

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO IN REGARD TO THE PACIFIC BAY CAPITAL GROUP DEVELOPMENT AGREEMENT ON BEHALF OF THE SAN BENITO HEMP CAMPUS EFFORT, LOCATED AT “GILROY GAITS,” 7800 LAKE ROAD, HOLLISTER, CA. APN 013-050-028. COUNTY FILE NO. PLN190020.**

**WHEREAS**, the Pacific Bay Capital Group, LLC filed an application for a use permit and Development Agreement between itself and the County of San Benito to establish the San Benito Hemp Campus, a hemp and hemp product processing and manufacturing facility, at 7800 Lake Road, Hollister, CA; property owned by the Kevin Chambers Living Trust; and

**WHEREAS**, the Planning Director/RMA director, acting through staff, completed an initial review of the application to determine if the application was appropriately made, and determined that sufficient information and data was submitted to analyze the application under Chapter 19.11 Development Agreements, including a development review deposit to be used to pay for the application and processing fee; and

**WHEREAS**, the subject property of the requested Development Agreement has a General Plan Designation of Agricultural, and Zoning Designation of Agricultural Productive; and

**WHEREAS**, the existing facility had been developed in the late 1980’s as a 275,000 square foot turkey egg-raising facility under a use permit for agricultural production, and was later converted to an equestrian use facility in keeping with the allowed uses of the General Plan and Zoning Code; 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) by preparing an Initial Study/Negative Declaration; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the proposed Development Agreement at a duly noticed public hearing held at the Planning Commission’s regularly scheduled meeting on June 19, 2019; and

**WHEREAS**, at the June 19, 2019 Planning Commission hearing the Planning Commission considered a draft Ordinance for eventual Board of Supervisors’ action, that included the findings necessary to grant a Development Agreement under County Code; and

**WHEREAS**, the Board of Supervisors hereby incorporates and affirms the Findings necessary of Section 19.11 of the County Code to grant a Development Agreement under County Code, (See Below); and

**WHEREAS**, on July 23, 2019, the Board of Supervisors heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the

hearing were given an opportunity to hear and be heard with respect to any matter related to the Development Agreement with Pacific Bay Capital Group, LLC; and

**WHEREAS**, at the conclusion of the public testimony, the Board of Supervisors 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 Board of Supervisors of the County of San Benito hereby finds that the proposed Development Agreement was studied in the negative declaration prepared for this Project. Further, the County further makes the follow CEQA findings on the basis of substantial evidence in light of the whole record:

### **California Environmental Quality Act (CEQA) – Findings**

#### **Primary CEQA Findings:**

##### **Finding No. 1:**

The San Benito County Board of Supervisors hereby finds that the project , adoption of the Development Agreement was studied under the Negative Declaration (ND) adopted by the Planning Commission on June 19, 2019; and,

##### **Finding No. 2:**

No changes have been made with respect to the project or to the circumstances under which the project will be undertaken

##### **Finding No. 3:**

The San Benito County Board of Supervisors hereby finds that no further environmental document is required to be prepared pursuant to CEQA, including but not limited to a subsequent Negative Declaration (ND) or an addendum to the ND adopted on June 19, 2019 (CEQA Guidelines, 14 Cal. Code Regs. §§15162, 15164).

##### **Finding No. 4:**

There have been no circumstances, including but not limited to, substantial proposed changes to the project, substantial changes with respect to the circumstances under which the project is undertaken, or new information of substantial importance, which would require major or minor revisions to the previously adopted ND as set forth in §§ 15162 or 15164. Accordingly, no further ND, MND, or other type of additional environmental document is required at this time.

##### **Evidence 1-4:**

All records and documents regarding Planning Commission’s Public Hearing on June 19, 2019, including but not limited to the ND prepared for this Development Agreement and the associated Conditional Use Permit.

#### **Further CEQA Findings**

**Finding 1:** That the initial study/Negative Declaration for Development Agreement and Conditional Use Permit has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

***Evidence:** All provisions including both State and County environmental guidelines and policies for the preparation of an initial study/negative declaration have been followed. The environmental documents in the preparation of the initial study/negative declaration are filed in the project record located at the San Benito County Planning Department in the project file, PLN190020.*

***Evidence:** Materials considered in the preparation of the initial study and negative declaration are filed in the project record located at the San Benito County Planning Department in file PLN190020. Public review of the initial study was conducted from May 20, 2019 to June 10, 2019.*

***Evidence:** Notice of Availability of the proposed Negative Declaration was mailed to interested parties and to property owners within 300 feet of the project site and posted at public locations in the County, including the County of San Benito Website ([www.cosb.us](http://www.cosb.us)).*

**Finding 2:** That the Board of Supervisors has considered the negative declaration together with all comments received from the public review process.

