signs to promote San Benito County and the commercial nodes shall located at or near entry points to the County.
 1. The regional signs shall alert travelers of entry into San Benito County, and provide information on services and tourism destinations within the County.

2. The regional signs shall only be located at or near the north and south ends of the County along U.S. Highway 101, and along State Route 129 within or west of the Highway 129 node.
3. The regional signs shall be designed to harmonize with the natural scenery, with a distinctive design that relates to the history, pre-history, landscape, or culture of San Benito County. The regional signs shall not have the appearance of a billboard.
4. The northern regional sign should be visible in advance of the Betabel Road off-ramp from southbound U.S. Highway 101. The northern regional sign may optionally be located outside of the Betabel Road node to the north.
5. The southern regional sign should be visible in advance of the San Juan Road off-ramp from northbound U.S. Highway 101. The southern regional sign may optionally be located outside of the Rocks Ranch node to the south, subject to agreement with the County of Monterey; the County may enter into a reciprocal agreement to permit a Monterey County sign within San Benito County.
6. The Highway 129 regional sign should be visible in advance of Searle Road.
7. The regional signs should identify all of the commercial nodes along U.S. Highway 101 and provide wayfinding information.
8. The regional signs may be placed on private property or within County right-of-way, but shall not be located within State right-of-way. As part of approval of a Master Development Plan, the County may require establishment of an easement to accommodate the sign.
9. The County shall establish a special development impact fee or other financing mechanism within the C-3 district to fund construction and maintenance of the regional signs by the County.

§ 25.16.070 LIGHTING.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, lighting shall be consistent with the provisions of [Chapter 19.31](#).
- (B) Exterior lighting shall not be positioned in excess of 25 feet above the ground surface, except as may be allowed under [§25.16.069 \(D\)](#) for a sign height exception.
- (C) Lighting shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site or adjacent areas with light.
- (D) Lighting for signs shall be designed to illuminate the sign without direct visibility of the light source.
- (E) Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.

- (F) LED or other energy efficient lighting technologies shall be required.
- (G) Light color should generally be between 2,200 and 3,000 Kelvin, subject to the discretion of the approving authority for special circumstances.
- (H) No lighting that is directed upward shall be allowed.

§ 25.16.071 GRADING AND LANDSCAPING.

- (A) Development on slopes of 15 percent or greater shall be subject to the provisions of [§25.29.030](#) through [§25.29.036](#).
- (B) Visibility of driveways and access roads on slopes of greater than five percent shall be minimized to the extent feasible using careful siting, terracing, existing vegetation, or new vegetation. Visibility of driveways and access roads on slopes of greater than five percent shall be fully screened from views from scenic highways.
- (C) Portions of a site not covered by structures, pavement, or natural vegetation/rock shall be landscaped with native drought tolerant or low water usage.
- (D) Landscaping and screening trees shall be selected from the list of native trees included in Exhibit A to [chapter 19.33](#).
- (E) Woodlands canopy cover shall be retained in accordance with [chapter 19.33](#).
- (F) No oak tree, as included within the definition in [§25.29.212](#), shall be removed for construction of structures, utilities, parking, or roads; all development shall primarily be sited within areas clear of oak trees. Careful and thoughtful site planning may allow for selected trimming of such trees to best accommodate structures or pathways. Relocation of oak trees is encouraged.
- (G) No greater than 10 percent of total landscape planting areas may be irrigated, unless a rainwater catchment system is used as the sole source of irrigation on areas exceeding the 10 percent limit.
- (H) Grading and ground disturbance shall be subject to the provisions of [chapter 19.05](#).
- (I) All site improvements shall be in compliance with applicable state and local fire-resistance and fire protective standards.
- (J) Utilities and support systems, including transformers, conducting wires, pipes, trash enclosures, and heating or cooling equipment, shall be screened from view, with a door or gate at the access point. Structural screens shall be of compatible design to the primary buildings; fences or walls shall be of decorative design or screened at least 50 percent by vegetation. Public safety or convenience items

(e.g. fire hydrants, trash receptacles, and drinking fountains) shall not be subject to this section.

§ 25.16.072 THEME AND TOURISM MARKETING PLANS.

- (A) The applicant and/or property owners within each C-3 district node shall prepare a comprehensive design theme description and tourism marketing plan, which shall be consistent throughout that C-3 district node (see § 25.16.065, Architectural Theme).
- (B) The design theme description shall be consistent with §25.16.075 et seq. and provide the following information at a minimum:
 - 1. Verbal description of the intended overall visual character of the node, and accompanying photographs or illustrations as needed to augment the verbal description.
 - 2. Description of the architectural style or defining architectural characteristics.
 - 3. Description of the intended types of uses, structures, lighting, landscaping, and signs, and how those embody and reinforce the theme.
- (C) The County tourism marketing program shall provide the following information at a minimum:
 - 1. Designation and description of a space, building, or scheme comprising at least 300-square feet.
 - 2. Description of the San Benito County tourism themes and information, art, products, and services to be showcased.
 - 3. Description of the presentation of the tourism themes.
- (D) The theme and tourism marketing plans shall be approved prior to consideration of development applications.

§ 25.16.073 PROCEDURES AND FINDINGS.

- (A) Permitting Procedures.
 - 1. Site Plan Review. Site Plan Review permits shall be limited to the minor use applications as listed in § 25.16.062, and determinations shall be made based on materials necessary to adequately describe the proposed use, in a letter issued by the Planning Director, without the need for public notice at the discretion of the Planning Director.
 - 2. Design Review Permit. Design review permits shall be limited to the applications listed in § 25.16.063. If a Master Development Plan has been approved, the determination shall be made by the Planning Director with a pre-noticed administrative determination. A request for a change of use will require the submittal of a site plan and project summary detailing the change

in use and shall be prepared to the satisfaction of the Planning Director. If a Master Development Plan has not been approved, the determination shall be subject to review and approval of the Planning Commission at a duly noticed public hearing in accordance with Chapter 25.43.

3. Conditional Use Permit. Conditional Use permits shall be limited to the applications listed in § 25.16.064. The determination shall be made by the Planning Commission in accordance with Chapter 25.43 unless otherwise stated in this Article.
 4. Master Development Plan. Master Development Plans, including amendments thereto, shall be approved by the Planning Commission, or the Board of Supervisors on appeal, and approved by resolution. The determination shall be made in accordance with Chapter 25.43.
 5. Master Development Plan Implementation. The Planning Director shall make the following determinations within areas with an approved Master Development Plan: approvals of final site plan, sign program, lighting plan, or landscape plans; interpretations of uses permitted by a Master Development Plan; and minor adjustments to standards within a Master Development Plan, not to exceed 10 percent of the established standard. Uses conceptually described in an approved Master Development Plan, shall require administrative Site Plan Review by the Planning Director, in accordance with § 25.16.062, to establish consistency with the Master Development Plan.
- (B) Design Review Permit Findings. The findings for a Design Review permit shall be made in accordance with § 25.29.110 for administrative permits and in addition;
1. That the proposed use is properly located in relation to the district regulations, the general plan, and to the community as a whole. Other land uses, transportation, service facilities, and utilities shall be considered in the review; and
 2. That the proposed use is designed for visual compatibility with the environment and scenic qualities of the scenic corridor.

If the Planning Director is unable to make these findings for a Design Review permit, the request may be appealed to the Planning Commission, and if upon appeal the Planning Commission cannot make these findings, the application must be denied, and their decision is final. A subsequent conditional use permit request can be made for consideration by the Planning Commission.

- (C) Conditional Use Permit and Master Development Plan Findings. After a public hearing by the Planning Commission, the Planning Commission, may approve or

conditionally approve the Conditional Use or Master Development Plan application under its purview if the following findings can be made:

1. That the proposed use is properly located in relation to the district regulations, the general plan, and to the community as a whole. Other land uses, transportation, service facilities, and utilities shall be considered in the review;
2. That the proposed use is designed for visual compatibility with the environment and scenic qualities of the scenic corridor;
3. That the proposed use will not cause any damage, hazard or nuisance to persons or property.

If the Planning Commission cannot make those findings, the request may be appealed to the Board of Supervisors, and if on appeal, the Board of Supervisors cannot make these findings, the application must be denied. The Board of Supervisors decision is final.

- (D) Review by Other Agencies. Every application accepted for a proposed use in the C-3 district, lying within the boundaries of the "sphere of influence" of any governmental agency, shall be submitted for review and comment to said agency within five (5) days of acceptance of said application. Said agency shall have fifteen (15) days to review and comment upon the application.
- (E) Appeals. Appeals of decisions shall be as set forth in [chapter 25.47](#).
- (F) Termination of Inactive Permits and Uses. If operation of an approved use fails to commence within the timeframe identified in the Master Development Plan, two (2) years from approval of the Master Development Plan if not otherwise stated, the use shall be deemed to have been abandoned, and an amendment to the Master Development Plan shall be required to re-establish the use. A notice of pending termination shall be posted no less than eleven (11) months after presumed abandonment, and the permit shall expire thirty (30) days after the two (2)-year anniversary date contained in notice as posted if the use is not reactivated per the determination of the Planning Director. If an operating use is suspended for more than one year, a Site Plan Review shall be required to re-establish the use.
- (G) Establishment of C-3 District Nodes. Establishment of an additional C-3 district node on the zoning map shall not be approved without concurrent adoption of a zoning code amendment to provide special regulations for the proposed additional node, and designation as a regional commercial node on General Plan Land Use Figure 3-5, Commercial and Industrial Nodes.
- (H) Legal descriptions shall be required as part of final engineering in implementation of a Master Development Plan.

§ 25.16.074 CONTINUANCE OF EXISTING LEGAL USES.

Legal uses existing upon adoption of this chapter shall be allowed uses, provided legal operations continue with no suspension or abeyance in excess of one year. If operation of a use is suspended for more than one year, the use shall be deemed to have been abandoned and §25.16.073 (E) shall apply.

§ 25.16.075 SPECIAL REGULATIONS FOR BETABEL ROAD NODE.

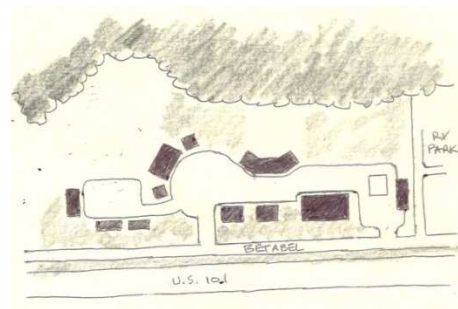
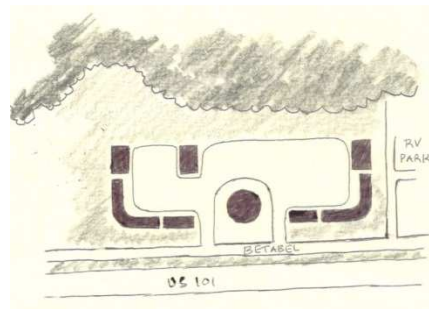
The following special regulations and standards shall apply in the regional commercial node at Betabel Road.

- (A) Theme. The Betabel Road node theme is mid-century roadside. Key characteristics shall relate to the auto-oriented development of the pre- and post-World War II eras.
- (B) Architecture. Typical building types, styles, and features include:
 1. Post-modern styles including Googie, streamline moderne, and/or art deco, and variations thereof.
 2. Steel, glass, illuminated paneling, and other fabricated materials associated with the architectural styles.
 3. Unique sweeping, cantilevered, or projecting rooflines.
 4. Neon or lighting as an architectural element but not as the dominant feature.
 5. Fins, cut-outs, stylized shapes, and other decorative embellishments.
 6. The accompanying photographs portray representative architectural examples, and are not prescriptive.



(C) Site Design and Scenic Resource Compatibility. The following site design features shall be required:

1. Landscaping shall be designed to reduce visibility of parking lots from U.S. Highway 101.
2. Landscaping shall feature full-sized trees to the eastern side of the buildings to partially screen the buildings from U.S. Highway 101. Unobscured views of the buildings are permitted from Betabel Road.
3. Buildings should be clustered near the north end of the node, and less intense development shall be located nearest to the Pajaro River.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



(D) Regional Sign for Southbound Traffic. Development within the Betabel Road node shall include a regional sign oriented for southbound U.S. Highway 101 visibility, subject to [§25.16.069 \(E\)](#).

§ 25.16.076 SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.

The following special regulations and standards shall apply in the regional commercial node at Highway 129/Searle Road.

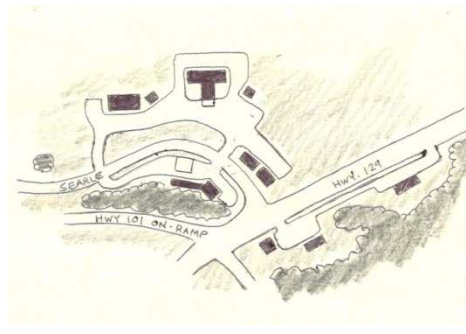
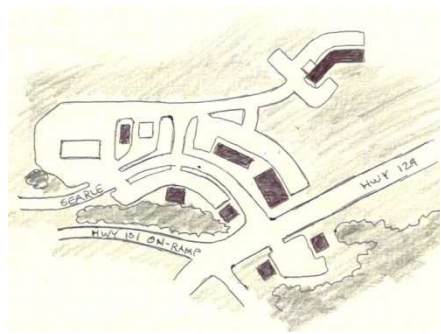
- (A) Theme. The Highway 129 node theme is early farmstead. Key characteristics shall include a primary building evoking a farmhouse, a secondary building emulating a barn, with various out-buildings (which can include accessory structures such as a windmill or water tank) and an overall pastoral feel.
- (B) Architecture. Typical building types, styles, and features include:
1. Italianate, Victorian, Colonial Revival, or similar period style for the main building. Secondary buildings should be simpler and less-decorated, but employing characteristics of the main building architectural style. Barn and outbuildings may utilize a rural rustic style if desired.
 2. Lap siding, shingles, and/or stucco.
 3. Massing, roof forms, windows, and trim associated with the selected architectural style.

4. The accompanying photographs portray representative architectural examples, and are not prescriptive.



(C) Site Design and Scenic Resource Compatibility.

1. As viewed from U.S. Highway 101 and State Route 129, no roofline shall extend above the ridgeline or hilltop.
2. Development shall be focused along Searle Road, the northwest side of State Route 129, and the strip along the eastern side of State Route 129. .
3. Except as may be allowed by subsection (D), the hillside to the southwest side of State Route 129, and immediately adjacent to the highway, shall remain in open space.
4. Development shall be designed to protect upland habitat and protected-species migration areas associated with the off-site pond to the southwest.
5. Building colors shall be chosen from palettes historically associated with the selected architectural style.
6. Access from and street improvements at intersections with State Route 129 shall be designed in accordance with Caltrans standards.
7. Regional Sign for Eastbound Traffic. Development within the Highway 129 node shall include a regional sign oriented for eastbound State Route 129 visibility, subject to [§25.16.069 \(E\)](#).
8. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



§ 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK 101 NODE.

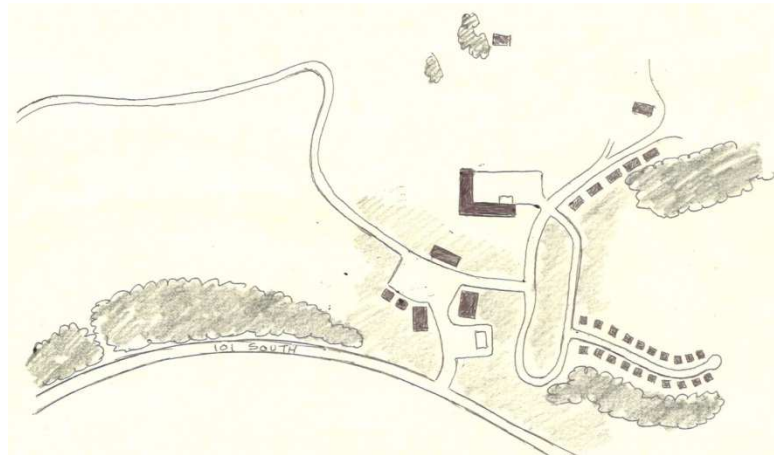
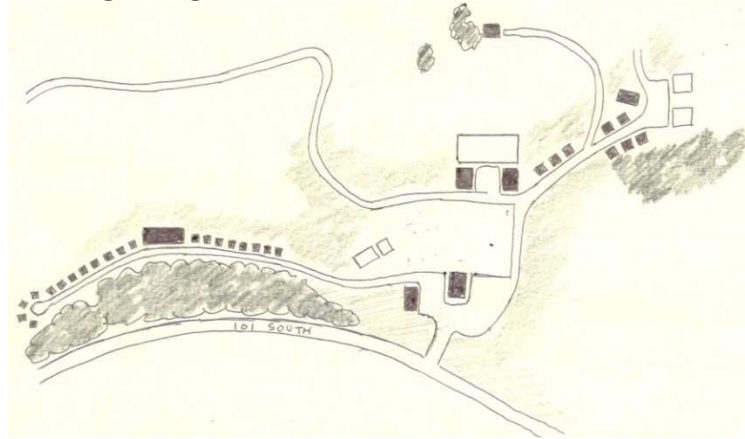
The following special regulations and standards shall apply in the regional commercial node at Livestock 101.

- (A) Theme. The Livestock 101 node theme is working cattle or horse ranch. Key characteristics shall include one or two major structures with smaller outlying structures and open spaces.
- (B) Architecture. Typical building types, styles and features include:
 - 1. Barn(s) in traditional central California style, with steeper central roof pitches and side sheds or a monitor.
 - 2. Farmhouse in any traditional style.
 - 3. Weathering steel, standing seam, wood, or similar rustic finishes.
 - 4. The accompanying photographs portray representative architectural examples, and are not prescriptive.



- (C) Site Design and Scenic Resource Compatibility
 - 1. Building design and placement shall emphasize compatibility with adjacent rural uses.
 - 2. Views of the western tree line from U.S. Highway 101 shall be preserved.
 - 3. Structures in the southeast corner of the site shall be screened from U.S. Highway 101 by native vegetation.

4. Customer or guest vehicular access from Cole Road shall be inbound only. Site operations traffic and emergency traffic may use Cole Road inbound or outbound.
5. Access from U.S. Highway 101 shall be designed in accordance with Caltrans standards.
6. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



§ 25.16.078 SPECIAL REGULATIONS FOR ROCKS RANCH NODE.

The following special regulations and standards shall apply in the regional commercial node at Rocks Ranch/Red Barn.

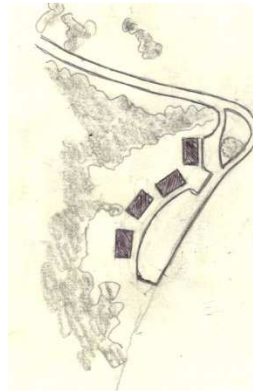
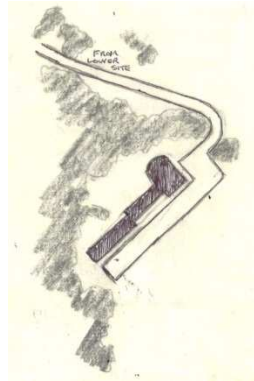
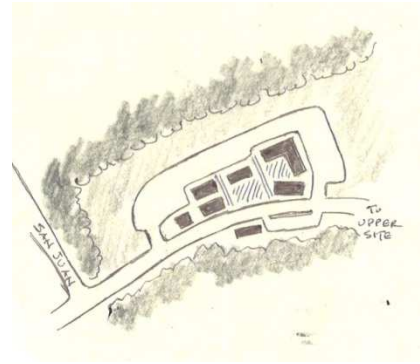
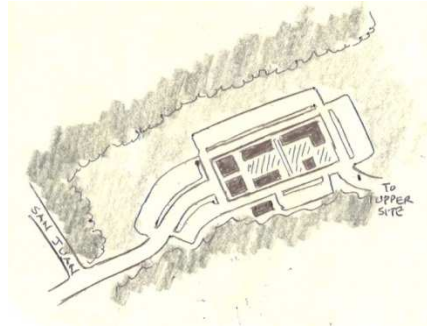
- (A) Theme. The Rocks Ranch node theme is Old California village or small town. Key characteristics include small-scale buildings arranged to enclose outdoor public space.
- (B) Architecture. Typical building types, styles, and features include:
 1. Individual small-scale buildings.
 2. Variable roofs including gables, Dutch gables, Spanish-influenced roof parapets, false fronts, and lean-to sheds.

3. Clapboard siding or bare wood.
4. Double-hung or casement windows.
5. Covered arcades fronting buildings.
6. The accompanying photographs portray representative architectural examples, and are not prescriptive.



(C) Site Design and Scenic Resource Compatibility.

1. Structures shall be organized along street frontages, and/or clustered, in either case providing for interconnecting pedestrian ways and public plaza or park space.
2. Buildings and signs on the lower portion of the site shall be only minimally visible from U.S. Highway 101.
3. Buildings and signs on the upper portion of the site shall be nestled into the hillsides and trees, and not visible from U.S. Highway 101. A single larger building may be included on the upper site.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



- (D) Regional Sign for Northbound Traffic. Development within the Rocks Ranch node shall include a regional sign oriented for northbound U.S. Highway 101 visibility, subject to [§25.16.069 \(E\)](#).

Initial Study and Addendum

C-3 Zone District Initial Study and Addendum to the Revised Draft EIR 2035 San Benito County General Plan Update Betabel Road Commercial Node

May 8, 2019



Prepared by
EMC Planning Group

INITIAL STUDY AND ADDENDUM

**C-3 ZONE DISTRICT INITIAL STUDY AND
ADDENDUM TO THE REVISED DRAFT EIR
2035 SAN BENITO COUNTY GENERAL PLAN
UPDATE (SCH # 2011111016)
BETABEL ROAD COMMERCIAL NODE**

PREPARED FOR

San Benito County

Darryl Boyd

2301 Technology Parkway

Hollister, CA 95023

Tel 831.637.5313

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP

james@emcplanning.com

www.emcplanning.com

May 8, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	14
C.	DETERMINATION	16
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	18
1.	Aesthetics.....	20
2.	Agriculture and Forest Resources	23
3.	Air Quality	27
4.	Biological Resources.....	30
5.	Cultural Resources.....	35
6.	Energy	37
7.	Geology and Soils	38
8.	Greenhouse Gas Emissions	43
9.	Hazards and Hazardous Materials	45
10.	Hydrology and Water Quality.....	49
11.	Land Use and Planning.....	53
12.	Mineral Resources	55
13.	Noise.....	56
14.	Population and Housing.....	59
15.	Public Services.....	61
16.	Recreation	62
17.	Transportation.....	63
18.	Tribal Cultural Resources	68
19.	Utilities and Services Systems.....	70
20.	Wildfire	73
21.	Mandatory Findings of Significance	75

E. SOURCES..... 77

Figures

Figure 1 Regional Location 9
Figure 2 Betabel Road C-3 District Boundary 11
Figure 3 Site Photographs 13

Tables

Table 1 2035 General Plan Policies that Reduce VMT 66

A. BACKGROUND

Project Title	Betabel Road Commercial Node Initial Study/Addendum
Lead Agency Contact Person and Phone Number	Darryl Boyd or Taven Kinison Brown (831) 637-5313
Date Prepared	May 8, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Tanya Kalaskar, Assistant Planner Shoshana Wangerin, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	On the northwest edge of San Benito County's boundary line, bordered by U.S. Highway 101 to the east and the San Benito River to the west. This location is one of four sites considered for application of the newly created C-3 zoning district.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Rangeland (RG) Commercial Regional (CR)
Zoning (this location)	Agricultural Rangeland/Floodplain (AR/FP)

Setting

San Benito County ("County") is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles).

[Figure 1, Regional Location](#), shows the County's regional location.

The General Plan designates three locations along U.S. Highway 101 as Regional Commercial nodes, referred to by the names "Betabel Road," "Highway 129," and "Rocks Ranch." The County is also considering an additional site as a Regional Commercial node, referred to by the name "Livestock 101." This initial study focuses on the Betabel Road site.

The approximately 55.48-acre Betabel Road Commercial Node site is located along U.S. Highway 101 and comprised of portions of the following APNs: 013-150-0230 (14.76 acres); 013-150-0240 (5.78 acres); 013-150-0250 (12.14 acres); 013-150-0250 (14.18 acres); and 013-150-0170 (8.62 acres) (“project site”). The project site is vacant at the south end, with existing development in the northern portion, which includes the existing Betabel Road RV Park and vacant warehouse buildings. The General Plan land use designation for the project site is Rangeland (RG) with Commercial Regional (CR) identified within the area. Zoning for the site is Agricultural Rangeland/Floodplain (AR/FP).

Surrounding land uses include crop and grazing land on all sides. The project site is also bordered to the west by the San Benito River. Site location is presented on [Figure 2, Betabel Road C-3 District Boundary](#). Photos of the project site are presented in [Figure 3, Site Photographs](#).

Background

Historically residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote tourism and economic development, and increase revenue. Four property owners (or groups of owners) entered into a reimbursement agreement with the County to equally fund the preparation of a new Regional Commercial (C-3) Zoning District to implement and effectuate the intent and provisions of the *San Benito County 2035 General Plan* (“General Plan”) land use designation of Commercial Regional and associated policies.

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area. RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes.

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.

The Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, Table 3-7 estimates that the Commercial Regional designation would cover about 126 acres of land. With development density at a ratio of 0.8 square feet of building area per square foot of lot area (General Plan, Table 3-1), total development anticipated in the Commercial Regional designation could be as much as 4,390,000 square feet.

Description of Project

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District, including textual regulations and delineation of boundaries on the County's zoning map. The proposed C-3 District code includes lists of acceptable land uses, procedures for approval of development, general standards for the size and placement of development, and special regulations that protect resources or are applicable to specific C-3 District locations. The proposed amendment to the zoning map includes four locations ("nodes") for the C-3 District, all of which are located along U.S. Highway 101.

Following is the intent statement from the proposed C-3 District code:

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall include no less than a 300-square-foot space exclusively dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

A summary of the land uses and general development standards proposed for the C-3 District is provided below.

The C-3 code establishes several approval levels for allowed uses, including through administrative Site Plan Review, Design Review, and a Master Development Permit process. A few uses, such as agricultural activities, are allowed by right, and small changes to existing uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Director or Planning Commission, either with a Design Review permit, a Conditional Use Permit, or a Master Development Permit. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan, and sign program.

Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan.

Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones. Cumulative development at the nodes could total up to 400,000 square feet of retail commercial uses and 500 hotel rooms, plus a minor residential component. To better compare to the building square footage estimate used in the General Plan EIR, the hotel rooms (and associated public and back-of-house space) have been estimated at 750 square feet per room, and the residential uses estimated at 1,400 square feet each for no more than 30 units per node. When considering these square footage conversions, capacity for all types of development would be about 943,000 square feet, or about 22 percent of the possible square footage allowed by the General Plan development parameters.

Total site area is about 326.5 acres; however, the proposed C-3 District regulations provide a total development number, rather than relying on a floor to area ratio. Therefore, although total site area exceeds the 126 acres anticipated in the General Plan EIR, total development capacity would be significantly less than the potential 4,390,000 square feet that the General Plan EIR accounted for.

The C-3 code also has several specific topical regulations. Section 25.16.068 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.069 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.070 would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Section 25.16.071 would impose additional grading restrictions, prohibit the removal of any protected oak trees, and limit the area of landscaping that could be irrigated.

Each node would have an established theme that would drive that node's visual character and promote an aspect of the County's history or economy.

The proposed C-3 District code includes the following specific regulations for the Betabel Road node:

- A mid-century roadside theme;
- Post-modern architectural styles including Googie, streamline moderne, and/or art deco, and variations thereof, featuring steel, glass, illuminated paneling, projecting rooflines, neon, and other decorative embellishments;
- Site and landscape designs that minimize visibility of parking lots and buildings from U.S. Highway 101;
- Building concentration near the north end of the node; and
- A regional County sign as authorized by Section 25.16.069.

The proposed project includes the establishment of precise boundaries for regional commercial development at or near intersections with U.S. Highway 101, consistent with the definition of Centralized Commercial Node Development, included in General Plan Appendix A. Where the General Plan denotes approximate locations for regional commercial development, the proposed project establishes specific boundaries. Part of the proposed project is a General Plan amendment to add the Livestock 101 commercial regional node.

CEQA Approach

This document, along with the CEQA findings for approval, is an addendum to the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified on July 21, 2015 (“General Plan EIR”). The General Plan EIR analyzed the San Benito County 2035 General Plan (“General Plan”), which was adopted by the San Benito County (“County”) Board of Supervisors on the same date. The subject addressed by this addendum is the County’s Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as “proposed C-3 Zoning Code” or “proposed project”).

The environmental analysis herein is prepared pursuant to the provisions of the California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 and 15164. This addendum reviews the proposed project and examines whether, as a result of the proposed project or new information, any new or worsened impacts could occur that were not identified in the General Plan EIR. Because the proposed project is implementation of General Plan policy, the prime consideration is consistency with the General Plan, particularly in terms of how much development was assumed in the General Plan relative to how much development would be allowed under the proposed project.

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does

not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would govern future development applications. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional project-level environmental review will be required for development projects when applications for those projects are processed.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled (“VMT”) for transportation issues (in response to SB 743), and the addition of wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

Other Public Agencies Whose Approval is Required

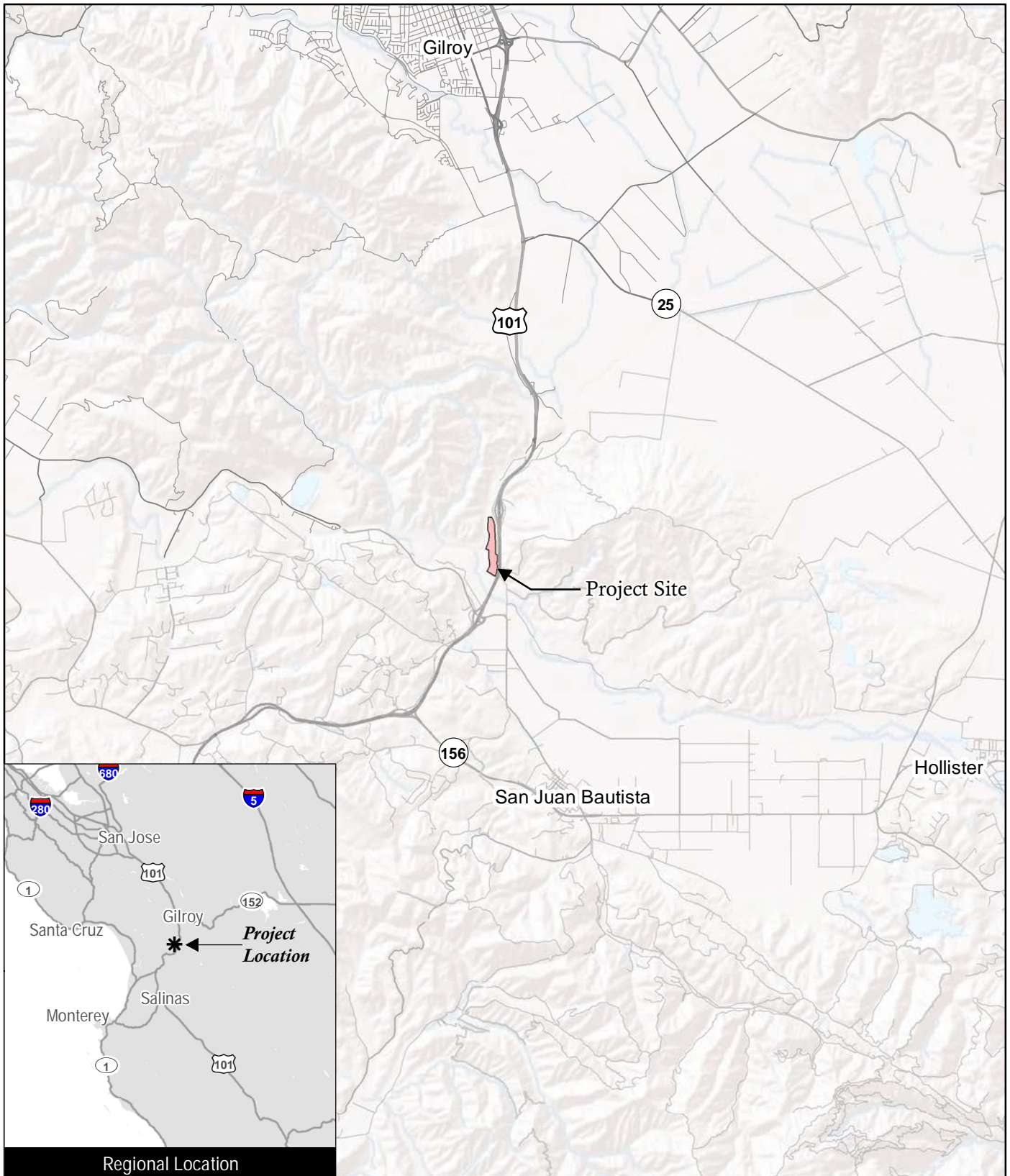
None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to six tribes traditionally and culturally affiliated with the project area on November 29, 2018. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

This side intentionally left blank.



Source: ESRI 2019

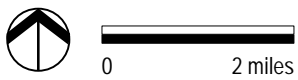
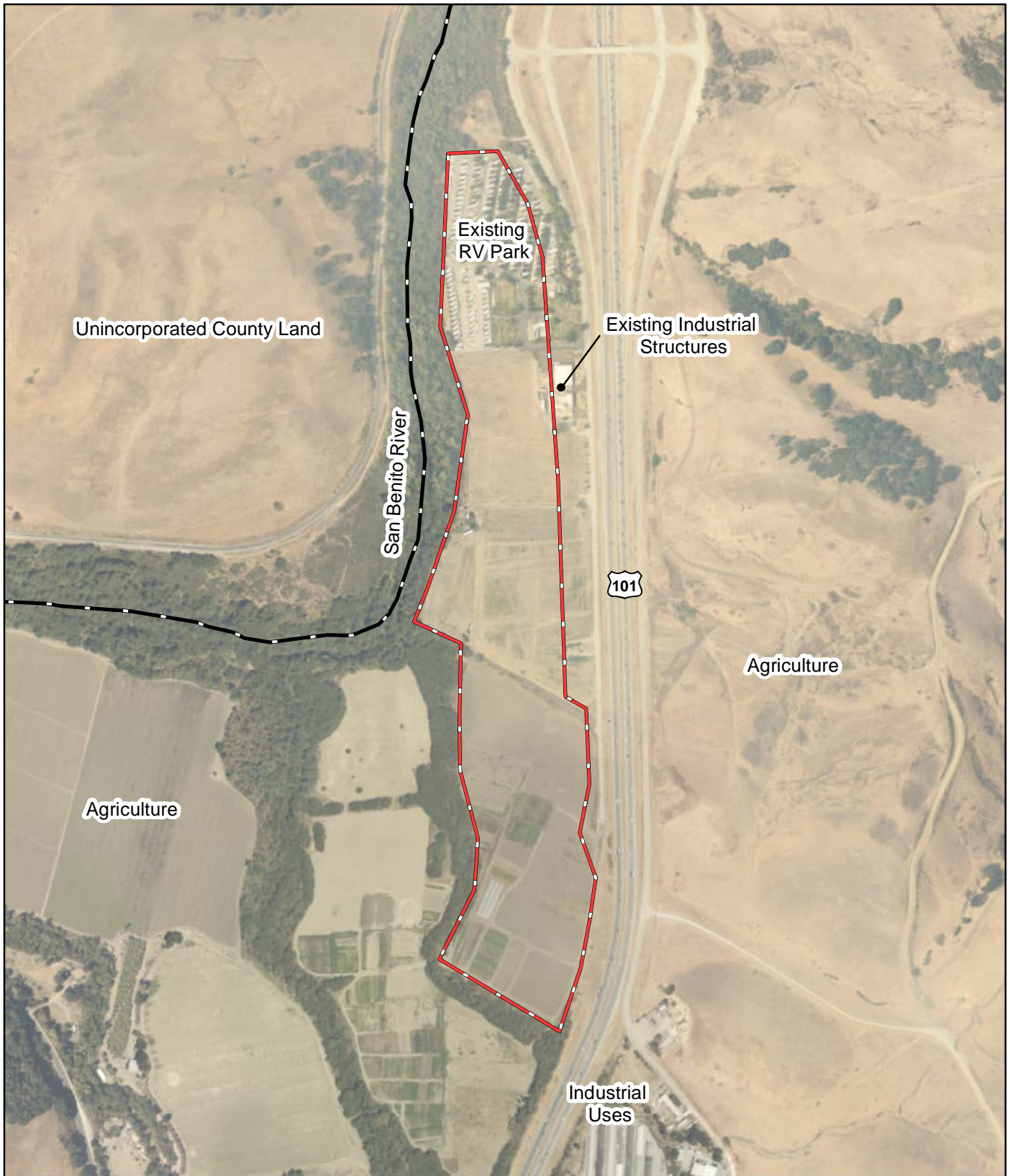


Figure 1

Regional Location



This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016



Figure 2

Betabel C-3 District Boundary



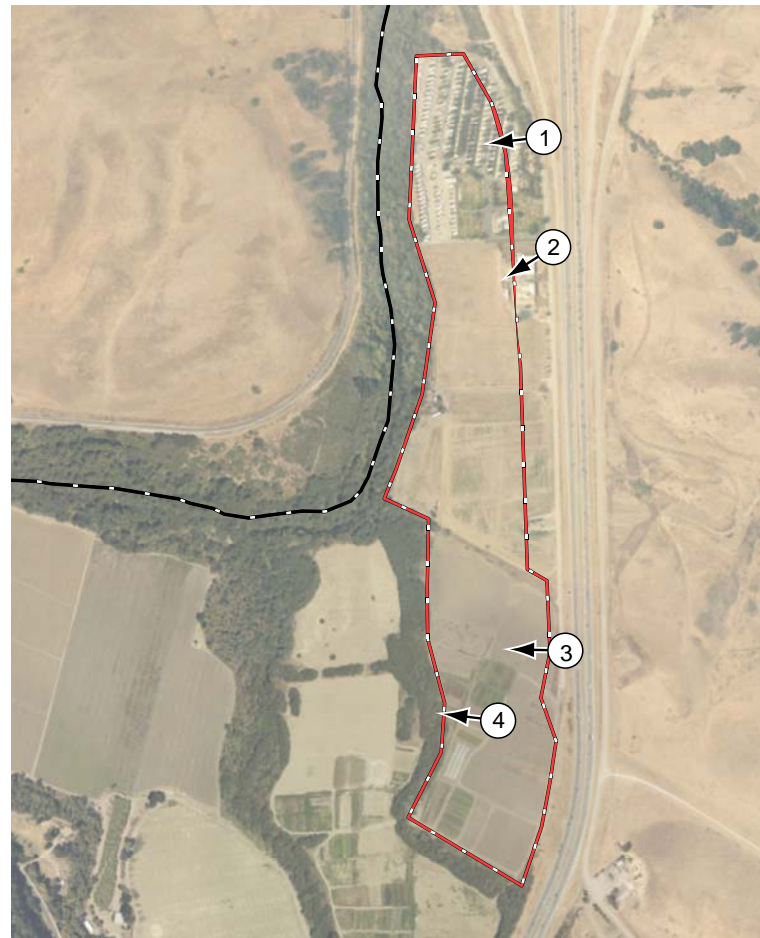
This side intentionally left blank.



① Facing west towards the existing RV Park from Betabel Road



② Facing west towards the existing industrial structures from Betabel Road



- Project Site
- San Benito County Boundary

Source: ESRI 2019
Photographs: EMC Planning Group 2018



③ Facing west towards the San Benito River



④ Middle of the site at the southern end facing west

This side intentionally left blank.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or more severe impact is identified in this initial study, none of these boxes have been checked.

C. DETERMINATION

The County of San Benito, as the lead agency, has prepared an addendum to the 2035 General Plan Update Final EIR (Resolution No. 2015-58) in accordance with CEQA Guidelines Section 15164 (a). On the basis of this evaluation, in accordance with the finding recited below, the RMA Director finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or, a Statement of Overriding Considerations was adopted by the Board of Supervisors for significant effects that could not be feasibly reduced to a less than significant level, an addendum has been prepared. No subsequent EIR is required for the proposed project in accordance with CEQA Guidelines Section 15162 (a).

Taven Kinison Brown, Principal Planner

Date

Findings in Support of an Addendum to the San Benito County 2035 General Plan

The proposed project implements the San Benito County 2035 General Plan in furtherance of General Plan policies LU-5.3, LU-5.4, LU-5.5, LU-5.6, and LU-5.7.

Environmental effects resulting from implementation of the San Benito County 2035 General Plan were studied in the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified by the San Benito County Board of Supervisors on July 21, 2015.

In certifying the General Plan EIR, the County Board of Supervisors adopted statements of overriding considerations in the areas of agricultural resources, air quality, habitat, and traffic congestion on State Routes 25 and 156.

The General Plan and General Plan EIR anticipated development under a new designation of Commercial Regional, several locations for which were identified on various General Plan maps.

The General Plan and General Plan EIR anticipated that development within the Commercial Regional designation would comprise 126 acres at a floor to area ratio of 0.8, potentially yielding total development of approximately 4,390,000 square feet of building area.

The proposed project includes a General Plan Amendment to add an additional Regional Commercial location to the General Plan maps, and to remove an errantly placed Regional Commercial location from the General Plan maps, but does not affect the total development capacity envisioned within the Regional Commercial designation.

The proposed C-3 code includes amendment to the zoning map to delineate four locations to which the C-3 code regulations would apply, three of which correlate to the conceptual locations shown on the General Plan maps, and the fourth of which correlates to the proposed General Plan Amendment site, a portion of which already includes C-2 zoning.

The proposed C-3 code allows a baseline development of approximately 871,800 square feet, or about 20 percent of the possible square footage allowed by the General Plan development parameters for the Regional Commercial designation, inclusive of four locations as shown on General Plan maps, including the location added with the General Plan Amendment.

Development potential under the proposed C-3 code would be well within the development potential analyzed for the Regional Commercial designation in the General Plan EIR, and therefore, the County finds that none of the conditions described in CEQA Guidelines Section 15162 exist and require preparation of a subsequent EIR, and therefore, this addendum has been prepared.

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” –For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains. The General Plan EIR found that with the implementation of General Plan policies that seek to protect scenic vistas, the impedance of views to scenic agricultural and rangeland uses and distant mountains that may occur with future development under the General Plan would be less than significant. General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the commercial regional nodes.

