

CEQA FINDINGS OF FACT

**For the
Betabel Road C-1 Overlay Rezone Project
Addendum to the 2035 General Plan Final Environmental Impact Report**

**Prepared by the County of San Benito
November 2019**

PROJECT SUMMARY

The San Benito County's (County's) 2035 General Plan Update (General Plan) identified Commercial Regional nodes, including one at Betabel Road. The impacts of development at these nodes, including the Betabel Road node, were analyzed in the General Plan Environmental Impact Report (General Plan EIR), which was certified by the County in 2015. The regulations for the underlying C-3 zoning classification to implement the Commercial Regional nodes, were adopted by Ordinance No. 991 on September 24, 2019 has been suspended due to the filing of a referendum petition. A 29 acre area at Betabel Road was rezoned Regional Commercial (C-3) by Ordinance No. 992 on September 24, 2019, but that ordinance is not subject to the referendum petition, and that zoning designation took legal effect. As a result, the Betabel C-3 zoned area has no currently effective regulations to govern its development.

Both ordinances were adopted on the basis of Addenda to the General Plan EIR in order to comply with the California Environmental Quality Act (CEQA). The Addenda are being challenged in court with the action *Preserve Our Rural Community v. County of San Benito*, San Benito County Superior Court Case No. CU 19-00174, filed October 23, 2019, seeking to reverse Ordinances Nos. 991 and 992, along with the ordinances rezoning the other three Commercial Regional nodes.

The project entails rezoning the Betabel Road node to add a Commercial Thoroughfare (C-1) Combining Zone or Overlay (hereinafter "Overlay") as an alternative means to implement the General Plan by applying existing C-1 regulations that, in conjunction with General Plan Land Use Policies applicable to Commercial Regional nodes, will govern future development applications for the Betabel Road C-3 zoned land area in the absence of the C-3 regulations adopted by Ordinance No. 991.

PROJECT DESCRIPTION

Currently, the site of the Betabel Road site is zoned Regional Commercial (C-3). The Proposed Project entails rezoning the Betabel Road node to add a Commercial Thoroughfare (C-1) combining district Overlay as an alternative means to implement its General Plan Commercial Regional land use designation. th .

Government Code section 65860 mandates that county zoning ordinances be consistent with the general plan. When a zoning ordinance becomes inconsistent with a general plan by reason of an amendment to the general plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended. Suspension of Ordinance No. 991, and the possibility that it may be disapproved by the voters in March 2020, would result in the zoning ordinance not being consistent with the 2035 General Plan provisions for commercial regional nodes, because there would be no means to implement the general plan policies and land use designations.

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he Project is a zoning map amendment only. No specific development proposal has been submitted. Future development applications would be governed by the C-1 district regulations set forth in San Benito County Code Chapter 25.16, with the addition of design review required

by 2035 General Plan Land Use Policy LU-5.3. Design review is a discretionary permit triggering development project-specific level of CEQA review, during which the environmental effects must be evaluated. In the event that the C-3 zoning regulations incorporated in Ordinance No. 991 are approved by the voters in the referendum election, the C-3 regulations would take precedence.

The C-1 Code implements the relevant and applicable General Plan policies. According to section 25.16.020 of the San Benito County Code, the Commercial Thoroughfare (C-1) District is specifically intended to provide establishments offering commercial amusement, accommodations, supplies, or services, especially to motorists, in keeping with the CR General Plan Land Use designation for the Betabel node. It is also intended for specialized automotive and related sales and service establishments serving persons traveling from large trading areas by automobile. This zoning classification meets the intent of the Commercial Regional land use designation to serve tourist traffic by allowing for establishments offering accommodations, supplies, or services geared to travelers and visitors. Additionally, the classification provides for select uses such as commercial amusement or recreation, and would allow for sales and promotion of regionally sourced goods.

Per policy LU-5.4, development within the C-1 Overlay at Betabel Road will be required 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, local character, and quality of life attributes. Consistent with Policy LU-5.5, the C-1 Overlay District at Betabel Road serves to prevent typical linear or strip development by restricting commercial development at Betabel Road to a 29-acre area at the general location identified in Figure 3-5 of the General Plan. Consistent with General Plan policy LU-5.6, the C-1 District allows for visitor-oriented commercial uses that promote the local history, local economy, and market locally-produced agricultural products. This is because the C-1 District allows commercial establishments as conditional uses such as souvenir and curio shops, and roadside stands that could promote these products (SBCC § 25.16.023 (G)).

