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## **3.9 LAND USE AND PLANNING**

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### INTRODUCTION

This section of the EIR describes the existing land uses of the project site, characterizes surrounding land uses and evaluates the consistency of the project with relevant provisions of the *San Benito County General Plan* and other applicable County plans or policy documents. The discussion of potential impacts focuses on compatibility of the proposed project with adopted land use plans and policies and with surrounding land uses. This analysis is based on the General Plan, the *San Benito County Code* (including the County's *Zoning Ordinance*), and additional information provided by San Benito County.

#### 3.9.1 EXISTING SETTING

##### REGIONAL SETTING

The project site is located in the northern portion of San Benito County, adjacent to the eastern edge of the City of Hollister. The County is primarily rural and agricultural in character, with large flatland areas as well as areas of rolling hills. The only urbanized areas within the County are the cities of Hollister and San Juan Bautista. Both of these communities are surrounded by agricultural row crop farming, orchards, vineyards and lands used for livestock grazing.

##### SITE SETTING AND EXISTING LAND USES

The project site (including the Plan Area and the WWTP site) are currently in agricultural use with cultivated hayfields predominating (see **Figure 3.9**). A 23-acre walnut orchard is located near the two on-site residences in the northern portion of the project site.

Two additional parcels are located on the western site boundary along Fairview Road. The California Department of Forestry and Fire Protection (CDF) currently operates a fire station on a 5.4-acre parcel midway between Hillcrest and Sunnyslope Roads ("CDF site"), and the San Benito County Water District operates a pump station on an approximately 1.7-acre site across from the eastern terminus of Sunnyslope Road ("LESSALT site"). In addition, there are four utility easements on or adjacent to the project site including: (1) a PG&E natural gas transmission line easement that runs across the site from southeast to northwest; (2) a Bureau of Reclamation Easement for the Hollister Conduit for Central Valley Project water that runs north-south along Fairview Road within the western site boundary; (3) a waterline easement of the San Benito County Water District that runs north-south along Fairview Road parallel to and inside of the Bureau easement; and (4) a waterline easement that runs east to west just outside the southern site boundary from the existing city water tank located just east of the site to the City of Hollister to the west.

##### SURROUNDING LAND USES

###### West of Fairview Road

The lands to the west across Fairview Road are largely occupied by residential uses, along with some agriculture and open fields (see **Figure 3.9**). The area between Santa Ana and Hillcrest Roads is occupied by a newer large-lot subdivision, several older rural residences fronting directly onto Fairview Road, an orchard and open fields. The area between Hillcrest and Sunnyslope Roads is developed with single-family subdivisions (Sunnyslope Villages) that are oriented away from Fairview Road and are bounded by continuous six-foot masonry walls along the adjacent frontages of Fairview, Hillcrest and Sunnyslope Roads. At the southwest corner of

### 3.9 LAND USE PLANNING

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Fairview and Sunnyslope is a County maintenance storage yard. Further to the south is Holiday Ranch Estates, an older rural subdivision on unincorporated County land where the dwellings are on one-acre lots with individual septic systems. Further to the south are open fields and a small number of individual rural residences that front directly onto Fairview Road.

#### **East of Fairview Road**

Lands to the north of the project site include open fields, dispersed ranch complexes, ranchettes, and rural residential development. The nearest residence is a ranch complex on the adjacent parcel to the north, which has driveway access off Fairview Road along the northern boundary of the project site. This residence is located 300 feet from the northern site boundary. The remaining residences to the north are at least 600 to 1,000 feet from the northern site boundary. At the northeast corner of Fairview and Mansfield Road, there is a church as well as the offices and storage facilities of the San Benito County Water District. Lands to east of the project site consist of rolling rangeland traversed by the Santa Ana Creek channel and a parallel tributary known as Dry Creek. Two water reservoir tanks owned by the City of Hollister are located near the southeast corner of the site. The John Smith Landfill is located approximately two miles to the east. To the southeast, across John Smith Road, is a subdivision of rural estates on large lots (Heatherwood). The lands adjacent to the south of the project site are in rangeland.