The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Building heights would generally be limited to 35 feet, with an exception of up to 65 feet if authorized by the Planning Commission through

approval of a Master Development Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources. In conformance with General Plan policy LU-5.3, the proposed C-3 Zoning Code includes development standards specifically for the purpose of protecting scenic qualities. For example, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (page 5-35). Therefore, the proposed project would have no impact on scenic resources with a state scenic highway. According to the General Plan, U.S. Highway 101 is a County-designated scenic highway (page 8-13). The project site abuts U.S. Highway 101. Future development within the project site would be subject to the County's existing visual protections, and additional scenic protections included in the proposed C-3 District code, such as setbacks from U.S. Highway 101 and height restrictions, the proposed project would not substantially damage any scenic resources within the County-designated scenic highway.
- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. This would be a potentially significant impact. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which would require that new development appear complementary to existing rural or low intensity land uses by requiring the use of vegetative screening and topography and that development be appropriate to the setting either by appearing similar to existing uses in the vicinity. These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12. The General Plan EIR found that implementation of these mitigation measures would reduce this impact to less than significant.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards would result in a change to the existing visual character of the project site. Likewise, cumulative development at up to four sites would result in a change to the visual character of the U.S. highway 101 corridor within San Benito County. Special development standards are incorporated in the proposed C-3 Zoning Code regulations in order to provide for visually appropriate development that

preserves and complements the scenic rural setting. As discussed in “a” above, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Further, the design of future development within the project site and other commercial nodes would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the County’s design review process, as required. The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR, and development of the proposed project would be within the levels anticipated. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- d. Development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. General Plan EIR Mitigation Measure AES-4 established a goal and policy in the General Plan to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories, in keeping with current County regulations (refer to County Code chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, this impact would remain significant and unavoidable.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed C-3 Zoning Code would impose the County’s most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Additionally, the General Plan policies related to minimizing nighttime lighting or glare would remain in place. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would lead to urban development, including infrastructure, roadways, and other utilities, that could convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. The General Plan EIR identified Mitigation Measures AG-1a through AG-1c, which would encourage the maintenance of existing agricultural lands as agricultural uses; these mitigation measures are reflected in General Plan Policies LU-3.10, NCR-5.15, NCR-6.3. However, these mitigation measures and the policies contained therein may not prevent the overall net loss of important farmlands within the County associated with future urban development within agricultural areas. Consequently, buildout of the General Plan may substantially convert important farmlands to urban uses, resulting in a significant and unavoidable impact. The County adopted a statement of overriding conditions in relation to loss of prime farmland.

According to the California Department of Conservation's Important Farmland Finder, parts of the project site closest to U.S. Highway 101 are identified as "Urban and Built-up Land." The rest of the project site is identified as "Prime Farmland." However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses could convert up to approximately 40 acres of Prime Farmland into non-agricultural uses. Table 6-7 in the General Plan EIR identifies a total of 126 acres of land in the County designated for commercial regional uses, 25 of which is currently designated as Prime Farmland. The difference of 15 acres of Prime Farmland converted into non-agricultural uses as a result of the proposed project (40 acres – 25 acres) could be accounted for in the remaining urban land use conversions identified in Table 6-7 and evaluated within the General Plan EIR. The proposed C-3 code includes a provision to concentrate development to the northern end of the Betabel Road site, largely for the purpose of reducing the loss of agricultural land. The proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and could result in a slight increase in total agricultural land converted within the regional commercial designation. A Master Development Plan will be required for future development of the project site, including project-level environmental review; this additional review will be able to more accurately determine the extent of agricultural impacts on the project site in relation to the losses identified in the General Plan EIR.

No additional agricultural lands would be converted to urban uses at the other proposed C-3 District sites. Therefore, the proposed project would not result in any new or more severe cumulative agricultural impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in significant unavoidable impact already adequately addressed in the General Plan EIR. No additional mitigation measures are required.

- b. Future development anticipated in the General Plan could conflict with existing zoning for agricultural uses, or lands subject to Williamson Act contracts. The General Plan EIR determined that even with the implementation of Mitigation Measures AG-2a and AG-2b, which ensure no change in land use or agricultural activities occur and are reflected in General Plan Policies LU-3.11 and LU-3.15, the amount of farmland that could be preserved within the County may decrease. Therefore, this impact would remain significant and unavoidable.

The proposed project does not conflict with a Williamson Act contract. However, the project site is zoned for Agricultural Rangeland/Floodplain (AR/FP) and the proposed project would change the existing agricultural zoning to Regional Commercial (C-3). However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses was evaluated in the General Plan EIR. The proposed project is consistent with the General Plan and would not result in additional impacts or increase the severity of impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- c,d. The project site is not located on forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Likewise, none of the other proposed C-3 District locations are on forest lands. Therefore, the proposed project would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.
- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of important farmland to non-agricultural uses; see discussion under checklist item “a” above. Indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture. Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable. The County adopted a statement of overriding considerations for this impact.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require the preparation of a master plan, which would be subject to project-level environmental review based on the more specific information included in the master plan. Although the proposed project could convert up to approximately 40 acres of Prime Farmland into non-agricultural uses (see checklist item "a" above), the proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and the conversion of agricultural land associated with the proposed project would not extend beyond those boundaries. Therefore, the proposed project would not result in any new or more severe secondary agricultural impacts than those already analyzed in the General Plan EIR.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The General Plan EIR found that buildout of the General Plan would result in inconsistencies with the air district’s air quality attainment plans because the General Plan uses population and housing data that differs from that used by the air district. Buildout of the General Plan would result in the emission of ozone precursors, i.e., reactive organic gases (ROG) and nitrogen oxides (NO_x), in amounts higher than the air district thresholds of significance. Policy HS-5.9 encouraging regional planning agencies to consider the County’s projections during the preparation of air quality management plans, and Policy HS-5.10 restricting the use of permanently installed wood-burning devices to only new commercial food-serving establishments, were added to the General Plan Health and Safety Element to implement Mitigation Measure AIR-1. Since, the County does not have control of whether the air quality management plans will come into consistency with the General Plan population projections, this impact would remain significant and unavoidable after mitigation.

The proposed project is predominantly commercial and has the potential to generate only a minimal number of housing units. Since consistency with the Clean Air Plan is based on consistency with population projections, and the proposed project is generally not population inducing, the proposed project would have minimal to no conflict with or obstruct implementation of the applicable air quality plan. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant. No additional mitigation measures are required.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1 (refer to checklist item “a” above). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level. The County has incorporated several policies into its General Plan that would reduce a project’s contribution to cumulative air emissions, including: Policies HS-5.1 to 5.6; Policy AD-2.5; Policy LU-3.3; Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 (see descriptions of each policy listed here in Table 7-3 of the General Plan EIR). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts.

The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR. Future development in conformance to the proposed C-3 Zoning Code standards, would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be further analyzed at the time specific development projects are proposed. Additionally, the General Plan policies related to minimizing air pollution would remain in place. Development in conformance with the proposed C-3 Zoning Code would contribute to the significant cumulative impacts to air quality but would not result in more development than called for in the General Plan and would not result in any new or more severe impacts to air quality than those already identified and addressed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would result in a less-than-significant impact. No additional mitigation measures are required.

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. Buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level.

The project site was designated for regional commercial uses in the General Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors. There are no sensitive receptors within 1,000 feet of the project site and the proposed project would not introduce new or worsened emissions of PM₁₀ and TACs beyond those analyzed in the General Plan EIR. Because the regional commercial land uses allowed under the proposed project would be consistent with those analyzed in the General Plan EIR, the proposed project would not expose additional sensitive receptors to PM₁₀ and TACs. The impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of people to objectionable odors. However, General Plan Policy HS-5.2 is designed to protect County residents from noxious odors generated by facilities or operations that may produce substantial odors. The General Plan EIR found this impact to be less than significant.

The regional commercial land uses allowed under the proposed project would be consistent with the uses analyzed in the General Plan EIR. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Impacts related to odors would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). Future development of land uses consistent with the General Plan, and construction of new infrastructure to support these land uses, has the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. This would be a potentially significant impact. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable. Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site. However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, development of land uses consistent with the General Plan could potentially convert natural habitats to urban and rural uses, and result in significant and unavoidable impacts.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require a master plan, which would be subject to project-level environmental review. According to the County's GIS, no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service occur on the project site. Further, according to the General Plan EIR Figures 8-2 and 8-3, there are no California Natural Diversity Database plant or wildlife occurrences on the project site.

The proposed project would not result in the conversion of any new lands to urban uses than those identified in the General Plan and analyzed in the General Plan EIR. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations projecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. Future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. This would be a potentially significant impact. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10) would help mitigate impacts to riparian area, oak woodlands, and other sensitive communities. However, the General Plan has no specific protection framework for riparian habitat, prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats. Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact. The County adopted a statement of overriding considerations for the impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and not interfere with General Plan policies intended to protect these biological resources. Development restrictions would be established within the proposed C-3 Zoning Code for areas located within or near riparian vegetation, requiring a 100-foot development setback from the Pajaro River and San Benito River, and 50-foot development setback from other streams. The proposed C-3 Zoning Code would establish specific boundaries for the proposed C-3 District but does not identify additional lands for conversion to urban uses, resulting in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, the impact would be less than significant. No additional mitigation measures are required.

- c. Development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. This would be a potentially significant impact. The General Plan EIR concluded that implementation of General Plan policies in addition to Mitigation Measures BIO-1a, BIO-2b, and BIO-2c would reduce this impact to less than significant.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- d. Development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. This would be a potentially significant impact. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level.

The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than those analyzed in the General Plan EIR. Future development in the County under the proposed project would be required to comply with all applicable regulations protecting migratory wildlife and wildlife corridors, including new provisions described under criteria b) and c) above, and would not interfere with General Plan policies intended to minimize impacts to wildlife corridors.

The most successful and ecologically significant movement by wildlife across U.S. Highway 101 occurs from Tar Creek south to the San Benito River. The project site is an area of potential wildlife movement for a number of species, including, the California red-legged frog, California tiger salamander, and American badger, due to its proximity to the Santa Cruz Mountains and the Lomerias Muertas hills. However, the surface movement of many species is already restricted by the U.S. Highway 101, including a concrete median barrier. Smaller animals would most successfully cross U.S. Highway 101 under the bridges that cross the Pajaro River and San Benito River. The project site is partially developed already and wildlife movement on site is somewhat impeded. The additional development would not block other nearby movement locations, and therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 encourages and supports coordination with state and federal agencies that have responsibility for natural open space and habitat areas in the County. This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition would result in direct benefits to oak woodland conservation, as oak woodlands constitute a significant portion of the native vegetation in the County. General Plan Policy NCR-2.3 helps protect oak woodlands and other natural communities by directing the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities; as stated within the proposed C-3 Zoning Code, there is 100 percent prohibition of oak tree removal. Therefore, there would be no impact to oak woodlands, and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, page 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County. Therefore, the proposed project would have no impact on HCPs, NCCPs, or local habitat management plans.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Development of infrastructure to serve anticipated growth that would be allowed under the General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. This is a potentially significant impact. The General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. The General Plan EIR found this impact to be less than significant.

The project site is not located near the incorporated cities of Hollister or San Juan Bautista nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Therefore, the proposed project would have no impact on the historic resources in those locations.

- b,c. Urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of an

archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. This is a potentially significant impact. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level.

The proposed project would be subject to the California Health and Safety Code section 7050.5, which requires construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. In addition, the proposed project would implement all applicable General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains and would not interfere with General Plan policies intended to reduce these impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

The County is in consultation with the Amah Mutsun Tribe and additional requirements may result from that process.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development within the Betabel Road Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. With several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County. Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4, which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; and Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; and applicable federal, state and local laws governing potential effects from geologic hazards.

The project site is not within an Alquist-Priolo Earthquake Fault Zone and development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, and will not interfere with General Plan policies intended to reduce these hazards. Further, the proposed project is subject to compliance with required geotechnical design recommendations, compliance with state and local building codes and other regulatory requirements intended to reduce the risks of human harm and property damage from seismic events. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, this impact is less than significant.

- b. Development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requiring all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion. Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices. The proposed project would not increase the level of development beyond that already addressed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- c.d. Development under the General Plan could lead to development and related infrastructure located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts. Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides; Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential. The proposed project would not increase the level of development beyond that already anticipated in the General Plan. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils; Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection; Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners; and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems.

The proposed project would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described in above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b.

The proposed project would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would not interfere with General Plan policies intended to reduce these impacts. Additionally,

General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered and General Plan Goal NCR-1, and its supporting policies, ensures further protection of unique geological formations. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County’s goal of reducing GHG emissions. However, even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions will remain significant and unavoidable. The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emission, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents, and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development in conformance with the proposed C-3 Zoning Code standards would contribute to the construction and operational emissions impacts identified in the General Plan EIR

dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. All development is required to comply with state regulations, General Plan policies, and air district requirements. The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The types of land uses allowed under the proposed C-3 Zoning Code would be consistent with the land uses analyzed in the General Plan EIR and would not interfere with the actions or policies set forth in the General Plan to reduce GHG emissions. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less-than-significant impact.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that would be expected to use, transport or dispose hazardous materials. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan. Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant.

The project site is not located within one-quarter of a mile from an existing or proposed school. Therefore, future development within the Betabel Road Commercial Node would have no impact related to hazardous materials on school sites.

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, could create a significant hazard to the public or environment. This would be a potentially significant impact. In addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis

as part of the development site review process for any future project within the County. Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant.

A search of the Envirostor website revealed that the project site is not on the list and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan. Therefore, impacts related to siting of new uses near airports would be reduced to less than significant.

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project area.

- f. Development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient, timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant.

The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations (pages 13-33 and 13-42).

All development under the proposed project would be subject to compliance with the County Code requirements regarding water quality and surface and groundwater quality. Future development within the project site would also be required to comply with General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge, as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly. Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (page 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages (page 13-36).

The project site is within the San Juan sub-basin of the Gilroy-Hollister Groundwater Basin, and sits at one of the lowest points within that basin. Therefore, groundwater depths are good, and the San Benito County Water District believes that long-term water supply prospects are good. The project site is just outside the Zone 6 district for which the Water District has a good groundwater history established. The proposed

project would be required to comply with General Plan policies, municipal code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes by the General Plan and would not create new or increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR. A water supply report will be required by the San Benito County Water District when development applications are processed, in order to demonstrate that a long-term sustainable groundwater supply exists. Therefore, the proposed project would result in a less-than-significant impact on groundwater supplies and groundwater recharge.

The two northern commercial node sites and two southern commercial node sites are not hydrogeological connected, so there would be no cumulative effect between those two sets of sites. The project site and the Highway 129 commercial node site are within the same groundwater basin, but because groundwater levels are high, it is not anticipated that there would be adverse cumulative effects on groundwater.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan.

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated for regional commercial uses by the General Plan and will not result in the conversion of any new lands to urban uses that will increase the severity of impacts already analyzed in the General Plan EIR or

result in new environmental impacts. Additionally, any future development within the project site would be required to comply with General Plan policies, County Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Therefore, this impact is less than significant.

- d. The San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General Plan EIR did not identify significant impacts related to inundation in flood hazard zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA).

According to FEMA, a portion of the project site is located within the 100-year flood plain. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Future development within the project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- e. The 2019 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. However, the General Plan EIR identified that conformance with the applicable General Plan policies and regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality.

Future development within the project site would be required to comply with General Plan policies and applicable state and federal regulations via incorporation of low-impact development methods and best management practices, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts related to water quality and groundwater quality than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically define a community. The General Plan EIR did not identify significant impacts related to physically dividing an established community that would not be reduced to less than significant through compliance with General Plan policies and goals together with Mitigation Measures LU-1a and LU-b; these mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments.

The proposed project does not include the construction of a physical feature that would impair physical connections within a community because the project site’s location is not within or nearby an established community. Further, the General Plan policies intended to ensure that communities and neighborhoods remain cohesive and connected, and growth is compact and in areas suited for it would remain in effect. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. The General Plan EIR analysis did not identify impacts indicating a significant conflict with other applicable land use plans, policies, and regulations of agencies with jurisdictional authority in unincorporated areas identified in the General Plan planning boundary and adjacent areas. As stated within the General Plan EIR, the various General Plan policies encourage the placement of compatible urban and urban/agricultural interface land uses, and encourage planning and coordination

between land uses under jurisdiction of County, federal, state, and regional conservation, air quality, transportation, and land management agencies; therefore, no land use incompatibilities would result (page 14-47).

The project site was designated as a regional commercial node in the General Plan (figure 3-5) and is consistent with the definition of Centralized Commercial Node Development, included in General Plan, Appendix A. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than those analyzed in the General Plan EIR. Consequently, the proposed project would serve to reduce or avoid conflicts with applicable policies in the General Plan. There would be no new or more severe impacts than those already analyzed in the General Plan EIR as a result of the proposed project, resulting in a less-than-significant impact.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, page 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan. The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact.

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District for the Betabel Road Commercial Node, located along U.S. Highway 101. No mineral resources are identified at this site. The project site was designated for regional commercial uses in the General Plan and analyzed in the General Plan EIR. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified Mitigation Measure NSE-4 which would require the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-4 could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable.

Buildout of the General Plan would facilitate the construction of new projects within the County. Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of

existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends. In addition to policies set forth in the General Plan, the General Plan EIR identified Mitigation Measures NSE-5a, NSE-5b, and NSE-5c to reduce short-term noise impacts associated with construction activity to less-than-significant levels.

Future development within the Betabel Road Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the noise impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. Future development within the project site would avoid significant impacts by conforming to requirements for acoustic analysis under the General Plan as well as by achieving subsequent compliance with interior and exterior noise standards through the application of any necessary special construction or noise insulation techniques. The proposed project would not change the land use patterns analyzed in the General Plan EIR. The proposed project does not include any changes to the noise-regulations in the County Code of Ordinances and would not interfere with General Plan policies intended to prevent or reduce noise-related impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels, that would not be reduced to less-than-significant levels through compliance with General Plan policies.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. Development under the proposed C-3 Zoning Code would be set back at least 35 feet from the street and 150 feet from U.S. Highway 101 travel lanes, which would largely eliminate potential impacts. The proposed project would not result in any new or more severe impacts to

excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR; therefore, the proposed project would result in a less-than-significant impact.

- c. Buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6.

According to General Plan Figure 3-2, the proposed project is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark, and the proposed project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The purpose of the General Plan is to provide a framework to guide land use development and conservation within the unincorporated County. The General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County’s projected growth without encouraging additional growth. As stated within the General Plan EIR, all feasible mitigation to reduce the likelihood of unplanned growth and its environmental impacts has been incorporated into the General Plan or has been identified in Chapters 5 through 22 of the General Plan EIR analysis; therefore, no additional measure beyond those policies included within the General Plan or identified in the General Plan EIR are available to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable in terms of losses of agricultural land and habitat.
- The proposed C-3 Zoning Code would ensure that its allowable uses and development standards are consistent with the vision for regional commercial sites as guided by the General Plan. The proposed project would not change the land use patterns or amount of allowed development that was analyzed in the General Plan EIR. The proposed project would not alter the number of housing units and non-residential development intensities analyzed in the General Plan EIR. The proposed project would not change the conclusions of nor would it result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.
- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and

policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (page 6-21).

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the General Plan EIR. The project site includes one house, but most of the site is vacant or occupied by commercial uses. The cumulative commercial node sites identified for inclusion in the Proposed C-3 District are either vacant or occupied principally by commercial development; only four housing units are included within the sites. This impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County’s ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced with implementation of General Plan policies. Additionally, futures plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for public services beyond those analyzed in the General Plan EIR. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. The General Plan plans for development due to population growth, which would increase the use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. Because the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors, this would be a less-than-significant impact. Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate levels of service for parks and other recreational facilities. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service standards. The 2019 amendments to Appendix G of the CEQA Guidelines require addressing vehicle miles traveled (VMT) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd (b). Although not required until July of 2020, the County has chosen to use the new VMT standards in this initial study.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses. Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156, but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key

intersections. However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable.

Conversely, the General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (page19-75).

The types of land uses, amount of development, and land use patterns allowed under the proposed C-3 District would be consistent with those analyzed in the General Plan EIR, and therefore, would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR. Due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict with state and local roadway improvements requiring cooperation and potentially funding from agencies other than the County. Further, the proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines § 15064.3, subdivision (b) was not specifically evaluated within the General Plan EIR. However, the types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce vehicle miles traveled (“VMT”). The following table, a consolidated version of Table 11-1 presented within the General Plan EIR (page 11-37), provides a list of General Plan policies that reduce the VMT for development projects.

The proposed project would implement, and subsequently comply with, the applicable General Plan policies listed within Table 1 below. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes and is also a policy determined to reduce VMT. Therefore, the proposed project, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Further, the proposed project would not result in any new or more severe transportation impacts than those evaluated within the General Plan EIR, and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), resulting in a less-than-significant impact.

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation required (page 19-73).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant.

Table 1 2035 General Plan Policies that Reduce VMT

General Plan Policies	How the Policies Avoid or Reduce VMT
<p>LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.</p>	<p>Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.</p>
<p>LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.</p>	<p>Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.</p>
<p>LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.</p>	<p>Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages mixed-use development by reducing the distances between residences and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.</p>

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation required (page 19-74).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis regarding emergency access will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not result in any new or more severe impacts than those identified in the General Plan EIR. Therefore, this impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (page 9-27) and determined its impact on the tribal resources to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of a historical or tribal resource.

Letters were sent on November 29, 2018 to a list of six tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the

County and the Amah Mutsun Tribal Band is in progress. Compliance with mandatory State, local and tribal Intergovernmental Consultation requirements would reduce the impacts on tribal resources to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands and upgrades to water treatment and distribution infrastructure; wastewater collection, treatment, and disposal infrastructure; and storm water drainage facilities. However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan

are evaluated in Chapters 5 through 22 of the General Plan EIR. The construction and expansion of such facilities would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments. There would be no additional impacts beyond those identified in Chapters 5 through 22 of the General Plan EIR. This impact would be less than significant, and there would be no need for additional program-level mitigation measures not identified elsewhere in the General Plan EIR (pages 20-57, 20-60, and 20-61).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact would be less than significant (page 20-40).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Prior to approval of specific development projects, the San Benito County Water District will require preparation of a report that demonstrates adequacy of the proposed water supply. The project site is located at the lower extent of the San Juan sub-basin, and an area that has a good groundwater supply. The proposed project would not generate an increase in water demands beyond the level of increased demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

d,e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, policies PFS-7.1 through PFS-7.7, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, this impact would be less than significant.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County and with federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 2019 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, page 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant.

According to the California Department of Forestry and Fire Protection, the project site is not located within a fire hazard severity zone in a state responsibility area. Therefore, future development within the project site consistent with the proposed C-3 Zoning Code would have less-than-significant impacts related to wildfires.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-c. As described in this Initial Study Addendum, new construction or physical changes resulting from future projects consistent with General Plan land use designations and in conformance with the proposed C-3 Zoning Code would not result in new or more severe impacts than are addressed in the General Plan EIR. The proposed C-3 Zoning Code would provide detailed development regulations for sites already designated for urban uses in the General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations protecting the fish and wildlife species and significant historic, archeological and tribal cultural resources. New development would be subject to compliance with the General Plan policies intended to minimize environmental impacts to biological and cultural resources. The proposed C-3 Zoning Code is consistent with the land use densities and patterns

identified in the General Plan and analyzed in the General Plan EIR. As a result, the proposed C-3 Zoning Code would not degrade the quality of the natural environment to an extent greater than addressed in the General Plan EIR.

The proposed C-3 Zoning Code provides development standards for sites that are committed to urban use by the General Plan. The types of land uses, amount of development, and land use patterns allowed in conformance to the proposed C-3 Zoning Code is consistent with those analyzed in the General Plan EIR.

Implementation of the proposed C-3 Zoning Code would not result in new or greater in severity cumulatively considerable impacts than were identified and addressed in the General Plan EIR. The proposed project's contribution to cumulative impacts identified in the General Plan EIR is less than significant.

As described in this Initial Study Addendum, implementation of the proposed C-3 Zoning Code would not result in any impacts that are new or greater in severity than those already analyzed in the General Plan EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed C-3 Zoning Code would result in a less-than-significant impact. No further environmental review is required.

E. SOURCES

1. **County of San Benito. May 8, 2019, San Benito County Regional Commercial (C-3) District Zoning Code.**
2. **County of San Benito. March 2015. Revised Draft Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
3. **County of San Benito. June 2015. Final Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
4. **County of San Benito. July 2015. San Benito County 2035 General Plan. Hollister, CA.**
5. California Department of Conservation. 2016. *California Important Farmland Finder*; Accessed April 12, 2019. <https://maps.conservation.ca.gov/DLRP/CIFF/>
6. California Department of Conservation. 2015. *San Benito County Williamson Act FY 2014/2015*; Accessed April 12, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBenito_14_15_WA.pdf
7. County of San Benito. “San Benito County GIS.” Accessed on April 5, 2019. http://gis.cosb.us/Html5Viewer_2_0/Index.html?configBase=http://gis.cosb.us/Geocortex/Essentials/REST/sites/SBC/viewers/Public/virtualdirectory/Resources/Config/Default
8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed April 5, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed April 11, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed April 12, 2019. <https://msc.fema.gov/portal>
12. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

13. Santa Clara Valley Transportation Authority. March 2013. *U.S. 101 Improvement Project between Monterey Street and State Route 129 Draft Environmental Impact Report SCH# 2007102141*. San Jose, CA.

All documents indicated in bold are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-___**
COMMISSION RECOMMENDING TO THE BOARD OF)
SUPERVISORS APPROVAL OF PLN180024, INCLUDING A)
PETITION TO AMEND TITLE 25 AND TO AMEND THE)
COUNTY ZONING MAP ON DISCONTINGOUS SITES.)

[AMEND TITLE 25 incorporate Regional Commercial (C-3) District]

WHEREAS, with regard to File PLN 180024-ZA the property owners have filed a petition to amend the County Zoning Code Title 25 to include provisions for the Regional Commercial (C-3) District and associated changes; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zoning code amendment at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission finds the zoning code amendment is consistent with and implements the 2035 General Plan goals and policies and is good zoning practice; and

WHEREAS, the Planning Commission has determined the project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; and

[AMEND ZONING MAP]

WHEREAS, in regard to File PLN180024-ZC1 "*Betabel*" the subject parcel is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S 101 in San Benito County, California (Assessor's Parcel 013-150-017, -018, -023, -024 & -025) and is approximately 55.5-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rangeland/Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial-Floodplain (C-3/FP); and

WHEREAS, in regard to File PLN180024-ZC2 "*SR129/Searle Road*" the subject parcel is located on the westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista in San Benito County, California (all or a portion of Assessor's Parcel 012-010-007, -017, -021, & -024; 012-030-019 & -023) and is approximately 39.7-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rural or Rangeland and Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN180024-ZC3 "*Rocks Ranch*" the subject parcel is located on the southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista in San Benito County, California (portion of Assessor's Parcel 011-310-006) and is approximately 72-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Commercial Regional and Rangeland or Agriculture and a zoning designation of Agricultural Rangeland (AR) or Agricultural Productive (AP) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN 180024-ZC4 “*Livestock 101*” the subject parcel is located on the northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas in San Benito County, California (Assessor’s Parcel 011-280-027, -028, -029, -030, -034, -035 & -036) and is approximately 159.5-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rural and a zoning designation of Rural (R) and Neighborhood Commercial Combining (C-2) on approximately 16-acres; and

WHEREAS, the property owner has filed a petition to amend the General Plan to Commercial Regional and County zoning map to Regional Commercial (C-3); and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission finds the zoning map amendments are consistent with the 2035 General Plan and will serve the public necessity, convenience and general welfare, and is good zoning practice; and

WHEREAS, the project does include or propose any new construction on the subject property; and

WHEREAS, the Planning Commission has determined the project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines.

***Evidence:** The proposed project is for changes to the County Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include allow the construction of any new buildings and creates no physical changes to the existing environment. An addendum to the Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 (“General Plan EIR”) has been prepared. The General Plan EIR analyzed the San Benito County 2035 General Plan (“General Plan”), which was adopted by the San Benito County (“County”) Board of Supervisors on the same date. The subject*

addressed by this addendum is the County's Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development petitions. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when petitions for those projects are processed.

Zone Change Findings:

Finding 1: This zone change is consistent with the 2035 General Plan and any applicable special plan.

Evidence 1: For the reasons set forth in the Staff Reports, incorporated herein by this reference, the Planning Commission finds that the zone changes are consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. No further special plan, such as a specific plan, is in effect in this location.

Finding 2: The approval of the zone petition will serve the public necessity, convenience and general welfare and is good zoning practice.

Evidence 2: The adoption of the code amendments and changes to the zoning map would serve the public necessity, convenience and general welfare in that the goals, policies and Land Use Element of the 2035 General Plan will be implemented. The amendments and changes are good zoning practice in that the provisions and requirements of the Regional Commercial (C-3) District will be implemented in accordance with the General Plan.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations, and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt the proposed ordinances, attached hereto as Exhibit "A," to 1) amend the provisions of County Code Title 25 to incorporate the Regional Commercial (C-3) District, and 2) to amend the zoning map for the subject properties from their current zoning as noted above to Regional Commercial (C-3).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 7.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER: PLN180024-ZC1

SUBJECT:

PLN180024-ZC1 "Betabel" (Zone Change): OWNER/APPLICANT: McDowell Charitable Trust and Betabel RV Park, LLC. LOCATION: West side of U.S. 101 at Betabel Road interchange, 9664 and 9644 Betabel Road, San Juan Bautista, CA (APN 013-150-017, -018, -023, -024 & -025). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP) on approximately 55.5-acres. GENERAL PLAN LAND USE DESIGNATION: Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

Amend the Zoning Map to establish boundaries for the Regional Commercial (C-3) District: If the

Code amendment is approved, amend the County Zoning Map by three separate ordinances to change the zoning district for land area recommended for inclusion in each of three separate Commercial Regional nodes, with specific site and property boundaries, to Regional Commercial (C-3) Zoning District. Each site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Betabel	5/7/2019	Staff Report
Betabel Draft Ordinance	5/8/2019	Ordinance
Betabel CEQA Initial Study and Addendum	5/8/2019	Backup Material

STAFF REPORT

PROJECT INFORMATION

Application: PLN 180024-ZC1 “Betabel” (Zone Change)
Date of Hearing: May 15, 2019 Planning Commission
Applicants/Owners: Thomas and Victoria McDowell Charitable Trust
Betabel RV Park, LLC
Location: 9664 and 9644 Betabel Road, San Juan Bautista
Assessor’s Parcel No.: 013-150-017, -018, -023, -024 & -025
General Plan Designation: Rangeland/Commercial Regional
Zoning District: Request to change Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP)
CEQA: Addendum to 2035 General Plan Final Environmental Impact Report, Resolution No. 2015-58
Project Planner: Darryl Boyd, Principal Planner

SITE DESCRIPTION

The project site is outlined in red in the exhibit below, and consists of approximately 55.5-acres located on the west side of U.S. 101 and east side of the San Benito River at the Betabel Road off-ramp. Primary existing uses at the site include an RV Park, agricultural and vacant land due to the removal of previously existing industrial buildings. The site excludes the existing land area within the floodplain/riparian corridor. Surrounding uses include crop and grazing rangeland on all sides.

Proposed Betabel C-3 District



PROJECT DESCRIPTION

This agenda item is a request to change the site zoning from Agricultural Rangeland – Floodplain (AR-FP) to Regional Commercial – Floodplain (C-3/FP) District subject to approval of the required amendments to County Code Title 25 to adopt the new district.

GENERAL PLAN

The General Plan Land Use Diagram depicts the boundaries of land uses for San Benito County through the year 2035 and beyond. The boundary lines between land use designations are delineated as specifically as possible, in most cases following parcel lines. For larger parcels, particularly outside of the Hollister and San Juan valleys, the boundary lines between land use designations are indicated more generally.

The 2035 General Plan Land Use Designation for the site is Rangeland and Commercial Regional Node. The purpose of the Rangeland designation is to maintain open space and grazing land on hills, mountains and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations and one principal residential dwelling unit per lot.

One of the many guiding principles for the County's General Plan is to support the county's growing tourism industry for continued economic growth and prosperity. Land Use Element Agricultural and Rangeland Policy LU-3.7 states *"The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area."*

The purpose of the Commercial Regional designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along U.S. Highway 101 and major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels. In Appendix 'A' of the General Plan, a commercial node is defined as *"a strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or "strip" development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses."*

ENVIRONMENTAL EVALUATION

The Commission's discretionary action on this zone change request is a project subject to CEQA. Staff has prepared an initial study focused on each of the four proposed sites to which the C-3 code would be applied. Based on the findings documented in the initial studies, the County has

prepared an Addendum to the 2035 General Plan Final Environmental Impact Report (EIR), passed on July 21, 2015 by Resolution No. 2015-58.

Consistent with CEQA Guidelines Section 15164 an addendum is appropriate to provide environmental clearance for the proposed zoning district change in that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. Furthermore, the proposed zone change is not subject to further environmental review in accordance with CEQA Guidelines Section 15126 in that the change in zoning district implements the General Plan Regional Commercial designation as was considered in the preparation of the 2035 General Plan Final EIR. The proposed zone change does not approve any development project and will not result in any physical changes to the existing environment.

STAFF ANALYSIS

The proposed zoning change is necessary to implement the General Plan Commercial Regional Land Use designation. County Code Chapter 25.45 authorizes changing the boundaries of a zoning district wherever the public necessity, convenience and general welfare require amendments. This chapter also establishes the procedures to be followed for such changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

A fundamental task of this General Plan implementation effort is to delineate the land area for inclusion in each of the regional commercial sites. Site mapping work for this site was completed and reviewed with the property owners and Planning Commission. Refinements have been made based on the environmental considerations and comments received. The establishment of a more precise C-3 district boundary for this site is shown on the attached exhibits.

General Plan Conformance

The proposed zone change is consistent with the General Plan Policy LU-5.3 and definition of Commercial Node development in that it is proximate to the U.S. 101/Betabel Road interchange as shown on the Land Use Diagram Figure 3-5. The zone change is also consistent with the intent of the Commercial Regional goals and policies in that it preserves scenic areas, riparian floodplain and minimizes agricultural land conversion.

Specific Regulations for Betabel Node

Consistent with the General Plan, each node is required to establish an overall design theme that guides the node's visual character for development. Some of the property owners are working on specific architectural and design themes for their eventual developments. Example illustrations and artwork will be included in the final adopted C-3 district regulations. The C-3 District includes the following specific regulations for this node:

- A mid-century roadside theme;

- Post-modern architectural styles including ‘Googie’, streamline moderne, and/or art deco, and variations thereof, featuring steel, glass, illuminated paneling, projecting rooflines, neon, and other decorative embellishments;
- Site, parking lot, and landscape designs that minimize visibility of parking lots and buildings from U.S. Highway 101;
- Building concentration near the north end of the node; and
- A regional County sign as authorized.

Findings

Staff believes the zone change petition will serve the public necessity, convenience and general welfare in that it is consistent with General Plan Land Use Diagram and commercial node definition, as well as implementing the applicable General Plan goals and policies. The zone change is good zoning practice in that it establishes precise boundaries consistent with the General Plan, avoids riparian habitat and hillsides, minimizes the loss of agricultural land and establishes specific regulations.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed zoning map amendment,
- 2) Adopt a resolution finding the proposed Zoning map amendment will serve the public necessity, convenience and general welfare, and is good zoning practice and
- 3) Recommend the Board of Supervisors adopt an Ordinance to amend the County Zoning Map to incorporate the Betabel Node Regional Commercial (C-3) District.

ATTACHMENTS

1. Rezoning Ordinance
2. CEQA Initial Study

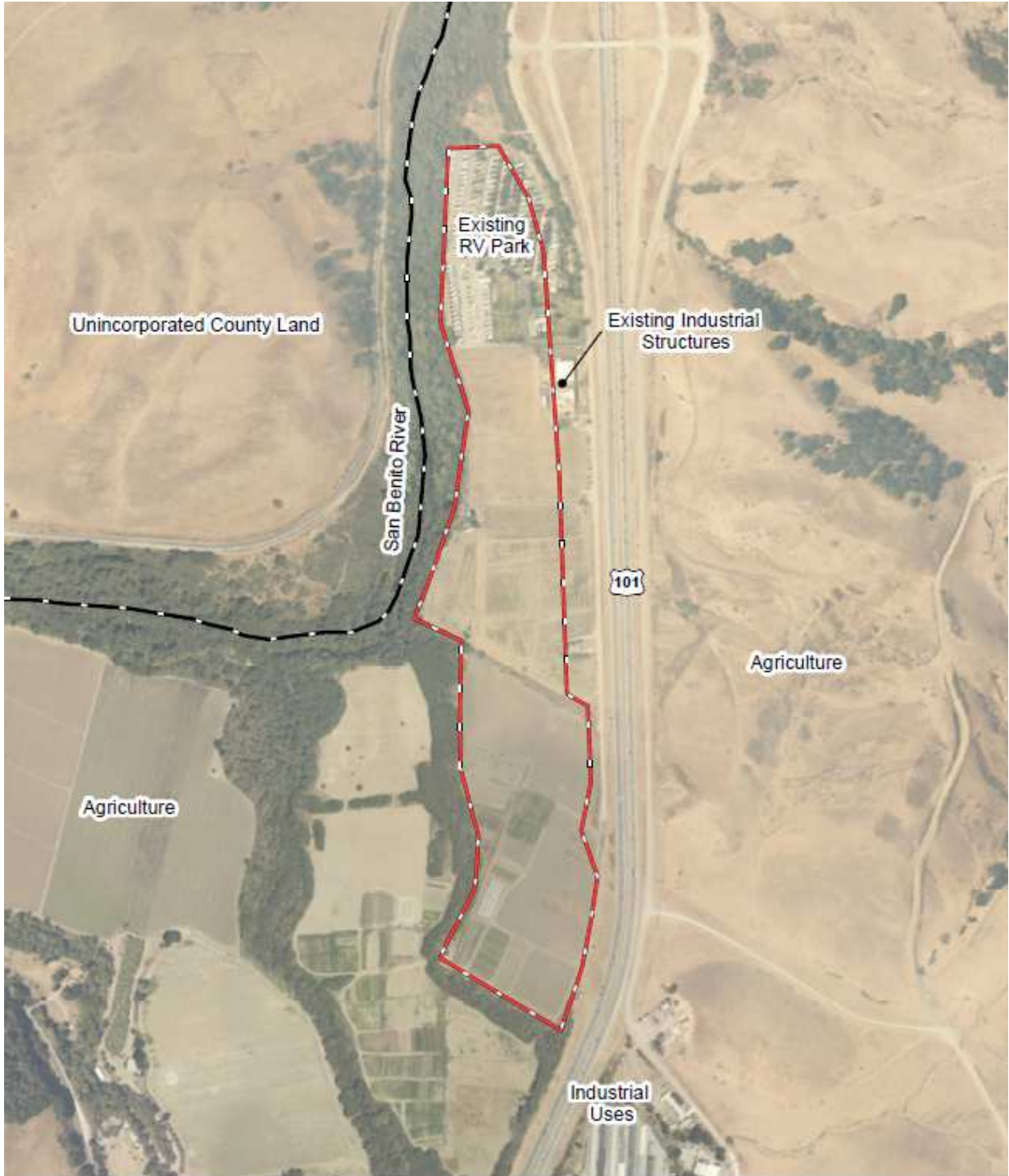
C: “Betabel” Property Owners:

McDowell Charitable Trust
P.O. Box 485
Pebble Beach, CA 93953

Betabel RV Park LLC A CA LTD
9664 Betabel Road
San Juan Bautista, CA 95045

1
2
3
4

EXHIBIT A to the Ordinance.
MAP OF THE BOUNDARIES OF THE SUBJECT PROPERTY
Including all or a portion of Subject APNs



5

Initial Study and Addendum

C-3 Zone District Initial Study and Addendum to the Revised Draft EIR 2035 San Benito County General Plan Update Betabel Road Commercial Node

May 8, 2019



Prepared by
EMC Planning Group

INITIAL STUDY AND ADDENDUM

**C-3 ZONE DISTRICT INITIAL STUDY AND
ADDENDUM TO THE REVISED DRAFT EIR
2035 SAN BENITO COUNTY GENERAL PLAN
UPDATE (SCH # 2011111016)
BETABEL ROAD COMMERCIAL NODE**

PREPARED FOR

San Benito County

Darryl Boyd

2301 Technology Parkway

Hollister, CA 95023

Tel 831.637.5313

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP

james@emcplanning.com

www.emcplanning.com

May 8, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	14
C.	DETERMINATION	16
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	18
1.	Aesthetics.....	20
2.	Agriculture and Forest Resources	23
3.	Air Quality	27
4.	Biological Resources.....	30
5.	Cultural Resources.....	35
6.	Energy	37
7.	Geology and Soils	38
8.	Greenhouse Gas Emissions	43
9.	Hazards and Hazardous Materials	45
10.	Hydrology and Water Quality.....	49
11.	Land Use and Planning.....	53
12.	Mineral Resources	55
13.	Noise.....	56
14.	Population and Housing.....	59
15.	Public Services.....	61
16.	Recreation	62
17.	Transportation.....	63
18.	Tribal Cultural Resources	68
19.	Utilities and Services Systems.....	70
20.	Wildfire	73
21.	Mandatory Findings of Significance	75

E. SOURCES..... 77

Figures

Figure 1 Regional Location 9
Figure 2 Betabel Road C-3 District Boundary 11
Figure 3 Site Photographs 13

Tables

Table 1 2035 General Plan Policies that Reduce VMT 66

A. BACKGROUND

Project Title	Betabel Road Commercial Node Initial Study/Addendum
Lead Agency Contact Person and Phone Number	Darryl Boyd or Taven Kinison Brown (831) 637-5313
Date Prepared	May 8, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Tanya Kalaskar, Assistant Planner Shoshana Wangerin, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	On the northwest edge of San Benito County's boundary line, bordered by U.S. Highway 101 to the east and the San Benito River to the west. This location is one of four sites considered for application of the newly created C-3 zoning district.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Rangeland (RG) Commercial Regional (CR)
Zoning (this location)	Agricultural Rangeland/Floodplain (AR/FP)

Setting

San Benito County ("County") is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles).

[Figure 1, Regional Location](#), shows the County's regional location.

The General Plan designates three locations along U.S. Highway 101 as Regional Commercial nodes, referred to by the names "Betabel Road," "Highway 129," and "Rocks Ranch." The County is also considering an additional site as a Regional Commercial node, referred to by the name "Livestock 101." This initial study focuses on the Betabel Road site.

The approximately 55.48-acre Betabel Road Commercial Node site is located along U.S. Highway 101 and comprised of portions of the following APNs: 013-150-0230 (14.76 acres); 013-150-0240 (5.78 acres); 013-150-0250 (12.14 acres); 013-150-0250 (14.18 acres); and 013-150-0170 (8.62 acres) (“project site”). The project site is vacant at the south end, with existing development in the northern portion, which includes the existing Betabel Road RV Park and vacant warehouse buildings. The General Plan land use designation for the project site is Rangeland (RG) with Commercial Regional (CR) identified within the area. Zoning for the site is Agricultural Rangeland/Floodplain (AR/FP).

Surrounding land uses include crop and grazing land on all sides. The project site is also bordered to the west by the San Benito River. Site location is presented on [Figure 2, Betabel Road C-3 District Boundary](#). Photos of the project site are presented in [Figure 3, Site Photographs](#).