Future development within the C-1 Overlay will require design review. The C-1 Overlay District has three levels of development approval: (1) site plan review, (2) administrative permit, and (3) conditional use permit. Many uses require a duly noticed public hearing before the Planning Commission, i.e., the conditional use permit process (see Section 25.16.023). This will provide for a higher level of project review and opportunity for appeal to the Board of Supervisors for many uses. However, per General Plan Policy LU-5.3, in order to respect the scenic character of the County, any new development at a regional commercial node, including Betabel Road, shall be subject to design review before the County Planning Commission. Design review is a discretionary approval that triggers CEQA review for any project applications.

The C-1 code includes development standards. The C-1 District has specific development standards and allows up to 40 percent lot coverage and development up to 35 feet in height, lot setbacks, parking requirements, and access way requirements. The Commercial Regional land use designation additionally limits development of the Betabel Road C-1 Overlay area to a Floor Area Ratio (FAR) of 0.8. Therefore, future development at Betabel Road could not exceed 1,010,592 square feet (29 acres at a FAR of 0.8) of commercial development consistent with the

General Plan land use designation (2035 General Plan, Table 3-1, p. 3-6). C-1 District regulations further restrict development to 40 percent lot coverage (505,296 sq. ft., or about 11.6 acres) and 35 feet in height of buildings (SBCC § 25.16.025).

PROJECT LOCATION

The Proposed Project encompasses approximately 29 acres located along the west side of U.S. Highway 101 approximately one quarter mile south of the Betabel Road overpass, and is comprised of portions of the following APNs: 013-150-017, 013-150-018, 013-150-023, 013-150-024, and 013-150-025 (collectively, “Proposed Project site” or “Betabel Road node location”). The Proposed Project site is primarily vacant, but includes some agricultural uses. The current County General Plan land use designation for the site is Rangeland (RG). However, the General Plan identifies the general area as the location for one of four Commercial Regional nodes.

Surrounding land uses include crop and grazing land on all sides. The Proposed Project location is also bordered to the west by the San Benito River, which runs northwest to southeast, and by the Betabel RV Park to the north.

PRIOR ENVIRONMENTAL REVIEW

The environmental review process for the 2035 General Plan Update involved the preparation of the following documents:

- General Plan Background Report, November 2010
- General Plan Update Alternative Report, December 2010
- Fiscal Impact Analysis Report, December 2011
- Draft EIR (DEIR) for the 2035 General Plan Update, March 2013
- Revised Draft EIR (RDEIR) for the 2035 General Plan Update, March 2015
- Final EIR for the 2035 General Plan Update, June 2015
- General Plan Update Errata, June 2015
- Mitigation and Monitoring and Reporting Plan, June 2015

On July 21, 2015, the San Benito County Board of Supervisors certified the Final EIR for the 2035 General Plan Update. The above documents together comprise the EIR for the 2035 General Plan Update and are referenced herein collectively as the “General Plan EIR”.

Development permitted under the Proposed Project fits within growth projections utilized in the General Plan EIR analysis.¹ The General Plan EIR also specifically indicated a Commercial Regional node would be located along U.S. Highway 101 and Betabel Road (see General Plan EIR, Figure 3-4, p. 3-29.) While the General Plan EIR included the general location of the Proposed Project, it did not provide specific boundaries for the Betabel Road node. Since approval of the General Plan in 2015, specific Regional Commercial boundaries and zoning standards for the Betabel Road node were approved, as discussed above. An addendum to the General Plan EIR for the rezone of Betabel Road to C-3 was considered by the Board of

Supervisors on September 24, 2019. The Regional Commercial zoning standards have been suspended, outcome pending. The Regional Commercial zoning, however, remains in place.

The County has previously complied with CEQA by analyzing the General Plan's impacts in the General Plan EIR. Because the new discretionary action before the County (addition of a C-1 Overlay) would implement the General Plan and is a community-level project with no site-specific impacts, the County may properly rely upon information in the certified General Plan EIR to the extent it remains adequate. CEQA Guidelines section 15162 provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Discussion: The development capacity identified for the Betabel Road C-1 Zoning District is 505,296 square feet (SBCC § 25.16.025). The General Plan provided for 4.39 million square feet of Commercial Regional (C-3) development at maximum buildout. The General Plan EIR assumed less than 100 percent buildout would occur; nonetheless, in light of the limitations on development within the Proposed Project site, development allowed under the C-1 zoning district would fit within the growth projections utilized in the General Plan EIR analysis.