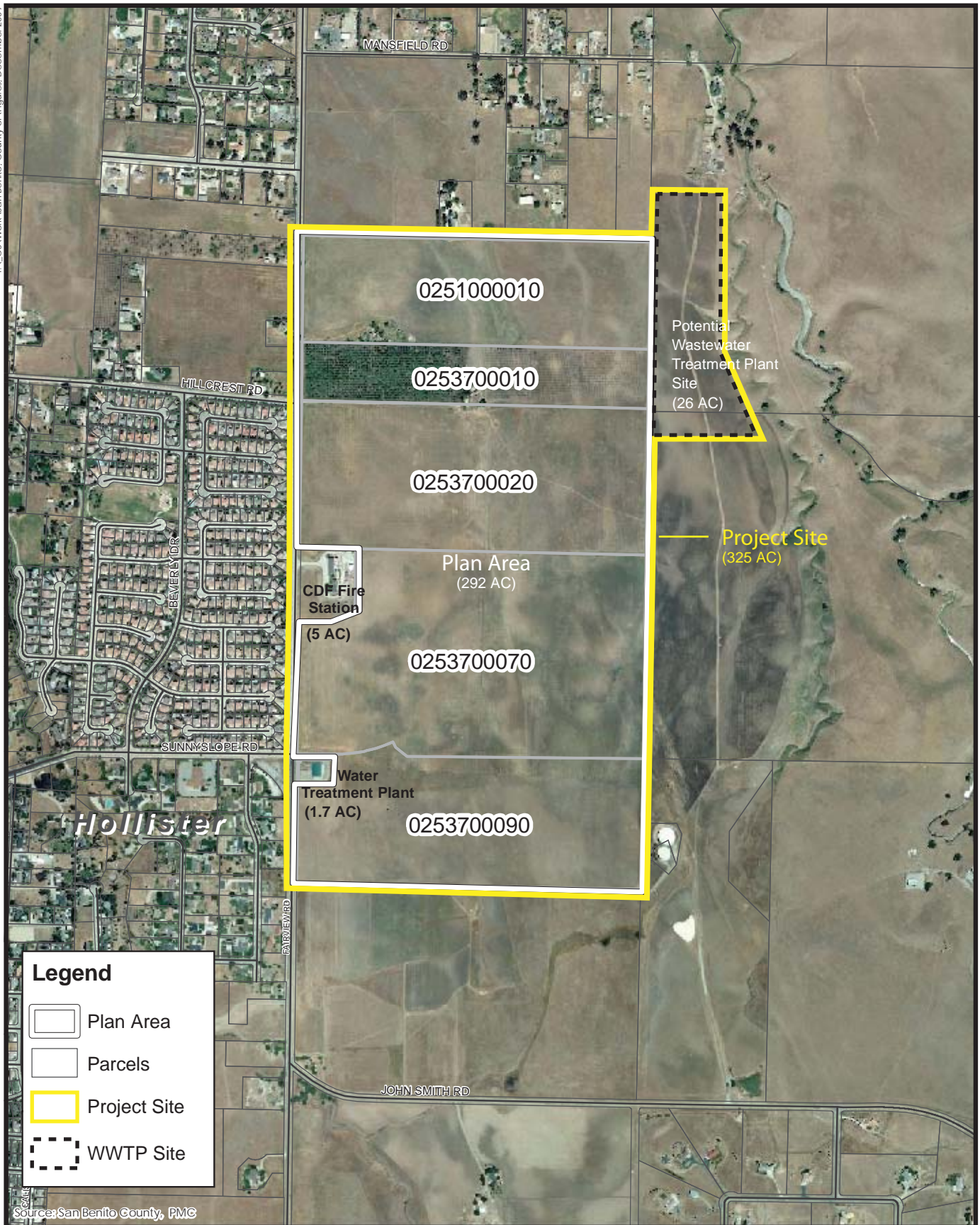


Figure 3.9  
Site Aerial  
**PMC**

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## POPULATION

According to the Association of Monterey Bay Area Governments (AMBAG) 2004 Population, Housing Unit and Employment Forecast (the most recently adopted forecasts by AMBAG), the total population for San Benito County in 2000 was 53,234, apportioned as follows: City of Hollister, 34,413; City of San Juan Bautista, 1,549; and unincorporated San Benito County, 17,272. According to the forecast, the overall County population had increased to 53,411 by January 2005. By 2010, the total County population was projected by AMBAG to increase to 63,890, of which 44,423 would reside in Hollister, 2,905 would reside in San Juan Bautista and 16,562 would reside in the unincorporated areas of the County. By 2020, the overall population of the County was estimated by AMBAG to be 75,176. Based on these estimates, the overall population of the County was projected by AMBAG to increase by 18 percent between 2010 and 2020.

## JOBS/HOUSING BALANCE

At the present time, there are substantially more employed residents than jobs in San Benito County. The Hollister area has traditionally been an agriculturally based economy and does not have a substantial manufacturing or office employment base. This results in out-commuting of residents to other counties, particularly Santa Clara County, and has the effect of increasing traffic, air pollution emissions and energy consumption. According to projections prepared by the San Benito County Planning Department, this condition is estimated to worsen over time. The 'net out-commute' (i.e., out-commute minus in-commute) was projected to increase from 23 percent of the workforce in 1990 to 44 percent of the workforce in 2020.

The jobs/housing imbalance also has an adverse effect on the County budget, since the tax revenue generated by new residential construction does not cover the cost of providing County services to those developments. Ideally, new housing construction would be balanced by industrial and commercial development, which generates more jobs and tax revenue than it requires in services, and thus offsets the revenue shortfall resulting from residential development.

### 3.9.2 REGULATORY SETTING

The purpose of this section is to evaluate the proposed project for land use consistency with relevant adopted plans and policies including the *San Benito County General Plan* and the *San Benito County Code*.

#### SAN BENITO COUNTY GENERAL PLAN

The project site has a General Plan designation of 'Rural.' The project site is also designated as an 'Area of Special Study,' described in the General Plan Land Use Element, Land Use Plan as follows:

*This designation applies to areas of the County where a combination of the following criteria apply: 1) More concentrated development than is presently allowed may be desirable provided a comprehensive plan for public services and resource conservation is integrated in order of priority into a specific plan, community plan, or area plan. 2) As a result of prior, piecemeal subdivisions, a plan for integrated development and coordination of governmental services and/or community facilities is desirable. 3) The County has identified the area as a potential area for commercial, industrial, and/or residential development.*

### 3.9 LAND USE PLANNING

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*The intent would be to direct development from natural resources and environmentally hazardous areas, to provide for mixed land uses to reduce vehicle emissions, to effectively plan the design, development and financing of services, and to develop open space programs. Increased development density over base density may be awarded based on specified programs. New development will not be allowed within an Area of Special Study until there is full mitigation of public services, infrastructure and facility impacts.*