Background

Historically residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote tourism and economic development, and increase revenue. Four property owners (or groups of owners) entered into a reimbursement agreement with the County to equally fund the preparation of a new Regional Commercial (C-3) Zoning District to implement and effectuate the intent and provisions of the *San Benito County 2035 General Plan* (“General Plan”) land use designation of Commercial Regional and associated policies.

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area. RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes.

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.

The Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, Table 3-7 estimates that the Commercial Regional designation would cover about 126 acres of land. With development density at a ratio of 0.8 square feet of building area per square foot of lot area (General Plan, Table 3-1), total development anticipated in the Commercial Regional designation could be as much as 4,390,000 square feet.

Description of Project

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District, including textual regulations and delineation of boundaries on the County's zoning map. The proposed C-3 District code includes lists of acceptable land uses, procedures for approval of development, general standards for the size and placement of development, and special regulations that protect resources or are applicable to specific C-3 District locations. The proposed amendment to the zoning map includes four locations ("nodes") for the C-3 District, all of which are located along U.S. Highway 101.

Following is the intent statement from the proposed C-3 District code:

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall include no less than a 300-square-foot space exclusively dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

A summary of the land uses and general development standards proposed for the C-3 District is provided below.

The C-3 code establishes several approval levels for allowed uses, including through administrative Site Plan Review, Design Review, and a Master Development Permit process. A few uses, such as agricultural activities, are allowed by right, and small changes to existing uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Director or Planning Commission, either with a Design Review permit, a Conditional Use Permit, or a Master Development Permit. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan, and sign program.

Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan.

Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones. Cumulative development at the nodes could total up to 400,000 square feet of retail commercial uses and 500 hotel rooms, plus a minor residential component. To better compare to the building square footage estimate used in the General Plan EIR, the hotel rooms (and associated public and back-of-house space) have been estimated at 750 square feet per room, and the residential uses estimated at 1,400 square feet each for no more than 30 units per node. When considering these square footage conversions, capacity for all types of development would be about 943,000 square feet, or about 22 percent of the possible square footage allowed by the General Plan development parameters.

Total site area is about 326.5 acres; however, the proposed C-3 District regulations provide a total development number, rather than relying on a floor to area ratio. Therefore, although total site area exceeds the 126 acres anticipated in the General Plan EIR, total development capacity would be significantly less than the potential 4,390,000 square feet that the General Plan EIR accounted for.

The C-3 code also has several specific topical regulations. Section 25.16.068 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.069 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.070 would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Section 25.16.071 would impose additional grading restrictions, prohibit the removal of any protected oak trees, and limit the area of landscaping that could be irrigated.

Each node would have an established theme that would drive that node's visual character and promote an aspect of the County's history or economy.

The proposed C-3 District code includes the following specific regulations for the Betabel Road node:

- A mid-century roadside theme;
- Post-modern architectural styles including Googie, streamline moderne, and/or art deco, and variations thereof, featuring steel, glass, illuminated paneling, projecting rooflines, neon, and other decorative embellishments;
- Site and landscape designs that minimize visibility of parking lots and buildings from U.S. Highway 101;
- Building concentration near the north end of the node; and
- A regional County sign as authorized by Section 25.16.069.

The proposed project includes the establishment of precise boundaries for regional commercial development at or near intersections with U.S. Highway 101, consistent with the definition of Centralized Commercial Node Development, included in General Plan Appendix A. Where the General Plan denotes approximate locations for regional commercial development, the proposed project establishes specific boundaries. Part of the proposed project is a General Plan amendment to add the Livestock 101 commercial regional node.

CEQA Approach

This document, along with the CEQA findings for approval, is an addendum to the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified on July 21, 2015 (“General Plan EIR”). The General Plan EIR analyzed the San Benito County 2035 General Plan (“General Plan”), which was adopted by the San Benito County (“County”) Board of Supervisors on the same date. The subject addressed by this addendum is the County’s Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as “proposed C-3 Zoning Code” or “proposed project”).

The environmental analysis herein is prepared pursuant to the provisions of the California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 and 15164. This addendum reviews the proposed project and examines whether, as a result of the proposed project or new information, any new or worsened impacts could occur that were not identified in the General Plan EIR. Because the proposed project is implementation of General Plan policy, the prime consideration is consistency with the General Plan, particularly in terms of how much development was assumed in the General Plan relative to how much development would be allowed under the proposed project.

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does

not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would govern future development applications. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional project-level environmental review will be required for development projects when applications for those projects are processed.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled (“VMT”) for transportation issues (in response to SB 743), and the addition of wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

Other Public Agencies Whose Approval is Required

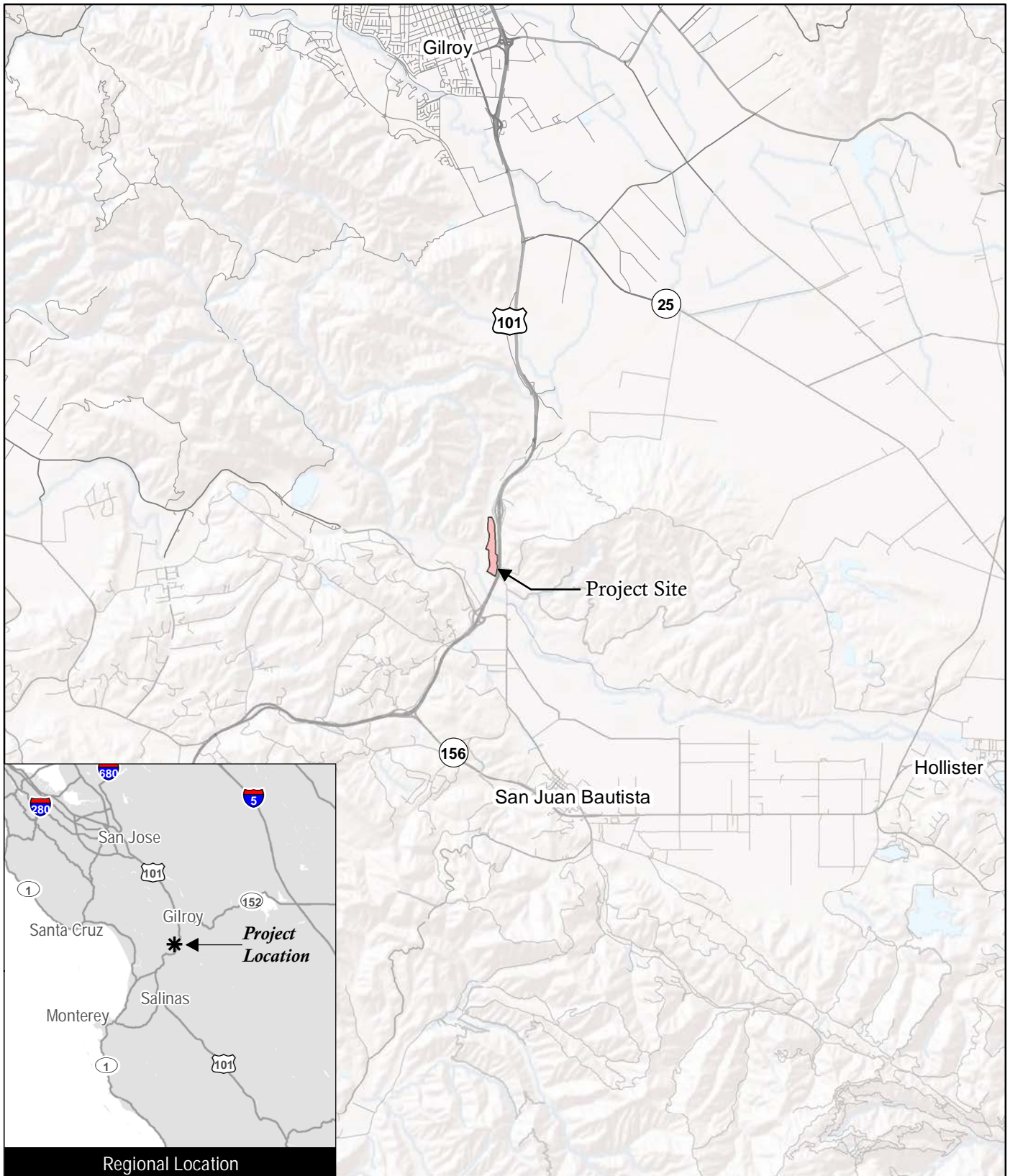
None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to six tribes traditionally and culturally affiliated with the project area on November 29, 2018. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

This side intentionally left blank.



Source: ESRI 2019

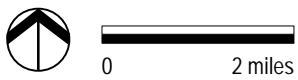
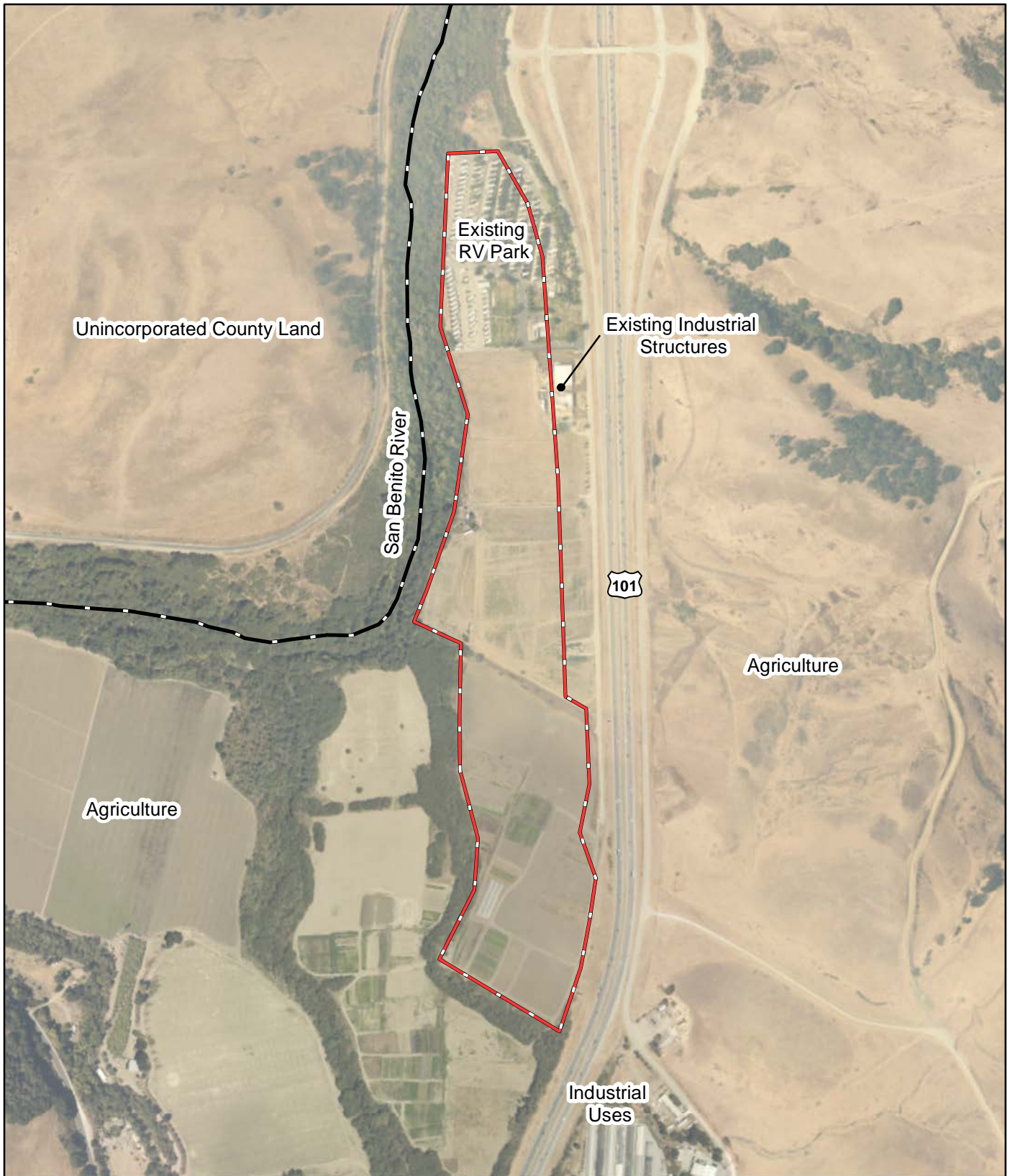


Figure 1

Regional Location



This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016



Figure 2

Betabel C-3 District Boundary



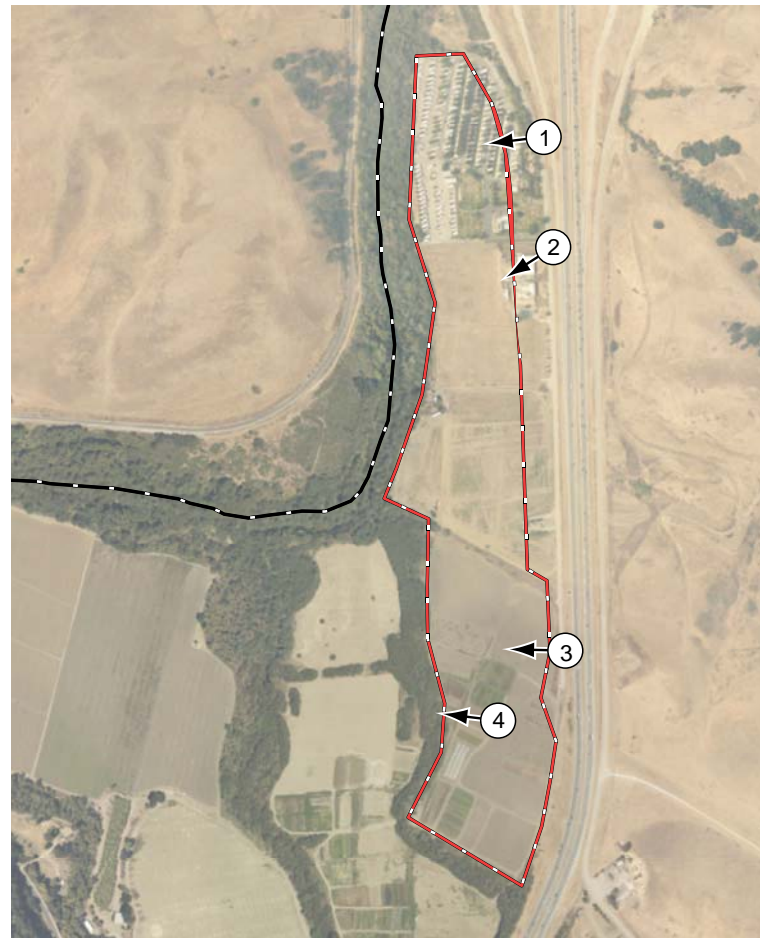
This side intentionally left blank.



① Facing west towards the existing RV Park from Betabel Road



② Facing west towards the existing industrial structures from Betabel Road



- Project Site
- San Benito County Boundary

Source: ESRI 2019
Photographs: EMC Planning Group 2018



③ Facing west towards the San Benito River



④ Middle of the site at the southern end facing west

Figure 3
Site Photographs

This side intentionally left blank.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or more severe impact is identified in this initial study, none of these boxes have been checked.

C. DETERMINATION

The County of San Benito, as the lead agency, has prepared an addendum to the 2035 General Plan Update Final EIR (Resolution No. 2015-58) in accordance with CEQA Guidelines Section 15164 (a). On the basis of this evaluation, in accordance with the finding recited below, the RMA Director finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or, a Statement of Overriding Considerations was adopted by the Board of Supervisors for significant effects that could not be feasibly reduced to a less than significant level, an addendum has been prepared. No subsequent EIR is required for the proposed project in accordance with CEQA Guidelines Section 15162 (a).

Taven Kinison Brown, Principal Planner

Date

Findings in Support of an Addendum to the San Benito County 2035 General Plan

The proposed project implements the San Benito County 2035 General Plan in furtherance of General Plan policies LU-5.3, LU-5.4, LU-5.5, LU-5.6, and LU-5.7.

Environmental effects resulting from implementation of the San Benito County 2035 General Plan were studied in the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified by the San Benito County Board of Supervisors on July 21, 2015.

In certifying the General Plan EIR, the County Board of Supervisors adopted statements of overriding considerations in the areas of agricultural resources, air quality, habitat, and traffic congestion on State Routes 25 and 156.

The General Plan and General Plan EIR anticipated development under a new designation of Commercial Regional, several locations for which were identified on various General Plan maps.

The General Plan and General Plan EIR anticipated that development within the Commercial Regional designation would comprise 126 acres at a floor to area ratio of 0.8, potentially yielding total development of approximately 4,390,000 square feet of building area.

The proposed project includes a General Plan Amendment to add an additional Regional Commercial location to the General Plan maps, and to remove an errantly placed Regional Commercial location from the General Plan maps, but does not affect the total development capacity envisioned within the Regional Commercial designation.

The proposed C-3 code includes amendment to the zoning map to delineate four locations to which the C-3 code regulations would apply, three of which correlate to the conceptual locations shown on the General Plan maps, and the fourth of which correlates to the proposed General Plan Amendment site, a portion of which already includes C-2 zoning.

The proposed C-3 code allows a baseline development of approximately 871,800 square feet, or about 20 percent of the possible square footage allowed by the General Plan development parameters for the Regional Commercial designation, inclusive of four locations as shown on General Plan maps, including the location added with the General Plan Amendment.

Development potential under the proposed C-3 code would be well within the development potential analyzed for the Regional Commercial designation in the General Plan EIR, and therefore, the County finds that none of the conditions described in CEQA Guidelines Section 15162 exist and require preparation of a subsequent EIR, and therefore, this addendum has been prepared.

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” –For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains. The General Plan EIR found that with the implementation of General Plan policies that seek to protect scenic vistas, the impedance of views to scenic agricultural and rangeland uses and distant mountains that may occur with future development under the General Plan would be less than significant. General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the commercial regional nodes.

The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Building heights would generally be limited to 35 feet, with an exception of up to 65 feet if authorized by the Planning Commission through

approval of a Master Development Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources. In conformance with General Plan policy LU-5.3, the proposed C-3 Zoning Code includes development standards specifically for the purpose of protecting scenic qualities. For example, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (page 5-35). Therefore, the proposed project would have no impact on scenic resources with a state scenic highway. According to the General Plan, U.S. Highway 101 is a County-designated scenic highway (page 8-13). The project site abuts U.S. Highway 101. Future development within the project site would be subject to the County's existing visual protections, and additional scenic protections included in the proposed C-3 District code, such as setbacks from U.S. Highway 101 and height restrictions, the proposed project would not substantially damage any scenic resources within the County-designated scenic highway.
- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. This would be a potentially significant impact. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which would require that new development appear complementary to existing rural or low intensity land uses by requiring the use of vegetative screening and topography and that development be appropriate to the setting either by appearing similar to existing uses in the vicinity. These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12. The General Plan EIR found that implementation of these mitigation measures would reduce this impact to less than significant.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards would result in a change to the existing visual character of the project site. Likewise, cumulative development at up to four sites would result in a change to the visual character of the U.S. highway 101 corridor within San Benito County. Special development standards are incorporated in the proposed C-3 Zoning Code regulations in order to provide for visually appropriate development that

preserves and complements the scenic rural setting. As discussed in “a” above, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Further, the design of future development within the project site and other commercial nodes would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the County’s design review process, as required. The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR, and development of the proposed project would be within the levels anticipated. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- d. Development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. General Plan EIR Mitigation Measure AES-4 established a goal and policy in the General Plan to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories, in keeping with current County regulations (refer to County Code chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, this impact would remain significant and unavoidable.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed C-3 Zoning Code would impose the County’s most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Additionally, the General Plan policies related to minimizing nighttime lighting or glare would remain in place. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would lead to urban development, including infrastructure, roadways, and other utilities, that could convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. The General Plan EIR identified Mitigation Measures AG-1a through AG-1c, which would encourage the maintenance of existing agricultural lands as agricultural uses; these mitigation measures are reflected in General Plan Policies LU-3.10, NCR-5.15, NCR-6.3. However, these mitigation measures and the policies contained therein may not prevent the overall net loss of important farmlands within the County associated with future urban development within agricultural areas. Consequently, buildout of the General Plan may substantially convert important farmlands to urban uses, resulting in a significant and unavoidable impact. The County adopted a statement of overriding conditions in relation to loss of prime farmland.

According to the California Department of Conservation's Important Farmland Finder, parts of the project site closest to U.S. Highway 101 are identified as "Urban and Built-up Land." The rest of the project site is identified as "Prime Farmland." However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses could convert up to approximately 40 acres of Prime Farmland into non-agricultural uses. Table 6-7 in the General Plan EIR identifies a total of 126 acres of land in the County designated for commercial regional uses, 25 of which is currently designated as Prime Farmland. The difference of 15 acres of Prime Farmland converted into non-agricultural uses as a result of the proposed project (40 acres – 25 acres) could be accounted for in the remaining urban land use conversions identified in Table 6-7 and evaluated within the General Plan EIR. The proposed C-3 code includes a provision to concentrate development to the northern end of the Betabel Road site, largely for the purpose of reducing the loss of agricultural land. The proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and could result in a slight increase in total agricultural land converted within the regional commercial designation. A Master Development Plan will be required for future development of the project site, including project-level environmental review; this additional review will be able to more accurately determine the extent of agricultural impacts on the project site in relation to the losses identified in the General Plan EIR.

No additional agricultural lands would be converted to urban uses at the other proposed C-3 District sites. Therefore, the proposed project would not result in any new or more severe cumulative agricultural impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in significant unavoidable impact already adequately addressed in the General Plan EIR. No additional mitigation measures are required.

- b. Future development anticipated in the General Plan could conflict with existing zoning for agricultural uses, or lands subject to Williamson Act contracts. The General Plan EIR determined that even with the implementation of Mitigation Measures AG-2a and AG-2b, which ensure no change in land use or agricultural activities occur and are reflected in General Plan Policies LU-3.11 and LU-3.15, the amount of farmland that could be preserved within the County may decrease. Therefore, this impact would remain significant and unavoidable.

The proposed project does not conflict with a Williamson Act contract. However, the project site is zoned for Agricultural Rangeland/Floodplain (AR/FP) and the proposed project would change the existing agricultural zoning to Regional Commercial (C-3). However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses was evaluated in the General Plan EIR. The proposed project is consistent with the General Plan and would not result in additional impacts or increase the severity of impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- c,d. The project site is not located on forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Likewise, none of the other proposed C-3 District locations are on forest lands. Therefore, the proposed project would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.
- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of important farmland to non-agricultural uses; see discussion under checklist item “a” above. Indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture. Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable. The County adopted a statement of overriding considerations for this impact.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require the preparation of a master plan, which would be subject to project-level environmental review based on the more specific information included in the master plan. Although the proposed project could convert up to approximately 40 acres of Prime Farmland into non-agricultural uses (see checklist item "a" above), the proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and the conversion of agricultural land associated with the proposed project would not extend beyond those boundaries. Therefore, the proposed project would not result in any new or more severe secondary agricultural impacts than those already analyzed in the General Plan EIR.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The General Plan EIR found that buildout of the General Plan would result in inconsistencies with the air district’s air quality attainment plans because the General Plan uses population and housing data that differs from that used by the air district. Buildout of the General Plan would result in the emission of ozone precursors, i.e., reactive organic gases (ROG) and nitrogen oxides (NO_x), in amounts higher than the air district thresholds of significance. Policy HS-5.9 encouraging regional planning agencies to consider the County’s projections during the preparation of air quality management plans, and Policy HS-5.10 restricting the use of permanently installed wood-burning devices to only new commercial food-serving establishments, were added to the General Plan Health and Safety Element to implement Mitigation Measure AIR-1. Since, the County does not have control of whether the air quality management plans will come into consistency with the General Plan population projections, this impact would remain significant and unavoidable after mitigation.

The proposed project is predominantly commercial and has the potential to generate only a minimal number of housing units. Since consistency with the Clean Air Plan is based on consistency with population projections, and the proposed project is generally not population inducing, the proposed project would have minimal to no conflict with or obstruct implementation of the applicable air quality plan. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant. No additional mitigation measures are required.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1 (refer to checklist item “a” above). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level. The County has incorporated several policies into its General Plan that would reduce a project’s contribution to cumulative air emissions, including: Policies HS-5.1 to 5.6; Policy AD-2.5; Policy LU-3.3; Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 (see descriptions of each policy listed here in Table 7-3 of the General Plan EIR). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts.

The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR. Future development in conformance to the proposed C-3 Zoning Code standards, would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be further analyzed at the time specific development projects are proposed. Additionally, the General Plan policies related to minimizing air pollution would remain in place. Development in conformance with the proposed C-3 Zoning Code would contribute to the significant cumulative impacts to air quality but would not result in more development than called for in the General Plan and would not result in any new or more severe impacts to air quality than those already identified and addressed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would result in a less-than-significant impact. No additional mitigation measures are required.

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. Buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level.

The project site was designated for regional commercial uses in the General Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors. There are no sensitive receptors within 1,000 feet of the project site and the proposed project would not introduce new or worsened emissions of PM₁₀ and TACs beyond those analyzed in the General Plan EIR. Because the regional commercial land uses allowed under the proposed project would be consistent with those analyzed in the General Plan EIR, the proposed project would not expose additional sensitive receptors to PM₁₀ and TACs. The impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of people to objectionable odors. However, General Plan Policy HS-5.2 is designed to protect County residents from noxious odors generated by facilities or operations that may produce substantial odors. The General Plan EIR found this impact to be less than significant.

The regional commercial land uses allowed under the proposed project would be consistent with the uses analyzed in the General Plan EIR. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Impacts related to odors would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). Future development of land uses consistent with the General Plan, and construction of new infrastructure to support these land uses, has the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. This would be a potentially significant impact. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable. Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site. However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, development of land uses consistent with the General Plan could potentially convert natural habitats to urban and rural uses, and result in significant and unavoidable impacts.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require a master plan, which would be subject to project-level environmental review. According to the County's GIS, no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service occur on the project site. Further, according to the General Plan EIR Figures 8-2 and 8-3, there are no California Natural Diversity Database plant or wildlife occurrences on the project site.

The proposed project would not result in the conversion of any new lands to urban uses than those identified in the General Plan and analyzed in the General Plan EIR. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations projecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. Future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. This would be a potentially significant impact. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10) would help mitigate impacts to riparian area, oak woodlands, and other sensitive communities. However, the General Plan has no specific protection framework for riparian habitat, prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats. Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact. The County adopted a statement of overriding considerations for the impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and not interfere with General Plan policies intended to protect these biological resources. Development restrictions would be established within the proposed C-3 Zoning Code for areas located within or near riparian vegetation, requiring a 100-foot development setback from the Pajaro River and San Benito River, and 50-foot development setback from other streams. The proposed C-3 Zoning Code would establish specific boundaries for the proposed C-3 District but does not identify additional lands for conversion to urban uses, resulting in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, the impact would be less than significant. No additional mitigation measures are required.

- c. Development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. This would be a potentially significant impact. The General Plan EIR concluded that implementation of General Plan policies in addition to Mitigation Measures BIO-1a, BIO-2b, and BIO-2c would reduce this impact to less than significant.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- d. Development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. This would be a potentially significant impact. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level.

The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than those analyzed in the General Plan EIR. Future development in the County under the proposed project would be required to comply with all applicable regulations protecting migratory wildlife and wildlife corridors, including new provisions described under criteria b) and c) above, and would not interfere with General Plan policies intended to minimize impacts to wildlife corridors.

The most successful and ecologically significant movement by wildlife across U.S. Highway 101 occurs from Tar Creek south to the San Benito River. The project site is an area of potential wildlife movement for a number of species, including, the California red-legged frog, California tiger salamander, and American badger, due to its proximity to the Santa Cruz Mountains and the Lomerias Muertas hills. However, the surface movement of many species is already restricted by the U.S. Highway 101, including a concrete median barrier. Smaller animals would most successfully cross U.S. Highway 101 under the bridges that cross the Pajaro River and San Benito River. The project site is partially developed already and wildlife movement on site is somewhat impeded. The additional development would not block other nearby movement locations, and therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 encourages and supports coordination with state and federal agencies that have responsibility for natural open space and habitat areas in the County. This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition would result in direct benefits to oak woodland conservation, as oak woodlands constitute a significant portion of the native vegetation in the County. General Plan Policy NCR-2.3 helps protect oak woodlands and other natural communities by directing the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities; as stated within the proposed C-3 Zoning Code, there is 100 percent prohibition of oak tree removal. Therefore, there would be no impact to oak woodlands, and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, page 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County. Therefore, the proposed project would have no impact on HCPs, NCCPs, or local habitat management plans.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Development of infrastructure to serve anticipated growth that would be allowed under the General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. This is a potentially significant impact. The General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. The General Plan EIR found this impact to be less than significant.

The project site is not located near the incorporated cities of Hollister or San Juan Bautista nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Therefore, the proposed project would have no impact on the historic resources in those locations.

- b,c. Urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of an

archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. This is a potentially significant impact. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level.

The proposed project would be subject to the California Health and Safety Code section 7050.5, which requires construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. In addition, the proposed project would implement all applicable General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains and would not interfere with General Plan policies intended to reduce these impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

The County is in consultation with the Amah Mutsun Tribe and additional requirements may result from that process.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development within the Betabel Road Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. With several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County. Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4, which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; and Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; and applicable federal, state and local laws governing potential effects from geologic hazards.

The project site is not within an Alquist-Priolo Earthquake Fault Zone and development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, and will not interfere with General Plan policies intended to reduce these hazards. Further, the proposed project is subject to compliance with required geotechnical design recommendations, compliance with state and local building codes and other regulatory requirements intended to reduce the risks of human harm and property damage from seismic events. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, this impact is less than significant.

- b. Development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requiring all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion. Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices. The proposed project would not increase the level of development beyond that already addressed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- c.d. Development under the General Plan could lead to development and related infrastructure located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts. Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides; Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential. The proposed project would not increase the level of development beyond that already anticipated in the General Plan. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils; Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection; Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners; and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems.

The proposed project would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described in above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b.

The proposed project would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would not interfere with General Plan policies intended to reduce these impacts. Additionally,

General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered and General Plan Goal NCR-1, and its supporting policies, ensures further protection of unique geological formations. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County’s goal of reducing GHG emissions. However, even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions will remain significant and unavoidable. The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emission, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents, and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development in conformance with the proposed C-3 Zoning Code standards would contribute to the construction and operational emissions impacts identified in the General Plan EIR

dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. All development is required to comply with state regulations, General Plan policies, and air district requirements. The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The types of land uses allowed under the proposed C-3 Zoning Code would be consistent with the land uses analyzed in the General Plan EIR and would not interfere with the actions or policies set forth in the General Plan to reduce GHG emissions. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less-than-significant impact.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that would be expected to use, transport or dispose hazardous materials. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan. Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant.

The project site is not located within one-quarter of a mile from an existing or proposed school. Therefore, future development within the Betabel Road Commercial Node would have no impact related to hazardous materials on school sites.

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, could create a significant hazard to the public or environment. This would be a potentially significant impact. In addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis

as part of the development site review process for any future project within the County. Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant.

A search of the Envirostor website revealed that the project site is not on the list and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan. Therefore, impacts related to siting of new uses near airports would be reduced to less than significant.

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project area.

- f. Development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient, timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant.

The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations (pages 13-33 and 13-42).

All development under the proposed project would be subject to compliance with the County Code requirements regarding water quality and surface and groundwater quality. Future development within the project site would also be required to comply with General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge, as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly. Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (page 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages (page 13-36).

The project site is within the San Juan sub-basin of the Gilroy-Hollister Groundwater Basin, and sits at one of the lowest points within that basin. Therefore, groundwater depths are good, and the San Benito County Water District believes that long-term water supply prospects are good. The project site is just outside the Zone 6 district for which the Water District has a good groundwater history established. The proposed

project would be required to comply with General Plan policies, municipal code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes by the General Plan and would not create new or increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR. A water supply report will be required by the San Benito County Water District when development applications are processed, in order to demonstrate that a long-term sustainable groundwater supply exists. Therefore, the proposed project would result in a less-than-significant impact on groundwater supplies and groundwater recharge.

The two northern commercial node sites and two southern commercial node sites are not hydrogeological connected, so there would be no cumulative effect between those two sets of sites. The project site and the Highway 129 commercial node site are within the same groundwater basin, but because groundwater levels are high, it is not anticipated that there would be adverse cumulative effects on groundwater.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan.

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated for regional commercial uses by the General Plan and will not result in the conversion of any new lands to urban uses that will increase the severity of impacts already analyzed in the General Plan EIR or

result in new environmental impacts. Additionally, any future development within the project site would be required to comply with General Plan policies, County Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Therefore, this impact is less than significant.

- d. The San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General Plan EIR did not identify significant impacts related to inundation in flood hazard zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA).

According to FEMA, a portion of the project site is located within the 100-year flood plain. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Future development within the project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- e. The 2019 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. However, the General Plan EIR identified that conformance with the applicable General Plan policies and regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality.

Future development within the project site would be required to comply with General Plan policies and applicable state and federal regulations via incorporation of low-impact development methods and best management practices, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts related to water quality and groundwater quality than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically define a community. The General Plan EIR did not identify significant impacts related to physically dividing an established community that would not be reduced to less than significant through compliance with General Plan policies and goals together with Mitigation Measures LU-1a and LU-b; these mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments.

The proposed project does not include the construction of a physical feature that would impair physical connections within a community because the project site’s location is not within or nearby an established community. Further, the General Plan policies intended to ensure that communities and neighborhoods remain cohesive and connected, and growth is compact and in areas suited for it would remain in effect. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. The General Plan EIR analysis did not identify impacts indicating a significant conflict with other applicable land use plans, policies, and regulations of agencies with jurisdictional authority in unincorporated areas identified in the General Plan planning boundary and adjacent areas. As stated within the General Plan EIR, the various General Plan policies encourage the placement of compatible urban and urban/agricultural interface land uses, and encourage planning and coordination

between land uses under jurisdiction of County, federal, state, and regional conservation, air quality, transportation, and land management agencies; therefore, no land use incompatibilities would result (page 14-47).

The project site was designated as a regional commercial node in the General Plan (figure 3-5) and is consistent with the definition of Centralized Commercial Node Development, included in General Plan, Appendix A. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than those analyzed in the General Plan EIR. Consequently, the proposed project would serve to reduce or avoid conflicts with applicable policies in the General Plan. There would be no new or more severe impacts than those already analyzed in the General Plan EIR as a result of the proposed project, resulting in a less-than-significant impact.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, page 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan. The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact.

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District for the Betabel Road Commercial Node, located along U.S. Highway 101. No mineral resources are identified at this site. The project site was designated for regional commercial uses in the General Plan and analyzed in the General Plan EIR. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified Mitigation Measure NSE-4 which would require the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-4 could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable.

Buildout of the General Plan would facilitate the construction of new projects within the County. Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of

existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends. In addition to policies set forth in the General Plan, the General Plan EIR identified Mitigation Measures NSE-5a, NSE-5b, and NSE-5c to reduce short-term noise impacts associated with construction activity to less-than-significant levels.

Future development within the Betabel Road Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the noise impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. Future development within the project site would avoid significant impacts by conforming to requirements for acoustic analysis under the General Plan as well as by achieving subsequent compliance with interior and exterior noise standards through the application of any necessary special construction or noise insulation techniques. The proposed project would not change the land use patterns analyzed in the General Plan EIR. The proposed project does not include any changes to the noise-regulations in the County Code of Ordinances and would not interfere with General Plan policies intended to prevent or reduce noise-related impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels, that would not be reduced to less-than-significant levels through compliance with General Plan policies.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. Development under the proposed C-3 Zoning Code would be set back at least 35 feet from the street and 150 feet from U.S. Highway 101 travel lanes, which would largely eliminate potential impacts. The proposed project would not result in any new or more severe impacts to

excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR; therefore, the proposed project would result in a less-than-significant impact.

- c. Buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6.

According to General Plan Figure 3-2, the proposed project is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark, and the proposed project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The purpose of the General Plan is to provide a framework to guide land use development and conservation within the unincorporated County. The General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County’s projected growth without encouraging additional growth. As stated within the General Plan EIR, all feasible mitigation to reduce the likelihood of unplanned growth and its environmental impacts has been incorporated into the General Plan or has been identified in Chapters 5 through 22 of the General Plan EIR analysis; therefore, no additional measure beyond those policies included within the General Plan or identified in the General Plan EIR are available to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable in terms of losses of agricultural land and habitat.
- The proposed C-3 Zoning Code would ensure that its allowable uses and development standards are consistent with the vision for regional commercial sites as guided by the General Plan. The proposed project would not change the land use patterns or amount of allowed development that was analyzed in the General Plan EIR. The proposed project would not alter the number of housing units and non-residential development intensities analyzed in the General Plan EIR. The proposed project would not change the conclusions of nor would it result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.
- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and

policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (page 6-21).

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the General Plan EIR. The project site includes one house, but most of the site is vacant or occupied by commercial uses. The cumulative commercial node sites identified for inclusion in the Proposed C-3 District are either vacant or occupied principally by commercial development; only four housing units are included within the sites. This impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County’s ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced with implementation of General Plan policies. Additionally, futures plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for public services beyond those analyzed in the General Plan EIR. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. The General Plan plans for development due to population growth, which would increase the use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. Because the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors, this would be a less-than-significant impact. Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate levels of service for parks and other recreational facilities. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service standards. The 2019 amendments to Appendix G of the CEQA Guidelines require addressing vehicle miles traveled (VMT) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd (b). Although not required until July of 2020, the County has chosen to use the new VMT standards in this initial study.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses. Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156, but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key

intersections. However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable.

Conversely, the General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (page19-75).

The types of land uses, amount of development, and land use patterns allowed under the proposed C-3 District would be consistent with those analyzed in the General Plan EIR, and therefore, would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR. Due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict with state and local roadway improvements requiring cooperation and potentially funding from agencies other than the County. Further, the proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines § 15064.3, subdivision (b) was not specifically evaluated within the General Plan EIR. However, the types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce vehicle miles traveled (“VMT”). The following table, a consolidated version of Table 11-1 presented within the General Plan EIR (page 11-37), provides a list of General Plan policies that reduce the VMT for development projects.

The proposed project would implement, and subsequently comply with, the applicable General Plan policies listed within Table 1 below. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes and is also a policy determined to reduce VMT. Therefore, the proposed project, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Further, the proposed project would not result in any new or more severe transportation impacts than those evaluated within the General Plan EIR, and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), resulting in a less-than-significant impact.

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation required (page 19-73).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant.

Table 1 2035 General Plan Policies that Reduce VMT

General Plan Policies	How the Policies Avoid or Reduce VMT
<p>LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.</p>	<p>Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.</p>
<p>LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.</p>	<p>Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.</p>
<p>LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.</p>	<p>Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages mixed-use development by reducing the distances between residences and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.</p>

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation required (page 19-74).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis regarding emergency access will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not result in any new or more severe impacts than those identified in the General Plan EIR. Therefore, this impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (page 9-27) and determined its impact on the tribal resources to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of a historical or tribal resource.

Letters were sent on November 29, 2018 to a list of six tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the

County and the Amah Mutsun Tribal Band is in progress. Compliance with mandatory State, local and tribal Intergovernmental Consultation requirements would reduce the impacts on tribal resources to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands and upgrades to water treatment and distribution infrastructure; wastewater collection, treatment, and disposal infrastructure; and storm water drainage facilities. However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan

are evaluated in Chapters 5 through 22 of the General Plan EIR. The construction and expansion of such facilities would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments. There would be no additional impacts beyond those identified in Chapters 5 through 22 of the General Plan EIR. This impact would be less than significant, and there would be no need for additional program-level mitigation measures not identified elsewhere in the General Plan EIR (pages 20-57, 20-60, and 20-61).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact would be less than significant (page 20-40).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Prior to approval of specific development projects, the San Benito County Water District will require preparation of a report that demonstrates adequacy of the proposed water supply. The project site is located at the lower extent of the San Juan sub-basin, and an area that has a good groundwater supply. The proposed project would not generate an increase in water demands beyond the level of increased demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

d,e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, policies PFS-7.1 through PFS-7.7, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, this impact would be less than significant.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County and with federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 2019 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, page 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant.

According to the California Department of Forestry and Fire Protection, the project site is not located within a fire hazard severity zone in a state responsibility area. Therefore, future development within the project site consistent with the proposed C-3 Zoning Code would have less-than-significant impacts related to wildfires.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-c. As described in this Initial Study Addendum, new construction or physical changes resulting from future projects consistent with General Plan land use designations and in conformance with the proposed C-3 Zoning Code would not result in new or more severe impacts than are addressed in the General Plan EIR. The proposed C-3 Zoning Code would provide detailed development regulations for sites already designated for urban uses in the General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations protecting the fish and wildlife species and significant historic, archeological and tribal cultural resources. New development would be subject to compliance with the General Plan policies intended to minimize environmental impacts to biological and cultural resources. The proposed C-3 Zoning Code is consistent with the land use densities and patterns

identified in the General Plan and analyzed in the General Plan EIR. As a result, the proposed C-3 Zoning Code would not degrade the quality of the natural environment to an extent greater than addressed in the General Plan EIR.

The proposed C-3 Zoning Code provides development standards for sites that are committed to urban use by the General Plan. The types of land uses, amount of development, and land use patterns allowed in conformance to the proposed C-3 Zoning Code is consistent with those analyzed in the General Plan EIR.

Implementation of the proposed C-3 Zoning Code would not result in new or greater in severity cumulatively considerable impacts than were identified and addressed in the General Plan EIR. The proposed project's contribution to cumulative impacts identified in the General Plan EIR is less than significant.

As described in this Initial Study Addendum, implementation of the proposed C-3 Zoning Code would not result in any impacts that are new or greater in severity than those already analyzed in the General Plan EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed C-3 Zoning Code would result in a less-than-significant impact. No further environmental review is required.

E. SOURCES

1. **County of San Benito. May 8, 2019, San Benito County Regional Commercial (C-3) District Zoning Code.**
2. **County of San Benito. March 2015. Revised Draft Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
3. **County of San Benito. June 2015. Final Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
4. **County of San Benito. July 2015. San Benito County 2035 General Plan. Hollister, CA.**
5. California Department of Conservation. 2016. *California Important Farmland Finder*; Accessed April 12, 2019. <https://maps.conservation.ca.gov/DLRP/CIFF/>
6. California Department of Conservation. 2015. *San Benito County Williamson Act FY 2014/2015*; Accessed April 12, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBenito_14_15_WA.pdf
7. County of San Benito. “San Benito County GIS.” Accessed on April 5, 2019. http://gis.cosb.us/Html5Viewer_2_0/Index.html?configBase=http://gis.cosb.us/Geocortex/Essentials/REST/sites/SBC/viewers/Public/virtualdirectory/Resources/Config/Default
8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed April 5, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed April 11, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed April 12, 2019. <https://msc.fema.gov/portal>
12. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

13. Santa Clara Valley Transportation Authority. March 2013. *U.S. 101 Improvement Project between Monterey Street and State Route 129 Draft Environmental Impact Report SCH# 2007102141*. San Jose, CA.