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Discussion: Consistent with the requirements of CEQA Guidelines section 15162, the County determined that there were no changed circumstances or "new information of substantial importance" that triggered the need for a subsequent EIR.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA section 21166 and CEQA Guidelines sections 15162, 15163, 15164, and 15168. As such, the County prepared an addendum pursuant to CEQA Guidelines section 15164 and explained that no new impacts would result from the C-1 zoning implementation, therefore, an addendum was the appropriate CEQA document to be prepared.

As explained in the Environmental Checklist prepared as part of the Addendum, the conclusions of the prior environmental documents remain the same and no new significant impacts were identified. The Addendum also determined that significant environmental impacts identified in the General Plan EIR were not found to be substantially more severe, and no additional EIR documentation (supplement to the EIR or subsequent EIR) was required. (*River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal.App.4th 154, 168 [where the only basis for preparing a subsequent EIR or a supplement to an EIR is a new significant impact or a substantial increase in the severity of a previously identified impact, the need for the new EIR can be avoided if the project applicant agrees to one or more mitigation measures that can reduce the significant effect(s) at issue to less than significant levels].)

FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Public Resources Code section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social,

technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Guidelines, §15091.) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).) The CEQA findings required by Public Resources Code section 21002 were made when the EIR was certified by the County in 2015 and are incorporated by reference herein.

These findings supplement Public Resources Code section 21002 findings and provide a roadmap to the analysis contained in the Addendum and Environmental Checklist, which explained that the conclusions of the prior environmental documents remained the same and no new significant impacts were identified. Project alternatives were previously considered as part of the General Plan EIR and discussed by the Planning Commission and Board of Supervisors prior to its certification. The Addendum determined that significant environmental impacts identified in the General Plan EIR were not found to be substantially more severe, and no additional EIR documentation (supplement to the EIR or subsequent EIR) was required.

LEGAL EFFECT OF FINDINGS

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Proposed Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the General Plan EIR and the Addendum and Environmental Checklist are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the County adopts ordinances approving the Proposed Project. In support of its approval of the Proposed Project, the Board of Supervisors makes the following findings pursuant to Public Resources Code section 21080 and section 15091 of the CEQA Guidelines:

Aesthetics/Visual Resources

Aesthetics/visual resources are addressed in Chapter 5 of the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

Any future development at the Proposed Project site must implement Mitigation Measure AES-B1, which requires landscaping to screen, and reduce the visibility of, buildings and parking lots from U.S. Highway 101. Mitigation Measure AES-B4 also requires screening of utilities and support systems. Future development must also implement Mitigation Measure AES-B4, which requires development to be set back from U.S. Highway 101. Future development will also be subject to Mitigation Measure AES-B3, which provides aesthetic standards for signs.

Any future development at the Proposed Project site must implement Mitigation Measure AES-B2, which restricts outdoor lighting and glare to promote the preservation of dark skies for nighttime astronomical viewing at local observatories and sets standards to avoid light trespass to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park.

Upon the implementation of Mitigation Measures AES-B1, AES-B2, AES-B3, and AES-B4, the conclusions of the General Plan EIR regarding impacts of the Proposed Project due to degradation of existing visual resources would remain valid and are unchanged. There are no new circumstances that would result in substantially more severe impacts or new information that would require additional analysis with respect to degradation of the visual resources of the site and its surroundings.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to aesthetics requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, §15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to visual quality and aesthetics.

Agriculture and Forestry Resources

Agriculture is addressed in Chapter 6 of the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

Conversion of 25 acres of Prime Farmland was anticipated in the General Plan EIR. While the Betabel Road node includes 27.5 acres of land *identified* as Prime Farmland, 2.5 acres of the 27.5 acres do not meet the Department of Conservation's definition of Prime Farmland, as they have not been farmed since the early 2000's, based on time-stamped mapping with Google Earth Pro. Therefore, the Proposed Project would not result in the conversion of more than 25 acres of Prime Farmland and will not result in conversion of more Prime Farmland than anticipated in the General Plan EIR.