#### **Land Use Element**

The following policies from the Land Use Element of the *San Benito County General Plan* are relevant to the proposed project:

- Policy 8**            The residential areas of the County shall be developed at densities of up to twenty dwelling units per acre. For areas within the Sphere of Influence Rural/Urban land use designation, the density of 20 units per acre or the standards of Hollister may be used to allow for affordability, unmet special needs housing, affordable multi-family rental housing.
- Policy 9**            The type of development allowed within the residential areas include residential, agricultural, and open space. Trails, parks, and public facilities, including schools and churches, may be allowed subject to use permits.
- Policy 15**           The majority of development with a density of greater than two units per acre shall occur within the Cities of San Juan Bautista, Hollister and the Paicines Ranch Resort project site. All commercial development providing comparative shopping and serving a regional need, major cultural and institutional uses and all industrial uses (excluding agricultural-related uses and low profile compatible industry) shall occur within the Cities, except for those uses which by their nature should or could be located in undeveloped areas.
- Policy 22**           To allow commercial areas in the unincorporated areas to develop, a general plan amendment shall be required for the establishment of new commercial areas. In some limited situations, new small scale isolated commercial operations will be allowed as overlay zoning in other land use categories.
- Policy 25**           New neighborhood commercial areas shall be permitted if located within reasonable distance of a community, is centrally located to serve a rural community that is lacking neighborhood commercial services or where the need for expanded neighborhood commercial services can be demonstrated.
- Policy 29**           Expansion or creation of any new commercial land uses shall mitigate incompatibility with adjoining land uses.
- Policy 32**           Specific development sites shall be free from the hazards identified within the Open Space and Conservation Element Maps (i.e. faults, landslides, hillsides over 30% slope, flood plains). The site shall also be on soil suitable for building and maintaining well and septic systems (i.e. avoid impervious soils, high percolation or high groundwater areas, set back from creeks). Absent adequate mitigation, development shall not be located on environmentally

sensitive lands (wetlands, erodible soils, archaeological resources, important plant and animal communities).

**Policy 35** The County shall encourage energy and water conservation techniques and energy efficiency in all new building design, orientation and construction.

**Policy 37** The individual and cumulative effects of development proposals that generate population growth shall be evaluated and all available means shall be used to assist full mitigation of school facility impacts.

### **Open Space and Conservation Element**

The following Open Space and Conservation Element policies are applicable to the project:

**Policy 2                    Maintain corridors for habitat**

In rural areas, road and development sites shall be designated to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas. Measures to maintain the long-term health of the plant and animal communities in the area shall be incorporated into project design such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.

**Policy 10                Air quality**

The County recognizes air as a natural resource and will strive to maintain air quality through proper land use planning. It shall be the County's policy to utilize land use and transportation controls for the protection and enhancement of air quality. Finally, it will be County's policy to review public and private development proposals in light of possible recreational and open space potential.

**Policy 12                Direct development to urban areas**

It will be the County's policy to apply land use controls to ensure that only non-urban uses are located beyond Spheres of Influence and the Urban Reserve Areas, except for specific areas designated Rural/Urban, Area of Special Study, Residential Commercial, or Industrial on the General Plan Land Use Map.

**Policy 13                Specific plan requirements**

It will be the County's policy to require specific plans for small, large, new or expanding communities that are not incorporated which would clearly identify centers of urban growth and land uses within those areas.

**Policy 16                Open space around cities**

It is the County's policy to preserve a rural atmosphere by directing population growth and public service extensions to infill development and avoiding leapfrog growth.



### 3.9 LAND USE PLANNING

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**Policy 18                    Protect rural atmosphere and natural resources**

General Plan Amendments, Specific Plans, Area Plans and Areas of Special Study that result in a net increase in General Plan buildout (Table 1 of the Land Use Element), shall include methods to conserve open space for natural resources including agriculture, wildlife habitat, and water (i.e. conservation easements and/or other similar resource protection measures). Proposed development areas shall also include measures to protect resources on-site and contiguous to the project with the use of clustering, conservation easements, and other similar programs.

**Policy 29                    Energy Conservation**

It will be the County's policy to encourage the use of energy –efficient design in new construction.

#### **Housing Element**

The following policies from the Housing Element are relevant to the proposed project:

**Policy 2A**                    At least 30% of new residences approved within the Rural/Urban land use designation or that could be served by public sewer and water shall be comprised of mixed residential types (e.g. duplex, fourplex, group home, apartment, mobile/manufactures home subdivisions) irrespective of the zoning district minimum parcel size requirements. The minimum development density shall be at least eight units per acre. Second units shall be at least eight units per acre. Second units shall be excluded from the 30% density requirements.

**Policy 2D**                    All new residential development shall assist in the attainment of the County's identified need and regional fair share responsibilities for very low, low, and moderate income households.

#### **SAN BENITO COUNTY INCLUSIONARY HOUSING ORDINANCE (SAN BENITO COUNTY CODE, CHAPTER 21.03)**

The Board of Supervisors adopted an Inclusionary Ordinance in January 2004 to facilitate the production of housing stock for very low, low and moderate-income households. San Benito County Code Chapter 21.03 requires the provision of 30% affordable units for all developments of 21 or more units. Of this amount, 40% percent is required to be affordable for moderate and low income households, each, and 20% is required to be affordable to very low income households, as defined by the California Housing and Community Development Department. However, the County currently is in the process of considering revisions to these provisions as part of a separate process, which may result in a reduction (or elimination) of mandatory affordable housing requirements. All proposed developments, including the project, will be subject to the requirements of the applicable Inclusionary Ordinance, as it may be amended.