All documents indicated in bold are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 8.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER: PLN180024-ZC2

SUBJECT:

PLN180024-ZC2 “SR 129 / Searle Road” (Zone Change): OWNER/APPLICANT: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio. LOCATION: Westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista, CA (APN 012-010-007, -017, -021, -024, 012-030-019 & -023). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP), Rural or Commercial Thoroughfare (C-2) to Regional Commercial (C-3) on approximately 39.7-acres. GENERAL PLAN DESIGNATION: Rural or Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (dboyd@cosb.us). PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

Amend the Zoning Map to establish boundaries for the Regional Commercial (C-3) District: If the Code amendment is approved, amend the County Zoning Map by three separate ordinances to change the zoning district for land area recommended for inclusion in each of three separate Commercial Regional nodes, with specific site and property boundaries, to Regional Commercial (C-3) Zoning District. Each site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Hwy 129	5/7/2019	Staff Report
Hwy129 Draft Ordinance	5/8/2019	Ordinance
Hwy 129 CEQA Initial Study and Addendum	5/8/2019	Backup Material

STAFF REPORT

PROJECT INFORMATION

Application: PLN 180024-ZC2 “SR129/Searle Road” (Zone Change)
Date of Hearing: May 15, 2019 Planning Commission
Applicants/Owners: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio
Location: Westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista (*see attached map*)
Assessor’s Parcel No.: 012-010-007, -017, -021, & -024; 012-030-019 & -023
General Plan Designation: Rural or Rangeland and Commercial Regional
Zoning District: Request to change from Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) to Regional Commercial (C-3) on approximately 39.7-acres
CEQA: Addendum to 2035 General Plan Final Environmental Impact Report, Resolution No. 2015-58
Project Planner: Darryl Boyd, Principal Planner

SITE DESCRIPTION

The project site is shown outlined in red in the exhibit below, and consists of approximately 39.7-acres located on the west side of U.S. 101 and both sides of Highway 129 and Searle Road. The primary existing use at the site is vacant agricultural or grazing land. The site excludes the existing land area within the floodplain/riparian corridor. Surrounding uses include agricultural crop or grazing rangeland on all sides.

The Highway 129 node is the only node with multiple owners in addition to the applicants, the Weiler Family and Johnson Family Trusts. The preliminary boundaries as first presented to the Planning Commission included APN 012-030-023 that has recently changed ownership, and a portion of the parcels owned by the Lavagnino Living Trust. Subsequent to the October 2018 Commission meeting additional properties have been included for consideration as part of the Highway 129 node. The additions were made at the property owner’s request (Burke Trust and Lucila Rubio). The General Plan Land Use designation and existing Zoning for those properties are identified in the following table. The Planning Commission recommended including property on the east side of U.S. 101 owned by Willis Construction. Staff does not recommend this property be included based on the owner’s desires and the loss of land designated for heavy industrial uses. Heavy industrial designated land is very scarce in the County.

Owner	APN	General Plan	Zoning
MOHSSIN, OMAR & SALEH, HLIAM	0120300230	Rangeland	Commercial Thoroughfare (C-1)
LAVAGNINO, JOHN F. - ESTHER G. LIVING TRUST	0120100070	Rangeland	Ag Rangeland - Floodplain (AR-FP)
	0120100240		
BURKE, ELMA REVOC TRUST	0120300190	Rural	Rural
RUBIO, LUCILA	0120100170	Rural	Rural

Proposed Highway 129 C-3 District



PROJECT DESCRIPTION

This agenda item is a request to change the site zoning from Agricultural Rangeland – Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) to Regional Commercial (C-3) District on approximately 39.7-acres subject to approval of the required amendments to County Code Title 25 to adopt the new district.

GENERAL PLAN

The General Plan Land Use Diagram depicts the boundaries of land uses for San Benito County through the year 2035 and beyond. The boundary lines between land use designations are delineated as specifically as possible, in most cases following parcel lines. For larger parcels, particularly outside of the Hollister and San Juan valleys, the boundary lines between land use designations are indicated more generally.

The 2035 General Plan Land Use Designation for the site is Rangeland or Rural and Commercial Regional Node. The purpose of the Rangeland designation is to maintain open space and grazing land on hills, mountains and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations and one principal residential dwelling unit per lot.

The stated purpose of the Rural designation is to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public

infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations.

One of the many guiding principles for the County's General Plan is to support the county's growing tourism industry for continued economic growth and prosperity. Land Use Element Agricultural and Rangeland Policy LU-3.7 states "*The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area.*"

The purpose of the Commercial Regional designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along U.S. Highway 101 and major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels. In Appendix 'A' of the General Plan, a commercial node is defined as "*a strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or "strip" development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.*"

ENVIRONMENTAL EVALUATION

The Commission's discretionary action on this zone change request is a project subject to CEQA. Staff has prepared an initial study focused on each of the four proposed sites to which the C-3 code would be applied. Based on the findings documented in the initial studies, the County has prepared an Addendum to the 2035 General Plan Final Environmental Impact Report (EIR), passed on July 21, 2015 by Resolution No. 2015-58.

Consistent with CEQA Guidelines Section 15164 an addendum is appropriate to provide environmental clearance for the proposed zoning district change in that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. Furthermore, the proposed zone change is not subject to further environmental review in accordance with CEQA Guidelines Section 15126 in that the change in zoning district implements the General Plan Regional Commercial designation as was considered in the preparation of the 2035 General Plan Final EIR. The proposed zone change does not approve any development project and will not result in any physical changes to the existing environment.

STAFF ANALYSIS

The proposed zoning change is necessary to implement the General Plan Commercial Regional Land Use designation. County Code Chapter 25.45 authorizes changing the boundaries of a district wherever the public necessity, convenience and general welfare require amendments. This chapter also establishes the procedures to be followed for such changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning

Commission shall make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

A fundamental task of this General Plan implementation effort is to delineate the land area for inclusion in each of the commercial node sites. Site mapping work for this site was completed and reviewed with the property owners and Planning Commission. Refinements have been made based on the environmental considerations and comments received. The establishment of a more precise C-3 district boundary for this site is shown on the attached exhibits.

General Plan Conformance

The proposed zone change is consistent with the General Plan Policy LU-5.3 and definition of Commercial Node development in that it is proximate to the U.S. 101/Highway 129/Searle Road interchange as shown on the Land Use Diagram Figure 3-5. The zone change is also consistent with the intent of the Commercial Regional goals and policies in that it preserves scenic areas, riparian floodplain and minimizes agricultural land conversion.

Specific Regulations for Highway 129 Node

Consistent with the General Plan, each node is required to establish an overall design theme that guides the node's visual character for development. Some of the property owners are working on specific architectural and design themes for their eventual developments. Example illustrations and artwork will be included in the final adopted C-3 district regulations. The C-3 District includes the following specific regulations for this node:

- An early farmstead theme;
- Italianate, Victorian, Colonial Revival, or similar period architectural style, including lap siding, shingles, and/or stucco, with the potential for outbuildings in a rustic style;
- Prohibition of rooflines extending above ridgelines when viewed from highways, retention of the hillside adjacent to State Route 129 as open space, and protection of upland habitat areas; and
- A regional County sign as authorized.

Findings

Staff believes the zone change petition will serve the public necessity, convenience and general welfare in that it is consistent with General Plan Land Use Diagram and commercial node definition, as well as implementing the applicable General Plan goals and policies. The zone change is good zoning practice in that it establishes precise boundaries consistent with the General Plan, avoids riparian habitat and hillsides, minimizes the loss of agricultural land and establishes specific regulations.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed zoning map amendment,
- 2) Adopt a resolution finding the proposed Zoning map amendment will serve the public necessity, convenience and general welfare, and is good zoning practice and
- 3) Recommend the Board of Supervisors adopt an Ordinance to amend the County Zoning Map to incorporate the SR 129/Searle Road Node Regional Commercial (C-3) District.

ATTACHMENTS

1. Rezoning Ordinance
2. CEQA Initial Study

C: "Hwy 129" Property Owners
Johnson Family Trust
920 Egan Avenue
Pacific Grove, CA 93950

Weiler Family Trust
C/o Gregory N. Weiler
Three Park Plaza, Suite 750
Irvine, CA 92614

Mohssin, Omar
12 Maher Road
Watsonville, CA 95076

Saleh, Hliam
8 Williams Road
Salinas, CA 93905

Burke, Elma Trust
1494 Searle Road
San Juan Bautista, CA 95045

Lavagnino Living Trust
P.O. BOX 850
San Juan Bautista, CA 95045

Rubio, Lucila
1504 Searle Road
San Juan Bautista, CA 95045

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

AN ORDINANCE OF THE SAN BENITO COUNTY) ORDINANCE NO. _____
BOARD OF SUPERVISORS TO APPROVE THE ZONE)
CHANGE PETITION OF COUNTY FILE PLN 180024-)
ZC2 "SR129/Searle Road" AND REZONE THE PARCEL)
DESCRIBED HEREIN TO THE REGIONAL)
COMMERCIAL (C-3) ZONING DISTRICT)

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

2 The property shown in Exhibit A (attached as a map of the boundaries for subject property), also
3 identified as all or a portion of San Benito County Assessor's Parcel Number 012-010-007, -017, -021,
4 & -024; 012-030-019 & -023, is hereby designated to be subject to the zoning district of Regional
5 Commercial (C-3) as set forth in San Benito County Ordinance 479 §11 and §25, as amended.

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

11 The foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of San
12 Benito, State of California, at the regular meeting of said Board held on the 25th day of June 2019 by the
13 following vote:

14 AYES: SUPERVISORS:

15 NOES: SUPERVISORS:

16 ABSENT: SUPERVISORS:

17 ABSTAIN: SUPERVISORS:

18
19
20
21
22

By: _____
Mark Medina, Chair, Board of Supervisors

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

By: _____

By: _____

Date: _____

Date: _____

23
24

1
2
3
4
5

EXHIBIT A to the Ordinance.
MAP OF THE BOUNDARIES OF THE SUBJECT PROPERTY
Including all or a portion of Subject APNs



6

Initial Study and Addendum

C-3 Zone District Initial Study and Addendum to the Revised Draft EIR 2035 San Benito County General Plan Update Highway 129 Commercial Node

May 8, 2019



Prepared by
EMC Planning Group

INITIAL STUDY AND ADDENDUM

**C-3 ZONE DISTRICT INITIAL STUDY AND
ADDENDUM TO THE REVISED DRAFT EIR 2035
SAN BENITO COUNTY GENERAL PLAN UPDATE
(SCH # 2011111016)
HIGHWAY 129 COMMERCIAL NODE**

PREPARED FOR

San Benito County

Darryl Boyd

2301 Technology Parkway

Hollister, CA 95023

Tel 831.637.5313

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP

james@emcplanning.com

www.emcplanning.com

May 8, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	14
C.	DETERMINATION	16
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	18
1.	Aesthetics.....	20
2.	Agriculture and Forest Resources	23
3.	Air Quality	27
4.	Biological Resources.....	30
5.	Cultural Resources.....	35
6.	Energy	37
7.	Geology and Soils	38
8.	Greenhouse Gas Emissions	43
9.	Hazards and Hazardous Materials	45
10.	Hydrology and Water Quality.....	49
11.	Land Use and Planning.....	53
12.	Mineral Resources	55
13.	Noise.....	56
14.	Population and Housing.....	59
15.	Public Services.....	61
16.	Recreation	62
17.	Transportation.....	63
18.	Tribal Cultural Resources	68
19.	Utilities and Services Systems.....	70
20.	Wildfire	73
21.	Mandatory Findings of Significance	75

E. SOURCES..... 77

Figures

Figure 1 Regional Location 9
Figure 2 Highway 129 C-3 District Boundary 11
Figure 3 Site Photographs 13

Tables

Table 1 2035 General Plan Policies that Reduce VMT 66

A. BACKGROUND

Project Title	Highway 129 Commercial Node Initial Study Addendum
Lead Agency Contact Person and Phone Number	Darryl Boyd or Taven Kinison Brown (831) 637-5313
Date Prepared	May 8, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Tanya Kalaskar, Assistant Planner Shoshana Wangerin, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	On the northwest edge of San Benito County's boundary line at the intersection of U.S. Highway 101 and State Route 129. This location is one of four sites considered for application of the newly created C-3 zoning district.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Rangeland (RG) Rural (R) Commercial Regional (CR)
Zoning (this location)	Agricultural Rangeland/Floodplain (AR/FP) Commercial Thoroughfare (C1) Rural (R)

Setting

San Benito County ("County") is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles). [Figure 1, Regional Location](#), shows the County's regional location.

The General Plan designates three locations along U.S. Highway 101 as Regional Commercial nodes, referred to by the names “Betabel Road,” “Highway 129,” and “Rocks Ranch.” The County is also considering an additional site as a Regional Commercial node, referred to by the name “Livestock 101.” This initial study focuses on the Highway 129 site.

The approximately 39.2-acre Highway 129 Commercial Node (“project site”) is located adjacent to the intersection of U.S. Highway 101 and State Route 129 and is comprised of the following APNs: 012-030-0230 (2.4 acres); 012-010-0070 and a portion of 012-010-0240 (combined 5.4 acres); and 012-030-0170, a portion of 012-010-0210, and a portion of 012-030-0190 (combined 31.4 acres) (“project site”). The project site is vacant except for one or two wells. The County land use designation for the project site is split into primarily two designations, Rangeland (RG) and Rural (R), with Commercial Regional (CR) identified within the area. The zoning is also split into several districts: Agricultural Rangeland/Floodplain (AR/FP), Commercial Thoroughfare (C1), and Rural (R).

Surrounding land uses include agriculture in every direction around the project site, Anzar High School to the southeast, residences to the southwest and industrial uses to the north. The San Benito River is located north of the project site and runs northwest to southeast and the San Juan Canyon Creek flows from the northwest to the south and through the intersection of U.S. Highway 101 and State Route 129. Site location is presented on [Figure 2, Highway 129 C-3 District Boundary](#). Photos of the project site are presented in [Figure 3, Site Photographs](#).

Background

Historically residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote tourism and economic development, and increase revenue. Four property owners (or groups of owners) entered into a reimbursement agreement with the County to equally fund the preparation of a new Regional Commercial (C-3) Zoning District to implement and effectuate the intent and provisions of the *San Benito County 2035 General Plan* (“General Plan”) land use designation of Commercial Regional and associated policies.

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area. RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes.

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.

The *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, Table 3-7 estimates that the Commercial Regional designation would cover about 126 acres of land. With development density at a ratio of 0.8 square feet of building area per square foot of lot area (General Plan, Table 3-1), total development anticipated in the Commercial Regional designation could be as much as 4,390,000 square feet.

Description of Project

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District, including textual regulations and delineation of boundaries on the County's zoning map. The proposed C-3 District code includes lists of acceptable land uses, procedures for approval of development, general standards for the size and placement of development, and special regulations that protect resources or are applicable to specific C-3 District locations. The proposed amendment to the zoning map includes four locations ("nodes") for the C-3 District, all of which are located along U.S. Highway 101.

Following is the intent statement from the proposed C-3 District code:

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall include no less than a 300-square-foot space exclusively dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

A summary of the land uses and general development standards proposed for the C-3 District is provided below.

The C-3 code establishes several approval levels for allowed uses, including through administrative Site Plan Review, Design Review, and a Master Development Permit process. A few uses, such as agricultural activities, are allowed by right, and small changes to existing

uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Director or Planning Commission, either with a Design Review permit, a Conditional Use Permit, or a Master Development Permit. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan, and sign program.

Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan.

Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones. Cumulative development at the nodes could total up to 400,000 square feet of retail commercial uses and 500 hotel rooms, plus a minor residential component. To better compare to the building square footage estimate used in the General Plan EIR, the hotel rooms (and associated public and back-of-house space) have been estimated at 750 square feet per room, and the residential uses estimated at 1,400 square feet each for no more than 30 units per node. When considering these square footage conversions, capacity for all types of development would be about 943,000 square feet, or about 22 percent of the possible square footage allowed by the General Plan development parameters.

Total site area is about 326.5 acres; however, the proposed C-3 District regulations provide a total development number, rather than relying on a floor to area ratio. Therefore, although total site area exceeds the 126 acres anticipated in the General Plan EIR, total development capacity would be significantly less than the potential 4,390,000 square feet that the General Plan EIR accounted for.

The C-3 code also has several specific topical regulations. Section 25.16.068 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.069 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.070

would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Section 25.16.071 would impose additional grading restrictions, prohibit the removal of any protected oak trees, and limit the area of landscaping that could be irrigated.

Each node would have an established theme that would drive that node's visual character and promote an aspect of the County's history or economy.

The proposed C-3 District code includes the following specific regulations for the Highway 129 node:

- An early farmstead theme;
- Italianate, Victorian, Colonial Revival, or similar period architectural style, including lap siding, shingles, and/or stucco, with the potential for outbuildings in a rustic style;
- Prohibition of rooflines extending above ridgelines when viewed from highways, retention of the hillside adjacent to State Route 129 as open space, and protection of upland habitat areas; and
- A regional County sign as authorized by Section 25.16.069.

The proposed project includes the establishment of precise boundaries for regional commercial development at or near intersections with U.S. Highway 101, consistent with the definition of Centralized Commercial Node Development, included in General Plan Appendix A. Where the General Plan denotes approximate locations for regional commercial development, the proposed project establishes specific boundaries. Part of the proposed project is a General Plan amendment to add the Livestock 101 commercial regional node.

CEQA Approach

This document, along with the CEQA findings for approval, is an addendum to the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified on July 21, 2015 ("General Plan EIR"). The General Plan EIR analyzed the San Benito County 2035 General Plan ("General Plan"), which was adopted by the San Benito County ("County") Board of Supervisors on the same date. The subject addressed by this addendum is the County's Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").

The environmental analysis herein is prepared pursuant to the provisions of the California Environmental Quality Act ("CEQA") Guidelines Sections 15162 and 15164. This addendum reviews the proposed project and examines whether, as a result of the proposed project or new information, any new or worsened impacts could occur that were not identified in the

General Plan EIR. Because the proposed project is implementation of General Plan policy, the prime consideration is consistency with the General Plan, particularly in terms of how much development was assumed in the General Plan relative to how much development would be allowed under the proposed project.

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would govern future development applications. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional project-level environmental review will be required for development projects when applications for those projects are processed.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled (“VMT”) for transportation issues (in response to SB 743), and the addition of wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

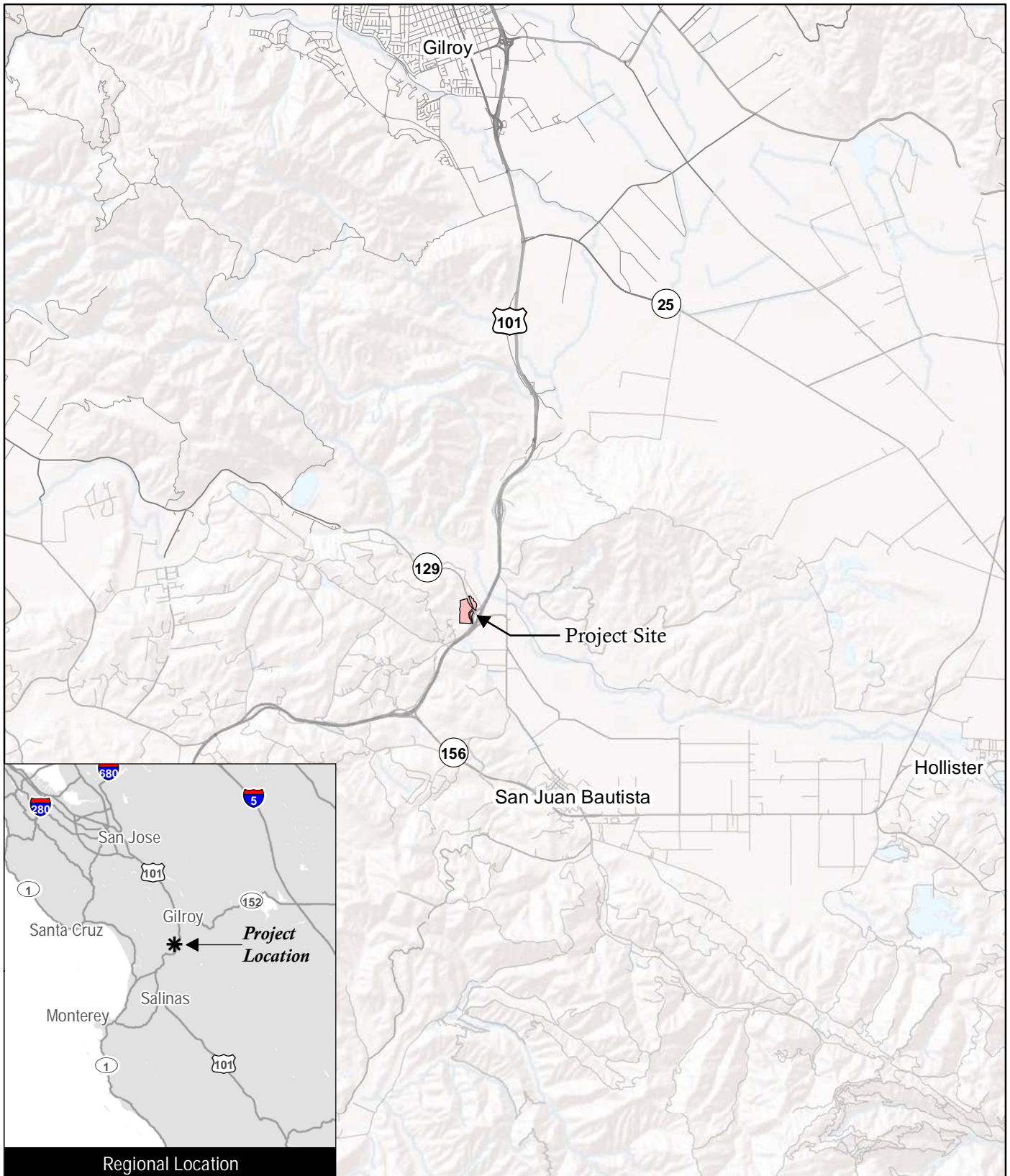
Other Public Agencies Whose Approval is Required

None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to six tribes traditionally and culturally affiliated with the project area on November 29, 2018. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



Source: ESRI 2019

Figure 1

Regional Location



This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016

Figure 2

Highway 129 C-3 District Boundary

San Benito County Commercial Nodes – Highway 129 Initial Study Addendum



This side intentionally left blank.



① Facing the vacant land project boundary in northwest direction from Seale Road



② Facing the gravel turn-out from Route 129



Project Site

Source: ESRI 2019

Photographs: EMC Planning Group 2018



③ Facing northwest from the US Highway 101 on-ramp



④ Facing west looking over Seale Road

This side intentionally left blank.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or more severe impact is identified in this initial study, none of these boxes have been checked.

C. DETERMINATION

The County of San Benito, as the lead agency, has prepared an addendum to the 2035 General Plan Update Final EIR (Resolution No. 2015-58) in accordance with CEQA Guidelines Section 15164 (a). On the basis of this evaluation, in accordance with the finding recited below, the RMA Director finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or, a Statement of Overriding Considerations was adopted by the Board of Supervisors for significant effects that could not be feasibly reduced to a less than significant level, an addendum has been prepared. No subsequent EIR is required for the proposed project in accordance with CEQA Guidelines Section 15162 (a).

Taven Kinison Brown, Principal Planner

Date

Findings in Support of an Addendum to the San Benito County 2035 General Plan

The proposed project implements the San Benito County 2035 General Plan in furtherance of General Plan policies LU-5.3, LU-5.4, LU-5.5, LU-5.6, and LU-5.7.

Environmental effects resulting from implementation of the San Benito County 2035 General Plan were studied in the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified by the San Benito County Board of Supervisors on July 21, 2015.

In certifying the General Plan EIR, the County Board of Supervisors adopted statements of overriding considerations in the areas of agricultural resources, air quality, habitat, and traffic congestion on State Routes 25 and 156.

The General Plan and General Plan EIR anticipated development under a new designation of Commercial Regional, several locations for which were identified on various General Plan maps.

The General Plan and General Plan EIR anticipated that development within the Commercial Regional designation would comprise 126 acres at a floor to area ratio of 0.8, potentially yielding total development of approximately 4,390,000 square feet of building area.

The proposed project includes a General Plan Amendment to add an additional Regional Commercial location to the General Plan maps, and to remove an errantly placed Regional Commercial location from the General Plan maps, but does not affect the total development capacity envisioned within the Regional Commercial designation.

The proposed C-3 code includes amendment to the zoning map to delineate four locations to which the C-3 code regulations would apply, three of which correlate to the conceptual locations shown on the General Plan maps, and the fourth of which correlates to the proposed General Plan Amendment site, a portion of which already includes C-2 zoning.

The proposed C-3 code allows a baseline development of approximately 871,800 square feet, or about 20 percent of the possible square footage allowed by the General Plan development parameters for the Regional Commercial designation, inclusive of four locations as shown on General Plan maps, including the location added with the General Plan Amendment.

Development potential under the proposed C-3 code would be well within the development potential analyzed for the Regional Commercial designation in the General Plan EIR, and therefore, the County finds that none of the conditions described in CEQA Guidelines Section 15162 exist and require preparation of a subsequent EIR, and therefore, this addendum has been prepared.

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” –For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains. The General Plan EIR found that with the implementation of General Plan policies that seek to protect scenic vistas, the impedance of views to scenic agricultural and rangeland uses and distant mountains that may occur with future development under the General Plan would be less than significant. General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the commercial regional nodes.

The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Building heights would generally be limited to 35 feet, with an exception of up to 65 feet if authorized by the Planning Commission through

approval of a Master Development Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources. In conformance with General Plan policy LU-5.3, the proposed C-3 Zoning Code includes development standards specifically for the purpose of protecting scenic qualities. For example, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (page 5-35). Therefore, the proposed project would have no impact on scenic resources with a state scenic highway. According to the General Plan, U.S. Highway 101 and State Route 129 are County-designated scenic highways (page 8-13). The project site abuts U.S. Highway 101 and State Route 129. Future development within the project site would be subject to the County's existing visual protections, and additional scenic protections included in the proposed C-3 Zoning Code, such as setbacks from U.S. Highway 101, an open space requirement on the hillside adjacent to State Route 129, and height and architectural restrictions. Therefore, the proposed project would not substantially damage any scenic resources within the County-designated scenic highway.
- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. This would be a potentially significant impact. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which would require that new development appear complementary to existing rural or low intensity land uses by requiring the use of vegetative screening and topography and that development be appropriate to the setting either by appearing similar to existing uses in the vicinity. These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12. The General Plan EIR found that implementation of these mitigation measures would reduce this impact to less than significant.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards would result in a change to the existing visual character of the project site. Likewise, cumulative development at up to four sites would result in a change to the visual character of the U.S. highway 101 corridor within San Benito

County. Special development standards are incorporated in the proposed C-3 Zoning Code regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting. As discussed in “a” above, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Further, the design of future development within the project site and other commercial nodes would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the County’s design review process, as required. The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR, and development of the proposed project would be within the levels anticipated. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- d. Development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. General Plan EIR Mitigation Measure AES-4 established a goal and policy in the General Plan to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories, in keeping with current County regulations (refer to County Code chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, this impact would remain significant and unavoidable.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed C-3 Zoning Code would impose the County’s most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Additionally, the General Plan policies related to minimizing nighttime lighting or glare would remain in place. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would lead to urban development, including infrastructure, roadways, and other utilities, that could convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. The General Plan EIR identified Mitigation Measures AG-1a through AG-1c, which would encourage the maintenance of existing agricultural lands as agricultural uses; these mitigation measures are reflected in General Plan Policies LU-3.10, NCR-5.15, NCR-6.3. However, these mitigation measures and the policies contained therein may not prevent the overall net loss of important farmlands within the County associated with future urban development within agricultural areas. Consequently, buildout of the General Plan may substantially convert important farmlands to urban uses, resulting in a significant and unavoidable impact. The County adopted a statement of overriding conditions in relation to loss of prime farmland.

According to the California Department of Conservation's Important Farmland Finder, the western-most portion of the project site is identified as "Prime Farmland" and "Unique Farmland," adjacent to sections of the project site identified as "Grazing Land." The rest of the project site located nearest to the intersection of U.S. Highway 101 and State Route 129 is identified as "Urban and Built-up Land."

Although Prime and Unique Farmland are present on the project site, the location was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses could convert up to approximately 7.8 acres of Prime and Unique Farmland into non-agricultural uses. Table 6-7 in the General Plan EIR identifies a total of 126 acres of land in the County designated for commercial regional uses, 25 of which is currently designated as Prime Farmland. Therefore, the minimal acreage of the site involving Prime Farmland is accounted for in the General Plan EIR. The remaining minute acreage of Unique Farmland present on the project site to be converted into non-agricultural uses as a result of the proposed project could be accounted for in the remaining urban land use conversions identified in Table 6-7 and evaluated within the General Plan EIR.

The proposed C-3 code includes a provision to concentrate development along Searle Road and the northeast side of State Route 129, and in parcels to the east of U.S. Highway 101, largely for the purpose of reducing the loss of agricultural land. The proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and could result in a slight increase in total agricultural land converted within the regional commercial designation. A master plan will be required for future development of the project site, including project-level environmental review; this additional review will be able to more accurately determine the extent of agricultural impacts on the project site in relation to the losses identified in the General Plan EIR.

The proposed project would not result in any new or more severe cumulative agricultural impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in significant unavoidable impact already adequately addressed in the General Plan EIR. No additional mitigation measures are required.

- b. Future development anticipated in the General Plan could conflict with existing zoning for agricultural uses, or lands subject to Williamson Act contracts. The General Plan EIR determined that even with the implementation of Mitigation Measures AG-2a and AG-2b, which ensure no change in land use or agricultural activities occur and are reflected in General Plan Policies LU-3.11 and LU-3.15, the amount of farmland that could be preserved within the County may decrease. Therefore, this impact would remain significant and unavoidable.

The proposed project does not conflict with a Williamson Act contract. However, the project site includes zoning for Agricultural Rangeland/Floodplain (AR/FP) and the proposed project would change the existing agricultural zoning to Regional Commercial (C-3). However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses was evaluated in the General Plan EIR. The proposed project is consistent with the General Plan and would not result in additional impacts or increase the severity of impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- c,d. The project site is not located on forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Likewise, none of the other proposed C-3 District locations are on forest lands. Therefore, the proposed project would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.
- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of important farmland to non-agricultural uses; see discussion under checklist item "a" above. Indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture. Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered

locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable. The County adopted a statement of overriding considerations for this impact.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require the preparation of a master plan, which would be subject to project-level environmental review based on the more specific information included in the master plan. Although the proposed project could convert up to approximately 7.8 acres of Prime and Unique Farmland into non-agricultural uses (see checklist item "a" above), the proposed C-3 Zoning Code establishes specific boundaries for the proposed C-3 District, and the conversion of agricultural land associated with the proposed project would not extend beyond those boundaries. Therefore, the proposed project would not result in any new or more severe secondary agricultural impacts than those already analyzed in the General Plan EIR.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The General Plan EIR found that buildout of the General Plan would result in inconsistencies with the air district’s air quality attainment plans because the General Plan uses population and housing data that differs from that used by the air district. Buildout of the General Plan would result in the emission of ozone precursors, i.e., reactive organic gases (ROG) and nitrogen oxides (NO_x), in amounts higher than the air district thresholds of significance. Policy HS-5.9 encouraging regional planning agencies to consider the County’s projections during the preparation of air quality management plans, and Policy HS-5.10 restricting the use of permanently installed wood-burning devices to only new commercial food-serving establishments, were added to the General Plan Health and Safety Element to implement Mitigation Measure AIR-1. Since, the County does not have control of whether the air quality management plans will come into consistency with the General Plan population projections, this impact would remain significant and unavoidable after mitigation.

The proposed project is predominantly commercial and has the potential to generate only a minimal number of housing units. Since consistency with the Clean Air Plan is based on consistency with population projections, and the proposed project is generally not population inducing, the proposed project would have minimal to no conflict with or obstruct implementation of the applicable air quality plan. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant. No additional mitigation measures are required.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1 (refer to checklist item “a” above). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level. The County has incorporated several policies into its General Plan that would reduce a project’s contribution to cumulative air emissions, including: Policies HS-5.1 to 5.6; Policy AD-2.5; Policy LU-3.3; Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 (see descriptions of each policy listed here in Table 7-3 of the General Plan EIR). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts.

The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR. Future development in conformance to the proposed C-3 Zoning Code standards, would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be further analyzed at the time specific development projects are proposed. Additionally, the General Plan policies related to minimizing air pollution would remain in place. Development in conformance with the proposed C-3 Zoning Code would contribute to the significant cumulative impacts to air quality but would not result in more development than called for in the General Plan and would not result in any new or more severe impacts to air quality than those already identified and addressed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would result in a less-than-significant impact. No additional mitigation measures are required.

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. Buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level.

The project site was designated for regional commercial uses in the General Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors. There are no sensitive receptors within 1,000 feet of the project site and the proposed project would not introduce new or worsened emissions of PM₁₀ and TACs beyond those analyzed in the General Plan EIR. Because the regional commercial land uses allowed under the proposed project would be consistent with those analyzed in the General Plan EIR, the proposed project would not expose additional sensitive receptors to PM₁₀ and TACs. The impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of people to objectionable odors. However, General Plan Policy HS-5.2 is designed to protect County residents from noxious odors generated by facilities or operations that may produce substantial odors. The General Plan EIR found this impact to be less than significant.

The regional commercial land uses allowed under the proposed project would be consistent with the uses analyzed in the General Plan EIR. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Impacts related to odors would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). Future development of land uses consistent with the General Plan, and construction of new infrastructure to support these land uses, has the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. This would be a potentially significant impact. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable. Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site. However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, development of land uses consistent with the General Plan could potentially convert natural habitats to urban and rural uses, and result in significant and unavoidable impacts.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require a master plan, which would be subject to project-level environmental review. According to the County's GIS, potential habitat for the California Tiger Salamander species is identified west and outside of the proposed project boundary. However, the proposed C-3 code includes a provision that recognizes this potential habitat, stating that development shall be designed to protect upland habitat and protected-species migration areas associated with an off-site pond to the southwest. A master plan would be required for future development of the project site, including project-level environmental review; this additional review will be able to more accurately determine the extent of biological impacts on the project site in relation to the potential California Tiger Salamander habitat.

The proposed project would not result in the conversion of any new lands to urban uses than identified in the General Plan and analyzed in the General Plan EIR. Future development in the County under the proposed C-3 Zoning Code would be required

to comply with all applicable regulations projecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. Future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. This would be a potentially significant impact. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10) would help mitigate impacts to riparian area, oak woodlands, and other sensitive communities. However, the General Plan has no specific protection framework for riparian habitat, prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats. Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact. The County adopted a statement of overriding considerations for the impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and not interfere with General Plan policies intended to protect these biological resources. Development restrictions would be established within the proposed C-3 Zoning Code for areas located within or near riparian vegetation, requiring a 50-foot development setback from other streams such as the San Juan Canyon Creek, which flows east of the project site and through the intersection of U.S. Highway 101 and State Route 129. The proposed C-3 Zoning Code would establish specific boundaries for the proposed C-3 District but does not identify additional lands for conversion to urban uses, resulting in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, the impact would be less than significant. No additional mitigation measures are required.

- c. Development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of

seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. This would be a potentially significant impact. The General Plan EIR concluded that implementation of General Plan policies in addition to Mitigation Measures BIO-1a, BIO-2b, and BIO-2c would reduce this impact to less than significant.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- d. Development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. This would be a potentially significant impact. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level.

The most successful and ecologically significant movement by wildlife across U.S. Highway 101 occurs from Tar Creek south to the San Benito River. The project site lies outside this area of potential wildlife movement. Additionally, the project site is surrounded by urban development to the southeast, southwest, and the north, thereby, impeding the movement of wildlife. Therefore, the proposed project would not interfere with the movement of wildlife or established wildlife corridors, resulting in no impact.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 encourages and supports coordination with state and federal agencies that have responsibility for natural open space and habitat areas in the County. This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition would result in direct benefits to oak woodland conservation, as oak

woodlands constitute a significant portion of the native vegetation in the County. General Plan Policy NCR-2.3 helps protect oak woodlands and other natural communities by directing the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities; as stated within the proposed C-3 Zoning Code, there is 100 percent prohibition of oak tree removal. Therefore, there would be no impact to oak woodlands, and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, page 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County. Therefore, the proposed project would have no impact on HCPs, NCCPs, or local habitat management plans.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Development of infrastructure to serve anticipated growth that would be allowed under the General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. This is a potentially significant impact. The General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. The General Plan EIR found this impact to be less than significant.

The project site is not located near the incorporated cities of Hollister or San Juan Bautista nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Therefore, the proposed project would have no impact on the historic resources in those locations.

- b,c. Urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of an

archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. This is a potentially significant impact. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level.

The proposed project would be subject to the California Health and Safety Code section 7050.5, which requires construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. In addition, the proposed project would implement all applicable General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains and would not interfere with General Plan policies intended to reduce these impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

The County is in consultation with the Amah Mutsun Tribe and additional requirements may result from that process.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development within the Betabel Road Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. With several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County. Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4, which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; and Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; and applicable federal, state and local laws governing potential effects from geologic hazards.

Although the project site is located approximately one-half mile northeast of the San Andreas Fault, it is not within an Alquist-Priolo Earthquake Fault Zone. Further, development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, and will not interfere with General Plan policies intended to reduce these hazards. In addition, the proposed project is subject to compliance with required geotechnical design recommendations, compliance with state and local building codes and other regulatory requirements intended to reduce the risks of human harm and property damage from seismic events. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, this impact is less than significant.

- b. Development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requiring all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion. Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices. The proposed project would not increase the level of development beyond that already addressed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- c.d. Development under the General Plan could lead to development and related infrastructure located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts. Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides; Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential. The proposed project would not increase the level of development beyond that already anticipated in the General Plan. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils; Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection; Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners; and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems.

The proposed project would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described in above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b.

The proposed project would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered and General Plan Goal NCR-1, and its supporting policies, ensures further protection of unique geological formations. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County’s goal of reducing GHG emissions. However, even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions will remain significant and unavoidable. The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emission, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents, and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development in conformance with the proposed C-3 Zoning Code standards would contribute to the construction and operational emissions impacts identified in the General Plan EIR

dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. All development is required to comply with state regulations, General Plan policies, and air district requirements. The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The types of land uses allowed under the proposed C-3 Zoning Code would be consistent with the land uses analyzed in the General Plan EIR and would not interfere with the actions or policies set forth in the General Plan to reduce GHG emissions. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less than significant impact.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that would be expected to use, transport or dispose hazardous materials. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less than significant impact.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan. Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant.

Although the project site is located within one-quarter of a mile from Anzar High School, future development within the project site would be required to comply with all applicable regulations related to hazardous materials associated with proximity to existing school sites. The project site is designated as commercial regional in the General Plan and would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less than significant impact.

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, could create a significant hazard to the public or

environment. This would be a potentially significant impact. In addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis as part of the development site review process for any future project within the County. Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant.

A search of the Envirostor website revealed that the project site is not on the list and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan. Therefore, impacts related to siting of new uses near airports would be reduced to less than significant.

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project area.

- f. Development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient,

timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts, increased traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant.

The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations (pages 13-33 and 13-42).

All development under the proposed project would be subject to compliance with the County Code requirements regarding water quality and surface and groundwater quality. Future development within the project site would also be required to comply with General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less than significant impact.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge, as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly. Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (page 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages (page 13-36).

The project site is within the San Juan sub-basin of the Gilroy-Hollister Groundwater Basin, and sits at one of the lowest points within that basin. Therefore, groundwater depths are good, and the San Benito County Water District believes that long-term water supply prospects are good. The project site is within the Zone 6 district for which the Water District has a good groundwater history established. The proposed

project would be required to comply with General Plan policies, municipal code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes by the General Plan and would not create new or increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR. A water supply report will be required by the San Benito County Water District when development applications are processed, in order to demonstrate that a long-term sustainable groundwater supply exists. Therefore, the proposed project would result in a less-than-significant impact on groundwater supplies and groundwater recharge.

The two northern commercial node sites and two southern commercial node sites are not hydrogeological connected, so there would be no cumulative effect between those two sets of sites. The project site and the Betabel Road commercial node site are within the same groundwater basin, but because groundwater levels are high, it is not anticipated that there would be adverse cumulative effects on groundwater.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan.

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated for regional commercial uses by the General Plan and will not result in the conversion of any new lands to urban uses that will increase the severity of impacts already analyzed in the General Plan EIR or

result in new environmental impacts. Future development within the project site would be required to comply with General Plan policies, County Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Therefore, this impact is less than significant.

- d. The San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General Plan EIR did not identify significant impacts related to inundation in flood hazard zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA).

According to FEMA, a small portion of the project site, northern-most portion that borders the San Juan Canyon Creek, is located within the 100-year flood plain. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Future development within the project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- e. The 2019 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. However, the General Plan EIR identified that conformance with the applicable General Plan policies and regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality.

Future development within the project site would be required to comply with General Plan policies and applicable state and federal regulations via incorporation of low-impact development methods and best management practices, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts related to water quality and groundwater quality than those already analyzed in the General Plan EIR, resulting in a less than significant impact.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically define a community. The General Plan EIR did not identify significant impacts related to physically dividing an established community that would not be reduced to less than significant through compliance with General Plan policies and goals together with Mitigation Measures LU-1a and LU-b; these mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments.

The proposed project does not include the construction of a physical feature that would impair physical connections within a community because the project site’s location is not within or nearby an established community. Further, the General Plan policies intended to ensure that communities and neighborhoods remain cohesive and connected, and growth is compact and in areas suited for it would remain in effect. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. The General Plan EIR analysis did not identify impacts indicating a significant conflict with other applicable land use plans, policies, and regulations of agencies with jurisdictional authority in unincorporated areas identified in the General Plan planning boundary and adjacent areas. As stated within the General Plan EIR, the various General Plan policies encourage the placement of compatible urban and urban/agricultural interface land uses, and encourage planning and coordination

between land uses under jurisdiction of County, federal, state, and regional conservation, air quality, transportation, and land management agencies; therefore, no land use incompatibilities would result (page 14-47).

The project site was designated as a regional commercial node in the General Plan (figure 3-5) and is consistent with the definition of Centralized Commercial Node Development, included in General Plan, Appendix A. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than identified in the General Plan and analyzed in the General Plan EIR. Consequently, the proposed project would serve to reduce or avoid conflicts with applicable policies in the General Plan. There would be no new or more severe impacts than those already analyzed in the General Plan EIR as a result of the proposed project, resulting in a less-than-significant impact.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, page 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan. The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact.

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District for the Highway 129 Commercial Node, located along U.S. Highway 101. No mineral resources are identified at this site. The project site was designated for regional commercial uses in the General Plan and analyzed in the General Plan EIR. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified Mitigation Measure NSE-4 which would require the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-4 could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable.

