

Exhibit B to Board of Supervisors Resolution

**Addendum to San Benito County 2035 General Plan
(General Plan Amendment 09-42)
Environmental Impact Report
(State Clearinghouse No. 201111016) for
New Community Study Areas Map/Text Deletion**

**County of San Benito
February 6, 2024**

The current project proposes to amend the San Benito County 2035 General Plan (2035 General Plan) to remove New Community policy including map and text references to New Community Study Areas (NCSAs). (The project is also known as County Planning file REF230001.) A program-level environmental impact report (EIR) was prepared for the 2035 General Plan in accordance with the California Environmental Quality Act (CEQA) and included study of effects from actions equivalent to those of the current project. Having not triggered the conditions in State CEQA Guidelines Section 15162 and 15164, the current action requires no analysis under a subsequent or supplemental EIR, and an addendum to the EIR represents sufficient CEQA review of the action.

Triggers for Further Environmental Review Under CEQA

To provide a degree of finality, CEQA requires that, once an EIR has been completed and certified, the lead agency may not require preparation of a subsequent or supplemental EIR unless one of three triggering conditions exists as described below by State CEQA Guidelines Section 15162(a)(1–3):

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in 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;

(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

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(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 project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states, in relevant part: “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Furthermore, although not required under the law, a lead agency may prepare an addendum to a previously certified EIR to evaluate changes to a project, changes in circumstances, or new information, and to document the agency’s determination that an environmental review under CEQA is not required. See Section 15164.

Previous Documentation Under Prior Certified Environmental Impact Report

The San Benito County 2035 General Plan (2035 General Plan) was considered under the project file known as General Plan Amendment 09-42, for which a program-level environmental impact report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines §15161 and §15168. The San Benito County (County) Planning Commission at a public hearing on July 1, 2015, adopted Resolution 2015-04 to recommend that the County Board of Supervisors certify the EIR. The County Board of Supervisors subsequently, at a public hearing on July 21, 2015, adopted Resolution 2015-58 to make findings pursuant to CEQA and to certify the EIR and adopted Resolution 2015-59 to adopt the 2035 General Plan.

The EIR examined and disclosed all environmental impacts of the project as compared to the existing environment across San Benito County from both a local and regional perspective. At its public hearing on July 21, 2015, the Board of Supervisors considered the EIR along with the recommended mitigation measures, the mitigation monitoring and reporting program, the statement of overriding considerations, and all findings required by CEQA. The public hearing resulted in the Board’s adoption of Resolution 2015-58, certifying the EIR, adopting findings required by CEQA including a statement of overriding considerations, and adopting a mitigation monitoring program.

Among other things, the 2035 General Plan contemplates a significant amount of residential development that is anticipated to occur during the planning horizon to address the County’s housing needs for all economic segments and, in particular, to satisfy the County’s regional housing needs in accordance with State housing law. The EIR analyzed the environmental consequences of implementing the 2035 General Plan, including the planned growth described therein as well as the various programs and policies (including, without limitation, Program LU-8) set forth in the 2035 General Plan that are designed to guide that planned growth.

Prior to approval of subsequent actions under the 2035 General Plan that constitute a “project” under CEQA, the County is required to determine whether the environmental effects of such actions are within the scope of the project covered by the EIR, and whether additional environmental analysis is required. If the agency finds that none of the triggers set forth in State CEQA Guidelines §15162 has occurred, then no further environmental review shall be required, and the County may document these conclusions in an addendum pursuant to State CEQA Guidelines §15164(e).

Addendum Pursuant to Section 15164 (Analysis of Current Proposal in Relation to Prior EIR)

The Revised Draft EIR (RDEIR), a programmatic and non-project-level analysis circulated in March 2015, described two growth scenarios. Scenario 1, the Hollister-Centered Growth Scenario,

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“envision[ed] that the majority of new population growth [through 2035] would occur in the unincorporated area of the County in and around the City of Hollister SOI [sphere-of-influence].” Scenario 2, the New Community Study Areas Plus Hollister General Plan Growth Scenario, pictured the same as in the other scenario but with the same 2035 population distributed in both Scenario 1’s area and in New Community Study Areas. In adopting the 2035 General Plan with New Community Study Areas (NCSAs) included, the County effectively adopted Scenario 2, while removing NCSAs from the 2035 General Plan would enact Scenario 1.

The RDEIR described New Community Study Areas in its Introduction to the Environmental Analysis:

The 2035 General Plan identifies New Community Study Areas to indicate the County’s interest in studying the potential for development of new urban communities The boundaries of these study areas are illustrated ... [as] diagrammatic and is not intended to be precise. The underlying land use designations in areas shown as New Community Study Areas are not proposed to be changed as result of the 2035 General Plan Update and instead will continue to be designated as they are today ... unless and until proponents of a proposed new community propose and obtain approval of a General Plan amendment to change those designations. ...

... As set forth in the 2035 General Plan and in compliance with CEQA, any proposal for a new community would require preparation of a specific plan, including infrastructure and financing plans, as well as a completion of a project-level environmental review, which would be the vehicle to assess any potential environmental effects attributable to a specific proposed project.

At the time this RDEIR was prepared, the location, size, configuration, or range of uses of any potential future new communities cannot be known, and thus it would be speculative to evaluate the specific potential environmental impacts that could be caused by development in a New Community Study Area. For this reason, this RDEIR does not provide detailed environmental analysis of any particular new community proposal since none has been presented at this time. Nonetheless, the RDEIR provides a broad-brush evaluation of a potential growth scenario (Scenario 2 in this document) that could result if, after study, further environmental evaluation, and adoption of a specific plan, a sustainably designed new community were developed within the unincorporated County as set forth in the 2035 General Plan goals and policies.