#### **SAN BENITO COUNTY ZONING ORDINANCE (SAN BENITO COUNTY CODE, TITLE 25)**

The County Zoning Ordinance (San Benito County Code, Title 25) establishes land use and residential density designations corresponding with the General Plan. The current 'Rural' (R) zoning designation for the project site corresponds with the General Plan designation of Rural, and allows one unit per five acres. The Zoning Ordinance also establishes development

standards for the range of allowable uses, including, but not limited to, maximum building heights, lot coverage and floor area ratios, as well as minimum standards for building setbacks.

#### **SAN BENITO COUNTY GROWTH MANAGEMENT ORDINANCE (SAN BENITO COUNTY CODE, CHAPTER 21.07)**

The County has adopted a Growth Management Ordinance ("GMO") (San Benito County Code, Chapter 21.07), which has the goal, among others, "to encourage a rate of growth which will not exceed the county's ability to satisfy future demands for such essential services as police and fire protection, roads, schools, water, sewers and the like...." To achieve its stated goals, the GMO restricts the County's population growth to an annual population increase based on the State of California's growth rate for the previous year or a 1% growth rate per year, whichever is greater, plus the population growth attributed to exempt projects.

The GMO applies to all new residential development projects within the unincorporated area of the County, except for those projects specifically listed as exempt. In December 2009, the County Board of Supervisors amended the GMO to exempt from the growth restrictions those dwelling units within projects "that are subject to a Housing or Development Agreement that has been approved by the San Benito County Board of Supervisors...." The applicant proposes to enter into a Development Agreement with the County to establish the terms and conditions under which development will occur. In the event a Development Agreement is approved and executed, the project would be exempt from the GMO.

### **3.9.3 IMPACTS AND MITIGATION MEASURES**

#### **STANDARDS OF SIGNIFICANCE**

The following thresholds for measuring a project's environmental impacts are based on CEQA Guidelines and other significance standards recognized by San Benito County. For the purposes of this EIR, impacts are considered significant if any of the following would result from implementation of the proposed project:

- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect;
- Physically divide or disrupt an established community;
- Conflict with any applicable habitat conservation plan or natural community conservation plan;
- Create incompatibility with surrounding uses; and/or
- Contributes significantly to any cumulative land use impact.

#### **METHODOLOGY**

The evaluation of potential land use impacts is based on site reconnaissance, the *San Benito County General Plan*, the *San Benito County Code*, the applicant's project description, and application materials.

### 3.9 LAND USE PLANNING

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#### Consistency with Applicable Land Use Plans, Policies and Regulations

**Impact 3.9-1** The proposed project does not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental impact, and therefore development of the project will have a **less than significant impact**.

#### LOCAL PLANS, POLICIES AND REGULATIONS

##### San Benito County General Plan

##### Land Use Element

The project site has a General Plan designation of 'Rural.' The project site is also designated as an 'Area of Special Study.' The current 'Rural' (R) zoning designation for the project site corresponds with the General Plan designation of Rural, and allows one unit per five acres.

##### Consistency:

The project site currently is designated under the General Plan as 'Rural.' However, the project proposes a change in designation to a new General Plan category, 'Santana Ranch-Specific Plan (SR-SP),' and proposes to be developed in accordance with the Santana Ranch Specific Plan as envisioned by the Area of Special Study designation. The Specific Plan is designed to provide a comprehensive, detailed planning and regulatory framework for developing the project. Upon approval of the project, the type of development that will be allowed within the residential areas will include residential, mixed uses (in the Residential Multiple (RM-SR) areas only), school, parks and recreational (including a trail network), and public facilities uses, in accordance with the Specific Plan's implementation article, which sets forth the legal and regulatory framework for subsequent entitlements for the project. The project proposes a range of densities, ranging from 1 to 20 units per acre with an overall density of less than 4 units an acre, consistent with intended density anticipated in the Areas of Special Study. Furthermore, development of the project is otherwise consistent with the intent of the Area of Special Study designation, by directing development away from natural resources and environmentally hazardous areas; providing for mixed land uses, as well as other pedestrian and bicycle connections, to reduce vehicle emissions; and effectively planning the design, development and financing of services through the implementation of the Santana Ranch Specific Plan. While the project proposes more development than allowed under the current General Plan and zoning designations, the project includes a change in these designations to ensure consistency.

**Policy 8** The residential areas of the County shall be developed at densities of up to 20 dwelling units per acre. For areas within the Sphere of Influence Rural/Urban land use designation, the density of 20 units per acre or the standards of [the City of] Hollister may be used to allow for affordability, unmet special needs housing, and affordable multi-family rental housing.

Consistency: The proposed project includes residential densities ranging from one to 20 units per acre, with an average overall density of less than 4 units per acre and is therefore consistent with Policy 8. The project site is not located within the sphere of influence of the City of Hollister, and therefore is not subject to the policy addressing the use of City of Hollister standards for affordability and unmet special housing needs. The project is subject to the San Benito County affordable housing requirements, however. This topic is addressed in later discussion within this section.