Buildout of the General Plan would facilitate the construction of new projects within the County. Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of

existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends. In addition to policies set forth in the General Plan, the General Plan EIR identified Mitigation Measures NSE-5a, NSE-5b, and NSE-5c to reduce short-term noise impacts associated with construction activity to less-than-significant levels.

Future development within the Highway 129 Commercial Node in conformance with the proposed C-3 Zoning Code standards could contribute to the noise impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. Future development within the project site would avoid significant impacts by conforming to requirements for acoustic analysis under the General Plan as well as by achieving subsequent compliance with interior and exterior noise standards through the application of any necessary special construction or noise insulation techniques. The proposed project would not change the land use patterns analyzed in the General Plan EIR. The proposed project does not include any changes to the noise-regulations in the County Code of Ordinances and would not interfere with General Plan policies intended to prevent or reduce noise-related impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels, that would not be reduced to less-than-significant levels through compliance with General Plan policies.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. Development under the proposed C-3 Zoning Code would be set back at least 35 feet from the street and 150 feet from U.S. Highway 101 travel lanes, which would largely eliminate potential impacts. The proposed project would not result in any new or more severe impacts to

excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR; therefore, the proposed project would result in a less-than-significant impact.

- c. Buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6.

According to General Plan Figure 3-2, the proposed project is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark, and the proposed project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The purpose of the General Plan is to provide a framework to guide land use development and conservation within the unincorporated County. The General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County’s projected growth without encouraging additional growth. As stated within the General Plan EIR, all feasible mitigation to reduce the likelihood of unplanned growth and its environmental impacts has been incorporated into the General Plan or has been identified in Chapters 5 through 22 of the General Plan EIR analysis; therefore, no additional measure beyond those policies included within the General Plan or identified in the General Plan EIR are available to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable in terms of losses of agricultural land and habitat.

The proposed C-3 Zoning Code would ensure that its allowable uses and development standards are consistent with the vision for regional commercial sites as guided by the General Plan. The proposed project would not change the land use patterns or amount of allowed development that was analyzed in the General Plan EIR. The proposed project would not alter the number of housing units and non-residential development intensities analyzed in the General Plan EIR. The proposed project would not change the conclusions of nor would it result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (page 6-21).

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the General Plan EIR. The project site is primarily vacant but includes some agricultural uses. The cumulative commercial node sites identified for inclusion in the proposed C-3 District are either vacant or occupied principally by commercial development; only four housing units are included within the commercial node sites. This impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County’s ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced with implementation of General Plan policies. Additionally, futures plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for public services beyond those analyzed in the General Plan EIR. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. The General Plan plans for development due to population growth, which would increase the use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. Because the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors, this would be a less-than-significant impact. Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate levels of service for parks and other recreational facilities. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service standards. The 2019 amendments to Appendix G of the CEQA Guidelines require addressing vehicle miles traveled (VMT) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd (b). Although not required until July of 2020, the County has chosen to use the new VMT standards in this initial study.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses. Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156, but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key

intersections. However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable.

Conversely, the General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (page19-75).

The types of land uses, amount of development, and land use patterns allowed under the proposed C-3 District would be consistent with those analyzed in the General Plan EIR, and therefore, would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR. Due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict with state and local roadway improvements requiring cooperation and potentially funding from agencies other than the County. Further, the proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines § 15064.3, subdivision (b) was not specifically evaluated within the General Plan EIR. However, the types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce vehicle miles traveled (“VMT”). The following table, a consolidated version of Table 11-1 presented within the General Plan EIR (page 11-37), provides a list of General Plan policies that reduce the VMT for development projects.

The proposed project would implement, and subsequently comply with, the applicable General Plan policies listed within Table 1 below. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes and is also a policy determined to reduce VMT. Therefore, the proposed project, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Further, the proposed project would not result in any new or more severe transportation impacts than those evaluated within the General Plan EIR, and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), resulting in a less-than-significant impact.

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation required (page 19-73).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. The existing road network includes two intersections in close alignment: Searle Road and the southbound U.S. Highway 101 onramps are separated by about 250 feet along State Route 129. Additionally, there are informal but long-used access points to the project site from State Route 129. More detailed site-specific analysis will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. For the purposes of designation of the C-3 Zoning District at the commercial node sites, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant.

Table 1 2035 General Plan Policies that Reduce VMT

General Plan Policies	How the Policies Avoid or Reduce VMT
<p>LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.</p>	<p>Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.</p>
<p>LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.</p>	<p>Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.</p>
<p>LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.</p>	<p>Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages mixed-use development by reducing the distances between residences and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.</p>

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation required (page 19-74).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis regarding emergency access will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not result in any new or more severe impacts than those identified in the General Plan EIR. Therefore, this impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (page 9-27) and determined its impact on the tribal resources to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of a historical or tribal resource.

Letters were sent on November 29, 2018 to a list of six tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the

County and the Amah Mutsun Tribal Band is in progress. Compliance with mandatory State, local and tribal Intergovernmental Consultation requirements would reduce the impacts on tribal resources to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands and upgrades to water treatment and distribution infrastructure; wastewater collection, treatment, and disposal infrastructure; and storm water drainage facilities. However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan

are evaluated in Chapters 5 through 22 of the General Plan EIR. The construction and expansion of such facilities would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments. There would be no additional impacts beyond those identified in Chapters 5 through 22 of the General Plan EIR. This impact would be less than significant, and there would be no need for additional program-level mitigation measures not identified elsewhere in the General Plan EIR (pages 20-57, 20-60, and 20-61).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact would be less than significant (page 20-40).

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Prior to approval of specific development projects, the San Benito County Water District will require preparation of a report that demonstrates adequacy of the proposed water supply. The project site is located at the lower extent of the San Juan sub-basin, and an area that has a good groundwater supply. The proposed project would not generate an increase in water demands beyond the level of increased demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- d,e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, policies PFS-7.1 through PFS-7.7, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, this impact would be less than significant.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County and with federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 2019 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, page 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant.

According to the California Department of Forestry and Fire Protection, the project site is located within a very high fire hazard severity zone in a state responsibility area. The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. There is a potential for air pollutant accumulation from wildland fires. There is also a potential for future development within the project site to be subject to increased risks of downslope or downstream flooding or landslides, as a result of post-fire slope instability or wildfire-related drainage changes, should a wildfire occur. The presence of wildland fire hazards requires all future development to meet special standards corresponding with each degree of risk. This includes standards as listed in the California Building Code Chapter 7A–Wildland-Urban Interface Fire Conformance Checklist, which provides a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface fire areas. Further, all development is required to comply with federal and state regulations for development within the Wildland-Urban Interface, ingress and egress requirements of the Hollister Fire Department, and General Plan policies to reduce impacts to emergency response, wildfire, and air pollution in the County. Therefore, this impact would be less than significant.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-c. As described in this Initial Study Addendum, new construction or physical changes resulting from future projects consistent with General Plan land use designations and in conformance with the proposed C-3 Zoning Code would not result in new or more severe impacts than are addressed in the General Plan EIR. The proposed C-3 Zoning Code would provide detailed development regulations for sites already designated for urban uses in the General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations protecting the fish and wildlife species and significant historic, archeological and tribal cultural resources. New development would be subject to compliance with the General Plan policies intended to minimize environmental impacts to biological and cultural resources. The proposed C-3 Zoning Code is consistent with the land use densities and patterns

identified in the General Plan and analyzed in the General Plan EIR. As a result, the proposed C-3 Zoning Code would not degrade the quality of the natural environment to an extent greater than addressed in the General Plan EIR.

The proposed C-3 Zoning Code provides development standards for sites that are committed to urban use by the General Plan. The types of land uses, amount of development, and land use patterns allowed in conformance to the proposed C-3 Zoning Code is consistent with those analyzed in the General Plan EIR.

Implementation of the proposed C-3 Zoning Code would not result in new or greater in severity cumulatively considerable impacts than were identified and addressed in the General Plan EIR. The proposed project's contribution to cumulative impacts identified in the General Plan EIR is less than significant.

As described in this Initial Study Addendum, implementation of the proposed C-3 Zoning Code would not result in any impacts that are new or greater in severity than those already analyzed in the General Plan EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed C-3 Zoning Code would result in a less-than-significant impact. No further environmental review is required.

E. SOURCES

1. **County of San Benito. May 8, 2019. San Benito County Regional Commercial (C-3) District Zoning Code.**
2. **County of San Benito. March 2015. Revised Draft Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
3. **County of San Benito. June 2015. Final Environmental Impact Report – 2035 San Benito County General Plan Update – State Clearinghouse #2011111016. Hollister, CA.**
4. **County of San Benito. July 2015. San Benito County 2035 General Plan. Hollister, CA.**
5. California Department of Conservation. 2016. *California Important Farmland Finder*; Accessed May 1, 2019. <https://maps.conservation.ca.gov/DLRP/CIFF/>
6. California Department of Conservation. 2015. *San Benito County Williamson Act FY 2014/2015*; Accessed April 12, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBenito_14_15_WA.pdf
7. County of San Benito. “San Benito County GIS.” Accessed on May 1, 2019. http://gis.cosb.us/Html5Viewer_2_0/Index.html?configBase=http://gis.cosb.us/Geocortex/Essentials/REST/sites/SBC/viewers/Public/virtualdirectory/Resources/Config/Default
8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed April 5, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed April 11, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed April 12, 2019. <https://msc.fema.gov/portal>
12. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

13. Santa Clara Valley Transportation Authority. March 2013. *U.S. 101 Improvement Project between Monterey Street and State Route 129 Draft Environmental Impact Report SCH# 2007102141*. San Jose, CA.

All documents indicated in bold are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 9.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER:

SUBJECT:

PLN180024-ZC3 "Rocks Ranch" (Zone Change): OWNER/APPLICANT: Bingaman Trust. LOCATION: Southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista, CA (portion of APN 011-310-006). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland (AR) or Agricultural Productive (AP) to Regional Commercial (C-3) on approximately 72-acres. GENERAL PLAN DESIGNATION: Commercial Regional and Rangeland or Agriculture. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

Amend the Zoning Map to establish boundaries for the Regional Commercial (C-3) District: If the Code amendment is approved, amend the County Zoning Map by three separate ordinances to change the zoning district for land area recommended for inclusion in each of three separate Commercial Regional nodes, with specific site and property boundaries, to Regional Commercial (C-3) Zoning District. Each site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Rocks Ranch	5/7/2019	Staff Report
Rocks Ranch Draft Ordinance	5/8/2019	Ordinance
Rocks Ranch CEQA Initial Study and Addendum	5/8/2019	Backup Material

STAFF REPORT

PROJECT INFORMATION

Application: PLN 180024-ZC3 “Rocks Ranch” (Zone Change)
Date of Hearing: May 15, 2019 Planning Commission
Applicants/Owners: Bingaman Irrevocable Trust
Location: Southerly side of U.S. 101 at San Juan Road interchange,
San Juan Bautista (*see attached map*)
Assessor’s Parcel No.: Portion of 011-310-006
General Plan Designation: Commercial Regional and Rangeland or Agriculture
Zoning District: Request to change zoning from Agricultural Rangeland or
Agricultural Productive to Regional Commercial (C-3)
CEQA: Addendum to 2035 General Plan Final Environmental
Impact Report, Resolution No. 2015-58
Project Planner: Darryl Boyd, Principal Planner

SITE DESCRIPTION

The project site is outlined in red in the exhibit below and consists of approximately 72-acres located on the southerly side of U.S. 101 at the San Juan Road interchange (not shown on aerial photo). The site is a portion of a much larger parcel. The primary existing use at the site is vacant grazing land. The site area intentionally minimizes inclusion of the existing land area within the floodplain/riparian corridor or on higher elevations. Surrounding uses include grazing rangeland or low density residential on the westerly side.



Initially, only the portion of the site nearest U.S. Highway 101 was included. To accommodate the property owner's request for a hotel site in a saddle above the hillside, the site was expanded to include a larger area. However, because the C-3 code includes prohibitions on hillside development and removal of oak trees, staff determined that reducing the site to two more focused locations would better represent the potential building envelope for this site. It is assumed an access roadway or driveway would connect the two sites.

PROJECT DESCRIPTION

This agenda item is a request to change the site zoning from Agricultural Rangeland (AR) and Agricultural Productive (AP) to Regional Commercial (C-3) District on approximately 72-acres of a larger parcel subject to approval of the required amendments to County Code Title 25 to adopt the new district.

GENERAL PLAN

The General Plan Land Use Diagram depicts the boundaries of land uses for San Benito County through the year 2035 and beyond. The boundary lines between land use designations are delineated as specifically as possible, in most cases following parcel lines. For larger parcels, particularly outside of the Hollister and San Juan valleys, the boundary lines between land use designations are indicated more generally.

The 2035 General Plan Land Use Designation for the site is Rangeland or Agriculture and Commercial Regional Node. The purpose of the Rangeland designation is to maintain open space and grazing land on hills, mountains and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations and one principal residential dwelling unit per lot.

The purpose of the Agriculture designation is to maintain the productivity of agricultural land, especially prime farmland, in the county. This designation is applied to agriculturally productive lands of various types, including cropland, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. Secondary dwellings are allowed for relative, caretaker/employee, and farm worker housing. These areas typically have transportation access, but little to no public infrastructure.

One of the many guiding principles for the County's General Plan is to support the county's growing tourism industry for continued economic growth and prosperity. Land Use Element Agricultural and Rangeland Policy LU-3.7 states "*The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area.*"

The purpose of the Commercial Regional designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to

accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels. In Appendix 'A' of the General Plan, a commercial node is defined as *“a strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.”*

ENVIRONMENTAL EVALUATION

The Planning Commission's discretionary action on this zone change request is a project subject to CEQA. Staff has prepared an initial study focused on each of the four proposed sites to which the C-3 code would be applied. Based on the findings documented in the initial studies, the County has prepared an Addendum to the 2035 General Plan Final Environmental Impact Report (EIR), passed on July 21, 2015 by Resolution No. 2015-58.

Consistent with CEQA Guidelines Section 15164 an addendum is appropriate to provide environmental clearance for the proposed zoning district change in that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. Furthermore, the proposed zone change is not subject to further environmental review in accordance with CEQA Guidelines Section 15126 in that the change in zoning district implements the General Plan Regional Commercial designation as was considered in the preparation of the 2035 General Plan Final EIR. The proposed zone change does not approve any development project and will not result in any physical changes to the existing environment.

STAFF ANALYSIS

The proposed zoning change is necessary to implement the General Plan Commercial Regional Land Use designation. County Code Chapter 25.45 authorizes changing the boundaries of a district wherever the public necessity, convenience and general welfare require amendments. This chapter also establishes the procedures to be followed for such changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

A fundamental task of this General Plan implementation effort is to delineate the land area for inclusion in each of the commercial node sites. Site mapping work for this site was completed and reviewed with the property owners and Planning Commission. Refinements have been made based on the environmental considerations and comments received. The establishment of a more precise C-3 district boundary for this site is shown on the attached exhibits.

General Plan Conformance

The proposed zone change is consistent with the General Plan Policy LU-5.3 and definition of Commercial Node development in that the Rocks Ranch property is designated Commercial Regional as shown on the Land Use Diagram Figure 3-5. The zone change is also consistent with the intent of the Commercial Regional goals and policies in that it preserves scenic areas, riparian floodplain and minimizes agricultural land conversion.

Specific Regulations for Rocks Ranch Node

Consistent with the General Plan, each node is required to establish an overall design theme that guides the node's visual character for development. Some of the property owners are working on specific architectural and design themes for their eventual developments. Example illustrations and artwork will be included in the final adopted C-3 district regulations. The C-3 District includes the following specific regulations for this node:

- An Old California village or small town theme with primarily small-scale buildings arranged to enclose outdoor public space;
- Variable roofs including gables, Dutch gables, Spanish-influenced roof parapets, false fronts, and lean-to sheds;
- Clapboard siding or bare wood, double-hung or casement windows, and covered arcades fronting buildings;
- Limited visibility of buildings on the lower portion of the site, and no visibility of buildings on the upper portion of the site.
- A regional County sign as authorized.

Findings

Staff believes the zone change petition will serve the public necessity, convenience and general welfare in that it is consistent with General Plan Land Use Diagram and commercial node definition, as well as implementing the applicable General Plan goals and policies. The zone change is good zoning practice in that it establishes precise boundaries consistent with the General Plan, avoids riparian habitat and hillsides, minimizes the loss of agricultural land and establishes specific regulations.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed zoning map amendment,
- 2) Adopt a resolution finding the proposed Zoning map amendment will serve the public necessity, convenience and general welfare, and is good zoning practice and
- 3) Recommend the Board of Supervisors adopt an Ordinance to amend the County Zoning Map to incorporate the Rocks Ranch Node Regional Commercial (C-3) District.

ATTACHMENTS

1. Rezoning Ordinance
2. CEQA Initial Study

RoC: "Rocks Ranch"
Bingaman Trust #1
P.O. Box 1116
Salinas, CA 93902

1
2
3
4
5

EXHIBIT A to the Ordinance.
MAP OF THE BOUNDARIES OF THE SUBJECT PROPERTY
Including all or a portion of Subject APNs



6

Initial Study and Addendum

C-3 Zone District Initial Study and Addendum to the Revised Draft EIR 2035 San Benito County General Plan Update Rocks Ranch Commercial Node

May 7, 2019



INITIAL STUDY AND ADDENDUM

**C-3 ZONE DISTRICT INITIAL STUDY AND
ADDENDUM TO THE REVISED DRAFT EIR 2035
SAN BENITO COUNTY GENERAL PLAN UPDATE
(SCH # 2011111016)
ROCKS RANCH COMMERCIAL NODE**

PREPARED FOR

San Benito County

Darryl Boyd

2301 Technology Parkway

Hollister, CA 95023

Tel 831-637-5313

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP

james@emcplanning.com

www.emcplanning.com

May 7, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	16
C.	DETERMINATION	18
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	20
1.	Aesthetics.....	22
2.	Agriculture and Forest Resources	25
3.	Air Quality	28
4.	Biological Resources	31
5.	Cultural Resources.....	36
6.	Energy	38
7.	Geology and Soils	39
8.	Greenhouse Gas Emissions	44
9.	Hazards and Hazardous Materials	46
10.	Hydrology and Water Quality.....	50
11.	Land Use and Planning.....	55
12.	Mineral Resources	57
13.	Noise	58
14.	Population and Housing.....	61
15.	Public Services.....	63
16.	Recreation	64
17.	Transportation.....	65
18.	Tribal Cultural Resources	70
19.	Utilities and Services Systems.....	72
20.	Wildfire	75
21.	Mandatory Findings of Significance	77
E.	SOURCES.....	79

Figures

Figure 1 Regional Location 9
Figure 2 Rocks Ranch C-3 District Boundary 11
Figure 3 San Juan Study Area 13
Figure 4 Site Photographs 15

Tables

Table 1 2035 General Plan Policies that Reduce VMT 67

A. BACKGROUND

Project Title	Rocks Ranch Commercial Node Initial Study Addendum
Lead Agency Contact Person and Phone Number	Darryl Boyd or Taven Kinison Brown (831) 637-5313
Date Prepared	May 8, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Tanya Kalaskar, Assistant Planner Shoshana Wangerin, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	On the western edge of San Benito County's boundary line, bordered by U.S. Highway 101 to the north and additional land within Rocks Ranch to the east and south. This location is one of four sites considered for application of the newly created C-3 zoning district.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Agriculture (A) Rangeland (RG) Commercial Regional (CR)
Zoning (this location)	Agricultural Productive (AP) and Agricultural Rangeland (AR)

Setting

San Benito County ("County") is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles). [Figure 1, Regional Location](#), shows the County's regional location.

The General Plan designates three locations along U.S. Highway 101 as Regional Commercial nodes, referred to by the names “Betabel Road,” “Highway 129,” and “Rocks Ranch.” The County is also considering an additional site as a Regional Commercial node, referred to by the name “Livestock 101.” This initial study focuses on the Rocks Ranch site.

The approximately 71.9-acre Rocks Ranch Commercial Node (“project site”) is located on the south side of U.S. Highway 101 on the western edge of the County’s boundary line (portion of APN: 011-310-0060) (“project site”). The project site is vacant with substantial tree coverage on its fringes, and is also located within one of the County’s New Community Study Areas, the San Juan Study Area. The northern portion of the project site is predominantly designated Agriculture (A), with a small portion designated as Rangeland (RG). The designation of the southern portion of the project site is split into Agriculture (A) and Rangeland (RG). The northern portion of the project site is predominantly zoned Agricultural Productive (AP), with a small part within the Agricultural Rangeland (AR) zoning district. The southern portion of the project site is split into the Agricultural Productive (AP) zoning district and the Agricultural Rangeland (AR) zoning district.

Surrounding land uses include agriculture uses to the east and south, residential uses across U.S. Highway 101 to the north, and Monterey County lands to the west (including the “Red Barn” antique store). Site location is presented on [Figure 2, Rocks Ranch C-3 District Boundary](#) and [Figure 3, San Juan Study Area](#). Photos of the project site are presented on [Figure 4, Site Photographs](#).

Background

Historically, residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote tourism and economic development, and increase revenue. Four property owners (or groups of owners) entered into a reimbursement agreement with the County to equally fund the preparation of a new Regional Commercial (C-3) Zoning District to implement and effectuate the intent and provisions of the *San Benito County 2035 General Plan* (“General Plan”) land use designation of Commercial Regional and associated policies.

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area. RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes.

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.

The *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, Table 3-7 estimates that the Commercial Regional designation would cover about 126 acres of land. With development density at a ratio of 0.8 square feet of building area per square foot of lot area (General Plan, Table 3-1), total development anticipated in the Commercial Regional designation could be as much as 4,390,000 square feet.

Description of Project

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District, including textual regulations and delineation of boundaries on the County's zoning map. The proposed C-3 District code includes lists of acceptable land uses, procedures for approval of development, general standards for the size and placement of development, and special regulations that protect resources or are applicable to specific C-3 District locations. The proposed amendment to the zoning map includes four locations ("nodes") for the C-3 District, all of which are located along U.S. Highway 101.

Following is the intent statement from the proposed C-3 District code:

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall include no less than a 300-square-foot space exclusively dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

A summary of the land uses and general development standards proposed for the C-3 District is provided below.

The C-3 code establishes several approval levels for allowed uses, including through administrative Site Plan Review, Design Review, and a Master Development Permit process. A few uses, such as agricultural activities, are allowed by right, and small changes to existing

uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Director or Planning Commission, either with a Design Review permit, a Conditional Use Permit, or a Master Development Permit. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan, and sign program.

Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan.

Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones. Cumulative development at the nodes could total up to 400,000 square feet of retail commercial uses and 500 hotel rooms, plus a minor residential component. To better compare to the building square footage estimate used in the General Plan EIR, the hotel rooms (and associated public and back-of-house space) have been estimated at 750 square feet per room, and the residential uses estimated at 1,400 square feet each for no more than 30 units per node. When considering these square footage conversions, capacity for all types of development would be about 943,000 square feet, or about 22 percent of the possible square footage allowed by the General Plan development parameters.

Total site area is about 326.5 acres; however, the proposed C-3 District regulations provide a total development number, rather than relying on a floor to area ratio. Therefore, although total site area exceeds the 126 acres anticipated in the General Plan EIR, total development capacity would be significantly less than the potential 4,390,000 square feet that the General Plan EIR accounted for.

The C-3 code also has several specific topical regulations. Section 25.16.068 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.069 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.070

would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Section 25.16.071 would impose additional grading restrictions, prohibit the removal of any protected oak trees, and limit the area of landscaping that could be irrigated.

Each node would have an established theme that would drive that node's visual character and promote an aspect of the County's history or economy.

The proposed C-3 District code includes the following specific regulations for the Rocks Ranch node:

- An old California village or small town theme with primarily small-scale buildings arranged to enclose outdoor public space;
- Variable roofs including gables, Dutch gables, Spanish-influenced roof parapets, false fronts, and lean-to sheds;
- Clapboard siding or bare wood, double-hung or casement windows, and covered arcades fronting buildings;
- Limited visibility of buildings on the lower portion of the site, and no visibility of buildings on the upper portion of the site.
- A regional County sign as authorized by Section 25.16.069.

The proposed project includes the establishment of precise boundaries for regional commercial development at or near intersections with U.S. Highway 101, consistent with the definition of Centralized Commercial Node Development, included in General Plan Appendix A. Where the General Plan denotes approximate locations for regional commercial development, the proposed project establishes specific boundaries. Part of the proposed project is a General Plan amendment to add the Livestock 101 commercial regional node.

CEQA Approach

This document, along with the CEQA findings for approval, is an addendum to the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified on July 21, 2015 ("General Plan EIR"). The General Plan EIR analyzed the San Benito County 2035 General Plan ("General Plan"), which was adopted by the San Benito County ("County") Board of Supervisors on the same date.

The General Plan identified New Community Study Areas to indicate the County's interest in studying the potential for development of new urban communities, primarily in the northwestern portion of the County. The Rocks Ranch Commercial Node is located within the boundaries of the San Juan Study Area (see Figure 3, San Juan Study Area). The General Plan EIR includes environmental evaluation of two development scenarios. Under Scenario 1, the Hollister-Centered Growth Scenario, the General Plan EIR analyzes the

potential environmental impacts from buildout under the land use diagram of the General Plan. Under Scenario 2, the New Community Study Areas Plus Hollister General Plan Growth Scenario, the General Plan EIR includes a high-level forecast of the potential environmental impacts of additional population growth from changing the General Plan land use diagram to designate several New Community Study Area locations, including one covering the project site. The potential environmental impacts on many environmental resources would be similar under both scenarios. For example, aesthetic impacts associated with population growth are not likely to be significantly different as between Scenario 1 and 2 because the same General Plan policies and mitigation measures would be applied. For a few environmental resources, such as transportation, agriculture, and air quality, where impacts depend more heavily on where people are located, the environmental impacts under Scenario 1 are different than those under Scenario 2.

The subject addressed by this addendum is the County's Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project"). The environmental analysis herein is prepared pursuant to the provisions of the California Environmental Quality Act ("CEQA") Guidelines Sections 15162 and 15164. This addendum reviews the proposed project and examines whether, as a result of the proposed project or new information, any new or worsened impacts could occur that were not identified in the General Plan EIR. Because the proposed project is implementation of General Plan policy, the prime consideration is consistency with the General Plan, particularly in terms of how much development was assumed in the General Plan relative to how much development would be allowed under the proposed project.

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would govern future development applications. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional project-level environmental review will be required for development projects when applications for those projects are processed.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled ("VMT") for transportation issues (in response to SB 743), and the addition of

wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

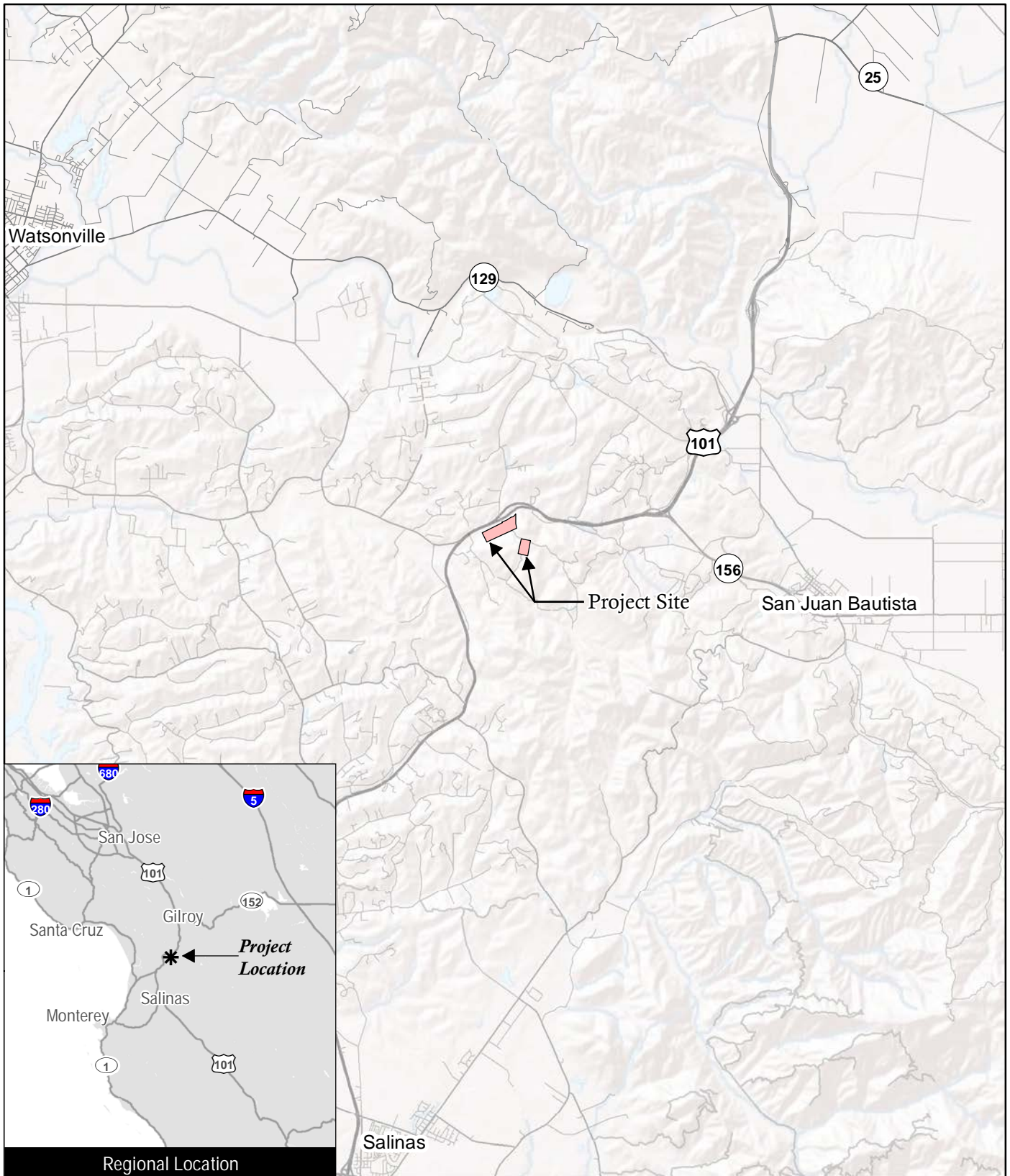
Other Public Agencies Whose Approval is Required

None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to six tribes traditionally and culturally affiliated with the project area on November 29, 2018. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



Source: ESRI 2019

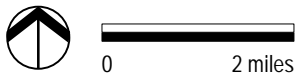


Figure 1
Regional Location

San Benito County Commercial Nodes – Rocks Ranch Initial Study Addendum

This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016



Figure 2

Rocks Ranch C-3 District Boundary



This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016



Figure 3

San Juan Study Area



This side intentionally left blank.



① Facing west towards existing Red Barn Flea Market



② From entry driveway facing east



Project Site

San Benito County Boundary

Source: ESRI 2019

Photographs: EMC Planning Group 2018



③ Facing north from driveway



④ Facing south toward southern site

This side intentionally left blank.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or more severe impact is identified in this initial study, none of these boxes have been checked.

C. DETERMINATION

The County of San Benito, as the lead agency, has prepared an addendum to the 2035 General Plan Update Final EIR (Resolution No. 2015-58) in accordance with CEQA Guidelines Section 15164 (a). On the basis of this evaluation, in accordance with the finding recited below, the RMA Director finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or, a Statement of Overriding Considerations was adopted by the Board of Supervisors for significant effects that could not be feasibly reduced to a less than significant level, an addendum has been prepared. No subsequent EIR is required for the proposed project in accordance with CEQA Guidelines Section 15162 (a).

Taven Kinison Brown, Principal Planner

Date

Findings in Support of an Addendum to the San Benito County 2035 General Plan

The proposed project implements the San Benito County 2035 General Plan in furtherance of General Plan policies LU-5.3, LU-5.4, LU-5.5, LU-5.6, and LU-5.7.

Environmental effects resulting from implementation of the San Benito County 2035 General Plan were studied in the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified by the San Benito County Board of Supervisors on July 21, 2015.

In certifying the General Plan EIR, the County Board of Supervisors adopted statements of overriding considerations in the areas of agricultural resources, air quality, habitat, and traffic congestion on State Routes 25 and 156.

The General Plan and General Plan EIR anticipated development under a new designation of Commercial Regional, several locations for which were identified on various General Plan maps.

The General Plan and General Plan EIR anticipated that development within the Commercial Regional designation would comprise 126 acres at a floor to area ratio of 0.8, potentially yielding total development of approximately 4,390,000 square feet of building area.

The proposed project includes a General Plan Amendment to add an additional Regional Commercial location to the General Plan maps, and to remove an errantly placed Regional Commercial location from the General Plan maps, but does not affect the total development capacity envisioned within the Regional Commercial designation.

The proposed C-3 code includes amendment to the zoning map to delineate four locations to which the C-3 code regulations would apply, three of which correlate to the conceptual locations shown on the General Plan maps, and the fourth of which correlates to the proposed General Plan Amendment site, a portion of which already includes C-2 zoning.

The proposed C-3 code allows a baseline development of approximately 871,800 square feet, or about 20 percent of the possible square footage allowed by the General Plan development parameters for the Regional Commercial designation, inclusive of four locations as shown on General Plan maps, including the location added with the General Plan Amendment.

Development potential under the proposed C-3 code would be well within the development potential analyzed for the Regional Commercial designation in the General Plan EIR, and therefore, the County finds that none of the conditions described in CEQA Guidelines Section 15162 exist and require preparation of a subsequent EIR, and therefore, this addendum has been prepared.

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” —For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described

which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains. The General Plan EIR found that with the implementation of General Plan policies that seek to protect scenic vistas, the impedance of views to scenic agricultural and rangeland uses and distant mountains that may occur with future development under the General Plan would be less than significant. General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the commercial regional nodes.

The project site is located in an area known for views of scenic rock outcrops, which are a notable landscape feature on this section of U.S. Highway 101. The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General

Plan EIR. Building heights would generally be limited to 35 feet, with an exception of up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources. In conformance with General Plan policy LU-5.3, the proposed C-3 Zoning Code includes development standards specifically for the purpose of protecting scenic qualities. For example, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. Development on the project site will be behind a line of vegetation, and not very visible from U.S. Highway 101; therefore, the future development on the project site would not significantly affect vistas.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (page 5-35). Therefore, the proposed project would have no impact on scenic resources with a state scenic highway. According to the General Plan, U.S. Highway 101 is a County-designated scenic highway (page 8-13). The project site abuts U.S. Highway 101. The project site is located in an area known for views of scenic rock outcrops, which are a notable landscape feature on this section of U.S. Highway 101. Some of the rock outcroppings are visible from northbound U.S. Highway 101 after passing the project site. Future development within the project site would be subject to the County's existing visual protections, and additional scenic protections included in the proposed C-3 Zoning Code, such as setbacks from U.S. Highway 101 and height restrictions. Therefore, the proposed project would not substantially damage scenic resources within the County-designated scenic highway.
- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. This would be a potentially significant impact. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which would require that new development appear complementary to existing rural or low intensity land uses by requiring the use of vegetative screening and topography and that development be appropriate to the setting either by appearing similar to existing uses in the vicinity. These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12. The General Plan EIR found that implementation of these mitigation measures would reduce this impact to less than significant.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards would result in a change to the existing visual character of the project site. Likewise, cumulative development at up to four sites would result in a change to the visual character of the U.S. highway 101 corridor within San Benito County. Special development standards are incorporated in the proposed C-3 Zoning Code regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting. As discussed in “a” above, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Further, the design of future development within the project site and other commercial nodes would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the County’s design review process, as required. The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR, and development of the proposed project would be within the levels anticipated. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

- d. Development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. General Plan EIR Mitigation Measure AES-4 established a goal and policy in the General Plan to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories, in keeping with current County regulations (refer to County Code chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, this impact would remain significant and unavoidable.

The visibility of the project site from U.S. Highway 101 is low due to elevation differences and a line of vegetation along U.S. Highway 101. The proposed C-3 Zoning Code would impose the County’s most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Additionally, the General Plan policies related to minimizing nighttime lighting or glare would remain in place. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As discussed in the CEQA Approach section above, the Rocks Ranch Commercial Node is located within the boundaries of the San Juan Study Area (see figure 3). Since impacts on agriculture and forest resources depend on where people are located, this section of the initial study includes a discussion of the General Plan EIR's impact analysis under Scenario 2, if different from Scenario 1.

- a. Buildout of the General Plan would lead to urban development, including infrastructure, roadways, and other utilities, that could convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. The General Plan EIR identified Mitigation Measures AG-1a through AG-1c, which would encourage the maintenance of existing agricultural lands as agricultural uses; these mitigation measures are reflected in General Plan Policies LU-3.10, NCR-5.15, NCR-6.3. However, these mitigation measures and the policies contained therein may not prevent the overall net loss of important farmlands within the County associated with future urban development within agricultural areas. Consequently, buildout of the General Plan may substantially convert important farmlands to urban uses, resulting in a significant and unavoidable impact. The County adopted a statement of overriding conditions in relation to loss of prime farmland.

According to the California Department of Conservation's Important Farmland Finder, the project site is identified as "Grazing Land;" therefore, the proposed project would not convert Farmland of Statewide Importance to non-agricultural uses.

- b. Future development anticipated in the General Plan could conflict with existing zoning for agricultural uses, or lands subject to Williamson Act contracts. The General Plan EIR determined that even with the implementation of Mitigation Measures AG-2a and AG-2b, which ensure no change in land use or agricultural activities occur and are reflected in General Plan Policies LU-3.11 and LU-3.15, the amount of farmland that could be preserved within the County may decrease. Therefore, this impact would remain significant and unavoidable.

The proposed project does not conflict with a Williamson Act contract. The northern portion of the project site is predominantly zoned Agricultural Productive (AP), with a small part within the Agricultural Rangeland (AR) zoning district. The southern portion of the project site is split into the Agricultural Productive (AP) zoning district and the Agricultural Rangeland (AR) zoning district. The proposed project would change the existing agricultural zoning to Regional Commercial (C-3). However, the project site was designated for regional commercial uses in the General Plan. Future development of the project site with regional commercial uses was evaluated in the

General Plan EIR. The proposed project is consistent with the General Plan and would not result in additional impacts or increase the severity of impacts than those already analyzed in the General Plan EIR. Therefore, the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- c-d. The project site is not located on forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Likewise, none of the other proposed C-3 District locations are on forest lands. Therefore, the proposed project would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.
- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of important farmland to non-agricultural uses; see discussion under checklist item “a” above. Indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture. Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable. The County adopted a statement of overriding considerations for this impact.

There are no existing farmlands in close proximity to the project site. Therefore, future development within the project site under the proposed C-3 Zoning District would not have any secondary effects on off-site farmlands.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The General Plan EIR found that buildout of the General Plan would result in inconsistencies with the air district’s air quality attainment plans because the General Plan uses population and housing data that differs from that used by the air district. Buildout of the General Plan would result in the emission of ozone precursors, i.e., reactive organic gases (ROG) and nitrogen oxides (NO_x), in amounts higher than the air district thresholds of significance. Policy HS-5.9 encouraging regional planning agencies to consider the County’s projections during the preparation of air quality management plans, and Policy HS-5.10 restricting the use of permanently installed wood-burning devices to only new commercial food-serving establishments, were added to the General Plan Health and Safety Element to implement Mitigation Measure AIR-1. Since, the County does not have control of whether the air quality management plans will come into consistency with the General Plan population projections, this impact would remain significant and unavoidable after mitigation.

The proposed project is predominantly commercial and has the potential to generate only a minimal number of housing units. Since consistency with the Clean Air Plan is based on consistency with population projections, and the proposed project is generally not population inducing, the proposed project would have minimal to no conflict with or obstruct implementation of the applicable air quality plan. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant. No additional mitigation measures are required.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1 (refer to checklist item “a” above). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level. The County has incorporated several policies into its General Plan that would reduce a project’s contribution to cumulative air emissions, including: Policies HS-5.1 to 5.6; Policy AD-2.5; Policy LU-3.3; Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 (see descriptions of each policy listed here in Table 7-3 of the General Plan EIR). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts.

The project site is designated as a regional commercial node in the General Plan and was analyzed as part of the General Plan EIR. Future development in conformance to the proposed C-3 Zoning Code standards, would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be further analyzed at the time specific development projects are proposed. Additionally, the General Plan policies related to minimizing air pollution would remain in place. Development in conformance with the proposed C-3 Zoning Code would contribute to the significant cumulative impacts to air quality but would not result in more development than called for in the General Plan and would not result in any new or more severe impacts to air quality than those already identified and addressed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would result in a less-than-significant impact. No additional mitigation measures are required.

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. Buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level.

The project site was designated for regional commercial uses in the General Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors. There are no sensitive receptors within 1,000 feet of the project site and the proposed project would not introduce new or worsened emissions of PM₁₀ and TACs beyond those analyzed in the General Plan EIR. Because the regional commercial land uses allowed under the proposed project would be consistent with those analyzed in the General Plan EIR, the proposed project would not expose additional sensitive receptors to PM₁₀ and TACs. The impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of people to objectionable odors. However, General Plan Policy HS-5.2 is designed to protect County residents from noxious odors generated by facilities or operations that may produce substantial odors. The General Plan EIR found this impact to be less than significant.

The regional commercial land uses allowed under the proposed project would be consistent with the uses analyzed in the General Plan EIR. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Impacts related to odors would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). Future development of land uses consistent with the General Plan, and construction of new infrastructure to support these land uses, has the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. This would be a potentially significant impact. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable. Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site. However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, development of land uses consistent with the General Plan could potentially convert natural habitats to urban and rural uses, and result in significant and unavoidable impacts.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and future development of the project site would require a master plan, which would be subject to project-level environmental review. According to the County's GIS, no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service occur on the project site. Further, according to the General Plan EIR Figures 8-2 and 8-3, there are no California Natural Diversity Database plant or wildlife occurrences on the project site.

The proposed project would not result in the conversion of any new lands to urban uses than identified in the General Plan and analyzed in the General Plan EIR. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations projecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be less than significant and the proposed project would

not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. Future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. This would be a potentially significant impact. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10) would help mitigate impacts to riparian area, oak woodlands, and other sensitive communities. However, the General Plan has no specific protection framework for riparian habitat, prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats. Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact. The County adopted a statement of overriding considerations for the impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and not interfere with General Plan policies intended to protect these biological resources. Development restrictions would be established within the proposed C-3 Zoning Code for areas located within or near riparian vegetation, requiring a 50-foot development setback from streams. The proposed C-3 Zoning Code would establish specific boundaries for the proposed C-3 District but does not identify additional lands for conversion to urban uses, resulting in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, the impact would be less than significant. No additional mitigation measures are required.

- c. Development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. This would be a potentially significant impact. The General Plan EIR concluded that implementation of General

Plan policies in addition to Mitigation Measures BIO-1a, BIO-2b, and BIO-2c would reduce this impact to less than significant.

The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- d. Development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. This would be a potentially significant impact. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level.