The Betabel Road node does not contain any Williamson Act contract land or forest lands, nor does it contain any land zoned for agricultural use. Accordingly, the Proposed Project will not result in new or more severe significant impacts than evaluated under the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to agriculture and forestry resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, §15162). Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to agriculture and forestry resources.

Air Quality

Chapter 7 of the General Plan EIR analyzed air quality impacts of the Proposed Project. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. 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 General Plan EIR determined buildout under the General Plan would have a significant and unavoidable impact due to inconsistency with the Monterey Bay Air Resource District's air quality plan. This inconsistency is due to different housing unit projections between the General Plan EIR and the air quality plan. The Proposed Project does not allow for housing and does not alter the housing unit projections included in the General plan EIR, so this difference will not be exacerbated by the Proposed Project.

Future development at the Proposed Project site will be required to implement Mitigation Measure AIR-1 and comply with General Plan policies that reduce air emissions, thereby reducing impacts related to operational ROG, NOx, and PM10 to less than significant. The Betabel RV Park is located adjacent to the Proposed Project site. Future development will be subject to General Plan goals and policies that would reduce potential impacts due to exposure of sensitive receptors within 1000 feet to substantial pollutant concentrations to less than significant. The General Plan EIR determined there would be no significant impacts with respect to emission of objectionable odors due to buildout of the General Plan. Therefore, approval of the Proposed Project would not result in new or substantially more severe significant impacts to air quality.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to air quality, requiring additional analysis or verification. (See Public Res. Code, §21166; CEQA Guidelines, §15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan

and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to air quality.

Biological Resources

Chapter 8 of the General Plan EIR addresses biological resources. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node. 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 General Plan EIR determined impacts to special status species were significant and unavoidable. Future development within the Proposed Project site would be required to comply with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c, as well as Mitigation Measure BIO-B1, which provide for the protection of special status species and partially mitigate impacts on biological resources associated with urban or rural development.

The General Plan EIR also determined impacts to riparian or other sensitive natural communities would be significant and unavoidable. The Betabel Road node is located near the San Benito River and Sargent Creek. Any future development must implement Mitigation Measures BIO-1a, BIO-2b, BIO-2c, BIO-B1, and General Plan policies that mitigate impacts to riparian habitat. Additionally, future development must implement Mitigation Measure AES-B4, which provides further protection to riparian habitats by requiring that water courses and associated riparian vegetation include a 100-foot wide buffer area from top of bank and edge of vegetation of the San Benito River and a 50-foot wide buffer area from top of bank and edge of vegetation of Sargent Creek. It also requires less intense development be located nearest to the San Benito River.

The General Plan EIR determined 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 (collectively, wetland communities). It further concluded these impacts could be mitigated to less than significant with the implementation of mitigation measures. To the extent any wetland communities exist at the Proposed Project site, future development must comply with Mitigation Measure Bio-1a, Bio-1b, Bio-2b, Bio-2c, and BIO-B1, as well as General Plan policies that minimize impacts to wetland communities.

The General Plan EIR concluded that 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; however, this impact may be mitigated to less than significant. Future development at the Proposed Project site will be required to implement Mitigation Measure BIO-1a and BIO-B1 to ensure wildlife movement corridors and natural nurseries would be adequately evaluated when a development project is proposed and protective measures are sufficiently funded. Future development of the Betabel Road node will also be required to comply with General Plan policies that ensure there would be

no new or substantially more severe impacts than those already analyzed in the General Plan EIR.

The Proposed Project would be required to comply with local policies protecting oak woodlands, and future development at the Proposed Project site will be required to implement Mitigation Measure AES-B1, which prohibits oak tree removal at the Proposed Project site.

The Proposed Project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County.

The Proposed Project would not result in new or substantially more severe impacts to biological resources than anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to biological resources that would require additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) The Betabel Road node includes potential impacts related to riparian habitat, but through implementation of Mitigation Measure B1, any future development project at the Proposed Project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004).

Future development at the Proposed Project site must implement Mitigation Measures BIO-1a, Bio-1b, BIO-2b, BIO-2c, BIO-B1, AES-B1, and AES-B4 to minimize impacts to biological resources. Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to biological resources.