**Policy 9** The type of development allowed within the residential areas include residential, agricultural, and open space. Trails, parks, and public facilities, including schools and churches, may be allowed subject to use permits.

Consistency: The project site currently is designated under the General Plan as 'Rural' and therefore is subject to Policy 9. However, the project proposes a change in designation to a new General Plan category, "Santana Ranch-Specific Plan (SR-SP)." The Specific Plan is designed to provide a comprehensive, detailed planning and regulatory framework for developing the project. Upon approval of the project, the type of development that will be allowed within the residential areas will include residential, mixed uses (in the Residential Multiple (RM-SR) areas only), school, parks and recreational (including a trail network), and public facilities uses, in accordance with the Specific Plan's implementation article, which sets forth the legal and regulatory framework for subsequent entitlements for the project. As part of the project, minor General Plan amendments also are proposed to ensure consistency between the project and the General Plan. One such amendment is to revise the language in General Plan Policy 9 to reflect that specific plans may be adopted to allow an area to be planned for and developed in a comprehensive fashion to include trails, parks and public facilities, rather than requiring approval of use permits to develop these uses. Upon approval of this amendment, the project will be consistent with this General Plan Policy 9.

**Policy 15** The majority of development with a density of greater than two units per acre shall occur within the Cities of San Juan Bautista, Hollister and the Paicines Ranch Resort project site. All commercial development providing comparative shopping and serving a regional need, major cultural and institutional uses and all industrial uses (excluding agricultural-related uses and low profile compatible industry) shall occur within the Cities, except for those uses which by their nature should or could be located in undeveloped areas.

Consistency: The General Plan contains numerous provisions that discuss the goal of preventing inefficient, scattered development of higher density residential areas throughout the County, including the commercial services it requires. While the project site does not lie within a city or the Paicines Ranch Resort (a project which was ultimately denied), it is located within a designated Area of Special Study immediately adjacent to the City of Hollister. This designation is intended to direct development toward areas where urban services and utilities are available for projects with higher densities. Because the project is within an Area of Special Study, and therefore has been planned for higher density, urban development, consistent with a comprehensive specific plan, the project is consistent with Policy 15.

**Policy 22** To allow commercial areas in the unincorporated areas to develop, a general plan amendment shall be required for the establishment of new commercial areas. In some limited situations, new small scale isolated commercial operations will be allowed as overlay zoning in other land use categories.

Consistency: The project includes a proposed General Plan Amendment from R (Rural) to SR-SP (Santana Ranch-Specific Plan), which includes a request to develop a portion of the project site with neighborhood-serving commercial uses. The Neighborhood Commercial Center is intended to provide a focal point for the project and offer an alternative shopping area in closer proximity to project and other nearby residents. Therefore, the project would be consistent with Policy 22.

### 3.9 LAND USE PLANNING

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**Policy 25** New neighborhood commercial areas shall be permitted if located within reasonable distance of a community, is centrally located to serve a rural community that is lacking neighborhood commercial services or where the need for expanded neighborhood commercial services can be demonstrated.

Consistency: The project proposes to change the General Plan designation from Rural to Santana Ranch-Specific Plan (SR-SP). The Specific Plan is intended to provide a comprehensive, detailed framework for developing the proposed residential, neighborhood commercial, mixed uses, park and recreational, and public facilities uses. The project includes proposed development of neighborhood-serving commercial uses that would be located in the center of the project site, clustered with the Community Park, elementary school and higher density housing, forming the core of the project site. The Neighborhood Commercial Center will be located along Fairview Road to allow access from outside the project site and to minimize traffic flow into the project's residential neighborhoods. This core area is intended to serve as a focal point for the project site, a transition between the interior residential uses and the traffic along Fairview Road, and will provide shopping alternatives closer in proximity to project and other nearby residents. In addition, the Specific Plan provides for the development of commercial mixed uses within the RM-SR (Residential Multiple) areas. Any such commercial uses would be located in the higher density areas of the project and in close proximity to non-vehicular circulation. By including neighborhood-commercial uses and mixed uses within the core of the project site, near the proposed pedestrian network and transit, this will facilitate enhanced non-vehicular access to jobs and shopping, which can help reduce reliance on the automobile and ease local traffic congestion. The project is therefore consistent with Policy 25.

**Policy 29** Expansion or creation of any new commercial land uses shall mitigate incompatibility with adjoining land uses.

Consistency: The Neighborhood Commercial Center proposed to be located at the intersection of Fairview and Sunnyslope Roads would be relatively small in scale (65,000 square feet) and low in profile (maximum height of three stories). The center would be oriented toward the interior of the site, and would be buffered from existing residences by the Fairview Road right-of-way and the proposed landscape corridor on the east side of Fairview Road. The distance between the Neighborhood Commercial Center and the nearest dwellings on the west side of Fairview Road would be at least 150 feet. The existing soundwall along the west side of Fairview Road would provide further visual screening. Finally, the visual effect of the commercial parking areas would be minimized by the Specific Plan requirement that shade trees provide a 50 percent shade canopy within 15 years of planting. All mechanical equipment would be sited to minimize visibility and noise nuisance to nearby properties, and would be screened to reduce visibility and noise emission as necessary.