The proposed project provides detailed development regulations for sites already designated for regional commercial nodes in the General Plan and would not result in the conversion of new lands to urban uses. Future development in the County under the proposed project would be required to comply with all applicable regulations protecting migratory wildlife and wildlife corridors, including new provisions described under criteria b) and c) above, and would not interfere with General Plan policies intended to minimize impacts to wildlife corridors. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 encourages and supports coordination with state and federal agencies that have responsibility for natural open space and habitat areas in the County. This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition would result in direct benefits to oak woodland conservation, as oak woodlands constitute a significant portion of the native vegetation in the County.

General Plan Policy NCR-2.3 helps protect oak woodlands and other natural communities by directing the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact.

Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities; as stated within the proposed C-3 Zoning Code, there is 100 percent prohibition of oak tree removal. Therefore, there would be no impact to oak woodlands, and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, page 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County. Therefore, the proposed project would have no impact on HCPs, NCCPs, or local habitat management plans.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Development of infrastructure to serve anticipated growth that would be allowed under the General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. This is a potentially significant impact. The General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. The General Plan EIR found this impact to be less than significant.

The project site is not located near the incorporated cities of Hollister or San Juan Bautista nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Therefore, the proposed project would have no impact on the historic resources.

- b-c. Urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of an

archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. This is a potentially significant impact. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level.

The proposed project would be subject to the California Health and Safety Code section 7050.5, which requires construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. In addition, the proposed project would implement all applicable General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains and would not interfere with General Plan policies intended to reduce these impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

The County is in consultation with the Amah Mutsun Tribe and additional requirements may result from that process.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. With several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County. Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4, which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; and Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; and applicable federal, state and local laws governing potential effects from geologic hazards.

The project site is not within an Alquist-Priolo Earthquake Fault Zone and development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, and will not interfere with General Plan policies intended to reduce these hazards. Further, the proposed project is subject to compliance with required geotechnical design recommendations, compliance with state and local building codes and other regulatory requirements intended to reduce the risks of human harm and property damage from seismic events. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, this impact is less than significant.

- b. Development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requiring all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion. Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices. The proposed project would not increase the level of development beyond that already addressed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- c-d. Development under the General Plan could lead to development and related infrastructure located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts. Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides; Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential. The proposed project would not increase the level of development beyond that already anticipated in the General Plan. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils; Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection; Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners; and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems.

The proposed project would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described in above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b.

The proposed project would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would not

interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered and General Plan Goal NCR-1, and its supporting policies, ensures further protection of unique geological formations. The proposed project does not increase the level of development beyond that already addressed in the General Plan. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County’s goal of reducing GHG emissions. However, even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions will remain significant and unavoidable. The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emissions, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents, and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development in conformance with the proposed C-3 Zoning Code standards would contribute to the construction and operational emissions impacts identified in the General Plan EIR

dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. All development is required to comply with state regulations, General Plan policies, and air district requirements. The proposed C-3 Zoning Code provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The types of land uses allowed under the proposed C-3 Zoning Code would be consistent with the land uses analyzed in the General Plan EIR and would not interfere with the actions or policies set forth in the General Plan to reduce GHG emissions. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less-than-significant impact.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that would be expected to use, transport or dispose hazardous materials. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan. Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant.

The project site is not located within one-quarter of a mile from an existing or proposed school. Therefore, future development within the project site would have no impact related to hazardous materials on school sites.

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, could create a significant hazard to the public or environment. This would be a potentially significant impact. In addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis

as part of the development site review process for any future project within the County. Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant.

A search of the Envirostor website revealed that the project site is not on the list and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan. Therefore, impacts related to siting of new uses near airports would be reduced to less than significant.

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project area.

- f. Development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient, timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant.

The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations.

All future development under the proposed project would be subject to compliance with the County Code requirements regarding water quality and surface and groundwater quality. Future development within the project site would also be required to comply with General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge, as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly. Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (page 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages.

The project site is predominantly within the Pajaro Valley Groundwater Basin as currently mapped. However, as part of the Sustainable Groundwater Management Act's groundwater management process the boundaries of the basin are being reduced to be coterminous with the Pajaro Valley Water Management Agency and will not include the project site. The project site is, and will remain outside of the

jurisdiction of the Pajaro Valley Water Management Agency. The project site is located in an area that is generally underlain by granite rock formations that have reduced well yields and within which recharge does not readily occur. Within the granite formation, water supplies are isolated and less connected than in alluvial areas. Compared to areas with alluvial soil formations, long-term water extraction is more likely to overdraft available supplies, with less recourse available to rectify the condition. San Benito County Water District does not have direct jurisdiction over this part of the County, but recommends hydrogeological study as part of a water supply report for these sites to establish the sustainable water supply prior to development. It is possible, because the project site is low-lying near the upper reach of the Carneros Creek, that there could be some alluvial type recharge, but this should be demonstrated in the study.

The proposed project would be required to comply with General Plan policies, municipal code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes by the General Plan and would not create new or increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR. A water supply report will be required by the San Benito County Resource Management Agency when development applications are processed, in order to demonstrate that a long-term sustainable groundwater supply exists. Therefore, the proposed project would result in a less-than-significant impact on groundwater supplies and groundwater recharge.

The two northern sites and two southern sites are not hydrogeological connected, so there would be no cumulative effect between those two sets of sites. The project site and the Livestock 101 commercial node site are within the same groundwater basin, where the granite formation tends to isolate supplies, and drawing from one spot does not typically directly affect another spot.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in

destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan.

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project provides detailed development regulations for sites already designated for regional commercial uses by the General Plan and will not result in the conversion of any new lands to urban uses that will increase the severity of impacts already analyzed in the General Plan EIR or result in new environmental impacts. Additionally, any future development within the project site would be required to comply with General Plan policies, County Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Therefore, this impact is less than significant.

- d. The San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General Plan EIR did not identify significant impacts related to inundation in flood hazard zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA).

According to FEMA, the project site is not located within the 100-year flood plain. Therefore, future development within the project site would not be subject to inundation due to flooding, resulting in no impact.

- e. The 2019 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. However, the General Plan EIR identified that conformance with the applicable General Plan policies and regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality.

Future development within the project site would be required to comply with General Plan policies and applicable state and federal regulations via incorporation of low-impact development methods and best management practices, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts related to water quality and groundwater quality than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically define a community. The General Plan EIR did not identify significant impacts related to physically dividing an established community that would not be reduced to less than significant through compliance with General Plan policies and goals together with Mitigation Measures LU-1a and LU-b; these mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments.

The proposed project does not include the construction of a physical feature that would impair physical connections within a community because the project site's location is not within or nearby an established community. Further, the General Plan policies intended to ensure that communities and neighborhoods remain cohesive and connected, and growth is compact and in areas suited for it would remain in effect. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. The General Plan EIR analysis did not identify impacts indicating a significant conflict with other applicable land use plans, policies, and regulations of agencies with jurisdictional authority in unincorporated areas identified in the General Plan planning boundary and adjacent areas. As stated within the General Plan EIR, the various General Plan policies encourage the placement of compatible urban and urban/agricultural interface land uses, and encourage planning and coordination

between land uses under jurisdiction of County, federal, state, and regional conservation, air quality, transportation, and land management agencies; therefore, no land use incompatibilities would result.

The project site was designated as a regional commercial node in the General Plan (figure 3-5) and is consistent with the definition of Centralized Commercial Node Development, included in General Plan, Appendix A. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in the conversion of any new lands to urban uses than identified in the General Plan and analyzed in the General Plan EIR. Consequently, the proposed project would serve to reduce or avoid conflicts with applicable policies in the General Plan. There would be no new or more severe impacts than those already analyzed in the General Plan EIR as a result of the proposed project, resulting in a less-than-significant impact.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, page 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan. The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact.

The proposed project is the establishment of the County's Regional Commercial (C-3) Zoning District for the Rocks Ranch Commercial Node, located along U.S. Highway 101. No mineral resources are identified at this site. The project site was designated for regional commercial uses in the General Plan and analyzed in the General Plan EIR. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified Mitigation Measure NSE-4 which would require the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-4 could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable.

Buildout of the General Plan would facilitate the construction of new projects within the County. Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of

existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends. In addition to policies set forth in the General Plan, the General Plan EIR identified Mitigation Measures NSE-5a, NSE-5b, and NSE-5c to reduce short-term noise impacts associated with construction activity to less-than-significant levels.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards could contribute to the noise impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. Future development within the project site would avoid significant impacts by conforming to requirements for acoustic analysis under the General Plan as well as by achieving subsequent compliance with interior and exterior noise standards through the application of any necessary special construction or noise insulation techniques. The proposed project would not change the land use patterns analyzed in the General Plan EIR. The proposed project does not include any changes to the noise-regulations in the County Code of Ordinances and would not interfere with General Plan policies intended to prevent or reduce noise-related impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels that would not be reduced to less-than-significant levels through compliance with General Plan policies.

The project site was designated for regional commercial uses in the General Plan. The proposed C-3 Zoning Code does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. Development under the proposed C-3 Zoning Code would be set back at least 35 feet from the street and 150 feet from U.S. Highway 101 travel lanes, which would largely eliminate potential impacts. The proposed project would not result in any new or more severe impacts to

excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR; therefore, the proposed project would result in a less-than-significant impact.

- c. Buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6.

The project site is not within an airport land use plan, is not within two miles of the public airports, and is not near a private landing strip. Therefore, future development within the Rocks Ranch Commercial Node would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The purpose of the General Plan is to provide a framework to guide land use development and conservation within the unincorporated County. The General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County’s projected growth without encouraging additional growth. As stated within the General Plan EIR, all feasible mitigation to reduce the likelihood of unplanned growth and its environmental impacts has been incorporated into the General Plan or has been identified in Chapters 5 through 22 of the General Plan EIR analysis; therefore, no additional measure beyond those policies included within the General Plan or identified in the General Plan EIR are available to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable in terms of losses of agricultural land and habitat.

The proposed C-3 Zoning Code would ensure that its allowable uses and development standards are consistent with the vision for regional commercial sites as guided by the General Plan. The proposed project would not change the land use patterns or amount of allowed development that was analyzed in the General Plan EIR. The proposed project would not alter the number of housing units and non-residential development intensities analyzed in the General Plan EIR. The proposed project would not change the conclusions of nor would it result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and

policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (page 6-21).

The project site is vacant. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the General Plan EIR. This impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County’s ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced with implementation of General Plan policies. Additionally, futures plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for public services beyond those analyzed in the General Plan EIR. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. The General Plan plans for development due to population growth, which would increase the use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. Because the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors, this would be a less-than-significant impact. Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR. Residential uses are limited to a cumulative total of 112 units, a use anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. In addition, future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate levels of service for parks and other recreational facilities. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service standards. The 2019 amendments to Appendix G of the CEQA Guidelines require addressing vehicle miles traveled (VMT) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd (b). Although not required until July of 2020, the County has chosen to use the new VMT standards in this initial study.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses. Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156, but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key

intersections. However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable.

Conversely, the General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (page 19-75).

The types of land uses, amount of development, and land use patterns allowed under the proposed C-3 District would be consistent with those analyzed in the General Plan EIR, and therefore, would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR. Due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict with state and local roadway improvements requiring cooperation and potentially funding from agencies other than the County. Further, the proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines § 15064.3, subdivision (b) was not specifically evaluated within the General Plan EIR. However, the types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce vehicle miles traveled (“VMT”). The following table, a consolidated version of Table 11-1 presented within the General Plan EIR (page 11-37), provides a list of General Plan policies that reduce the VMT for development projects.

Table 1 2035 General Plan Policies that Reduce VMT

General Plan Polices	How the Policies Avoid or Reduce VMT
<p>LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.</p>	<p>Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.</p>
<p>LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.</p>	<p>Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.</p>
<p>LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.</p>	<p>Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and</p>	<p>Encourages mixed-use development by reducing the distances between residences</p>

transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.	and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.
LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.	Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

The proposed project would implement, and subsequently comply with, the applicable General Plan policies listed within Table 17-1 above. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes and is also a policy determined to reduce VMT. Therefore, the proposed project, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Further, the proposed project would not result in any new or more severe transportation impacts than those evaluated within the General Plan EIR, and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), resulting in a less-than-significant impact.

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation required (page 19-73).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not

be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation required (page 19-74).

The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis regarding emergency access will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not result in any new or more severe impacts than those identified in the General Plan EIR. Therefore, this impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (General Plan EIR, page 9-27) and determined its impact on the tribal resources to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of a historical or tribal resource.

The project site is adjacent to, but does not include, Pinecate Peak, the high point between the project site and the RV campground north of the project site. A Sacred Lands File search was conducted by the Native American Heritage Commission, and County was referred to the Tribes with cultural and traditional affiliation with the areas impacted by the proposed project (i.e. the four commercial node sites). Letters

were sent on November 29, 2018 to a list of the six tribes that were identified by the Native American Heritage Commission. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress. Compliance with mandatory State, local and tribal Intergovernmental Consultation requirements would reduce the impacts on tribal resources to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a, c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands and upgrades to water treatment and distribution infrastructure; wastewater collection, treatment, and disposal infrastructure; and storm water drainage facilities. However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan

are evaluated in Chapters 5 through 22 of the General Plan EIR. The construction and expansion of such facilities would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments. There would be no additional impacts beyond those identified in Chapters 5 through 22 of the General Plan EIR. This impact would be less than significant, and there would be no need for additional program-level mitigation measures not identified elsewhere in the General Plan EIR.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact would be less than significant.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Prior to approval of specific development projects, the San Benito County Resource Management Agency will require preparation of a report that demonstrates adequacy of the proposed water supply. The project site is predominantly located in an area that has reduced well yields and within which recharge does not readily occur. Water will need to be provided by private or mutual wells. The Aromas Water District serves some residential uses in the vicinity, under an out-of-boundary waiver from the Pajaro Valley Water Management Agency. According to the Aromas Water District, such a waiver will not be granted for commercial uses. The proposed project would not generate an increase in water demands beyond the level of increased

demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- d-e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, policies PFS-7.1 through PFS-7.7, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, this impact would be less than significant.

The types and patterns of land use development intensities and density allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County and with federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 2019 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, page 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant.

According to the California Department of Forestry and Fire Protection, the project site is located within a very high fire hazard severity zone in a state responsibility area. The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. There is a potential for air pollutant accumulation from wildland fires. There is also a potential for future development within the project site to be subject to increased risks of downslope or downstream flooding or landslides, as a result of post-fire slope instability or wildfire-related drainage changes, should a wildfire occur. The presence of wildland fire hazards requires all future development to meet special standards corresponding with each degree of risk. This includes standards as listed in the California Building Code Chapter 7A–Wildland-Urban Interface Fire Conformance Checklist, which provides a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface fire areas. Further, all development is required to comply with federal and state regulations for development within the Wildland-Urban Interface, ingress and egress requirements of the Hollister Fire Department, and General Plan policies to reduce impacts to emergency response, wildfire, and air pollution in the County. Therefore, this impact would be less than significant.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-c. As described in this Initial Study Addendum, new construction or physical changes resulting from future projects consistent with General Plan land use designations and in conformance with the proposed C-3 Zoning Code would not result in new or more severe impacts than are addressed in the General Plan EIR. The proposed C-3 Zoning Code would provide detailed development regulations for sites already designated for urban uses in the General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations protecting the fish and wildlife species and significant historic, archeological and tribal cultural resources. New development would be subject to compliance with the General Plan policies intended to minimize environmental impacts to biological and cultural resources. The proposed C-3 Zoning Code is consistent with the land use densities and patterns

identified in the General Plan and analyzed in the General Plan EIR. As a result, the proposed C-3 Zoning Code would not degrade the quality of the natural environment to an extent greater than addressed in the General Plan EIR.

The proposed C-3 Zoning Code provides development standards for sites that are committed to urban use by the General Plan. The types of land uses, amount of development, and land use patterns allowed in conformance to the proposed C-3 Zoning Code is consistent with those analyzed in the General Plan EIR. Implementation of the proposed C-3 Zoning Code would not result in new or greater in severity cumulatively considerable impacts than were identified and addressed in the General Plan EIR. The proposed project's contribution to cumulative impacts identified in the General Plan EIR is less than significant.

As described in this Initial Study Addendum, implementation of the proposed C-3 Zoning Code would not result in any impacts that are new or greater in severity than those already analyzed in the General Plan EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed C-3 Zoning Code would result in a less-than-significant impact. No further environmental review is required.

E. SOURCES

1. County of San Benito. July 21, 2015. *San Benito County 2035 General Plan*.
<http://cosb.us/wp-content/uploads/Adopted-2035-GPU.pdf>
2. County of San Benito Planning and Building Department. March 16, 2015. *2035 San Benito County General Plan Update Revised Draft Environmental Impact Report*. SCH #2011111016. http://cosb.us/wp-content/uploads/01_2035-GPU-Revised-Draft-EIR.pdf
3. County of San Benito Planning and Building Department. June 19, 2015. *2035 San Benito County General Plan Update Final Environmental Impact Report*. SCH #2011111016. http://cosb.us/wp-content/uploads/03_2035-GPU-Final-EIR.pdf
4. County of San Benito. May 8, 2019. *San Benito County Regional Commercial (C-3) District Zoning Code*.
5. California Department of Conservation. 2016. *California Important Farmland Finder*; Accessed April 12, 2019. <https://maps.conservation.ca.gov/DLRP/CIFF/>
6. California Department of Conservation. 2015. *San Benito County Williamson Act FY 2014/2015*; Accessed April 12, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBenito_14_15_WA.pdf
7. County of San Benito. "San Benito County GIS." Accessed on April 15, 2019. http://gis.cosb.us/Html5Viewer_2_0/Index.html?configBase=http://gis.cosb.us/Geocortex/Essentials/REST/sites/SBC/viewers/Public/virtualdirectory/Resources/Config/Default
8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed April 11, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed April 11, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed April 12, 2019. <https://msc.fema.gov/portal>
12. County of San Benito. "Interactive Map Gallery: San Benito County Groundwater Basins." Accessed April 24, 2019.

<https://cosb.maps.arcgis.com/home/webmap/viewer.html?webmap=dd0a1bb9a4dd433abc54c598d7eb738f>

13. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

All documents indicated in bold are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 10.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER: PLN180024-GPA & ZC4

SUBJECT:

PLN180024-GPA “Livestock 101” (General Plan Amendment): Request to change and correct by resolution the 2035 General Plan Land Use Figures 3.2, 3.3, 3.4 & 3.5 to change the land use designation from Rural to Commercial Regional (CR) on approximately 159.3-acres at the location stated above, and remove the incorrect Commercial Regional designation shown at Hwy 156, OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report Livestock 101	5/7/2019	Staff Report
Livestock CEQA Initial Study and Addendum	5/8/2019	Backup Material
Livestock 101 Draft Resolution GPA	5/8/2019	Resolution

STAFF REPORT

PROJECT INFORMATION

Application: PLN 180024-GPA & ZC4 “Livestock 101” (General Plan Land Use Designation Change and Zone Change)
Date of Hearing: May 15, 2019 Planning Commission
Applicants/Owners: Warren Family Trust
Location: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas (*see attached map*)
Assessor’s Parcel No.: 011-280-027, -028, -029, -030, -034, -035 & -036
General Plan Designation: Rural (R), request change to Commercial Regional (CR)
Zoning District: Rural (R) and Neighborhood Commercial (C-2), request change to Regional Commercial (C-3)
CEQA: Addendum to 2035 General Plan Final Environmental Impact Report, Resolution No. 2015-58
Project Planner: Darryl Boyd, Principal Planner

SITE DESCRIPTION

The project site is outlined in red below and consists of approximately 159.3-acres located on the northerly side of U.S. 101 and easterly side of Cole Road at the U.S. 101/San Juan Road interchange. Primary existing uses at the site include agricultural land, a livestock market with associated structures and holding pens, livestock trailer sales, and three single-family residential structures. Surrounding uses include grazing rangeland and low-density residential uses on all sides. There is an existing direct access to the site from U.S. 101, as well as a gated access from Cole Road.

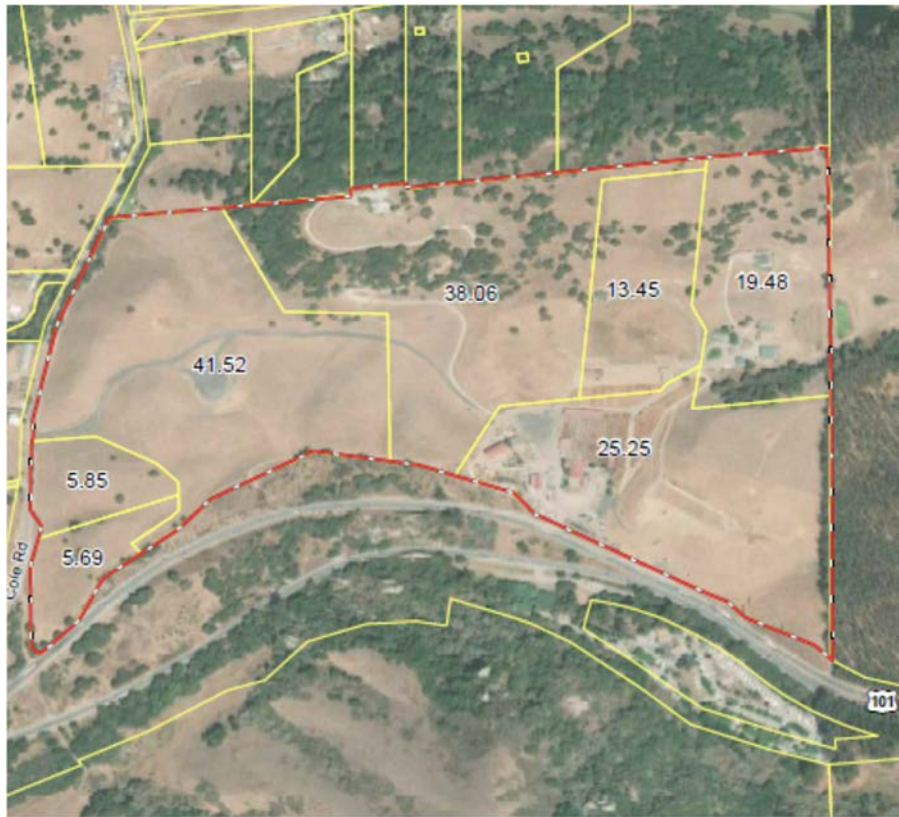
PROJECT DESCRIPTION

This project consists of two separate agenda items. The first is a request to change the General Plan Land Use Diagrams (Figures 3.2, 3.3, 3.4 & 3.5) to change the Livestock 101 land use designation from Rural to Commercial Regional (CR) on approximately 159.3-acres at the location stated above, and remove the incorrect Commercial Regional node designation shown at Highway 156. The second request is a zone change for Livestock 101 from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. The site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16.

GENERAL PLAN

The entire site is currently designated Rural on the Land Use Diagram. The stated purpose of the Rural designation is to allow very low-density residential development in areas that are not primarily suited for agricultural uses, but due to the lack of public infrastructure (e.g., water, sewer, drainage) or for geographical reasons are unsuited for higher density residential designations. A change in designation to Commercial Regional is proposed.

Proposed Livestock 101 General Plan Change and C-3 District



ENVIRONMENTAL EVALUATION

The Planning Commission's discretionary action on this general plan amendment and zone change request is a project subject to CEQA. Staff has prepared an initial study focused on each of the four proposed sites to which the C-3 code would be applied. Based on the findings documented in the initial studies, the County has prepared an Addendum to the 2035 General Plan Final Environmental Impact Report (EIR), passed on July 21, 2015 by Resolution No. 2015-58.

Although this project includes a General Plan Amendment from Rural to Regional Commercial, about 16 acres of the site is currently zoned Neighborhood Commercial (C-2). The CEQA analysis takes into account the existing zoning, and compares the potential for development under the current C-2 and Rural zoning to the potential for development under the proposed C-3 zoning. Under the current zoning, up to 557,000 square feet of commercial buildings and 28 residences could be constructed (16 acres at a floor-area ratio of 0.8, and 143 acres at one unit per five acres). Under the proposed C-3 Zoning code, development would be limited to 100,000 square feet of retail commercial floor area, a 125-room hotel (roughly estimated to be equivalent to 94,000 square feet), and a minor number of residences (most likely no more than 28). Since development potential under the proposed C-3 code is less than the site could construct under the existing zoning, staff has concluded that potential development under the C-3 zoning would be

less than what was considered in the General Plan EIR, and that an addendum is therefore supported.

Consistent with CEQA Guidelines Section 15164 an addendum is appropriate to provide environmental clearance for the proposed zoning district change in that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. Furthermore, the proposed zone change is not subject to further environmental review in accordance with CEQA Guidelines Section 15126 in that the change in zoning district implements the General Plan Regional Commercial designation as was considered in the preparation of the 2035 General Plan Final EIR. The proposed zone change does not approve any development project and will not result in any physical changes to the existing environment.

STAFF ANALYSIS

The request includes a General Plan Amendment and a Zone Change. The analysis discusses each item separately.

General Plan Amendment

County Code Chapter 19.29 governs the General Plan amendment process. In accordance with Section 19.29.004 (E), the Planning Commission is required to hold a public hearing on the application and provide a written recommendation to the Board of Supervisors. The owners of the referenced Livestock 101 property have initiated the proposed change to the General Plan Land Use Designation from Rural (R) to Commercial Regional (CR) on approximately 159.3-acres. In accordance with Section 19.29.006, the applicant has entered into a reimbursement agreement with the County to cover the County's costs of processing the application.

The maximum density allowed under the current Rural designation is one (1) dwelling unit per five (5) acres. Residential subdivision development of the entire site would yield up to approximately 31 residential lots on 5-acre parcels. It is unlikely Caltrans would continue to allow direct access to the site from U.S. 101 as part of a new residential subdivision. Water supply and water quality would be other major issues for consideration of a new residential subdivision.

The purpose of the Commercial Regional designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along U.S. Highway 101 and major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels. In Appendix 'A' of the General Plan, a commercial node is defined as *“a strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.”*

The existence of commercial uses on this site supports a General Plan Amendment to a commercial designation. The site has been in its current commercial use since at least the mid-1950s. The existing commercial uses are located immediately adjacent to U.S. Highway 101 and have direct access to the southbound lanes. Although the land immediately east of the site is designated Rangeland, it is part of the Granite Rock quarry property.

General Plan Policy LU-5.3 states that the commercial nodes should be “*located at or near existing or future highway interchanges, major intersections...*” The Livestock 101 site is about one mile from the recently construction San Juan Road interchange. Access from the interchange requires site entry from Cole Road, which is currently a gated second access to the site. The interchange is easily accessed when leaving the site on southbound U.S. Highway 101.

Zone Change

The proposed zoning change is necessary to implement the General Plan Commercial Regional Land Use designation. The existing zoning of the site is Rural (R) with Neighborhood Commercial (C-2) Combining District over the for sale barn area of the site consisting of about 16-acres. County Code Chapter 25.45 authorizes changing the boundaries of a district wherever the public necessity, convenience and general welfare require amendments. This chapter also establishes the procedures to be followed for such changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

A fundamental task of this General Plan implementation effort is to delineate the land area for inclusion in each of the commercial node sites. Site mapping work for this site was completed and reviewed with the property owners and Planning Commission. Refinements have been made based on the environmental considerations and comments received. The establishment of a more precise C-3 district boundary for this site is shown on the attached exhibits.

General Plan Conformance

If the proposed General Plan designation is changed, the proposed zone change is consistent with the General Plan Policy LU-5.3 and definition of Commercial Node development in that the Rocks Ranch property is designated Commercial Regional as shown on the Land Use Diagram Figure 3-5. The zone change is also consistent with the intent of the Commercial Regional goals and policies in that it preserves scenic areas, riparian floodplain and minimizes agricultural land conversion.

Specific Regulations for Livestock 101 Node

Consistent with the General Plan, each node is required to establish an overall design theme that guides the node’s visual character for development. Some of the property owners are working on specific architectural and design themes for their eventual developments. Example illustrations

and artwork will be included in the final adopted C-3 district regulations. The C-3 District includes the following specific regulations for this node:

- A working cattle or horse ranch theme,
- Architecture reflecting barns in traditional central California style, with steeper central roof pitches and side sheds or a monitor, and materials such as weathering steel, standing seam, wood, or similar rustic finishes, or farmhouses in any traditional style;
- Maximum elevation of building sites;
- Visual screening from U.S. Highway 101 for most of the site;
- Limitations on use of Cole Road for site access.

Findings

Staff believes the General Plan Amendment can be supported. Certain types of commercial development (on-off access for services, or destination overnight uses) could certainly be feasible at the site, and the site has a long history of commercial use. The change from Rural to Commercial Regional could result in less intensive development and provide greater certainty for land use compatibility under the proposed C-3 standards and regulations

Staff believes the zone change petition will serve the public necessity, convenience and general welfare in that it is consistent with General Plan Land Use Diagram and commercial node definition, as well as implementing the applicable General Plan goals and policies. The zone change is good zoning practice in that it establishes precise boundaries consistent with the General Plan, avoids riparian habitat and hillsides, minimizes the loss of agricultural land and establishes specific regulations.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed general plan amendment and zoning map amendment,
- 2) Adopt a Resolution to approve changes to the 2035 General Plan Land Use Diagram (and any others) to designate the Livestock 101 as a fourth Commercial Regional Node and delete the node shown at Highway 156,
- 3) Adopt a resolution finding the proposed Zoning map amendment will serve the public necessity, convenience and general welfare, and is good zoning practice and
- 4) Recommend the Board of Supervisors adopt an Ordinance to amend the County Zoning Map to incorporate the Rocks Ranch Node Regional Commercial (C-3) District.

ATTACHMENTS

1. General Plan Amendment Resolution
2. Rezoning Ordinance
3. CEQA Initial Study Clearance

C: "Livestock 101"
Warren Family Trust
4400 Hwy 101
Aromas, CA 95004

Initial Study and Addendum

C-3 Zone District Initial Study and Addendum to the Revised Draft EIR 2035 San Benito County General Plan Update Livestock 101 Commercial Node

May 8, 2019



INITIAL STUDY AND ADDENDUM

**C-3 ZONE DISTRICT INITIAL STUDY AND
ADDENDUM TO THE REVISED DRAFT EIR 2035
SAN BENITO COUNTY GENERAL PLAN UPDATE
(SCH # 2011111016)
LIVESTOCK 101 COMMERCIAL NODE**

PREPARED FOR

San Benito County

Darryl Boyd

2301 Technology Parkway

Hollister, CA 95023

Tel 831.637.5313

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP

james@emcplanning.com

www.emcplanning.com

May 8, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	14
C.	DETERMINATION	16
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	18
1.	Aesthetics.....	20
2.	Agriculture and Forest Resources	24
3.	Air Quality	27
4.	Biological Resources.....	31
5.	Cultural Resources.....	36
6.	Energy	38
7.	Geology and Soils	39
8.	Greenhouse Gas Emissions	44
9.	Hazards and Hazardous Materials	46
10.	Hydrology and Water Quality.....	50
11.	Land Use and Planning.....	55
12.	Mineral Resources	57
13.	Noise.....	58
14.	Population and Housing.....	61
15.	Public Services.....	63
16.	Recreation	65
17.	Transportation.....	66
18.	Tribal Cultural Resources	71
19.	Utilities and Services Systems.....	73
20.	Wildfire	76
21.	Mandatory Findings of Significance	78

E. SOURCES..... 80

Figures

Figure 1 Regional Location 9
Figure 2 Livestock 101 C-3 District Boundary 11
Figure 3 Site Photographs 13

Tables

Table 1 Currant Livestock 101 Development Capacity¹ 2
Table 2 2035 General Plan Policies that Reduce VMT 69

A. BACKGROUND

Project Title	Livestock 101 Commercial Node and General Plan Amendment Initial Study Addendum
Lead Agency Contact Person and Phone Number	Darryl Boyd or Taven Kinison Brown (831) 637-5313
Date Prepared	May 8, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Tanya Kalaskar, Assistant Planner Shoshana Wangerin, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	On the east side of Cole Road and north of U.S. Highway 101. This location is one of four sites considered for application of the newly created C-3 zoning district.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Rural
Zoning (this location)	Rural (R) with Neighborhood Commercial (C-2) overlay on 16 acres

Setting

San Benito County (“County”) is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles). [Figure 1, Regional Location](#), shows the County’s regional location.

The General Plan designates three locations along U.S. Highway 101 as Regional Commercial nodes, referred to by the names “Betabel Road,” “Highway 129,” and “Rocks Ranch.” The County is considering an additional site as a Regional Commercial node, referred to by the name “Livestock 101.” This initial study focuses on the Livestock 101 site, including a General Plan amendment that is required prior to applying the C-3 Zone District to the site.

The approximately 159.5-acre Livestock 101 Commercial Node site is located along U.S. Highway 101 and comprised of the following APNs: 011-280-0340 (41.5 acres); 011-280-0290 (19.5 acres); 011-280-0280 (13.5 acres); 011-280-0270 (38.1 acres); and 011-280-0300 (35.3 acres); 011-280-0350 (5.9 acres); and 011-280-0360 (5.7 acres) (“project site”). The project site is used primarily for a cattle trading operation that includes one large retail building, and auction barn, outside holding enclosures, open shelter structures, and various other small buildings. There are three houses on the western edge of the site, and much of the site is rangeland or vacant. The General Plan land use designation for the project site is Rural, accommodating very low density residential uses, generally without public water or sewer. Approximately 16 acres of the project site are currently zoned Neighborhood Commercial (C-2), an overlay to the primary Rural (R) zoning that also covers the remaining 143.5 acres of the project site. Under the current zoning, the majority of the site could be developed with five-acre residential lots, and the commercial area could be developed with a wide range of commercial uses.

The current development capacity of the project site, under current zoning, is presented in [Table 1, Current Livestock 101 Development Capacity](#).

Table 1 Currant Livestock 101 Development Capacity¹

Zoning	Acres	Development Parameters	Capacity
Neighborhood Commercial C-3	16	FAR 0.8	557,000 square feet
Rural R	143.5	1 dwelling unit/ 5 acres	28 units

SOURCE: EMC Planning Group 2019, San Benito County Municipal Code 2019

Surrounding land uses include rural residential to the west and north, grazing land to the north and south, and quarry and vacant land to the east. U.S. Highway 101 borders the project site to the south. The site location is presented on [Figure 2, Livestock 101 C-3 District Boundary](#). Photos of the project site are presented in [Figure 3, Site Photographs](#).

Background

Historically residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote economic development, and increase revenue. Four property owners (or groups of owners) entered into a reimbursement agreement with the County to equally fund the preparation of a new Regional Commercial (C-3) Zoning District to implement and effectuate the intent and provisions of the *San Benito County 2035 General Plan* (“General Plan”) land use designation of Commercial Regional and associated policies.

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area. RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County’s scenic resources and local character and quality of life attributes.

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.

The *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, Table 3-7 estimates that the Commercial Regional designation would cover about 126 acres of land. With development density at a ratio of 0.8 square feet of building area per square foot of lot area (General Plan, Table 3-1), total development anticipated in the Commercial Regional designation could be as much as 4,390,000 square feet.

Description of Project

For this project site, the proposed project includes three actions:

- General Plan amendment from Rural to Regional Commercial (specific to this project site only);
- Establishment of the Regional Commercial (C-3) Zoning District; and
- Zone change from Rural and C-2 to C-3.

The General Plan Amendment from Rural to Commercial Regional would be accomplished by adding a commercial regional node at the site. As part of the General Plan Amendment, an erroneously placed commercial regional node (shown at U.S. Highway 101 and State Route 156) would be removed from several of the General Plan maps. The General Plan's development capacity for the Commercial Regional designation would not be modified with this amendment.

The proposed project includes the establishment of the County's Regional Commercial (C-3) Zoning District, including textual regulations and delineation of boundaries on the County's zoning map. The proposed C-3 District code includes lists of acceptable land uses, procedures for approval of development, general standards for the size and placement of development, and special regulations that protect resources or are applicable to specific C-3 District locations. The proposed amendment to the zoning map includes four locations ("nodes") for the C-3 District, all of which are located along U.S. Highway 101.

Following is the intent statement from the proposed C-3 District code:

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall include no less than a 300-square-foot space exclusively dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

A summary of the land uses and general development standards proposed for the C-3 District is provided below.

The C-3 code establishes several approval levels for allowed uses, including through administrative Site Plan Review, Design Review, and a Master Development Permit process. A few uses, such as agricultural activities, are allowed by right, and small changes to existing uses would be subject to an administrative Site Plan Review approval. Other uses are as approved by the Planning Director or Planning Commission, either with a Design Review permit, a Conditional Use Permit, or a Master Development Permit. The Master Development Plan includes narrative describing land use, any deviations from the established development standards, a site plan, lighting plan, landscaping plan, and sign program.

Building heights would generally be limited to 35 feet, but could be allowed up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Retail commercial floor area would generally be limited to 85,000 square feet within any node, but could be expanded to 100,000 square feet if authorized by the Planning Commission through approval of a Master Development Plan. No more than 125 hotel rooms could be built within each node. The maximum residential development in any node is not specified, but is required to be a minor component of any development with units no larger than 1,400 square feet, and only authorized by the Planning Commission through approval of a Master Development Plan.

Development would be required to be set back at least 35 feet from streets and 150 feet from U.S. Highway 101 travel lanes. Reservations with development restrictions would be established for areas located within or near riparian vegetation, on slopes over 30 percent, and in flood zones. Cumulative development at the nodes could total up to 400,000 square feet of retail commercial uses and 500 hotel rooms, plus a minor residential component. To better compare to the building square footage estimate used in the General Plan EIR, the hotel rooms (and associated public and back-of-house space) have been estimated at 750 square feet per room, and the residential uses estimated at 1,400 square feet each for no more than 30 units per node. When considering these square footage conversions, capacity for all types of development would be about 943,000 square feet, or about 22 percent of the possible square footage allowed by the General Plan development parameters.

Total site area is about 326.5 acres; however, the proposed C-3 District regulations provide a total development number, rather than relying on a floor to area ratio. Therefore, although total site area exceeds the 126 acres anticipated in the General Plan EIR, total development capacity would be significantly less than the potential 4,390,000 square feet that the General Plan EIR accounted for.

The C-3 code also has several specific topical regulations. Section 25.16.068 would establish parking requirements in addition to those already in the County Code; for example, parking lots would be designed to the minimum size, and limited to a single double-loaded aisle, without additional landscape requirements. Section 25.16.069 would supplement the County's existing sign regulations, specifying maximum height and appearance of signs, and authorizing County promotional and information signs at three locations. Section 25.16.070 would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Section 25.16.071 would impose additional grading restrictions, prohibit the removal of any protected oak trees, and limit the area of landscaping that could be irrigated.

Each node would have an established theme that would drive that node's visual character and promote an aspect of the County's history or economy.

The proposed C-3 District code includes the following specific regulations for the Livestock 101 node:

- Working cattle or horse ranch theme;
- Key characteristics include one or two major structures with smaller outlying structures and open spaces;
- Rural architectural styles including traditional central California style barn and traditionally styled farm house;
- Weathering steel, standing seam, wood, or similar rustic finishes;
- Limited access via Cole Road.

The proposed project includes the establishment of precise boundaries for regional commercial development at or near intersections with U.S. Highway 101, consistent with the definition of Centralized Commercial Node Development, included in General Plan Appendix A. Where the General Plan denotes approximate locations for regional commercial development, the proposed project establishes specific boundaries. Part of the proposed project is a General Plan amendment to add the Livestock 101 commercial regional node.

CEQA Approach

This document, along with the CEQA findings for approval, is an addendum to the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified on July 21, 2015 (“General Plan EIR”). The General Plan EIR analyzed the San Benito County 2035 General Plan (“General Plan”), which was adopted by the San Benito County (“County”) Board of Supervisors on the same date. The subject addressed by this addendum is the County’s Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as “proposed C-3 Zoning Code” or “proposed project”).

The environmental analysis herein is prepared pursuant to the provisions of the California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 and 15164. This addendum reviews the proposed project and examines whether, as a result of the proposed project or new information, any new or worsened impacts could occur that were not identified in the General Plan EIR. Because the proposed project is implementation of General Plan policy, the prime consideration is consistency with the General Plan, particularly in terms of how much development was assumed in the General Plan relative to how much development would be allowed under the proposed project.

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development applications. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when applications for those projects are processed.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled (“VMT”) for transportation issues (in response to SB 743), and the addition of

wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

The project site for this initial study was not included as a commercial node on the General Plan map. However, an erroneously placed node is being concurrently removed from several of the General Plan maps, and there would be no changes to the assumptions that 126 acres of Commercial Regional development would occur at a maximum building floor area to site area ratio of 0.8. Although the project site was not specifically included in the General Plan or the analysis of the General Plan EIR, the General Plan EIR considered a potential development capacity for the Commercial Regional designation that far exceeds the development potential of the proposed C-3 District, even when the C-3 District development scenario includes the project site. Additionally, the project site has been in commercial use since about 1955, and has a C-2 zoning overlay on 16 acres. Potential development under the existing C-2 district is greater than under the proposed C-3 district. The existing commercial development is part of the background conditions included in the General Plan EIR, and therefore, commercial use within the project site is accounted for in the General Plan EIR.

