

# I.0

## INTRODUCTION

### I.1 PURPOSE OF THE EIR

The evaluation of projects to determine their effect on the environment is required by the California Environmental Quality Act (CEQA). When a project could have a significant effect on the environment, the agency with primary responsibility over the approval of the project (the lead agency) is required to prepare an Environmental Impact Report (EIR). As stated in the State CEQA Guidelines §15121:

An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

An EIR is the public document used to meet these requirements. The EIR must also disclose: significant adverse environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and the significant cumulative impacts of all past, present, and reasonably foreseeable future projects. From this point forward, an “impact” or “significant impact” is assumed to be an adverse effect on the environment.

This Revised Draft EIR (RDEIR) is intended to provide information to the public and to decision makers regarding the potential environmental effects of adoption and implementation of the 2035 San Benito County General Plan (2035 General Plan), which consists of a comprehensive update of San Benito County’s current (1992) General Plan.

When new information is added to a draft EIR after public notice is given, the lead agency is required to recirculate the draft EIR prior to certification. As stated in the CEQA Guidelines §15088.5:

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.

This RDEIR is being recirculated due to the disclosure of significant new information submitted by public comment on the first February 2013 circulation of the DEIR. The new information triggered the need for recirculation based on criteria set for in CEQA Guidelines §15088.5.

Per CEQA Guidelines section 15088.5(g), a recirculated draft EIR must include a summary of the revisions made to a previously circulated draft EIR. This RDEIR includes a multitude of changes to the previously circulated DEIR. The changes are extensive enough that identifying them via underline and strikethrough was deemed counterproductive. One of the significant drivers of changes to the DEIR was an expanded evaluation of impacts associated with potential distribution of new growth into New Community Study Areas described in the 2035 General Plan. It is possible that new growth could be distributed into one or more of these areas after further environmental evaluation and adoption of a specific plan as set forth in 2035 General Plan goals and policies. This RDEIR includes evaluation of the impacts of such growth where the potential impacts would differ from those created by new growth in the absence of its distribution into New Community Study Areas. Because growth within the New Community Study Areas results in a change in the distribution of growth relative to that evaluated in the DEIR, significant changes to the DEIR were required.

A second significant driver of change to the DEIR resulted from an error in how projected housing growth was distributed and evaluated in the DEIR. The impacts of growth assumed for unincorporated areas of the County located within city spheres of influence was analyzed as if that growth would instead occur within the incorporated city limits. This error affected the analysis of several topics including traffic, air quality, and climate change. This RDEIR includes new analysis that accounts for the corrected projected population and housing growth distribution.

Additional changes were made to reflect the County Board of Supervisors' request for revisions to mitigation measures included in the DEIR to provide greater flexibility, update information in the DEIR that had become dated, and address public comments on the DEIR.

The 2035 General Plan consists of two major parts – the policy document (including Land Use and Circulation Diagrams) and the Background Report. For purposes of this RDEIR, the project

under review consists of the 2035 General Plan policy document. The Background Report, which was released in November 2010, serves as the environmental and regulatory setting of the RDEIR. Pursuant to State CEQA Guidelines § 15150, the Background Report is incorporated into the RDEIR by reference as though fully set forth herein. CEQA requires that “the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.”

In compliance with these CEQA Guidelines, below is a summary of the chapters from the General Plan Background Report of San Benito County:

**Chapter 1 – Introduction:** This chapter provides general information about the definition, purpose, format, and organization of a General Plan.

**Chapter 2 – Demographic and Economic Trends:** This chapter uses statistics from County, regional, and state sources to illustrate the demographic and economic characteristics of San Benito County, addressing changes from the past and making future projections.

**Chapter 3 – Land Use:** This chapter describes how the land in San Benito County is currently used and assesses potential for additional development. It provides details about land use policies and regulations that could affect future land development.

**Chapter 4 – Agriculture:** This chapter describes the 1992 General Plan provisions and other programs used by San Benito County to protect agricultural land and support local agriculture. This chapter reviews a variety of agricultural land conservation methods, including regulatory, compensatory, planning, and informational.

**Chapter 5 – Housing:** The Housing Element was prepared and adopted on a separate track and therefore Housing is not covered in the Background Report.

**Chapter 6 – Transportation and Circulation:** This chapter describes the existing roadway infrastructure and circulation network in the County and the need for future upgrades to the system. It includes data about the condition and use of roadways, bus and train services, airports, and bicycle and pedestrian facilities. This chapter also discusses regulations regarding the transportation of goods and land use planning throughout the County.

**Chapter 7 – Public Services and Utilities:** This chapter describes the capacity of existing public services and utilities in San Benito County such as water supply and delivery methods, wastewater collection and disposal, storm drainage, hazardous waste treatment, law enforcement, emergency medical services, and public education. It also discusses the unique constraints on each service and utility and its respective ability to adapt under those constraints.