Cultural Resources

Chapter 9 of the General Plan EIR addresses damage or destruction of significant documented cultural resources, impacts to undocumented cultural resources, and discovery of human remains. The General Plan EIR determined mitigation measures would reduce any potential impacts to less than significant levels. 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 is not located near the incorporated cities of Hollister or San Juan Bautista—where a majority of historic properties in the County are—nor is the Proposed Project site located near the County’s two smaller historic communities, Paicines and Tres Pinos, which contain the rest of the known historic properties within the County. Future development of the Betabel Road node would be required to comply with all applicable General Plan policies, mitigation measures, and state and federal regulations to ensure impacts to potential as-yet-undiscovered resources will be reduced to less than significant. Future development projects must implement Mitigation Measure CUL-B1, which

requires an archaeological survey at the site of proposed development; if potential impacts to cultural resources are identified, Mitigation Measure CUL-B1 requires identification and implementation of mitigation measures, and a Cultural Resource Management Plan if warranted. There are no new circumstances resulting in new impacts or new information requiring new analysis related to the disturbance of cultural resources. The conclusions regarding impacts to cultural resources contained in the General Plan EIR remain valid.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to cultural resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to cultural resources.

Energy

Energy impacts were not evaluated separately from greenhouse gas (GHG) emissions in the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node. 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. Therefore, energy impacts associated with the Proposed Project were adequately analyzed by the General Plan EIR. Further, future development would be required to comply with all state regulations, County Code ordinances, and General Plan policies intended to reduce energy consumption and increase overall energy efficiency.

Therefore, the Proposed Project will not result in new or substantially more severe impacts than anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to energy impacts, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and

approval of the Proposed Project would not result in new or substantially more severe significant energy impacts.

Geology and Soils

Chapter 10 of the General Plan EIR addresses the potential for damage associated with ground shaking, liquefaction, landslide, unstable or expansive soils, or localized erosion as well as the use of septic tanks. The General Plan EIR determined foreseeable buildout under the General Plan would not result in significant impacts. There are no new circumstances resulting in new impacts or new information requiring new analysis of geology and soils.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to geology and soils, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to geology and soils.

Greenhouse Gas

Chapter 11 of the General Plan EIR evaluated the potential effects of implementing the General Plan on GHG emissions. The General Plan EIR determined impacts related to GHGs would be significant and unavoidable. However, the General Plan EIR found that the General Plan policy that directs creation of the Commercial Regional nodes, including the Betabel Road node, would reduce vehicle miles traveled (VMT), and consequently GHG emissions, by placing commercial development in convenient locations that would reduce trip lengths. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. 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. Therefore, the Proposed Project would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to GHG emissions, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the

General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to GHG emissions.

Hazards and Hazardous Materials

Chapter 12 of the General Plan EIR addresses the potential for health hazards caused by contaminated soil, toxic air contaminants, hazardous waste, and proximity to the Hollister Municipal Airport, Frazier Lake Airpark, and Christensen Ranch Airport, and private landing strips; as well as interference with emergency response or evacuation plans. Mitigation measures were identified to reduce any potential impacts to less than significant levels.

There are no new circumstances resulting in new impacts or new information requiring new analysis related to hazards and hazardous materials. The Proposed Project site is designated as Commercial Regional 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. Further, the proposed Betabel Road node is not located within one-quarter of any school facilities. Thus, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the conclusions contained in the General Plan EIR remain valid.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to hazards and hazardous materials, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to hazards and hazardous materials.

Hydrology and Water Quality

Chapter 13 of the General Plan EIR addresses water quality and erosion impacts related to construction and operation of the Proposed Project, potential impacts to groundwater and drainage system capacity, and potential impacts caused by flooding or seismically-induced seiche or occurrence of a tsunami. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

The General Plan EIR concluded compliance with state and federal laws and regulations and implementation of General Plan policies protecting water quality would reduce potential impacts to water quality to less than significant. While the Proposed Project location is near the San Benito River and the Pajaro River, future development will be required to comply with state and federal laws and regulations, General Plan policies, and County Code § 19.17.005, which require setbacks for development and grading from the top bank of streams, creeks, or rivers. Future development at the Proposed Project site also must implement Mitigation Measure AES-B4, which provided additional setback restrictions along the San Benito River other natural watercourses.

The General Plan EIR determined impacts related to groundwater supplies and recharge, as well as storm water runoff, would be less than significant. The limited development allowed at the Proposed Project site will lessen the amount of impervious surfaces, thereby encouraging groundwater recharge. The General Plan EIR determined impacts related to groundwater supplies and recharge, as well as storm water runoff, would be less than significant. According to FEMA, a portion of the Proposed Project site is located within the 100-year floodplain. Future development within the Proposed Project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Additionally, pursuant to Mitigation Measure AES-B4, development in flood zone reservations, which include zones designated by FEMA, is limited to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs, and permanent structures that are in compliance with the provisions of Chapter 19.15.