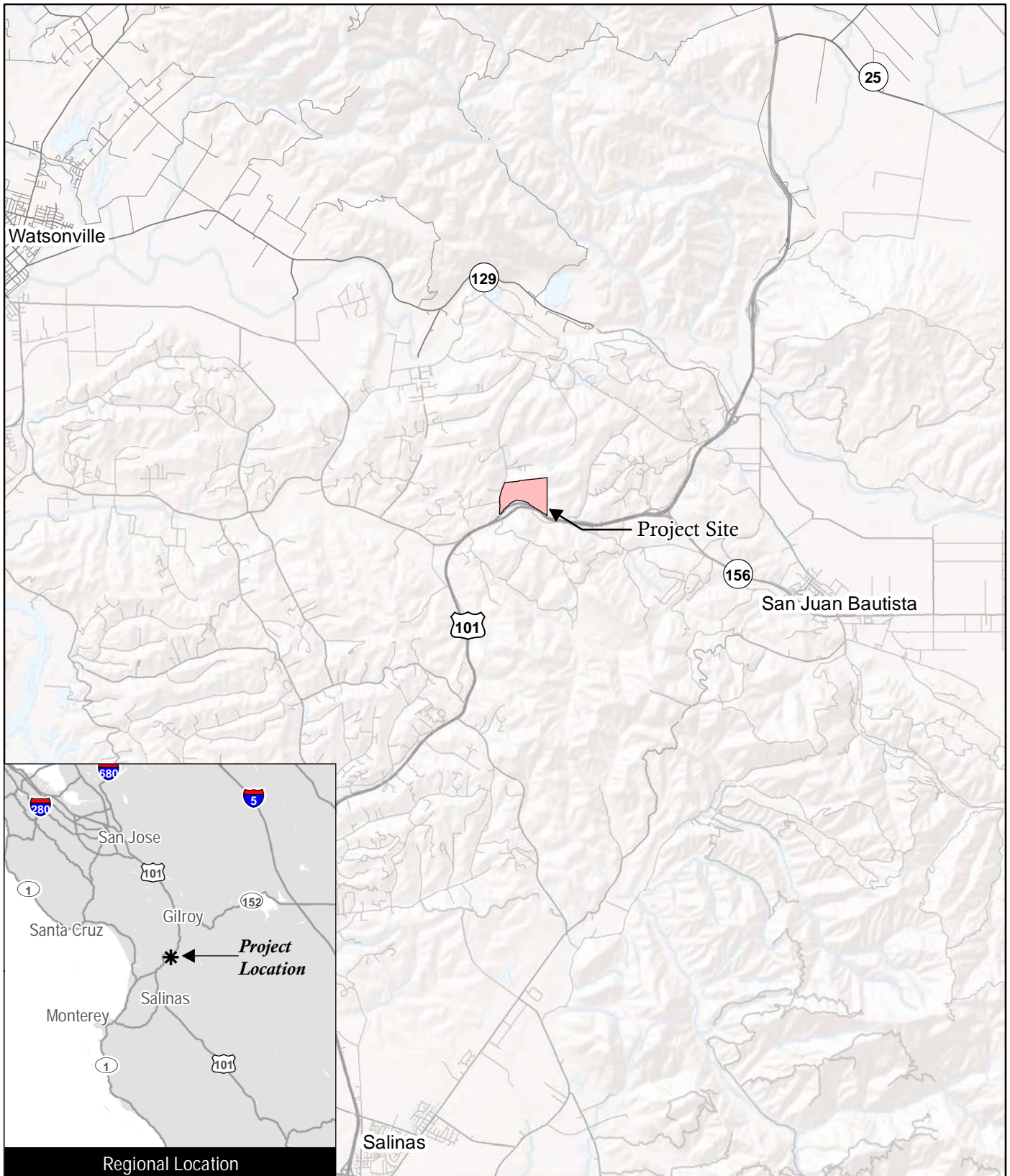
Other Public Agencies Whose Approval is Required

None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to six tribes traditionally and culturally affiliated with the project area on November 29, 2018. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Consultation between the County and the Amah Mutsun Tribal Band is in progress.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



Source: ESRI 2019

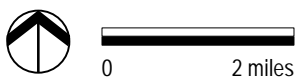


Figure 1

Regional Location



This side intentionally left blank.



Source: ESRI 2019, San Benito County GIS 2016

Figure 2

Livestock 101 C-3 District Boundary

San Benito County Commercial Nodes – Livestock 101 Initial Study Addendum



This side intentionally left blank.



① Looking across US Highway 101 facing north



② Facing south looking over US Highway 101



Project Site

Source: ESRI 2019

Photographs: EMC Planning Group 2018



③ Cattle transport and auction barn



④ On-site facing north

This side intentionally left blank.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or more severe impact is identified in this initial study, none of these boxes have been checked.

C. DETERMINATION

The County of San Benito, as the lead agency, has prepared an addendum to the 2035 General Plan Update Final EIR (Resolution No. 2015-58) in accordance with CEQA Guidelines Section 15164 (a). On the basis of this evaluation, in accordance with the finding recited below, the RMA Director finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or, a Statement of Overriding Considerations was adopted by the Board of Supervisors for significant effects that could not be feasibly reduced to a less than significant level, an addendum has been prepared. No subsequent EIR is required for the proposed project in accordance with CEQA Guidelines Section 15162 (a).

Taven Kinison Brown, Principal Planner

Date

Findings in Support of an Addendum to the San Benito County 2035 General Plan

The proposed project implements the San Benito County 2035 General Plan in furtherance of General Plan policies LU-5.3, LU-5.4, LU-5.5, LU-5.6, and LU-5.7.

Environmental effects resulting from implementation of the San Benito County 2035 General Plan were studied in the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, certified by the San Benito County Board of Supervisors on July 21, 2015.

In certifying the General Plan EIR, the County Board of Supervisors adopted statements of overriding considerations in the areas of agricultural resources, air quality, habitat, and traffic congestion on State Routes 25 and 156.

The General Plan and General Plan EIR anticipated development under a new designation of Commercial Regional, several locations for which were identified on various General Plan maps.

The General Plan and General Plan EIR anticipated that development within the Commercial Regional designation would comprise 126 acres at a floor to area ratio of 0.8, potentially yielding total development of approximately 4,390,000 square feet of building area.

The proposed project includes a General Plan Amendment to add an additional Regional Commercial location to the General Plan maps, and to remove an errantly placed Regional Commercial location from the General Plan maps, but does not affect the total development capacity envisioned within the Regional Commercial designation.

The proposed C-3 code includes amendment to the zoning map to delineate four locations to which the C-3 code regulations would apply, three of which correlate to the conceptual locations shown on the General Plan maps, and the fourth of which correlates to the proposed General Plan Amendment site, a portion of which already includes C-2 zoning.

The proposed C-3 code allows a baseline development of approximately 871,800 square feet, or about 20 percent of the possible square footage allowed by the General Plan development parameters for the Regional Commercial designation, inclusive of four locations as shown on General Plan maps, including the location added with the General Plan Amendment.

Development potential under the proposed C-3 code would be well within the development potential analyzed for the Regional Commercial designation in the General Plan EIR, and therefore, the County finds that none of the conditions described in CEQA Guidelines section 15162 exist and require preparation of a subsequent EIR, and therefore, this addendum has been prepared.

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” –For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains. The General Plan EIR found that with the implementation of General Plan policies that seek to protect scenic vistas, the impedance of views to scenic agricultural and rangeland uses and distant mountains that may occur with future development under the General Plan would be less than significant. General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the commercial regional nodes.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed C-3 Zoning Code would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Although the Livestock 101 commercial node site was not included in the

General Plan, and not part of the development scenario considered in the General Plan EIR, the General Plan EIR considered total development capacity for the Commercial Regional designation that is five times greater than baseline development under the C-3 Zoning Code at four sites, including the project site, subject to the General Plan Amendment. Building heights would generally be limited to 35 feet, with an exception of up to 65 feet if authorized by the Planning Commission through approval of a Master Development Plan. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources. In conformance with General Plan policy LU-5.3, the proposed C-3 Zoning Code includes development standards specifically for the purpose of protecting scenic qualities. For example, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less than significant impact.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (page 5-35). Therefore, the proposed project would have no impact on scenic resources with a state scenic highway. According to the General Plan, U.S. Highway 101 is a County-designated scenic highway (page 8-13). The project site abuts and is visible from the southbound lanes of U.S. Highway 101 (it is not visible from the northbound lanes). The project site is located in an area known for its scenic rock outcrops, which are a notable landscape feature on this section of U.S. Highway 101. The rock outcrops are to the east of the project site, and development on the project site would not interfere with views of the outcrops from U.S. Highway 101. Several structures within the project site are visible from U.S. Highway 101. Any new structures on the project site would be subject to the County's existing visual protections, and additional scenic protections included in the proposed C-3 Zoning Code, such as setbacks from U.S. Highway 101 and height restrictions. Therefore, the proposed project would not substantially damage any scenic resources within the County-designated scenic highway.
- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. This would be a potentially significant impact. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which would require that new

development appear complementary to existing rural or low intensity land uses by requiring the use of vegetative screening and topography and that development be appropriate to the setting either by appearing similar to existing uses in the vicinity. These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12. The General Plan EIR found that implementation of these mitigation measures would reduce this impact to less than significant.

The proposed project would not directly alter visual character, but future development within the project site in conformance with the proposed C-3 Zoning Code standards would result in a change to the existing visual character of the project site. Likewise, cumulative development at up to four sites would result in a change to the visual character of the U.S. highway 101 corridor within San Benito County. Special development standards are incorporated in the proposed C-3 Zoning Code regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting. As discussed in "a" above, the proposed C-3 Zoning Code limits lighting, sets specific architectural standards, and prohibits removal of oak trees. Further, the design of future development within the project site and other commercial nodes would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the County's design review process, as required. Although the project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR, the project site already has a commercial zoning designation that would allow more development than would be permitted under the proposed C-3 District. Therefore, development of the site under the proposed C-3 District would not exceed the levels of development that were considered in the General Plan EIR. Therefore, the proposed project would not result in any new or more severe impacts than those analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

- d. Development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. General Plan EIR Mitigation Measure AES-4 established a goal and policy in the General Plan to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories, in keeping with current County regulations (refer to County Code chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, this impact would remain significant and unavoidable.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The project site is already developed with commercial uses and those uses were included in the background in the General Plan EIR. Although the project site was not included as a regional commercial node in the General Plan EIR, potential lighting impacts under the proposed C-3 code would be less substantial than potential lighting impacts under the current C-2 zoning. The proposed C-3 Zoning Code would impose the County's most-stringent lighting requirements, minimize light spill into natural areas, and control the color qualities of lighting. Additionally, the General Plan policies related to minimizing nighttime lighting or glare would remain in place. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact. No additional mitigation measures are required.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. Buildout of the General Plan would lead to urban development, including infrastructure, roadways, and other utilities, that could convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. The General Plan EIR identified Mitigation Measures AG-1a through AG-1c, which would encourage the maintenance of existing agricultural lands as agricultural uses; these mitigation measures are reflected in General Plan Policies LU-3.10, NCR-5.15, NCR-6.3. However, these mitigation measures and the policies contained therein may not prevent the overall net loss of important farmlands within the County associated with future urban development within agricultural areas. Consequently, buildout of the General Plan may substantially convert important farmlands to urban uses, resulting in a significant and unavoidable impact. The County adopted a statement of overriding conditions in relation to loss of prime farmland.

According to the California Department of Conservation's Important Farmland Finder, the project site is identified as "Grazing Land" and "Other Land." Therefore, the proposed project would not convert Farmland of Statewide Importance to non-agricultural uses.

- b. Future development anticipated in the General Plan could conflict with existing zoning for agricultural uses, or lands subject to Williamson Act contracts. The General Plan EIR determined that even with the implementation of Mitigation Measures AG-2a and AG-2b, which ensure no change in land use or agricultural activities occur and are reflected in General Plan Policies LU-3.11 and LU-3.15, the amount of farmland that could be preserved within the County may decrease. Therefore, this impact would remain significant and unavoidable.

The proposed project does not conflict with a Williamson Act contract. The project site is zoned Rural (R) and Neighborhood Commercial (C-2). The existing agricultural uses on the project site are not soil-dependent uses, and the site is not well-suited to soil-dependent agricultural uses. The General Plan amendment from Rural to Regional Commercial, and the rezone from R and C-2 to C-3 would not affect any agricultural designations. Therefore, the proposed project would not conflict with zoning for agricultural use or a Williamson Act contract.

- c,d. The project site is not located on forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Likewise, none of the other proposed C-3 District locations are on forest lands. Therefore, the proposed project would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.

- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of important farmland to non-agricultural uses; see discussion under checklist item “a” above. Indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture. Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable. The County adopted a statement of overriding considerations for this impact.

There are no existing farmlands in close proximity to the project site. Therefore, future development within the project site under the proposed C-3 Zoning District would not have any secondary effects on off-site farmlands.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The General Plan EIR found that buildout of the General Plan would result in inconsistencies with the air district’s air quality attainment plans because the General Plan uses population and housing data that differs from that used by the air district. Buildout of the General Plan would result in the emission of ozone precursors, i.e., reactive organic gases (ROG) and nitrogen oxides (NO_x), in amounts higher than the air district thresholds of significance. Policy HS-5.9 encouraging regional planning agencies to consider the County’s projections during the preparation of air quality management plans, and Policy HS-5.10 restricting the use of permanently installed wood-burning devices to only new commercial food-serving establishments, were added to the General Plan Health and Safety Element to implement Mitigation Measure AIR-1. Since, the County does not have control of whether the air quality management plans will come into consistency with the General Plan population projections, this impact would remain significant and unavoidable after mitigation.

The proposed project is a General Plan amendment and re-zone to predominantly commercial designations, and has the potential to generate only a minimal number of housing units. Since consistency with the Clean Air Plan is based on consistency with population projections, and the proposed project is generally not population inducing, the proposed project would have minimal to no conflict with or obstruct implementation of the applicable air quality plan. The proposed project provides detailed development regulations for sites already designated as regional commercial nodes in the General Plan and would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Although the project site was not included in the General Plan as a regional commercial node, and not part of the development scenario considered in the General Plan EIR, the General Plan EIR considered enough development capacity for the General Plan amendment and C-3 Zoning Code to be accommodated. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1 (refer to checklist item "a" above). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level. The County has incorporated several policies into its General Plan that would reduce a project's contribution to cumulative air emissions, including: Policies HS-5.1 to 5.6; Policy AD-2.5; Policy LU-3.3; Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 (see descriptions of each policy listed here in Table 7-3 of the General Plan EIR). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts.

Although the project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR, the development potential permitted under the existing zoning for the project site exceeds the development potential permitted under the proposed C-3 District. Therefore, development of the site under the proposed C-3 District would not exceed the levels of development that were considered in the General Plan EIR. Future development in conformance to the proposed C-3 Zoning Code standards, would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be further

analyzed at the time specific development projects are proposed. Additionally, the General Plan policies related to minimizing air pollution would remain in place. Development in conformance with the proposed C-3 Zoning Code would contribute to the significant cumulative impacts to air quality but would not result in more development than called for in the General Plan and would not result in any new or more severe impacts to air quality than those already identified and addressed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would result in a less than significant impact. No additional mitigation measures are required.

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. Buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level.

The nearest sensitive receptors to the project site are residences located to the north and west. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors. The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site, and impose setbacks to adjacent residential uses. Therefore, the proposed project would not introduce new or worsened emissions of PM₁₀ and TACs beyond those analyzed in the General Plan EIR and would not expose additional sensitive receptors to PM₁₀ and TACs. The impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of people to objectionable odors. However, General Plan Policy HS-5.2 is designed to

protect County residents from noxious odors generated by facilities or operations that may produce substantial odors. The General Plan EIR found this impact to be less than significant.

The project site was not included as a regional commercial node in the General Plan, and not part of the future development scenario considered in the General Plan EIR. However, the existing livestock uses on the project site were part of the General Plan EIR background. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Impacts related to odors would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). Future development of land uses consistent with the General Plan, and construction of new infrastructure to support these land uses, has the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. This would be a potentially significant impact. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable. Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site. However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, development of land uses consistent with the General Plan could potentially convert natural habitats to urban and rural uses, and result in significant and unavoidable impacts.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. Although the Livestock 101 commercial node site was not included in the General Plan, and not part of the development scenario considered in the General Plan EIR, the General Plan EIR considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. Future development of the project site would require a master plan, which would be subject to project-level environmental review. According to the County's GIS, no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service occur on the project site. Further, according to the General Plan EIR Figures 8-2 and 8-3, there are no California Natural Diversity Database plant or wildlife occurrences on the project site.

The proposed project would not result in the conversion of any more new lands to urban uses than identified in the General Plan and analyzed in the General Plan EIR. Future development under the proposed C-3 Zoning Code would be required to

comply with all applicable regulations projecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. Future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. This would be a potentially significant impact. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10) would help mitigate impacts to riparian area, oak woodlands, and other sensitive communities. However, the General Plan has no specific protection framework for riparian habitat, prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats. Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact. The County adopted a statement of overriding considerations for the impact.

Future development under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and not interfere with General Plan policies intended to protect these biological resources. Development restrictions would be established within the proposed C-3 Zoning Code for areas located within or near riparian vegetation, requiring a 50-foot development setback from streams. The Livestock 101 commercial node site was not included in the General Plan, and not part of the development scenario considered in the General Plan EIR. However, the General Plan EIR considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. The proposed C-3 Zoning Code would establish specific boundaries for the proposed C-3 district but does not identify additional lands for conversion to urban uses, resulting in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, the impact would be less than significant. No additional mitigation measures are required.

- c. Development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. This would be a potentially significant impact. The General Plan EIR concluded that implementation of General Plan policies in addition to Mitigation Measures BIO-1a, BIO-2b, and BIO-2c would reduce this impact to less than significant.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not result in the conversion of any new lands to urban uses. The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were considered in the General Plan EIR. Future development in the County under the proposed C-3 Zoning Code would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- d. Development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. This would be a potentially significant impact. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not result in the conversion of new lands to urban uses. Future development in the County under the proposed project would be required to comply with all applicable regulations protecting migratory wildlife and wildlife corridors, including new provisions described under criteria b) and c) above, and would not interfere with General Plan policies intended to minimize impacts to wildlife corridors. As discussed in “c” above, development on the project site under the proposed C-3 District would not exceed the levels of

development analyzed in the General Plan EIR. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 encourages and supports coordination with state and federal agencies that have responsibility for natural open space and habitat areas in the County. This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition would result in direct benefits to oak woodland conservation, as oak woodlands constitute a significant portion of the native vegetation in the County. General Plan Policy NCR-2.3 helps protect oak woodlands and other natural communities by directing the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact.

Future development under the proposed C-3 Zoning Code would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities; as stated within the proposed C-3 Zoning Code, there is 100 percent prohibition of oak tree removal. Therefore, there would be no impact to oak woodlands, and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, page 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County. Therefore, the proposed project would have no impact on HCPs, NCCPs, or local habitat management plans.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Development of infrastructure to serve anticipated growth that would be allowed under the General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. This is a potentially significant impact. The General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. The General Plan EIR found this impact to be less than significant.

The project site is not located near the incorporated cities of Hollister or San Juan Bautista, nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Therefore, the proposed project would have no impact on the historic resources in those locations.

- b,c. Urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of an

archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. This is a potentially significant impact. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level.

The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. The proposed project would be subject to the California Health and Safety Code section 7050.5, which requires construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. In addition, the proposed project would implement all applicable General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains and would not interfere with General Plan policies intended to reduce these impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

The County is in consultation with the Amah Mutsun Tribe and additional requirements may result from that process.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development within the project site in conformance with the proposed C-3 Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The proposed project provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. Though the Livestock 101 commercial node site was not designated as Regional Commercial in the General Plan, the project site can be developed under the existing C-2 zoning. Development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1,2,3,4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. With several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County. Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4, which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; and Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; and applicable federal, state and local laws governing potential effects from geologic hazards.

The project site is not within an Alquist-Priolo Earthquake Fault Zone and development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, and will not interfere with General Plan policies intended to reduce these hazards. Further, the proposed project is subject to compliance with required geotechnical design recommendations, compliance with state and local building codes and other regulatory requirements intended to reduce the risks of human harm and property damage from seismic events. The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has a commercial zoning designation, and the General Plan EIR included that development in its background. Development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. Therefore, this impact is less than significant.

- b. Development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that

would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requiring all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion. Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices. The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- c,d. Development under the General Plan could lead to development and related infrastructure located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards.

The proposed project would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts. Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides; Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to

construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential. Although the Livestock 101 commercial node site was not included in the General Plan, and not part of the development scenario considered in the General Plan EIR, the General Plan EIR considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils; Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection; Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners; and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems.

The proposed project would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described in above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The project site was not designated as Regional Commercial in the General Plan. However, the project site is currently zoned Neighborhood Commercial and existing development was included in the General Plan EIR background. Development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b.

The proposed project would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered and General Plan Goal NCR-1, and its supporting policies, ensures further protection of unique geological formations. Even though the project site was not designated Regional Commercial in the General Plan, existing development on the project site was included in the General Plan EIR background, and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. Therefore, the impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County’s goal of reducing GHG emissions. However, even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions will remain significant and unavoidable. The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emissions, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents, and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development in conformance with the proposed C-3 Zoning Code standards would contribute to the construction and operational emissions impacts identified in the General Plan EIR

dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. All development is required to comply with state regulations, General Plan policies, and air district requirements. The proposed project provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed C-3 Zoning Code would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. The types of land uses allowed under the proposed C-3 Zoning Code would be consistent with the land uses analyzed in the General Plan EIR and would not interfere with the actions or policies set forth in the General Plan to reduce GHG emissions. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less-than-significant impact.

The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. The proposed C-3 Zoning Code does not create new uses or intensify uses that would be expected to use, transport or dispose hazardous materials. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan. Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant.

The project site is not located within one-quarter of a mile from an existing or proposed school. Therefore, future development within the project site would have no impact related to hazardous materials on school sites.

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, could create a significant hazard to the public or

environment. This would be a potentially significant impact. In addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis as part of the development site review process for any future project within the County. Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant.

A search of the Envirostor website revealed that the project site is not on the hazardous sites inventory and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan. Therefore, impacts related to siting of new uses near airports would be reduced to less than significant.

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project area.

- f. Development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient,

timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts, increased traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant.

The project site was not included as a commercial node in the General Plan, and not part of the future development scenario considered in the General Plan EIR. However, the existing development on the project site was included in the General Plan EIR background, and the General Plan EIR considered enough development capacity for the Regional Commercial designation to accommodate the General Plan Amendment. The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,7,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations.

The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has existing commercial development and a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. All development under the proposed project would be subject to compliance with the County Code requirements regarding water quality and surface and groundwater quality. Future development within the project site would also be required to comply with General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge, as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly. Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (page 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages.

The project site is predominantly within the Pajaro Valley Groundwater Basin as currently mapped. However, as part of the Sustainable Groundwater Management Act's groundwater management process the boundaries of the basin are being reduced to coincide with the boundaries of the Pajaro Valley Water Management Agency, and will not include the project site. The project site is, and will remain outside of the jurisdiction of the Pajaro Valley Water Management Agency. The project site is located in an area that is generally underlain by granite rock formations that have reduced well yields and within which recharge does not readily occur. Within the granite formation, water supplies are isolated and less connected than in alluvial areas. Compared to areas with alluvial soil formations, long-term water extraction is more likely to overdraft available supplies, with less recourse available to rectify the condition. San Benito County Water District does not have direct jurisdiction over this part of the County, but recommends hydrogeological study as part of a water supply report for the site to establish the sustainable water supply prior to development. It is possible, because the project site is low-lying near the upper reach of the Carneros Creek, that there could be some alluvial type recharge, but this should be demonstrated in the study. Future development on the project site is anticipated to use groundwater, because service from the Aromas Water District would require an export waiver from the Pajaro Valley Water Management Agency, and such a waiver is not likely to be granted for commercial uses (the three existing houses on the project site do have a waiver and water delivery from the Aromas Water District).

The proposed project would be required to comply with General Plan policies, municipal code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge. The amount of development allowed under the proposed project would be consistent with that anticipated in the General Plan and analyzed in the General Plan EIR. The project site was not designated for regional commercial uses in the General Plan. However, the project site is currently zoned Neighborhood Commercial and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. The proposed project provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not create new or increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR. A water supply report will be required by the San Benito County Resource Management Agency when development applications are processed, in order to demonstrate that a long-term sustainable groundwater supply exists. Therefore, the proposed project would result in a less-than-significant impact on groundwater supplies and groundwater recharge.

The two northern sites and two southern sites are not hydrogeological connected, so there would be no cumulative effect between those two sets of sites. The project site and the Rocks Ranch commercial node site are within the same groundwater basin, where the granite formation tends to isolate supplies, and drawing from one spot does not typically directly affect another spot.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan.

The amount of development allowed under the proposed project would be consistent with that anticipated in the General Plan and analyzed in the General Plan EIR. The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not result in the conversion of any new lands to urban uses that would increase the severity of impacts already analyzed in the General Plan EIR or result in new environmental impacts. Although the project site was not designated as Regional Commercial in the General Plan, the project site can be developed under the existing C-2 zoning. Development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. Additionally, any future development within the project site would be required to comply with General Plan policies, County Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Therefore, this impact is less than significant.

- d. The San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General Plan EIR did not identify significant impacts related to inundation in flood hazard

zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA).

According to FEMA, the project site is not located within the 100-year flood plain. Therefore, future development within the project site would not be subject to inundation due to flooding, resulting in no impact.

- e. The 2019 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. However, the General Plan EIR identified that conformance with the applicable General Plan policies and regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality.

The project site was not designated as Regional Commercial in the General Plan. However, the project site is currently zoned C-2 and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies and applicable state and federal regulations via incorporation of low-impact development methods and best management practices, and therefore, the proposed project would not interfere with these policies and regulations. The proposed project would not result in any new or more severe impacts related to water quality and groundwater quality than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically divide a community. The General Plan EIR determined that General Plan policies and goals together with Mitigation Measures LU-1a and LU-b would reduce significant impacts related to physically dividing an established community to less than significant. These mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments.

The proposed project does not include the construction of a physical feature that would impair physical connections within a community because the project site’s location is not within or nearby an established community. The General Plan policies intended to ensure that communities and neighborhoods remain cohesive and connected, and growth is compact and in areas suited for it would apply. The project site was not designated for regional commercial uses in the General Plan. However, the project site is currently zoned C-2 and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. The General Plan EIR analysis did not identify impacts indicating a significant conflict with other applicable land use plans, policies, and regulations of agencies with jurisdictional authority in unincorporated areas identified in the General Plan planning boundary and adjacent areas. As stated within the General Plan EIR, the

various General Plan policies encourage the placement of compatible urban and urban/agricultural interface land uses, and encourage planning and coordination between land uses under jurisdiction of County, federal, state, and regional conservation, air quality, transportation, and land management agencies; therefore, no land use incompatibilities would result.

The proposed project changes the General Plan designation from Rural to Regional Commercial, and provides detailed development regulations for areas proposed for re-zoning to C-3. The proposed project would not intensify urban development on the project site to a greater extent than identified in the General Plan and analyzed in the General Plan EIR. The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. Consequently, the proposed C-3 Zoning Code would serve to reduce or avoid conflicts with applicable policies in the General Plan. There would be no new or more severe impacts than those already analyzed in the General Plan EIR as a result of the proposed project, resulting in a less-than-significant impact.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, page 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan. The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact.

No mineral resources are identified at this site. Although the project site was not included as a commercial node in the General Plan, and not part of the future development scenario considered in the General Plan EIR, the General Plan EIR considered enough development capacity to accommodate the General Plan Amendment. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less-than-significant impact.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified Mitigation Measure NSE-4 which would require the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-4 could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable.

Buildout of the General Plan would facilitate the construction of new projects within the County. Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of

existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends. In addition to policies set forth in the General Plan, the General Plan EIR identified Mitigation Measures NSE-5a, NSE-5b, and NSE-5c to reduce short-term noise impacts associated with construction activity to less-than-significant levels.

The project site was not designated for regional commercial uses in the General Plan. However, the project site is currently zoned C-2 and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. Future development within the project site in conformance with the proposed C-3 Zoning Code standards could contribute to the noise impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. Future development within the project site would avoid significant impacts by conforming to requirements for acoustic analysis under the General Plan as well as by achieving subsequent compliance with interior and exterior noise standards through the application of any necessary special construction or noise insulation techniques. The proposed project does not include any changes to the noise-regulations in the County Code of Ordinances and would not interfere with General Plan policies intended to prevent or reduce noise-related impacts. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels that would not be reduced to less-than-significant levels through compliance with General Plan policies.

The project site was not designated for regional commercial uses in the General Plan. However, the project site is currently zoned C-2 and development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR. The proposed C-3 Zoning Code does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all

noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. Development under the proposed C-3 Zoning Code would be set back at least 35 feet from the street and 150 feet from U.S. Highway 101 travel lanes, which would largely eliminate potential impacts. The proposed project would not result in any new or more severe impacts to excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR; therefore, the proposed project would result in a less-than-significant impact.

- c. Buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6.

The project site is not within an airport land use plan, is not within two miles of the public airports, and is not near a private landing strip. Therefore, future development within the project site would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The purpose of the General Plan is to provide a framework to guide land use development and conservation within the unincorporated County. The General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County’s projected growth without encouraging additional growth. As stated within the General Plan EIR, all feasible mitigation to reduce the likelihood of unplanned growth and its environmental impacts has been incorporated into the General Plan or has been identified in Chapters 5 through 22 of the General Plan EIR analysis; therefore, no additional measure beyond those policies included within the General Plan or identified in the General Plan EIR are available to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable in terms of losses of agricultural land and habitat.

The project site, although not included as a commercial node in the General Plan, already has a commercial C-2 zoning and commercial development on 16 acres, and three rural residences on the remaining portions of the site. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. The proposed project would not change the land use patterns or amount of allowed development that was analyzed in the General Plan EIR. The proposed project would not alter the number of housing units and non-residential development intensities analyzed in the General Plan EIR. The proposed project would not change the conclusions of nor would it result in any new or more severe impacts than those already analyzed in the General Plan EIR, resulting in a less-than-significant impact.

- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (page 6-21).

The project site is used primarily for a cattle trading operation. There are three houses on the western edge of the site, and much of the site is rangeland or vacant. The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. The amount of development allowed under the proposed project would be consistent with that analyzed in the General Plan EIR. Under the current Rural General Plan designation and R Zoning District, the site could be developed with about 25 additional rural density residences; the proposed C-3 Zoning Code does allow a limited number of caretaker and mixed use housing units, but until a specific development proposal is submitted, it is not possible to know how many residential units there would be, and how that number would compare to the current potential. The proposed project would not directly result in displacement-related impacts. This impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County’s ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced with implementation of General Plan policies. Additionally, futures plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Residential uses are limited, but no specific limit is imposed. Residential use is anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Although the project site was not included as a regional commercial node in the General Plan, and not part of the future development scenario considered in the General Plan EIR, the existing development on the project site was included in the General Plan EIR background, and the General Plan EIR considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. Therefore, the proposed C-3 Zoning Code would not generate

population growth not already analyzed in the General Plan EIR and would consequently not increase demands for public services beyond those analyzed in the General Plan EIR. In addition, future development within the project site would be required to pay all required services impact fees and would be subject to General Plan policies intended to ensure adequate service provision. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a,b. General Plan population growth projections anticipate increased use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. Because the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors, this would be a less-than-significant impact. Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process.

The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed project would result in reduced development capacity for the project site. The types of land uses allowed under the proposed C-3 Zoning Code are consistent with the land uses analyzed in the General Plan EIR. Therefore, the proposed C-3 Zoning Code would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR, but no specific limit is imposed. Residential use is anticipated in the definition of Centralized Commercial Node Development, presented in Appendix A to the General Plan. Future development would be required to pay required impact fees and would be subject to General Plan policies intended to ensure adequate levels of service for parks and other recreational facilities. Therefore, this impact would be less than significant and the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service standards. The 2019 amendments to Appendix G of the CEQA Guidelines require addressing vehicle miles traveled (VMT) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd (b). Although not required until July of 2020, the County has chosen to use the new VMT standards in this initial study.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses. Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156, but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key

intersections. However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable.

The General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (page 19-75).

The project site was not designated Regional Commercial in the General Plan and was not analyzed as a regional commercial node in the General Plan EIR. However, the project site already has commercial development and a commercial zoning designation, and development of the site under the proposed C-3 District would not exceed the levels of development that were evaluated in the General Plan EIR. The amount of development allowed under the proposed C-3 District would be consistent with that analyzed in the General Plan EIR, and therefore, would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR. Due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict requiring cooperation and potentially funding from agencies other than the County for state and local roadway improvements. The proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant. No additional mitigation measures are required.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines § 15064.3, subdivision (b) was not specifically evaluated within the General Plan EIR. The amount of development allowed under the proposed project would be consistent

with that analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101, but diverted to the project site. The percentage of pass-by trip diversions is dependent on the specific uses proposed, and will be estimated for the project site, and for the cumulative sites, when specific development applications are processed.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce VMT. The following table, a consolidated version of Table 11-1 presented within the General Plan EIR (page 11-37), provides a list of General Plan policies that reduce the VMT for development projects.

The proposed project would implement, and subsequently comply with, the applicable General Plan policies listed within Table 2 below. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes and is also a policy determined in the General Plan and General Plan EIR to reduce VMT. Therefore, the proposed project, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Although the project site was not included in the General Plan, and not part of the development scenario considered in the General Plan EIR, the General Plan EIR considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. The proposed project would not result in any new or more severe transportation impacts than those evaluated within the General Plan EIR, and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), resulting in a less-than-significant impact.

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation required (page 19-73).

Table 2 2035 General Plan Policies that Reduce VMT

General Plan Polices	How the Policies Avoid or Reduce VMT
<p>LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.</p>	<p>Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.</p>
<p>LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.</p>	<p>Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.</p>
<p>LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.</p>	<p>Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages mixed-use development by reducing the distances between residences and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.</p>
<p>LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.</p>	<p>Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.</p>

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and the impact would be less than significant.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation required (page 19-74).

The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. The proposed project establishes development regulations and maps the boundaries of the C-3 District. More detailed site-specific analysis regarding emergency access will be conducted for the project site, and for the cumulative sites, when specific development applications are processed. The proposed project would not result in any new or more severe impacts than those identified in the General Plan EIR. Therefore, this impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (General Plan EIR, page 9-27) and determined its impact on the tribal resources to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of a historical or tribal resource.

Though the Livestock 101 commercial node site was not designated as Regional Commercial in the General Plan, the project site can be developed under the existing C-2 zoning. Development on the project site under the proposed C-3 District would not exceed the levels of development analyzed in the General Plan EIR.

Letters were sent on November 29, 2018 to a list of six tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. An email response dated April 10, 2019 was received from the Amah Mutsun Tribal Band, requesting consultation pursuant to Public Resources Code section 21080.3.1. Compliance with mandatory State, local and tribal Intergovernmental Consultation requirements would reduce the impacts on tribal resources to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR. No additional mitigation measures are required.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands and upgrades to water treatment and distribution infrastructure; wastewater collection, treatment, and disposal infrastructure; and storm water drainage facilities. However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan

are evaluated in Chapters 5 through 22 of the General Plan EIR. The construction and expansion of such facilities would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments. There would be no additional impacts beyond those identified in Chapters 5 through 22 of the General Plan EIR. This impact would be less than significant, and there would be no need for additional program-level mitigation measures not identified elsewhere in the General Plan EIR.

Future development within the project site is not expected to require off-site utilities or utility connections, such as water or sewer. The project site is already served by electricity. If water were to be supplied to the site (which is not anticipated), the Aromas Water District transmission lines already pass through the site. The proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact would be less than significant.

Prior to approval of specific development projects, the San Benito County Resource Management Agency will require preparation of a report that demonstrates adequacy of the proposed water supply. The project site is located in an area that predominantly has reduced well yields and within which recharge does not readily occur. The Aromas Water District serves some residential uses in the vicinity, under an out-of-boundary waiver from the Pajaro Valley Water Management Agency. According to the Aromas Water District, such a waiver will not be granted for commercial uses. Water will need to be provided by private or mutual wells.

Although the project site was not included as a commercial node in the General Plan, and not part of the future development scenario considered in the General Plan EIR, the General Plan EIR included the existing development on the project site in the background, and considered enough development capacity for the C-3 Zoning Code to accommodate the General Plan Amendment. The development intensities allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. The proposed project would not generate an increase in water demands beyond the level

of increased demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

- d,e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, policies PFS-7.1 through PFS-7.7, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, this impact would be less than significant.

The project site, although not included as a commercial node in the General Plan, already has a commercial zoning and commercial development. The proposed General Plan Amendment and rezoning to the C-3 District would result in reduced development capacity for the project site. The development intensities allowed under the proposed C-3 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. The proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County and with federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR and this impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 2019 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, page 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased

traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant.

According to the California Department of Forestry and Fire Protection, the project site is located within a high fire hazard severity zone in a state responsibility area. The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. There is a potential for air pollutant accumulation from wildland fires. There is also a potential for future development within the project site to be subject to increased risks of downslope or downstream flooding or landslides, as a result of post-fire slope instability or wildfire-related drainage changes, should a wildfire occur. The presence of wildland fire hazards requires all future development to meet special standards corresponding with each degree of risk. This includes standards as listed in the California Building Code Chapter 7A–Wildland-Urban Interface Fire Conformance Checklist, which provides a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface fire areas. Further, all development is required to comply with federal and state regulations for development within the Wildland-Urban Interface, ingress and egress requirements of the Hollister Fire Department, and General Plan policies to reduce impacts to emergency response, wildfire, and air pollution in the County. Therefore, this impact would be less than significant.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-c. As described in this Initial Study Addendum, new construction or physical changes resulting from future projects consistent with General Plan land use designations and in conformance with the proposed C-3 Zoning Code would not result in new or more severe impacts than are addressed in the General Plan EIR. The proposed C-3 Zoning Code would provide detailed development regulations for sites already designated for urban uses in the General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations protecting the fish and wildlife species and significant historic, archeological and tribal cultural resources. New development would be subject to compliance with the General Plan policies intended to minimize environmental impacts to biological and cultural resources. The proposed C-3 Zoning Code is consistent with the land use densities and patterns

identified in the General Plan and analyzed in the General Plan EIR. As a result, the proposed C-3 Zoning Code would not degrade the quality of the natural environment to an extent greater than addressed in the General Plan EIR.

The proposed C-3 Zoning Code provides development standards for sites that are committed to urban use by the General Plan. The types of land uses, amount of development, and land use patterns allowed in conformance to the proposed C-3 Zoning Code is consistent with those analyzed in the General Plan EIR.

Implementation of the proposed C-3 Zoning Code would not result in new or greater in severity cumulatively considerable impacts than were identified and addressed in the General Plan EIR. The proposed project's contribution to cumulative impacts identified in the General Plan EIR is less than significant.

As described in this Initial Study Addendum, implementation of the proposed C-3 Zoning Code would not result in any impacts that are new or greater in severity than those already analyzed in the General Plan EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed C-3 Zoning Code would result in a less-than-significant impact. No further environmental review is required.

E. SOURCES

1. **County of San Benito. May 7, 2019. San Benito County Regional Commercial (C-3) District Zoning Code.**
2. **County of San Benito Planning and Building Department. March 16, 2015. 2035 San Benito County General Plan Update Revised Draft Environmental Impact Report. SCH #2011111016. http://cosb.us/wp-content/uploads/01_2035-GPU-Revised-Draft-EIR.pdf**
3. **County of San Benito Planning and Building Department. June 19, 2015. 2035 San Benito County General Plan Update Final Environmental Impact Report. SCH #2011111016. http://cosb.us/wp-content/uploads/03_2035-GPU-Final-EIR.pdf**
4. **County of San Benito. July 21, 2015. San Benito County 2035 General Plan. <http://cosb.us/wp-content/uploads/Adopted-2035-GPU.pdf>**
5. California Department of Conservation. 2016. *California Important Farmland Finder*; Accessed May 2, 2019. <https://maps.conservation.ca.gov/DLRP/CIFF/>
6. California Department of Conservation. 2015. *San Benito County Williamson Act FY 2014/2015*; Accessed April 2, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBenito_14_15_WA.pdf
7. County of San Benito. "San Benito County GIS." Accessed on May 2, 2019. http://gis.cosb.us/Html5Viewer_2_0/Index.html?configBase=http://gis.cosb.us/Geocortex/Essentials/REST/sites/SBC/viewers/Public/virtualdirectory/Resources/Config/Default
8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed May 3, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed May 6, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed May 3, 2019. <https://msc.fema.gov/portal>
12. County of San Benito. "Interactive Map Gallery: San Benito County Groundwater Basins." Accessed May 3, 2019. <https://cosb.maps.arcgis.com/home/webmap/viewer.html?webmap=dd0a1bb9a4dd433abc54c598d7eb738f>

13. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

All documents indicated in bold are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

This side intentionally left blank.

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2
3 **A RESOLUTION OF THE SAN BENITO)**
4 **COUNTY BOARD OF SUPERVISORS TO)**
5 **AMEND THE GENERAL PLAN LAND USE) RESOLUTION NO. _____**
6 **DIAGRAM DESIGNATION OF THE)**
7 **PROPERTY DESCRIBED HEREIN TO)**
8 **COMMERCIAL REGIONAL)**
9 **ON APPROXIMATELY 159.5-ACRES)**

10
11 WHEREAS, the approximately 159.5-acre “Livestock 101” site is located along U.S. Highway 101 and
12 comprised of the following APNs: 011-280-0340 (41.5 acres); 011-280-0290 (19.5 acres); 011-280-
13 0280 (13.5 acres); 011-280-0270 (38.1 acres); and 011-280-0300 (35.3 acres); 011-280-0350 (5.9 acres);
14 and 011-280-0360 (5.7 acres) (“project site”); and,
15

16 WHEREAS, the owner of the project site has requested a change in General Plan land use designation
17 from Rural to Commercial Regional as found in County’s General Plan Amendment File PLN 180024-
18 GPA “Livestock 101” and Zone Change File PLN 180024-ZC4 “Livestock 101” (project); and,
19

20 WHEREAS, on May 15, 2019, the Planning Commission held a duly noticed public hearing and heard
21 all opponents and proponents of the proposed General Plan amendment; and,
22

23 WHEREAS, an Initial Study and Addendum to the 2035 General Plan Update Final Environmental
24 Impact Report was prepared for the project by the Planning Director in accordance with CEQA
25 Guidelines Section 15164 and based on substantial evidence; and,
26

27 WHEREAS, The Addendum and the General Plan Final EIR were considered by the Planning
28 Commission in accordance with CEQA Guidelines Section 15164 on May 15, 2019; and,
29

30 WHEREAS, the Planning Commission, at the regularly scheduled hearing of May 15, 2019 moved to
31 recommend approval of General Plan Amendment File PLN 180024-GPA “Livestock 101” and Zone
32 Change File PLN 180024-ZC4 “Livestock 101”; and,
33

34 WHEREAS, the San Benito County Board of Supervisors held a duly noticed public hearing on June 25,
35 2019, and heard all opponents and proponents of the proposed project and voted to approve General
36 Plan Amendment File PLN 180024-GPA “Livestock 101” and Zone Change File PLN 180024-ZC4
37 “Livestock 101”.
38

39 NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Benito that,
40 based on the entire record of proceedings before the Planning Commission and based on the staff report
41 and all public comment provided to the Board of Supervisors on the meeting of June 25, 2019, that the
42 General Plan land use designation be amended of the subject property shown in attachment “A” from
43 Rural to Commercial Regional.
44

45 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN
46 BENITO THIS 25TH DAY OF JUNE 2019 BY THE FOLLOWING VOTE:
47

- 48 AYES: SUPERVISORS:
49 NOES: SUPERVISORS:
50 ABSENT: SUPERVISORS:
51 ABSTAIN: SUPERVISORS:

1
2
3

By: _____
Mark Medina, Chair, Board of Supervisors

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

By: _____

By: _____

Date: _____

Date: _____

4
5
6



Source: ESRI 2019, San Benito County GIS 2016

7



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 11.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER: PLN180024-ZC4

SUBJECT:

PLN180024-ZC4 “Livestock 101” (Zone Change): OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). If the General Plan amendment is approved, request to amend the Zoning Map by ordinance to change the zoning district for the land area included in the Livestock 101 CR node from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. The site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed general plan amendment and the change in zoning consistent with CEQA Guidelines Section 15164. The general plan amendment and the zone change are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15162 and 15126 both changes are consistent with the General Plan update project as considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (dboyd@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Livestock 101 Draft Ordinance	5/8/2019	Ordinance

Date: _____

Date: _____

EXHIBIT A to the Ordinance.
MAP OF THE BOUNDARIES OF THE SUBJECT PROPERTY
Including all or a portion of Subject APNs





SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 12.