**Chapter 8 – Natural Resources:** This chapter describes the availability of water, energy, minerals, oil, gas and biological resources and the regulations regarding their use. It includes information about historical and current conditions and projections for future groundwater, surface water, and imported water resource conditions.

**Chapter 9 – Scenic Resources:** This chapter is describes the scenic resources of San Benito County, which includes the agricultural croplands and the nearby Gabilan and Diablo mountain ranges.

**Chapter 10 – Recreation and Cultural Resources:** This chapter describes the cultural and recreational resources in the County, including various park and open space areas, and identifies recreational opportunities. It also summarizes the existing archaeological, historical, and paleontological resources within the County.

**Chapter 11 – Safety:** This chapter describes potential health and safety hazards within the County arising from natural disasters such as earthquakes, floods, and wildfires, or human-made hazards such as air pollutants and unregulated spills or release sites for toxic waste. Information on airport regulation and safety can also be found in this section.

**Chapter 12 – Climate Change:** This chapter provides a summary of the science behind climate change; an overview of federal, state and local policies with regards to climate change; and analysis of the potential effects of climate change on the County.

**Chapter 13 – Noise:** This chapter identifies the primary sources of noise in the County, including noise from ground transportation vehicles and services, aircraft, and stationary noise sources (recreation areas, construction sites, etc.), and how such noises may impact land uses.

Where necessary, information originating from the Background Report has been updated with the best available and most current data as discussed in Section 4.3. The Background Report is available for download at: [www.sanbenitogpu.com/docs.html](http://www.sanbenitogpu.com/docs.html). Copies of the Report may be viewed during standard business hours (8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.), Monday through Thursday, at the San Benito County Planning and Building Department, 2301 Technology Parkway, Hollister, California 95023. County offices are closed to the public on Fridays.

Prior to considering adoption of the 2035 General Plan, as the Lead Agency, the County must certify that the Final EIR is adequate under CEQA, and that County decision makers have considered the information in the Final EIR. Upon making this finding, the County may then consider adoption of the 2035 General Plan.

## **1.2 PUBLIC REVIEW AND CEQA PROCESS**

CEQA provides three opportunities for public participation during the environmental review process. These points are: 1) during the Notice of Preparation (NOP) process, when responsible and trustee public agencies are informed that an EIR is to be prepared, and are requested to comment on the scope and contents of the proposed EIR; 2) upon circulation of a draft EIR, when the general public and responsible and trustee public agencies can comment on the adequacy of a draft EIR; and 3) finally, after circulation of a final EIR, when the public and agencies can evaluate the lead agency's responses to comments submitted on the draft EIR.

In accordance with §15082(a) of the State CEQA Guidelines, the County prepared and circulated a NOP for the 2013 DEIR for the 2035 General Plan. The NOP was published on October 28, 2011 (State Clearinghouse No. 2011111016). The NOP and Project Description were circulated to the public, local and state agencies, and other interested parties to solicit comments on the 2035 General Plan. The County held two scoping meetings for the DEIR on November 2, 2011, consistent with State CEQA Guidelines §15082(c), and closed the period for public comment on the NOP on November 28, 2011.

Environmental issues and alternatives raised by comments received during the 30-day public review period for the NOP were considered for inclusion in the 2013 DEIR (see [Appendix A, Notice of Preparation](#)). The DEIR was released for a 45-day public review period from March 7, 2013 through April 22, 2013. A total of 30 comment letters were received during circulation of the DEIR, and are a part of the administrative record available for viewing at: <http://www.cosb.us/county-departments/building-planning/general-plan>.

Pursuant to State CEQA Guidelines Section 15088.5, recirculation of an EIR prior to certification,

When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

As the 2013 DEIR has been substantially revised and the entire document is being recirculated as this RDEIR, reviewers should submit new comments as the County will only be responding to comments submitted on this RDEIR.

As required by CEQA, the 2035 General Plan and this RDEIR will be made available for public comment for a review period of 45 days. During the review period, the public will be allowed to submit comments on this RDEIR. All of the comments received will be taken into consideration at the public hearings held before the San Benito County Planning Commission (PC) and Board of Supervisors (BOS) during their consideration to certify the Final EIR and adopt the 2035 General Plan. Written and emailed comments from the public and interested and responsible agencies may be submitted at any time during the comment period. Written and emailed comments should be submitted to:

Byron Turner, Interim Director  
County of San Benito Planning & Building Department  
2301 Technology Parkway  
Hollister, CA 95023  
(831) 637-5313  
bturner@cosb.us

For emailed comments, please include the phrase, “2035 San Benito County General Plan Revised DEIR” in the subject line.

The RDEIR, along with copies of documents referenced herein, is available for download from the San Benito County website at: <http://www.cosb.us> or at the planning department. Copies of the RDEIR may be viewed during standard business hours (8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.), Monday through Thursday, at the San Benito County Planning and Building Inspections Department office at 2301 Technology Parkway, Hollister, CA 95023. County offices are closed to the public on Fridays.