The center will be subject to design guidelines set forth in the Specific Plan (see Specific Plan, Article 7.4) that address siting; building design; materials and colors; lighting; parking; and additional design components, to ensure high-quality architectural design and to mitigate any land use incompatibilities with adjoining land uses. These same design guidelines will apply to any mixed uses developed within the project's RM-SR (Residential-Multiple) areas. Furthermore, the mixed uses are subject to additional design guidelines set forth in the Specific Plan (see Article 7.3), which addresses the interface between uses, building setbacks, building orientation, relationship to the street, building and site design, parking configuration and alternative parking opportunities. These guidelines are intended to ensure the project's mixed uses are carefully chosen and located for maximum compatibility and mutual benefit. These features would

adequately address any incompatibility with existing and proposed nearby land uses. Therefore, the project would be consistent with this Policy 29.

**Policy 32** Specific development sites shall be free from the hazards identified within the Open Space and Conservation Element Maps (i.e. faults, landslides, hillsides over 30% slope, flood plains). The site shall also be on soil suitable for building and maintaining well and septic systems (i.e. avoid impervious soils, high percolation or high groundwater areas, set back from creeks). Absent adequate mitigation, development shall not be located on environmentally sensitive lands (wetlands, erodible soils, archaeological resources, important plant and animal communities).

Consistency: The project has been designed to avoid structural development on areas potentially subject to physical hazards, including areas potentially subject to landslides, other soil-related hazards, and flooding (refer to **Section 3.6, Geology and Soils**, and **Section 3.8, Surface Water Hydrology and Water Quality**). The project site is designated as critical habitat for the California Tiger Salamander, and contains suitable habitat for other special status species. Mitigation is proposed, however, which will result in less than significant impacts to these biological resources (refer to **Section 3.4, Biological Resources**). Finally, the cultural resources assessment prepared for the project did not identify any specific archaeological resources on the subject site (refer to **Section 3.5, Cultural and Paleontological Resources**). The project is therefore consistent with Policy 32.

**Policy 35** The County shall encourage energy and water conservation techniques and energy efficiency in all new building design, orientation and construction.

Consistency: Energy conservation measures would be incorporated into the project in accordance with Title 24 of the California Code of Regulations. The project will be subject to the Specific Plan's Green Building Guidelines (see Specific Plan, Article 7.5), which will encourage sustainable building and project design, energy and conservation techniques and efficiency. For example, the project will be designed to obtain LEED-certification for commercial development and developers will be subject to a "Build it Green" point rating system within the project site. As another example, the project's design encourages the east-west orientation of residential streets in order to facilitate solar access in winter, as well as requiring cooling loads to be reduced in the residential design through the orientation of dwellings, the placement of windows, roof overhangs and sun screens. To reduce fuel consumption by automobiles, the project includes a network of bicycle and pedestrian pathways, a park-and-ride lot, and an on-site neighborhood-serving commercial center for convenient shopping and services, as well as permitting development of mixed uses within the higher density areas of the project site. To encourage local employment generation and reduce commute travel, the project provides for home occupation uses, and the Neighborhood Commercial Center includes offices as a permitted use to allow for local employment. The project also encourages the use of passive solar design features at the Neighborhood Commercial Center. Finally, the proposed project will be subject to numerous requirements (as set forth in the Specific Plan) related to resource conservation, water conservation and the promotion/use of alternative transportation. Therefore, the project would be consistent with this General Plan policy, as well as Policy 29 within the Open Space and Conservation Element, which encourages energy efficient design in new construction.



### 3.9 LAND USE PLANNING

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**Policy 37** The individual and cumulative effects of development proposals that generate population growth shall be evaluated and all available means shall be used to assist full mitigation of school facility impacts.

Consistency: This Draft EIR evaluates the project's individual and cumulative effects on school facilities, as described more fully in **Section 3.11, Public and Governmental Services**. The project shall be required to mitigate for the identified environmental impacts on school facilities to the extent provided under applicable law by payment of school facility mitigation fees. In addition, the project has reserved an 8-12 acre site for purposes of development of a future school to serve approximately 700 K-8 students.

#### **Open Space and Conservation Element**

**Policy 2** **Maintain corridors for habitat**

In rural areas, road and development sites shall be designated to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas. Measures to maintain the long-term health of the plant and animal communities in the area shall be incorporated into project design such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.

Consistency: **Section 3.4, Biological Resources** of this EIR evaluated wildlife corridor impacts of the project and determined that the project site does not contain established or known migratory routes and/or wildlife corridors, and is not located in an area that is proposed for establishment of a wildlife corridor. For these reasons, the project site is not considered to function as a wildlife corridor. However, the project will be required to comply with recommended mitigation measures as set forth in Section 3.4 to ensure the long term protection of special status plant and animal communities within the project site. For these reasons the project is consistent with Policy 2.

**Policy 10** **Air quality**

The County recognizes air as a natural resource and will strive to maintain air quality through proper land use planning. It shall be the County's policy to utilize land use and transportation controls for the protection and enhancement of air quality. Finally, it will be County's policy to review public and private development proposals in light of possible recreational and open space potential.

Consistency: **Section 3.3, Air Quality** of this EIR evaluated air quality impacts resulting from project implementation as well as identified various land use and transportation controls as set forth in the Specific Plan that are designed to protect air quality and reduce emissions to the extent feasible. The project also proposes development of significant park and recreational facilities for the benefit of project residents and the surrounding community. For these reasons the project is consistent with Policy 10.

**Policy 12** **Direct development to urban areas**

It will be the County's policy to apply land use controls to ensure that only non-urban uses are located beyond Spheres of Influence and the Urban Reserve

Areas, except for specific areas designated Rural/Urban, Area of Special Study, Residential Commercial, or Industrial on the General Plan Land Use Map.