***Evidence:** The initial study and proposed negative declaration were presented to the Board of Supervisors at its meeting of July 23, 2019, and all members of the public present at the meeting were invited to provide comments. Further the Board of Supervisors has reviewed all comments received by the Department. The Board of Supervisors considered the proposed negative declaration and all comments received at the meeting.*

**Finding 3:** The negative declaration reflects the independent judgment of the Board of Supervisors.

***Evidence:** The Initial Study checklist was prepared by the Applicant's environmental consultant, M-Group, with oversight and review by the County Resource Management Agency, in compliance with the California Environmental Quality Act CEQA.*

***Evidence:** The Board of Supervisors considered and reviewed the initial study/ negative declaration and considered public comments and supplemental information prior to action on the negative declaration. This resolution, and the staff recommendation reflect the Board of Supervisors' independent evaluation of the project.*

**Finding 4:** That the Board of Supervisors has found that there is no substantial evidence in the project record that the proposed project, including approval of this Development Agreement, will have a significant effect on the environment, or that it will have any significant effects that would need mitigation to reduce them to less than significant.

***Evidence:** Staff report and the project record for the conditional use permit and the development agreement. The Board of Supervisors considered all the evidence prior to adoption of the negative declaration. The Board of Supervisors determined all effects of the project are less than significant.*

**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it hereby finds as follows:

#### **Development Agreement - Findings**

**Finding 1:** Development Agreement application was filed with the Director of Planning, in accordance with County Code section 19.11.007, in that:

***Evidence:** The complete application included all the required content under County Code section 19.11.007(b), including, without limitation, sufficient documentation to facilitate CEQA review; and the required fee deposit to facility review by San Benito County. The application is on file at the San Benito County Resource Management Agency, Building and Planning Division.*

**Finding 2:** The Development Agreement is consistent with the General Plan and any applicable specific or area plans, and the remaining portions of the County Code:

***Evidence:** For all the reasons set forth in this Resolution and the staff report for the project, incorporated herein by reference.*

**Finding 3:** The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located:

***Evidence:** As part of its approval of the conditional use permit on June 19, 2019, the Planning Commission made determinations regarding the compatibility of the Project with the uses authorized in, and the regulations prescribed for, the applicable zoning, including making all the necessary conditional use permit findings.*

**Finding 4:** The Development Agreement is consistent with public health; safety and general welfare and good land use practice, in that:

***Evidence:** The Development Agreement is complementary to public health, safety and general welfare and good land use practices. Among other things, it provides for public benefits*

beyond those benefits that would be forthcoming through conditions of development project approvals as set forth herein.

**Evidence:** *The Project was prepared in accordance with the County's Zoning Code and relevant policies in the County's 2035 General Plan Update. In addition, the Project will provide employment opportunities for County residents. The Project will also contribute 1% of gross receipts to the general County benefit, as well as improve a significant portion of Frazier Lake Road.*

**Finding 5:** The Development Agreement will not adversely affect the orderly development of the surrounding community, in that:

**Evidence:** *In approving the project, the Planning Commission made the conditional use permit findings necessary for approval, including that (A) That the proposed use is properly located in relation to the general plan and to the community as a whole and to other land uses, transportation and service facilities in the vicinity; and (B) That the proposed use, if it complies with all 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.*

**Finding 6:** The development project associated with the Development Agreement should be encouraged in order to meet important economic, social, environmental or planning goals of San Benito County, in that:

**Evidence:** *With regard to planning goals, the Project was prepared in accordance with General Plan policies, which support agricultural uses and economic development. With regard to economic and social goals, the Development Agreement also facilitates goals of San Benito County to provide for more employment opportunities and generate sales tax revenue, and imposes obligations on the Developer to pay Community Benefits, including 1% gross receipts, which the County would not otherwise be entitled to.*

**Finding 7:** The subject development project and the Development Agreement are consistent with Chapter 19.11, in that:

**Evidence:** *The purpose of Chapter 19.11: Development Agreements is to strengthen the public planning process, to encourage private participation in comprehensive, long range planning and to reduce the economic costs of development by enabling the county and a developer seeking county approval of a development project to enter into a development agreement which vests certain development rights and which requires a developer to provide additional public benefits. The appropriate use of development agreements will reduce uncertainty in the development review process, will promote long-term stability in the land use planning process and will result in significant public gain.*

**PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 23rd DAY OF JULY 2019 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mark Medina, Chair  
San Benito County Board of Supervisors

***ATTEST:***

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**Janet Slibsager**  
**Clerk of the Board**

***APPROVED AS TO LEGAL FORM***

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**Barbara Thompson**  
**County Counsel**