After the close of the public comment period, the County will respond in writing to all comments submitted during the comment period in accordance with CEQA requirements. The RDEIR, the comments and responses (including any revisions of the RDEIR contained therein), together with a Mitigation Monitoring Program as described below, will constitute the Final EIR. County staff will make recommendations to the Planning Commission and to the Board of Supervisors. The Board of Supervisors will review the Final EIR for adequacy and consider it for certification, pursuant to the requirements of §15090 of the State CEQA Guidelines.

Prior to certification of the Final EIR, the County will prepare written findings of fact for each significant environmental impact identified, which in turn must be supported by substantial evidence in the administrative record. For each significant impact, the County must:

- determine that changes in the project have been made to substantially avoid or reduce the magnitude of the impact;
- determine that the changes to the project are within another agency's jurisdiction, and have been or can and should be adopted; or
- find that specific economic, social, legal, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make mitigation measures or alternatives infeasible (CEQA Guidelines §15091(a)).

After considering the Final EIR in conjunction with making findings, if the project would result in significant environmental impacts after imposing feasible mitigation measures, the County may approve the project if the benefits of the project outweigh the unavoidable environmental effects. Under these circumstances, a Statement of Overriding Considerations would be prepared explaining why the County is willing to accept each significant, unavoidable effect (CEQA Guidelines §15093(c)).

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a Mitigation Monitoring Program based on those measures that the agency has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (California Public Resources Code [PRC] §21081.6). The reporting or monitoring plan must be designed to ensure compliance with the adopted measures during project implementation (PRC §21081.6). The Mitigation Monitoring Program for this project will be prepared and circulated under separate cover for consideration by the County in conjunction with certification of the Final EIR.

### **1.3 EIR ORGANIZATION AND CONTENT**

The CEQA Guidelines §§ 15122 to 15130 require that all EIRs include specified content. This RDEIR is organized into several chapters, each dealing with a separate aspect of the required content of an EIR as described in the State CEQA Guidelines. [Table 1-1](#) sets forth the location in this RDEIR where required content appears.

**Table 1-1 CEQA-Required Content for Draft EIRs**

<b>CEQA Requirement</b>	<b>Where It Appears in this RDEIR</b>
Table of Contents	Table of Contents
Summary	Chapter 2, Executive Summary
Project Description	Chapter 3, Project Description
Environmental Setting	Environmental settings as set forth in the Background Report (Chapters 3-13) appear in Chapters 5 – 20
Significant Environmental Impacts	Chapters 2, 5-20, and 22
Mitigation Measures	Chapters 2, and 5 – 20
Alternatives to the Proposed Project	Chapter 21
Effects Found Not to Be Significant	Chapters 2, 5-20, and 22
Organizations and Persons Consulted	Chapter 23
Cumulative Impacts	Chapter 22

A brief summary of the contents of each section of this RDEIR is provided:

**Chapter 1: Introduction** provides an overview of the purpose of the EIR, the scope of the EIR, the environmental review process for the EIR, and the general organization of the document.

**Chapter 2: Executive Summary** contains a summary of environmental impacts, proposed mitigation, level of significance after mitigation, and unavoidable impacts. Also contained within this section are a summary description of project alternatives, potential cumulative impacts, and any areas of controversy known to the lead agency.

**Chapter 3: Project Description** provides background information regarding the location and setting of the County; explains what comprises a general plan in California; outlines the project objectives, the policy development, and community outreach process; identifies the key components of the general plan update; and lists the intended uses of the RDEIR.

**Chapter 4: Introduction to the Environmental Impact Report** describes the framework of analysis contained in Chapters 5 through 20.

**Chapters 5 through 20:** These chapters describe and evaluate each environmental issue area, including the existing environmental setting and background, applicable environmental thresholds, environmental impacts associated with adoption and implementation of the project, 2035 General Plan policy considerations related to the particular environmental issue area under analysis, and mitigation measures (new or revised 2035 General Plan Policies) to reduce environmental impacts.



**Chapter 21: Alternatives Analysis** analyzes the following alternatives to the proposed project: No Project Alternative, a City-Centered Growth Alternative, and an Increase Minimum Parcel Size for Agricultural Designation Alternative. The purpose of the alternatives analysis is to identify and evaluate feasible project alternatives that may reduce or avoid significant project impacts.

**Chapter 22: Required CEQA Analyses** provides an analysis of the project's potential growth-inducing and cumulative impacts, significant and unavoidable impacts, environmental effects of the project found not to be significant, and irreversible changes to the natural environment resulting from the project.

**Chapter 23: Documentation** identifies agencies and firms who participated in preparation of this report, including names of the RDEIR authors and consultants, and compiles a list of documents used and persons, organizations, or agencies consulted in the preparation of this RDEIR.

**Chapter 24: Frequently Used Acronyms, Abbreviations, and Terms** provides a list of acronyms, abbreviations, and terms repeatedly used in this RDEIR.

**Appendices** set forth data supporting the analysis or contents of this RDEIR (such as the NOP, Comments on the NOP and 2013 DEIR, and technical reports).

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