MEETING DATE: 5/15/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Barbara Thompson, County Counsel

AGENDA ITEM PREPARER: Barbara Thompson

SBC DEPT FILE NUMBER: None

SUBJECT:

Hemp Regulations (County Code Chapter 7.04): Adopt a Resolution recommending adoption of an ordinance by the Board of Supervisors adding Chapter 7.04 to Title 7 of the San Benito County Code related to Hemp regulation, including but not limited to definitions, prohibitions, the establishment of the Hemp Entity Management Program, registration requirements and regulations, fees, zoning for cultivation, required setbacks, odor and pollen drift mitigation, minimum parcel size, other requirements and administration and enforcement provisions. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308. APPLICANT/PROPONENT: San Benito County. PROPERTY: Unincorporated San Benito County.

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The Agricultural Improvement Act of 2018, effective January 1, 2019, removed hemp from Schedule 1 of the Federal Controlled Substances Act. Thus, hemp is no longer federally regulated as a controlled substance.

Hemp registrations for general hemp cultivation will be shortly after the finalization of state regulations.

According to industry proponents, it is estimated that California will become the largest hemp cultivation and production market in the United States. As many as 25,000 products can be made for hemp, from use in the automobile industry (as reinforcement fiber), to use in foods, to use in body care products and to treat physical ailments, to use as a biofuel.

The Board has considered the issue of hemp and appointed a subcommittee to work on a draft hemp ordinance in light of changes in state and federal law, which has prompted great interest in both hemp cultivation, hemp manufacturing/extraction, and laboratory testing. A proposed ordinance is presented to the Planning Commission for its review and recommendation.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Hold public hearing;

1. Adopt Resolution recommending that the Board adopt an ordinance adding Chapter 7.04 to the San Benito County Code, related to hemp entities, and taking other related action;

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
proposed resolution	5/8/2019	Resolution Letter
proposed ordinance	5/8/2019	Ordinance

**RESOLUTION NO. 2019-
A RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SAN BENITO, STATE OF CALIFORNIA,
RECOMMENDING ADDING CHAPTER 7.04 TO TITLE 7 OF THE SAN BENITO
COUNTY CODE RELATING TO HEMP ENTITIES**

WHEREAS, the Planning Commission has held a duly noticed public hearing on the proposed regular ordinance adding Chapter 7.04, related to hemp entities within San Benito County; and

WHEREAS, the proposed ordinance explicitly prohibits hemp entities from engaging in activities without registration; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the proposed ordinance does not approve a development project or future development projects and subsequent to this ordinance, any hemp entity would still need to obtain a Conditional Use Permit for industrial, manufacturing, and laboratory uses, as this ordinance does not change when an entity would be required to obtain a CUP; and,

WHEREAS, any subsequent Conditional Use Permit would be subject to CEQA as required for discretionary approvals by the San Benito County Planning Commission; and,

WHEREAS, absent the adoption of the resolution, hemp cultivation may occur in the future without any regulation, including setbacks; and,

WHEREAS, the San Benito County Planning Commission held a public hearing on May 15, 2019 to review and consider the proposed ordinance adding Chapter 7.04 to the San Benito County Code, and has considered the staff report and all oral and written comments presented; and,

WHEREAS, the Planning Commission has determined that the proposed ordinance is consistent with the following sections of the 2035 General Plan:

1. Section 9 Health and Safety Element which “provides guidance for how to protect county residents, workers, visitors, and properties from unreasonable risks associated with natural and manmade hazards. One of the main strategies used by the County to maintain safety is to require distance between known hazards and places where people live, work, and congregate.” Goal HS-5.2, Sensitive Land Use Locations, states, “[t]he County shall ensure adequate distances between sensitive uses and facilities or operations that may produce toxic or hazardous air pollutants or substantial odors.” The Ordinance are consistent with Goal HS-5.2 in that setbacks are required from sensitive land use areas, as

well as, from all boundary lines so as to reduce the contact with odors from hemp cultivation on residential properties; and

2. Section 3 Land Use Element, GOAL LU-3.1 Agricultural Diversification, states, “[t]he County shall support existing farms, vineyards, and other agricultural operations and encourage the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county.” The Ordinance is consistent with Goal LU-3.1 in that not prohibiting certain hemp activities creates diversity of available agricultural-type opportunities and thereby promotes the diversification of use of agricultural and rangeland zones; and
3. Section 4, Economic Development Element, focuses on diversifying the local economy. GOAL ED-1.5 Quality of Life Improvements, states, “[t]he County shall focus economic development efforts on creating positive change in the county relative to residents and workers’ quality of life. This should include considering air quality, education opportunities, safety, water quality, scenic beauty, and recreational opportunities during economic development decisions.” The Ordinance is consistent with Goal ED-1.5 in that hemp cultivation sites will be subject to regulations, including, but not limited to the regulations of outdoor cultivation through setbacks and odor mitigation requirements; and
4. Section 4, GOAL ED-1.6 Agricultural Base Diversification, states, “[t]he County shall diversify the existing agricultural base by encouraging strong relationships between traditional agricultural industries and emerging agricultural-related industries, and emphasizing the expansion of value-added agricultural products in the county.” The Ordinance is consistent with Goal ED-1.5 in that hemp is an emerging agricultural-related industry with a local base of persons interested in entering the hemp industry, as well as, persons and entities outside the County looking for hemp opportunities in San Benito County.

WHEREAS, the Planning Commission has determined that the proposed ordinance is categorically exempt pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the Board of Supervisors further finds that the Ordinances are categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment); and

WHEREAS, the Planning Commission further finds that based on the evidence in the record and described in the public hearing, the proposed ordinance (Project) is exempt from CEQA pursuant to CEQA Guidelines Section 15183 of Title 14 of the California Code of Regulations. CEQA Guideline Section 15183 provide that projects which are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” An EIR was certified by

the Board of Supervisors for the adoption of the County of San Benito General Plan. The proposed ordinance is consistent with the general plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, because the proposed ordinance is consistent with the General Plan, for which an EIR was certified; and,

WHEREAS, a Notice of Exemption has been prepared for the Project; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of San Benito as follows:

Section 1. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the proposed ordinance is consistent with the General Plan for the reasons set forth above.

Section 2. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the Project is exempt from review under the California Environmental Quality Act as set forth above.

Section 3. Based upon all information before it, the Planning Commission of the County of San Benito finds that the proposed ordinance serves the public necessity, convenience and general welfare, and is good zoning practice.

Section 4. A Notice of Exemption is recommended for approval for the Project.

Section 5. The Planning Commission hereby recommends adoption of the proposed ordinance.

Section 6. Upon approval of the Project by the San Benito County Board of Supervisors, the RMA Director may file the Notice of Exemption with the County Clerk.

PASSED AND ADOPTED by the Planning Commission of the County of San Benito at a public meeting held on May 15, 2019.

San Benito County Planning Commission

ATTEST:

By: _____
Clerk

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF)
THE COUNTY OF SAN BENITO, ADDING CHAPTER 7.04)
TO TITLE 7 OF THE SAN BENITO COUNTY CODE) Ordinance No.:
RELATING TO HEMP ENTITIES)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1: Chapter 7.04, Hemp Entities, shall be amended in its entirety to read as follows:

Chapter 7.04: Hemp Entities.

- 7.04.010 - Authority, Purpose, and Intent.
- 7.04.020 - Definitions.
- 7.04.030 - Prohibitions.
- 7.04.040 - Hemp Entity Management Program (“H.E.M.P.”).
- 7.04.050 - H.E.M.P. Registration.
- 7.04.060 - Fees and Charges; Debt Owed to County.
- 7.04.070 - General Requirements for Hemp Entities.
- 7.04.080 - Operating Requirements for Cultivators.
- 7.04.090 - [RESERVED].
- 7.04.100 - Administration and Enforcement.
- 7.04.110 - Compliance with State and Local Laws.
- 7.04.120 - Registered Hemp Entity Responsible for Violations.
- 7.04.130 - Limitations on County’s Liability.

Section 7.04.010. Authority, Purpose, and Intent.

- A. Pursuant to Article XI, Section 7 of the California Constitution, the County of San Benito is authorized to adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens, including, but not limited to, those which establish standards, requirements and regulations related to commercial and research industrial hemp activities. Any standards, requirements, and regulations established by the State of California, or any of its departments or divisions, regarding commercial and/or research industrial hemp activities shall be the minimum standards applicable within the unincorporated area of the County of San Benito.
- B. It is the further purpose and intent of this Chapter to require all hemp entity owners and operators to annually register with the County of San Benito.
- C. Further, it is the purpose and intent of this Chapter to impose reasonable land use regulations to protect the County’s residents, neighborhoods, businesses, and the environment from disproportionately negative impacts caused by commercial and/or research industrial hemp activities, and to enforce rules and regulations consistent with state and federal law.
- D. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the County, and are in addition to any permits, licenses and approval required under state, County, or other law.

Section 7.04.020. Definitions.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- A. “Approved seed cultivar” means a variety of hemp approved to be grown by a commercial hemp entity and shall include cultivars certified by all the following:
 - 1. Member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers’ Association;
 - 2. Organization of Economic Cooperation and Development;
 - 3. A seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.
- B. “Cannabis” means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, “cannabis” does not mean “industrial hemp” as defined by this Chapter and by Section 11018.5 of the Health and Safety Code.
- C. “County of San Benito” or “County” means the County of San Benito, as a political subdivision of the State of California or entity, and/or as related to the land or jurisdiction to which this Chapter applies, means the unincorporated area of the County of San Benito.
- D. “Commercial hemp entity” means a person who engages in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or sale of hemp and/or hemp for commercial purposes.
- E. “Cultivation” means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of hemp.
- F. “Dried flower” means all dead hemp that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- G. “Enforcing officer” means the San Benito County Administrative Officer, Health Officer, Resources Management Agency Director, Sheriff, or Agricultural Commissioner, or their authorized deputy(ies) or designee(s), or any person employed by the County of San Benito and appointed to the position of Code Enforcement Officer, as established by San Benito County Resolution No. 90-27 and Ordinances 567 and 625, each of whom is independently authorized to enforce this Chapter.

- H. “Established agricultural research institution” or “research hemp entity” means a person that is either:
1. A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or
 2. An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- I. “H.E.M.P.” means the Hemp Entities Management Program established under this Chapter.
- J. “Hemp” or “industrial hemp” means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent (0.3%) tetrahydrocannabinol (“THC”) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. For the purpose of this Chapter, “hemp” shall not be subject to the provisions of Chapter 7.02 of the San Benito County Code.
- K. “Hemp concentrate” means hemp that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a hemp plant is a concentrate for purposes of this Chapter.
- L. “Hemp entity” means both commercial and research hemp entities.
- M. “Hemp goods” means both hemp and/or hemp products.
- N. “Hemp products” means hemp that has undergone a process whereby the plant material has been transformed into a concentrate including, but not limited to, concentrated hemp, or an edible or topical product containing hemp or concentrated hemp and other ingredients.
- O. “H.E.M.P. Registration” means the annual registration with the County Agricultural Commissioner required under this Chapter, state, and/or federal law.
- P. “Legal parcel” means a parcel of real property for which one (1) legal title exists that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).
- Q. “Manufacture” means to produce, prepare, propagate, or compound, or otherwise blend, extract, or infuse hemp and/or a hemp product either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- R. “Manufactured hemp” means raw hemp that has undergone a process whereby the raw hemp has been transformed into a concentrate, extract, or other manufactured product intended for internal consumption, through inhalation, oral ingestion, or for topical application, or any other use in which the hemp is used, including but not limited to building material, food, fuel, medicine, paper, plastic substitute, rope and textiles.
- S. “Non-volatile solvent” means any solvent used in the extraction process that is not a volatile solvent as defined in Health and Safety Code Section 11362.3(b)(3). “Non-

volatile solvent” includes carbon dioxide (CO₂) used for extraction and ethanol, when used for extraction or post-extraction processing.

- T. “Owner” means any of the following:
1. A person with an aggregate ownership interest of twenty percent (20%) or more in the hemp entity seeking registration, unless the interest is solely a security, lien, or encumbrance.
 2. The Chief Executive Officer, or other manager, of a nonprofit or other entity.
 3. A member of the board of directors of a nonprofit.
 4. An individual who will be participating in the direction, control, or management of the hemp entity seeking registration, or who has a financial interest in the entity other than a fixed lease of real property.
- U. “Registrant” means an owner applying for H.E.M.P. registration pursuant to this Chapter.
- V. “Registered hemp entity” means any person who has properly registered a hemp entity with the County pursuant to this Chapter.
- W. “Registering authority” means the County Agricultural Commissioner who is responsible for the issuance, renewal, or reinstatement of the H.E.M.P. Registration, and authorized to take disciplinary action against any registered hemp entity.
- X. “Person” includes any individual, firm, partnership, joint venture, association, corporation, Limited Liability Company, estate, trust, business, business trust, receiver, syndicate, collective, cooperative, institution, or any other group or entity, or combination acting as a unit, and the plural as well as the singular.
- Y. “Premises” means the designated structure(s) and land of a legal parcel specified in the application that is owned, leased, used, possessed, or otherwise held under the control of the registered hemp entity will be or is conducted. The premises shall be a contiguous area.
- Z. “Raw hemp” shall include hemp flowers, hemp leaves, or other categories of harvested hemp, categories for unprocessed or frozen hemp or immature plants, or hemp that is shipped directly to manufacturers.
- AA. “Seed breeder” registered hemp entity that develops seed cultivars intended for sale or research.
- BB. “Seed cultivar” means a variety of hemp.
- CC. “Sensitive use” means any of the following:
1. “Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
 2. Licensed child care facility;
 3. Licensed child care home;
 4. Licensed “child day care facility” means a facility that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or

for the protection of the individual on less than a 24-hour basis. Child day care facility includes:

- i. “Day care center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.
 - ii. “Employer-sponsored child care center” means any child day care facility at the employer’s site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.
 - iii. “Family day care home” means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
5. “School” means an institution of learning for minors, whether public, private, or charter, offering a regular course of instruction required by the California Education Code, or any licensed child or day care facility. This definition includes a nursery school, pre-school, transitional kindergarten, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
6. “School bus stop” means any location designated in accordance with California Code of Regulations, Title 13, section 1238, to receive school buses, as defined in California Vehicle Code section 233, or school pupil activity buses, as defined in Vehicle Code section 546.
7. “School evacuation site” means any location designated by formal action of the governing body, superintendent, or principal of any school as a location to which juveniles are to be evacuated to, or are to assemble at, in the event of an emergency or other incident at the school.
8. “Youth center” means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
 - i. Private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten (10) or more video games or game machines or devices are operated and where minors are legally permitted to conduct business, or similar amusement park facilities.
 - ii. A park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks.
 - iii. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any

private gym, athletic training facility, pizza parlor, dentist’s office or doctor’s office primarily serving children, or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

- 9. “Youth-oriented facility” means elementary school, middle school, high school, public park, any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

DD. “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

Section 7.04.030. Prohibitions.

- A. **Compliance with Laws.** It is unlawful and shall constitute a public nuisance for anyone to engage in any commercial and/or research hemp activity within the County without complying with all applicable state, federal, and local laws and regulations pertaining to hemp entities, including the duty to register the hemp entity with the County Agricultural Commissioner.
- B. **Persons Prohibited From Registering Under this Chapter.** The persons set forth in Section 7.04.070, subdivision (A) shall be prohibited from registering a hemp entity in the County of San Benito.

Section 7.04.040. Hemp Entity Management Program (“H.E.M.P.”)

- A. There is hereby created the Hemp Entity Management Program (“H.E.M.P.”) which shall be administered by the County Agricultural Commissioner.
- B. The following classifications of registrations may be issued under the H.E.M.P.:
 - 1. Commercial Hemp Entity registration.
- C. The County Agricultural Commissioner or his/her designee(s) shall be authorized to build and manage the H.E.M.P.

Section 7.04.050. H.E.M.P. Registration.

- A. **Registration Required.** No person may operate any hemp entity or engage in any commercial or research hemp activity within the County unless the person has, at a minimum, complied with all applicable state, federal, and local laws and regulations pertaining to the hemp entity. All entities, except those engaged in research hemp activities (properly licensed/permitted by the State of California) shall have the duty to complete all of the following:
 - 1. Complete the H.E.M.P. Registration with the County Agricultural Commissioner;
 - 2. Pay the required registration or renewal fee; and
 - 3. Provide the Global Positioning System coordinates of the planned cultivation site to the County Agricultural Commissioner.

For registration purposes, research hemp entities shall only be required to comply with all necessary State of California requirements relating to registration, licensing, and permitting.

- B. **Prohibition.** No person who has obtained a Cannabis Business Permit under Chapter 7.02 shall obtain a permit under this Chapter. Further, no person set forth in Section 7.04.030, subdivision (B) may register a hemp entity under this Chapter.
- C. **Registration Requirements.** A registrant shall provide all of the following information:
 - 1. The name, physical address, and mailing address of the applicant.
 - 2. The legal description, Global Positioning System coordinates, and map of the land area on which the registrant plans to engage in commercial or research hemp cultivation, storage, or both.
 - 3. The seed cultivar to be grown, including the state or county of origin.
 - 4. Pay the registration fee set forth in subdivision (D) below.
- D. **Fee; Fee Deposit.** At the time of registration, each registrant shall pay the registration fee established by state law and by resolution and/or ordinance of the County Board of Supervisors, to cover all costs incurred by the County to implement, administer, and enforce the provisions of this Chapter. Upon adoption of this Chapter, until changed by the adoption of a resolution or ordinance modifying the fee, the fee shall be that amount established under State law (pursuant to FAC §81005 and 3 CCR §4900 et seq.), as well as the County Agricultural Commissioner's actual costs for which a \$1,000.00 deposit shall be provided at the time of registration.
- E. **Amended Registration.** Any time a registered hemp entity wishes to alter the land area where hemp is cultivated, or the seed cultivar used, the following shall be required prior to implementing the change:
 - 1. **Altered Land Area.** Any time a registered hemp entity wishes to alter the land area on which it conducts hemp cultivation, storage, or both, shall, before altering the area, submit to the County Agricultural Commissioner an updated legal description, Global Positioning System coordinates, and map specifying the proposed alteration. Once the County Agricultural Commissioner has received the change to the registration, the County Agricultural Commissioner shall notify the registered hemp entity that it is approved to cultivate hemp on the altered land area. Any attempt to alter the area prior to the County Agricultural Commissioner's approval shall cause the H.E.M.P. Registration to be automatically revoked.
 - 2. **Changed Seed Cultivar.** Any time a registered hemp entity wishes to change the seed cultivar grown, it shall submit to the County Agricultural Commissioner the name of the new, approved seed cultivar to be grown. Once the County Agricultural Commissioner has received the change to the registration, the County Agricultural Commissioner shall notify the registered hemp entity that it is approved to cultivate the new seed cultivar. Any attempt to cultivate the new seed cultivar prior to the County Agricultural Commissioner's approval shall cause the H.E.M.P. Registration to be automatically revoked.

- F. **Transfer of H.E.M.P. Registration.** Registration of a hemp entity does not create an entitlement, interest of value, does not run with the land, is not transferable, and automatically terminates upon transfer of ownership. A registered hemp entity shall not transfer ownership or control of any H.E.M.P. Registration to another person. Any attempt to do so shall cause the H.E.M.P. Registration to be automatically revoked.
- G. **Expiration.** Each H.E.M.P. Registration under this Chapter shall only be valid for a term of twelve (12) months. A H.E.M.P. Registration may be renewed as provided in Section 7.04.060.
- H. **Renewal.** An application for renewal of a H.E.M.P. Registration shall be filed at least sixty (60) calendar days prior to the expiration date of the current registration. The renewal registration shall contain all the required application information as set forth in Subdivision (C) of this Section and the registrant shall pay a renewal fee in an amount to be set by resolution and/or ordinance by the County Board of Supervisors to cover the costs of processing the renewal registration, together with any renewal fee established under State law (pursuant to FAC §81005 and 3 CCR §4900 et seq.), as well as, any costs incurred by the County to administer the H.E.M.P. created under this Chapter.
- I. **Denial, Non-Renewal, Suspension, or Revocation of H.E.M.P. Registration.** The County Agricultural Commissioner may refuse to accept a registration, including a renewal registration, for any premises upon which research or commercial hemp activity is being conducted, or is proposed to be conducted, in violation of this Chapter. The acceptance of a registration pursuant to this Chapter shall not be deemed or construed to be a permit for or approval of any violation of this Chapter. The acceptance of a registration shall not prevent the enforcing officer from thereafter requiring correction of violations or from preventing research or commercial hemp activity being carried out thereunder when in violation of this Chapter.

Section 7.04.060. Fees and Charges; Debt Owed to County.

- A. No registrant may commence or continue any commercial or research hemp activity in the County, without timely paying in full all fees and charges required for the operation of a hemp entity. Fees and charges associated with the operation of a hemp entity shall be established by resolution and/or ordinance of the County Board of Supervisors which may be amended from time to time.
- B. **Registration Application Fee.** An application for a H.E.M.P. Registration must be accompanied by a registration fee, plus fee deposit. All work performed in reviewing a H.E.M.P. Registration, consulting with the applicant, conducting site inspections, reviewing changes in information contained in the registration, and making determinations on the application shall be billed to the registrant. In the case of subsequent changes in the information contained in the initial registration, costs for reviewing the amendment shall be billed against the deposit. A H.E.M.P. Registration shall not be granted to a hemp entity under this Chapter until the registrant has paid a non-refundable H.E.M.P. Registration fee as set forth in State law, plus a deposit as set forth in Section 7.04.050. The purpose of this fee is to pay for the costs of implementing, administering and enforcing the H.E.M.P.
- C. **Fees Deemed Debt to the County of San Benito.** The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the County of San Benito

that is recoverable via an authorized administrative process as set forth in the County Code, or in any court of competent jurisdiction.

Section 7.04.070. General Requirements for Hemp Entities.

Each hemp entity subject to this Chapter and shall conform to the County’s general plan goals and policies, any applicable specific plans, master plans, and design requirements.

Section 7.04.080. Operating Requirements for Cultivators.

- A. **General.** Each hemp entity cultivating hemp under this Chapter and shall operate only within those zone districts where such cultivation is allowed pursuant to Title 25 of the County Code and shall comply with all applicable zoning and related development standards, including, general and supplemental development standards, and any operational standards applicable to hemp entities.
- B. **Odor and Pollen Drift Mitigation.** Each hemp entity cultivating hemp shall design the land area used for cultivation in a manner that minimizes odors and pollen drift to surrounding uses.
- C. **Minimum Premises Size.** The minimum size premises upon which a commercial hemp entity may cultivate hemp is ten (10) acres. Two adjoining parcels that together total ten or more acres in size may be utilized to meet this requirement.
- D. **Setbacks.** Except as provided in a variance granted in accordance with subdivision (D)(5) of this Section, hemp entities cultivating hemp must meet all of the following setback requirements:
 - 1. No less than one-hundred (100) feet from any boundary line of the premises. This setback requirement shall not apply in an industrial zone.
 - 2. No closer than one-thousand (1,000) feet from any parcel containing a sensitive use that is in existence at the time the hemp entity is registered. The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels containing the sensitive use to the closest area of cultivation, or location of other hemp activity, on the Property seeking registration under this Chapter.
 - 3. No closer than one hundred (100) feet from any residentially zoned parcel in the County, including any legal non-conforming residential uses as of the date of registration under this Chapter. The distance between the hemp entity and the residential parcel shall be measured from the outer boundaries of the residential parcel to the closest area of cultivation on the Property seeking registration under this Chapter. This setback requirement shall not apply in an industrial zone.
 - 4. No closer than one hundred (100) feet from any off-parcel permitted residence in any zone that is in existence at the time of registration under this Chapter, if the hemp entity is located on a parcel that is ten (10) acres or less. The distance between the hemp entity and the off-parcel residence shall be measured from the outer boundaries of the residential parcel to the edge of the growing area. This setback requirement shall not apply in an industrial zone.
 - 5. **Variance.** A person wishing to register a hemp entity may submit a written application for variance to the Resources Management Agency for consideration. Variance requests shall be referred to the Planning Commission to determine whether or not to grant a variance in accordance with Chapter 25.41 of the San Benito County Code, subject to all application forms and fees being received by the Resources Management Agency. In accordance with Chapter 25.41, the

Planning Commission may decide whether the variance should be granted or denied, as well as, to whether to impose certain reasonable conditions upon any variance granted. If granted, the variance shall remain valid for the time period and pursuant to the conditions specified by the Planning Commission.

- E. **Laboratory Testing and Destruction.** Hemp entities shall comply with all applicable provisions of the California Food and Agricultural Code pertaining to hemp, including, but not limited to, cultivation, laboratory testing, and destruction.
- F. Other than for cultivation, all other hemp businesses, including but not limited to manufacturing and testing, shall obtain a conditional use prior to beginning operations if required by Title 25 of the San Benito County Code.

Section 7.04.090. [RESERVED].

Section 7.04.100. Administration and Enforcement.

- A. The San Benito County Board of Supervisors (the “Board”) adopts this Chapter pursuant to its police power for the purpose of preserving the health, safety and public welfare of the residents of the County. The Board finds that agriculture is extremely important to the County’s economy and that insuring the continued agricultural commodities is essential to the health and well-being of County residents. The Board determines that the enforcement of this Chapter is essential.
- B. Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.
- C. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the County of San Benito. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any registration issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the County for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County of San Benito may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by hemp entity or persons related to, or associated with, the hemp entity.
- D. Each and every violation of the provisions of this Chapter may in the discretion of the District Attorney or County Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- E. The remedies provided herein are not to be construed as exclusive remedies. The County is authorized to pursue any proceedings or remedies provided by law.

Section 7.04.110. Compliance with State and Local Laws.

It shall be the responsibility of the owners and employees of the registered hemp entity to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and/or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed by the County. Nothing in this Chapter shall

be construed as authorizing any actions that violate state or local law regarding the operation of a hemp entity.

Section 7.04.120. Registered Hemp Entity Responsible for Violations.

The registered hemp entity shall be responsible for any and all violations of the state and/or local laws, as well as any the regulations promulgated under this Chapter, whether committed by the registered hemp entity or any employee or agent of the registered hemp entity, which violations occur in or about the registered hemp entity whether or not said violations occur within the registered hemp entity’s presence.

Section 7.04.130. Limitations on County’s Liability.

To the fullest extent permitted by law, the County of San Benito shall not assume any liability whatsoever with respect to having registered any hemp entity pursuant to this Chapter.

SECTION 2. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 Class 8: Actions by Regulatory Agencies for Protection of the Environment consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION 4. EFFECTIVE DATE AND CODIFICATION. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same. Upon adoption, Section 1 of this Ordinance shall be codified; the remaining sections shall not be codified

In regular session of the Board of Supervisors of the County of San Benito, adopted this _____ day of _____, 201____, on regular roll call of the members of said Board by the following vote:

- AYES: Supervisor(s)
- NOES: Supervisor(s)
- ABSENT OR NOT VOTING:

Mark Medina
Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

By: _____
Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel
Barbara J. Thompson

By: _____
Barbara Thompson
County Counsel



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 13.

MEETING DATE: 5/15/2019

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Barbara Thompson

AGENDA ITEM PREPARER: Barbara Thompson

SBC DEPT FILE NUMBER: None

SUBJECT:

Cannabis and Hemp Regulations (County Code Chapter 19.43 and Section 25.07.005):

Adopt a Resolution recommending adoption of two ordinances by the Board of Supervisors: The First ordinance would amend Chapter 19.43 of the San Benito County Code relating to the land use regulations applicable to the manufacture and laboratory testing of Commercial Cannabis and/or Cannabis products. The second ordinance would amend Section 25.07.005 of Title 25 of the San Benito County Code to permit as a conditional use in agricultural districts the manufacture and laboratory testing of commercial cannabis and/or cannabis products as well as hemp or hemp products. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308.

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The first proposed ordinance amends Section 19.43.040 and 19.43.050 to allow manufacturing and testing in Agricultural Districts, subject to obtaining a conditional use permit, and the Second ordinance, is related, and amends the list of conditional uses listed in Section 25.07.005 related to conditional uses in agricultural districts, to add manufacturing of commercial cannabis, cannabis

products, hemp and/or hemp products, and laboratory testing of commercial cannabis, cannabis products, hemp and/or hemp products, as well as modification of language regarding “green waste” or “green material.”

These proposed changes have been raised due to desire to allow hemp processing/extraction activities to occur in agricultural zoned districts as this would eliminate unnecessary transportation between the cultivation site, and the site where processing would occur. Additionally, laboratory testing of an agricultural crop (such as for residual pesticides) is a proper activity in the agricultural districts of the County.

All additional uses in the Agricultural Districts would require a conditional use permit, subject to this Commission's review and approval.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

1. Hold Public Hearing.
2. Adopt a Resolution recommending adoption of two ordinances by the Board of Supervisors, amend Chapter 19.43 and amending Section 25.07.005, both part of the San Benito County Code.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	5/8/2019	Resolution Letter
Proposed ordinance 18.43	5/8/2019	Ordinance
Proposed Ordinance title 25	5/8/2019	Ordinance

**RESOLUTION NO. 2019-
A RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SAN BENITO, STATE OF CALIFORNIA,
RECOMMENDING THE ADOPTION OF TWO ORDINANCES, AMENDING
CHAPTER 19.43 AND AMENDING SECTION 25.07.005, RELATING TO HEMP AND
CANNABIS ACTIVITIES**

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the proposed ordinance does not approve a development project or future development projects and subsequent to this ordinance, any entity would need to obtain a Conditional Use Permit for industrial, manufacturing, and laboratory uses; and,

WHEREAS, any subsequent Conditional Use Permit would be subject to CEQA as required for discretionary approvals by the San Benito County Planning Commission; and,

WHEREAS, the San Benito County Planning Commission held a public hearing on May 15, 2019 to review and consider the proposed ordinances amending Chapter 19.43 and amending Section 25.7.005, related to hemp and cannabis activities within San Benito County, and has considered the staff report and all oral and written comments presented; and,

WHEREAS, the Planning Commission has determined that the proposed ordinance is consistent with the following sections of the 2035 General Plan:

1. Section 3 Land Use Element, GOAL LU-3.1 Agricultural Diversification, states, “[t]he County shall support existing farms, vineyards, and other agricultural operations and encourage the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county.” The Ordinance is consistent with Goal LU-3.1 in that allowing certain hemp and cannabis activities near sites of cultivation, creates diversity of available agricultural-type opportunities and thereby promotes the diversification of use of agricultural and rangeland zones; and
2. Section 4, Economic Development Element, focuses on diversifying the local economy. GOAL ED-1.5 Quality of Life Improvements, states, “[t]he County shall focus economic development efforts on creating positive change in the county relative to residents and workers’ quality of life. This should include considering air quality, education opportunities, safety, water quality, scenic beauty, and recreational opportunities during economic development decisions.” The Ordinance is consistent with Goal ED-1.5 in that hemp and cannabis sites will be subject to regulations, including, but not limited to the

regulations of outdoor cultivation through setbacks and odor mitigation requirements and through such requirement that may be imposed pursuant to a Conditional Use Permit; and

3. Section 4, GOAL ED-1.6 Agricultural Base Diversification, states, “[t]he County shall diversify the existing agricultural base by encouraging strong relationships between traditional agricultural industries and emerging agricultural-related industries, and emphasizing the expansion of value-added agricultural products in the county.” The Ordinance is consistent with Goal ED-1.5 in that cannabis/hemp is an emerging agricultural-related industry with a local base of persons interested in entering the cannabis/hemp industry, as well as, persons and entities outside the County looking for cannabis/hemp opportunities in San Benito County.

WHEREAS, the Planning Commission has determined that the proposed ordinance is categorically exempt pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).; and

WHEREAS, the Planning Commission further finds that based on the evidence in the record and described in the public hearing, the proposed ordinance (Project) is exempt from CEQA pursuant to CEQA Guidelines Section 15183 of Title 14 of the California Code of Regulations. CEQA Guideline Section 15183 provide that projects which are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” An EIR was certified by the Board of Supervisors for the adoption of the County of San Benito General Plan. The proposed ordinance is consistent with the general plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, because the proposed ordinance is consistent with the General Plan, for which an EIR was certified; and,

WHEREAS, there has been interest expressed in allow hemp processing/extraction activities occur in agricultural zoned districts as this would eliminate unnecessary transportation between the cultivation site, and the site where processing would occur; and,

WHEREAS, laboratory testing of an agricultural crop (such as for residual pesticides) is a proper activity in the agricultural districts of the County; and,

WHEREAS, a Notice of Exemption has been prepared for the Project; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of San Benito as follows:

Section 1. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the proposed ordinance is consistent with the General Plan for the reasons set forth above.

Section 2. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the Project is exempt from review under the California Environmental Quality Act as set forth above.

Section 3. Based upon all information before it, the Planning Commission of the County of San Benito finds that the proposed ordinances serve the public necessity, convenience and general welfare, and are good zoning practice.

Section 4. A Notice of Exemption is recommended for approval for the Project.

Section 5. The Planning Commission hereby recommends adoption of the proposed ordinances.

Section 6. Upon approval of the Project by the San Benito County Board of Supervisors, the RMA Director may file the Notice of Exemption with the County Clerk.

PASSED AND ADOPTED by the Planning Commission of the County of San Benito at a public meeting held on May 15, 2019.

San Benito County Planning Commission

ATTEST:

By: _____
Clerk

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE BOARD OF SUPERVISORS)
 OF THE COUNTY OF SAN BENITO AMENDING CHAPTER)
 19.43 OF THE SAN BENITO COUNTY CODE RELATING TO) Ordinance No.:
 THE LAND USE REGULATIONS APPLICABLE TO THE)
 MANUFACTURE AND LABORATORY TESTING OF)
 COMMERCIAL CANNABIS AND/OR CANNABIS PRODUCTS)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1: Chapter 19.43, “Cannabis Business Land Use Regulations,” shall be amended as follows:

SECTION 2: Section 19.43.040 of the San Benito County Code is hereby amended in its entirety to read:

Section 19.43.040. Permit Requirements for All Cannabis Businesses.

- A. **Permit Required.** Commercial cannabis activities may only occur in compliance with the approval of the applicable permit identified in Section 19.43.040, subdivision (B), and in Title 25. The required permit shall be obtained prior to the commencement of any commercial cannabis activity. All conditions of the permit for the cannabis business shall be satisfied prior to the commencement of the commercial cannabis activity or as otherwise specified in the conditions of the permit.
- B. The below table identifies the cannabis business land uses allowed by zone and the type of permit required to establish each use pursuant to Title 25. Designation of zoning districts in this Section does not give any owner, occupant, or lessor of real property any rights to operate, or provide that any permit applied for under Title 25 shall be granted.

San Benito County Cannabis Business Permit Types/Land Use by Commercial Cannabis Activity	State License Type	P	Permitted Use, Land Use Permit required													
		MCUP	Minor Use Permit required													
		CUP	Conditional Use Permit required													
		----	Use Not Allowed													
		N/A	Not Applicable													
PERMIT REQUIRED BY ZONE																
		Agricultural Districts		Rural Districts			Residential Districts		Commercial Thoroughfare & Neighborhood Commercial		Controlled Manufacturing, Light Industrial, Heavy Industrial & Resources Recovery Park				Airport Safety District	
		AR	AP	R	RT	RR	RI	RM	C-1	C-2	CM	M-1	M-2	RRP	AS	
Cultivation	1A, 1B, 1C, 2A, 2B, 3A, 3B, 4, 5A, 5B, Processor	CUP	CUP	---	---	---	---	---	---	---	CUP	CUP	CUP	---	---	
Manufacturing	6, 7, N, P, S	CUP	CUP	---	---	---	---	---	---	---	CUP	CUP	CUP	---	---	
Testing	8	CUP	CUP	---	---	---	---	---	---	---	CUP	CUP	CUP	---	---	
Retailer (Out-of-County Delivery)	10, 12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Distributor	11	----	----	---	---	---	---	---	---	---	CUP	CUP	CUP	---	---	
Microbusiness	12	----	----	---	---	---	---	---	---	---	CUP	CUP	CUP	---	---	

(Non-Retail)																			
--------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

- C. **Notice and Public Hearing.** Entitlements for cannabis business uses and/or development shall be subject to the applicable noticing requirements set forth in Chapters 25.43 and 25.49, except that a mailed notice regarding a pending action or hearing regarding a cannabis business entitlement shall be provided to all owners of property located within a 1,000-foot radius of the exterior boundaries of the subject parcel.
- D. **Indemnification.** The applicant shall enter into an indemnification agreement with the County in accordance with Chapter 19.41.

SECTION 3: Section 19.43.050 of the San Benito County Code is hereby amended in its entirety to read:

Section 19.43.050 Supplemental Requirements for Certain Cannabis Businesses.

- A. **Cultivation Site.** In reviewing an application submitted under Title 25 and order Chapter 7.02 to operate a cultivation-type cannabis business facility, the applicant shall provide the following additional information as requested:
 1. A pest management plan;
 2. A waste management plan;
 3. A landscape plan that considers scenic highway protection and may involve the installation of mature landscape;
 4. Preservation of agricultural lands, including preservation of prime agricultural lands in compliance with the General Plan;
 5. A water management plan, including the proposed water supply, proposed conservation measures, and any water off-set requirements. Such plan may include an estimate of water demand for the cultivation site prepared by a licensed professional engineer or other expert on water demand and a detailed description of how the new water demand will be offset. New water demands shall be offset at a 1:1 ratio;
 6. An energy management plan, including proposed energy conservation measures;
 7. An air quality management plan for controlling odor; and
 8. A security plan.
- B. **Distributor.** In reviewing the application submitted under Title 25 and order Chapter 7.02 to operate a distribution-type cannabis business facility, the applicant shall provide the following additional information as requested:
 1. A written statement detailing how, and from where, cannabis will be received, how any storage or transportation operations will be secured to prevent theft and trespass, and to whom the cannabis will be taken;

2. A quality control inspection and requirements plan;
3. Storage and handling plans;
4. Proof of ownership or a valid lease for any and all commercial vehicles that will be used to transport cannabis;
5. The year, make, model, license plate number, and numerical Vehicle Identification Number (VIN) for any and all commercial vehicles that will be used to transport cannabis; and
6. Proof of insurance in the amount of \$1,000,000 for any and all commercial vehicles being used to transport cannabis.

C. **Manufacturing Site.**

[RESERVED]

D. **Testing Laboratory.**

[RESERVED]

E. **Microbusiness.**

[RESERVED]

F. **[RESERVED]**

SECTION 4. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 5. The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 Class 8: Actions by Regulatory Agencies for Protection of the Environment consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, California Business and Professions Code Section 26055, subd. (h), which states in pertinent part, “[w]ithout limiting any other statutory exemption or categorical exemption, [CEQA] does not apply to the adoption of an ordinance . . . that requires discretionary review and approval of permits . . . to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to [CEQA].”

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito, adopted this _____ day of _____, 201____, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Mark Medina,
Chair, Board of Supervisors

ATTEST:

APPROVED AS TO LEGAL FORM:

Janet Slibsager, Clerk of the Board

San Benito County Counsel
Barbara J. Thompson

By: _____
Clerk of the Board

By: _____
Sarah M. Dickinson,
Deputy County Counsel

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE BOARD OF SUPERVISORS)
OF THE COUNTY OF SAN BENITO AMENDING SECTION)
25.07.005 OF TITLE 25 (“ZONING”) OF THE SAN BENITO) Ordinance No.:
COUNTY CODE TO PERMIT AS A CONDITIONAL USE)
IN AGRICULTURAL DISTRICTS THE MANUFACTURE)
AND LABORATORY TESTING OF COMMERCIAL)
CANNABIS AND/OR CANNABIS PRODUCTS, AS WELL AS,)
HEMP AND/OR HEMP PRODUCTS)**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS
FOLLOWS:**

SECTION 1: Section 25.07.005, “Conditional Uses,” of Chapter 25.07, “Agricultural Districts,” of the San Benito County Code shall be amended as follows:

§ 25.07.005 CONDITIONAL USES.

The following are conditional uses in an AR district:

- (A) Crowing fowl (11 or more);
- (B) Commercial greenhouses and mushroom growing facilities;
- (C) Frog and poultry farms;
- (D) Commercial hog ranching;
- (E) Commercial stables;
- (F) Commercial cattle feed yards;
- (G) Private parks and camps;
- (H) Microwave, radio and television transmission and/or relay structures;
- (I) Commercial recreational uses, including but not limited to RV parks, hunting clubs and riding clubs;
- (J) Removal and processing of earth or other natural materials by excavation or grading;
- (K) Permanent stands for the sale of agricultural products;
- (L) Guesthouse;
- (M) Labor camps;
- (N) Additional dwellings as required for the following:
 - (1) Residences of members of the family of the owner or lessee of the land upon which the use is conducted;
 - (2) Residences of bona fide full-time employees of the owner or lessee of the land upon which it is conducted; and
 - (3) Farm labor. (Note: Sufficient acreage must exist to meet minimum building site requirements for the dwellings.)
- (O) Truck parking operations in the service of agriculture in agricultural districts only;
- (P) Pallet and agricultural bin manufacturing;
- (Q) Bed and breakfast establishments;
- (R) Radio frequency emission measuring facilities;

- (S) Commercial composting;
- (T) Application of cheese whey or sludge (solids from a sewage treatment plant) to land;
- (U) Application of green waste-material (as defined in 14 C.C.R. Title 14, Chapter 31, Article 1, §§-17852(H), subd. (a)(21) and 17868.4) in excess of 30 tons per acre;
- (V) Agricultural processing;
- (W) Kennels, including, without limitation, kennels for hybrid animals;
- ~~(X) Uses similar to the above as determined by the Planning Commission;~~
- ~~(Y)(X)~~ Veterinary hospitals and pet clinics;
- ~~(Z)(Y)~~ Residential dwellings on Grade 1 agricultural soils;
- ~~(AA)(Z)~~ Uses listed in § 25.29.106 of this title;
- ~~(BB)(AA)~~ Abattoir;
- ~~(CC)(BB)~~ Cultivation of commercial cannabis (mixed-light, including nurseries);
- (CC) Cultivation of commercial cannabis (indoor, including nurseries);
- (DD) Manufacturing of commercial cannabis and/or cannabis products;
- (EE) Manufacturing of hemp and/or hemp products;
- (FF) Laboratory testing of commercial cannabis and/or cannabis products;
- ~~(DD)(GG)~~ Laboratory testing of hemp and/or hemp products; and
- ~~(EE)(HH)~~ Uses similar to the above as determined by the Planning Commission.

SECTION 2. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 Class 8: Actions by Regulatory Agencies for Protection of the Environment consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, California Business and Professions Code Section 26055, subd. (h), which states in pertinent part, “[w]ithout limiting any other statutory exemption or categorical exemption, [CEQA] does not apply to the adoption of an ordinance . . . that requires discretionary review and approval of permits . . . to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to [CEQA].”

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito, adopted this ____ day of _____, 201____, on regular roll call of the members of said Board by

the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Mark Medina,
Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

By: _____
Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel
Barbara J. Thompson

By: _____
Sarah M. Dickinson,
Deputy County Counsel