Therefore, the Proposed Project will not result in new or substantially more severe significant impacts to hydrology or water quality than were anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to hydrology or water quality, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to hydrology or water quality.

Land Use and Planning

Land use is evaluated in Chapter 14 of the General Plan EIR. The General Plan EIR determined the development anticipated in the General Plan could physically divide a community, but this impact would be reduced to less than significant with mitigation. Future development at the Betabel Road node will be required to comply with Mitigation Measures LU-1a and LU-1b and General Plan policies that promote community integrity and connectivity. Further, the General

Plan EIR specifically determined that the Commercial Regional nodes would minimize the division of established communities.

Additionally, the Proposed Project would not conflict with any General Plan policies addressing environmental resources.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts related to land use and planning.

Mineral Resources

Chapter 10 of the General Plan EIR analyzed impacts to mineral resources. It determined that federal, state, and County requirements, and the goals and policies set forth in the General Plan would reduce any potential impacts to less than significant. There are no new circumstances resulting in new impacts or new information requiring new analysis related to mineral resources.

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.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to mineral resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to mineral resources.

Noise

Chapter 15 of the General Plan EIR addresses impacts associated with noise and vibration. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

The General Plan EIR determined buildout of the General Plan may result in a significant and unavoidable temporary or permanent increase in ambient noise levels. Future development at the Betabel Road node will be required to comply with and implement Mitigation Measures NSE-1, NSE-4, NSE-5a, and NSE-5b, as well as the County's Noise Control Ordinance.

The Proposed Project does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. The Betabel Road node is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark.

Additionally, the Proposed Project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, Proposed Project would not result in new or substantially more severe significant noise impacts.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant noise impacts.

Population and Housing

Chapter 16 of the General Plan EIR addresses population and housing. The General Plan EIR concluded buildout under the General Plan would have significant and unavoidable impacts related to unplanned population growth. The Proposed Project would not change the conclusions of, nor would it result in any new or substantially more severe impacts than those already analyzed in, the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. The Proposed Project would not result in displacement-related impacts not already analyzed in the General Plan EIR.

Therefore, the Proposed Project would not result in new or substantially more severe significant impacts than those identified in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to population and housing, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to population and housing.

Public Services

Chapter 17 of the General Plan EIR addresses impacts to public services. It determined that impacts to fire protection, law enforcement, schools, parks, and other community services would be reduced to less than significant with implementation of General Plan policies. The Proposed Project site is designated as Commercial Regional 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. Future development within the Betabel Road node would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision.

Therefore, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to public services, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to public services.

Recreation

Chapter 18 of the General Plan EIR addresses impacts to recreation resources. The amount of development and uses allowed under the Proposed Project would be consistent with those anticipated 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 the Proposed Project would result in a less than significant impact.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to recreation, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to recreation.

Transportation

Chapter 19 of the General Plan EIR addresses transportation impacts. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. Therefore, the Proposed Project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

Future development would implement and comply with multiple General Plan policies that have been determined to reduce VMT, promote safe roads, and maintain adequate emergency access. The General Plan EIR determined that buildout of the General Plan, which included a Regional Commercial node at the Proposed Project site, would not result in a significant level of service impact to U.S. Highway 101 adjacent to the Proposed Project. Future development projects at the Proposed Project site must implement Mitigation Measure TC-B1, which requires preparation of a traffic study, including VMT analysis, and mitigation of potentially significant traffic and circulation impacts pursuant to either recommendations within the traffic study or a Transportation Management Plan. Thus, the Proposed Project will not result in new or substantially more severe significant impacts associated with transportation and circulation.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to transportation impacts, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site

shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and adoption of the Proposed Project would not result in new or substantially more severe significant impacts to transportation and circulation.

Tribal Cultural Resources

Impacts to tribal cultural resources were analyzed with impacts to cultural resources in the General Plan EIR. The General Plan EIR indicated that no sacred lands sites were identified as areas of concern with implementation of the General Plan. It also determined buildout of the General Plan would have a less than significant impact on tribal cultural resource properties or sites with implementation of state laws and consultation guidelines plus implementation of Mitigation Measure CUL-1.