Consistency: The project site lies within an area designated as 'Rural' and 'Area of Special Study,' where urban uses are allowed through application and adoption of a specific plan. Therefore, the project would be consistent with Policy 12.

**Policy 13                      Specific plan requirements**

It will be the County's policy to require specific plans for small, large, new or expanding communities that are not incorporated which would clearly identify centers of urban growth and land uses within those areas.

Consistency: The project will be developed in accordance with the proposed Specific Plan, which is designed to provide a comprehensive, detailed framework for development that will ensure a coherent development pattern for the project site with residential uses surrounding a central commercial and public use area, interconnected with a system of pedestrian/bike trails to encourage non-vehicular travel. Therefore, the project would be consistent with this Policy 13.

**Policy 16                      Open space around cities**

It is the County's policy to preserve a rural atmosphere by directing population growth and public service extensions to infill development and avoiding leapfrog growth.

Consistency: The project site is adjacent to the City of Hollister and existing urban development, and is currently designated under the General Plan as 'Rural,' and an 'Area of Special Study.' Furthermore, development of the project is otherwise consistent with the intent of the Area of Special Study designation, by directing development away from natural resources and preventing leapfrog growth. For these reasons the project is consistent with Policy 16.

**Policy 18                      Protect rural atmosphere and natural resources**

General Plan Amendments, Specific Plans, Area Plans and Areas of Special Study that result in a net increase in General Plan buildout (Table 1 of the Land Use Element), shall include methods to conserve open space for natural resources including agriculture, wildlife habitat, and water (i.e. conservation easements and/or other similar resource protection measures). Proposed development areas shall also include measures to protect resources on-site and contiguous to the project with the use of clustering, conservation easements, and other similar programs.

Consistency: The project site is adjacent to the City of Hollister and existing urban development, and is currently designated under the General Plan as 'Rural,' and an 'Area of Special Study.' Furthermore, development of the project is otherwise consistent with the intent of the Area of Special Study designation, by directing development away from natural resources and preventing leapfrog growth. The project will be developed in compliance within a comprehensive planning framework that provides for resource protection measures, including conservation easements to protect natural resources. For these reasons the project is consistent with Policy 18.

### 3.9 LAND USE PLANNING

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#### **Policy 29            Energy Conservation**

It will be the County's policy to encourage the use of energy-efficient design in new construction.

Consistency: As discussed more fully in **Section 3.14, Wet and Dry Utilities and Energy**, the project incorporates numerous policies addressing the incorporation of energy efficient design, including building materials and passive solar energy, including site orientation for solar access. In addition, a network of bicycle and pedestrian paths are provided to facilitate alternative modes of transportation. These policies and design features will result in the reduction of energy usage within the project. The project is therefore consistent with Policy 29.

#### **Housing Element**

**Policy 2A**            At least 30% of new residences approved within the Rural/Urban land use designation or that could be served by public sewer and water shall be comprised of mixed residential types (e.g. duplex, fourplex, group home, apartment, mobile/manufactures home subdivisions) irrespective of the zoning district minimum parcel size requirements. The minimum development density shall be at least eight units per acre. Second units shall be excluded from the 30% density requirements.

Consistency: The project proposes development of various types of housing product, which will be available to a wide array of households and designed to address a broad range of community needs. In terms of mixed residential types, the project proposes development of a variety of housing types including single-family detached units, single-family attached homes, paired dwellings, garden townhomes, courthomes, rowhouses, duplexes and cluster housing. The project also anticipates the development of second units as well as housing that will suit seniors' needs, possibly including small lot detached houses, cottages, townhouses, and apartments for active seniors, as well as assisted care, memory care, and professional nursing care facilities.

As set forth in Article 3 of the Specific Plan, the project will be required to provide affordable housing in the amount and manner required by the applicable County Inclusionary Housing regulations. Compliance with the applicable County regulations will ensure consistency with this Policy 2A. However, it should be noted that as discussed above, the County is currently considering modifications to its affordable housing requirements, which, if approved, may result in changes to this General Plan policy to ensure consistency.

**Policy 2D**            All new residential development shall assist in the attainment of the County's identified need and regional fair share responsibilities for very low, low, and moderate income households.

Consistency:

The project proposes development of various types of housing product, which will be available to a wide array of households and designed to address a broad range of community needs. In terms of mixed residential types, the project proposes development of a variety of housing types including single-family detached units, single-family attached homes, paired dwellings, garden townhomes, courthomes, rowhouses, duplexes and cluster housing. The project also anticipates the development of second units as well as housing that will suit seniors' needs, possibly including

small lot detached houses, cottages, townhouses, and apartments for active seniors, as well as assisted care, memory care, and professional nursing care facilities.

As set forth in Article 3 of the Specific Plan, the project will be required to provide affordable housing in the amount and manner required by the applicable County Inclusionary Housing regulations. Compliance with the applicable County regulations will ensure consistency with this Policy 2A. However, it should be noted that as discussed above, the County is currently considering modifications to its affordable housing requirements, which, if approved, may result in changes to this General Plan policy to ensure consistency.