The topical analysis in the RDEIR considered both scenarios and mostly found the same mitigation suitable in both cases for reducing the severity of impacts:

- **Agriculture and Forestry Resources.** Analysis on agriculture and forestry resources identified a significant and unavoidable conversion of farmland to non-agricultural uses as Impact AG-3. The analysis concluded that Scenario 1, the Hollister-Centered Growth Scenario, required more intensive mitigation than Scenario 2 and its NCSA effect required. However, despite adopting Scenario 2, the Board of Supervisors adopted Impact AG-3-Scenario 1’s greater mitigation⁶ in Resolution 2015-58 anyway. For the remaining agriculture and forestry resources impacts, the chapter concluded that each scenario was adequately mitigated by the same mitigation measures.
- **Transportation and Circulation.** Identified impacts to transportation and circulation systems resulted in differing mitigation for the two scenarios, with conclusions informed by analysis of both level of service and vehicle-miles traveled. Upon EIR certification, despite including NCSAs in the plan, the Board of Supervisors adopted mitigation responding to the Hollister-centered Scenario 1 and not Scenario 2. Therefore, the currently proposed removal of NCSAs that are the basis of

⁶ The greater mitigation added or changed drafted General Plan policy text to increase attention to agricultural effects from mining activity (Policy NCR-5.15) and energy facilities (Policy NCR-6.3).

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Scenario 2 and shifting instead toward an equivalent of Scenario 1 is adequately mitigated by measures already adopted.

- **Other Environmental Topics.** All other topical sections of the EIR concluded that both Hollister-centered Scenario 1 and NCSA-incorporating Scenario 2 were adequately addressed by the same mitigation measures.

Board of Supervisors Resolution 2015-58 then certified the EIR. The resolution

- acknowledged mitigable effects and unavoidable significant effects,
- identified project alternatives including the Hollister-centered growth alternative as environmentally superior but rejected these for infeasibility and failure to achieve stated project objectives, and
- concluded with a statement of overriding considerations justifying approval of the project including its significant and unavoidable effects based on social, economic, and other benefits.

When the project's CEQA process was completed, the result of adopting Scenario 2 and its NCSAs was, following EIR certification, practically indistinguishable from the hypothetical alternative of having adopted Scenario 1, this being effectively equivalent to the present proposal to remove NCSAs.

For this reason, the County has determined that none of the triggers under Section 15162 has occurred in connection with the County's consideration of the current proposal.

CEQA Addendum Finding: Pursuant to Sections 15162 and 15164 of State CEQA Guidelines, the County finds, based on substantial evidence in light of the whole record, that:

(a) The proposed General Plan amendment does not propose such substantial changes to County policy as to require major revisions to the environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

(b) There have been no substantial changes in circumstances under which County policy would be exercised and implemented that will require major revisions to the environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

(c) No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the environmental impact report.

Evidence: *The environmental impact report (EIR) analyzed the effects of adopting the San Benito County 2035 General Plan. Among the mitigation measures were modifications to the plan from how it had been drafted prior to the EIR, with the changes forming policy more responsive to environmental sensitivity.*

The analysis contemplated the effects of two scenarios, one a planning policy document that included New Community Study Areas (NCSAs) and one that omitted NCSAs. The EIR evaluated the distribution of population, housing, and employment under both scenarios, and the document concluded that the two required mostly the same mitigation. Where mitigation differed, the County Board of Supervisors adopted mitigation more relevant to the scenario omitting NCSAs, effectively equivalent to the current proposed action, than to the scenario including NCSAs. Upon certifying the EIR in July 2015, the Board of Supervisors acknowledged that mitigating some of the noted significant environmental impacts would be infeasible and adopted a statement of overriding considerations expressing that benefits of the project would justify approval of the project despite significant effects.

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With the scenario omitting NCSAs having already been analyzed and its associated mitigation measures having already been adopted, the effect of the present proposed change equivalent to that scenario is already known to the public and to County decision-makers. The current project will not require major revisions to address new or substantially more severe significant environmental effects.

The inclusion of New Community Study Areas (NCSAs) policy and mapping in the 2035 General Plan did not in itself entitle any development, whether such development could effectuate environmental impacts or not. An amendment to delete the NCSAs, likewise, does not entitle any development. Each future individual development application subject to the 2035 General Plan as amended will be required to comply with CEQA including the appropriate level of environmental review under State law. The same CEQA compliance would be required of proposed development applications without this amendment. No New Community has yet been implemented, apart from San Juan Oaks (General Plan Amendment 13-14, Specific Plan 006-13, Zone Change 13-179, and Tentative Subdivision Map 13-86), a project concurrently in planning at the time of the EIR's preparation and approved in November 2015, four months after 2035 General Plan adoption.

Since initial adoption the 2035 General Plan has been amended multiple times, all in ways not affecting the policy requirements of planning and implementing NCSAs. Other development and land use changes have occurred according to 2035 General Plan policy components that would remain in effect after the proposed plan amendment. Neither substantial change in circumstances around County policy exercise and implementation nor appearance of new and substantially important information has occurred that would indicate new or substantially more severe significant environmental effects requiring major revisions to the environmental impact report.

As stated in the CEQA Addendum Finding, no further environmental review has been triggered pursuant to State CEQA Guidelines §15162(a-c) in consideration of the New Community Study Areas map and text deletion (County Planning file REF230001), with no potentially severe environmental effect derived from substantial policy change not already contemplated under CEQA, from substantial change in circumstances around County policy, or from new and substantially important information. Therefore, in accordance with CEQA Guidelines Section 15164, this Addendum to the previously certified environmental impact report is appropriate to document the County's conclusions that further environmental review is not required with regard to the current action.