Additionally, future development projects must implement Mitigation Measure CUL-B1, which requires an archaeological survey at the site of proposed development; if potential impacts to tribal cultural resources are identified, Mitigation Measure CUL-B1 also requires identification and implementation of mitigation measures and a Tribal Cultural Resource Management Plan if warranted. Further, if the survey contemplated in Mitigation Measure CUL-B1 finds evidence of potentially significant impacts to tribal cultural resources, future development at the Proposed Project site must implement Mitigation Measure CUL-B2, which requires consultation with Native American Tribes included on the Native American Heritage Commission tribal consultation list.

The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. 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, and future development will be required to implement Mitigation Measure CUL-1, CUL-B1, and CUL-B2. Therefore, the Proposed Project will not result in new or substantially more severe significant impacts to tribal cultural resources than anticipated in the General Plan EIR.

Because no Notice of Preparation, Notice of Mitigated Negative Declaration, or Negative Declaration was filed as part of the Proposed Project, tribal consultation pursuant to Assembly Bill 52 (Pub. Resources Code, § 21080.3.1) is not required.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to tribal cultural resources, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and

approval of the Proposed Project would not result in new or substantially more severe significant impacts to tribal cultural resources.

Utilities and Service Systems

Chapter 20 of the General Plan EIR addresses impacts related to water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities; water supplies; and solid waste. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. Therefore, there are no new circumstances resulting in new impacts or new information requiring additional analyses related to utilities and service systems. The conclusions in the General Plan EIR remain valid, and the Proposed Project will not result in new or substantially more severe significant impacts.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to utilities and service systems, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to utilities and service systems.

Wildfire

The General Plan EIR evaluated wildfire impacts as part of its analysis of hazards in Chapter 12. It determined both urban and wildland fire hazards exist in the County, creating a potential for large, damaging, and costly wildfires. However, the General Plan EIR determined compliance with applicable federal and state laws and regulations and General Plan goals and policies would reduce wildfire risks and impacts to less than significant. Development of the Betabel Road node was contemplated in the General Plan EIR. No changes or new circumstances have occurred and no new information has been found. The Proposed Project would not result in any new or substantially more severe impacts than analyzed by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to wildfire, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and

mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to wildfire.

RECORD OF PROCEEDINGS

For the purposes of CEQA, and the findings herein, the administrative record for the Proposed Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the County's decision on the Proposed Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- General Plan Background Report, November 2010;
- General Plan Update Alternative Report, December 2010;
- Fiscal Impact Analysis Report, December 2011;
- Draft EIR (DEIR), March 2013;
- Revised Draft EIR (RDEIR) for the 2035 General Plan Updated, March 2015;
- Final EIR for the 2035 General Plan Update, June 2015;
- General Plan Update Errata, June 2015;
- Mitigation and Monitoring and Reporting Plan, June 2015;

In addition to the above items from adoption of the General Plan, the record includes (but is not limited to) the following documents related to the implementation of the General Plan's designation of Commercial Regional nodes:

- Betabel Road C-1 Overlay Rezoning Addendum;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Proposed Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Proposed Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Proposed Project, up through the close of the public hearing on November 20, 2019;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Proposed Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;
- All resolutions adopted by the Planning Commission regarding the Proposed Project; all documents cited or referred to therein; and all staff reports, analyses, and summaries related to the adoption of those ordinances;
- All findings and ordinances adopted by the Board of Supervisors regarding the Proposed Project; all documents cited or referred to therein; and all staff reports, analyses, and summaries related to the adoption of those ordinances;
- The County's General Plan and all updates and related environmental analyses;

- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- The County's Zoning Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to CEQA Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the County of San Benito, County Administration Building, 481 4th St., 1st Floor, Hollister, CA 95023-3840. The custodian of these documents and other materials is Janet Slibsager, Clerk of the Board of Supervisors. The Board of Supervisors has relied on all of the documents listed above in reaching its decisions on the Proposed Project, even if not every document was formally presented to the Board of Supervisors or County staff as part of the County files generated in connection with the Proposed Project. Without exception, any documents set forth above not found in the Proposed Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Board of Supervisors was aware in approving the Proposed Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the Board of Supervisors as final decision-makers. For those reasons, such documents form part of the underlying factual basis for the Board of Supervisors' decisions relating to approval of the Proposed Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)