San Benito County Zoning Ordinance (San Benito County Code, Title 25)

The current zoning designation of the project site is 'Rural' (R) with a minimum building site requirement of five acres, consistent with the underlying base General Plan designation of 'Rural.' While the project is not currently consistent with these designations, if approved, the project site would be re-zoned 'Santana Ranch-Specific Plan' (SR-SP). Land uses proposed within the project site would be required to be consistent with this new designation, as shown on the Specific Plan Land Use Map. With adoption of the Specific Plan and the related rezoning of the project site, the project would be consistent with the Zoning Ordinance.

### Effects upon an Established Community

**Impact 3.9-2** The proposed project will not disrupt or divide an established community. **No impact** is anticipated.

Development of the project would not result in the disruption or division of an established community, but would instead represent the orderly expansion of the Hollister urban area eastward from its current boundary west of Fairview Road, into a currently undeveloped area. **No impacts** would occur.

### Conflict with any Applicable Habitat Conservation Plan

**Impact 3.9-3** The proposed project will not conflict with an established habitat conservation plan or natural community conservation plan. **No impact** is anticipated.

The project is not located within an established Habitat Conservation Plan area. San Benito County Code, Chapter 19.19, however, mandates the payment of mitigation fees for development of open space in the Hollister area that is considered to be San Joaquin kit fox habitat. The project site lies within this required fee payment area. The fees required of the project would be used to finance a Habitat Conservation Plan under the federal Endangered Species Act. See additional discussion in **Section 3.4, Biological Resources**.

### Conflict with Surrounding Land Uses

**Impact 3.9-4** Development of the proposed project could create land use compatibility conflicts with surrounding uses. This is considered a **less than significant** impact.

### 3.9 LAND USE PLANNING

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The proposed development would alter the use of the site from rural open space to a suburban residential community, which represents a substantial change. However, as discussed below, this change would not represent a significant impact in terms of land use.

As a predominantly single-family development, the project would be compatible with the existing single-family subdivisions on the west side of Fairview Road. The single-family residences constructed along Fairview would be consistent in height with the existing two-story residences across Fairview Road from the project site. The multi-family residential area planned for the northwest portion of the site would be moderate density (up to 20 units per acre) and low in profile (three stories). (See also discussion in **Section 3.1 Aesthetics/Visual Quality**). The broad landscape corridor over the water pipeline easement along Fairview Road would provide additional separation from existing residences to the west. The distance between the multi-family units and the nearest dwellings on the west side of Fairview Road would be at least 150 feet. The landscape corridor would be attractively landscaped as required in the Specific Plan, and the sound wall to be installed along the eastern edge of the landscape corridor would provide further visual screening. The project would result in additional light and glare, however, mitigation measures pertaining to glare impacts are addressed in **Section 3.1**, and are anticipated to be **less than significant with mitigation incorporated**.

Existing agricultural practices to the east and south of the project site consist of grazing with no intensive agricultural operations that involve aerial spraying, heavy machinery noise, or livestock odors, which could result in incompatibility impacts. The lands to the northeast of the site are predominantly in cultivation for hay, which involves annual disking, mowing and baling. These agricultural activities would not result in conflicts with the proposed residential uses. For further discussion on this topic, refer to **Section 3.2, Agricultural Resources**.

As discussed in **Section 3.14, Wet and Dry Utilities**, the potential wastewater treatment plant serving the project includes design features preventing objectionable odors which would be in conflict with the normal use and enjoyment of existing and planned residences in the vicinity of the plant. Further, as discussed in this section, proper maintenance of the plant equipment in accordance with the permit required to be obtained from the Regional Water Quality Control Board will ensure that objectionable odors will not be emitted from the plant. Therefore, implementation of the project will result in **less than significant impacts** with regard to potential conflicts with surrounding land uses.

#### CUMULATIVE IMPACTS AND MITIGATION MEASURES

##### Conflicts with the Applicable Land Use Plan, Policy, or Regulations

**Impact 3.9-5** The proposed project, combined with other past, present, and reasonably foreseeable probable future projects in San Benito County may result in cumulative land use impacts to the project area. This is considered a **less than significant** impact.

Other past, present and reasonably foreseeable probable future projects have been and/or will be developed in the County, which may result in land use impacts. However, as discussed above, the proposed project is consistent with relevant plans, policies and regulations, will be required to comply with all applicable regulations to ensure consistency and compatibility with surrounding land uses, and will not result in any significant land use impacts. Therefore, the project will not combine with other past, present and reasonably foreseeable probable future projects in the vicinity to result in a cumulative impact on any existing nearby land uses, such as

existing residential and small ranch uses, with regard to land use compatibilities or generation of excessive noise. The proposed project would be subject to design review, which will ensure that the proposed project meets the goals and policies in the Specific Plan for high quality residential and commercial development, and to eliminate any land use incompatibilities. Therefore cumulative impacts with regard to land use are anticipated to be **less than significant**.



### 3.9 LAND USE PLANNING

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#### REFERENCES/DOCUMENTATION

Association of Monterey Bay Area Governments (AMBAG). 2004 AMBAG Population, Housing Unit and Employment Forecast. Adopted by the AMBAG Board of Directors, April 14, 2004.

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County of San Benito. *Ordinance 766 adding Chapter 21.03 to the San Benito County Code Relating to the Provision of Affordable Housing*. January 27, 2004.

County of San Benito. *County Code*, Chapter 21.07, *Growth Management System*.

County of San Benito. *County Code*, Title 25, *Zoning*.

County of San Benito. *Draft Santana Ranch Specific Plan*. November 6, 2009.

County of San Benito. *County Code*, Chapter 19.19, *Habitat Conservation Plan Study Area*