

Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Availability for Public Review

TO: ☒ Interested Individuals
☒ San Benito County Clerk

FROM: San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513

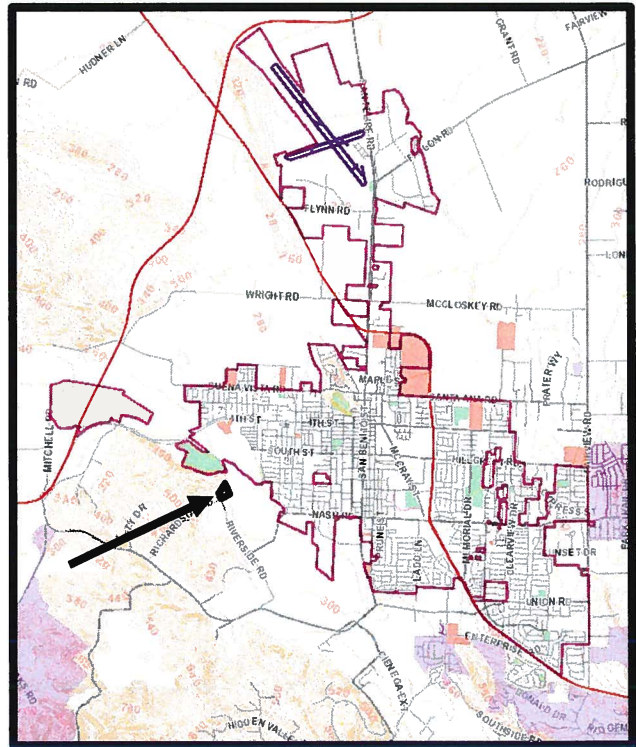
Contact Person: Michael Kelly, Associate Planner, 831 902-2287

Project File No.: Planning file PLN200045 (Villa/Stoney Farms Cannabis Facility)

Project Applicant: Ivan Villa

Project Location: 1180 Riverside Rd., opposite San Benito River from Hollister west limit (Assessor's Pcl. 021-050-028-0)

NOTICE IS HEREBY GIVEN that the Initial Study for Planning file PLN200045 is available for public review and that the County as **LEAD AGENCY** intends to adopt a Mitigated Negative Declaration for this project, which finds that the project, provided incorporated of mitigation measures, will not have a significant effect on the environment. The public review period in which comments will be accepted for the proposed Mitigated Negative Declaration begins **November 12, 2021**, and ends at 5 p.m. on **December 13, 2021**. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and Mitigated Negative Declaration are available for review at the County Resource Management Agency at the above address or Accela Citizens' Access (see instructions at lower right). Comments may be addressed to the contact person noted above, and written comments are preferred. Please reference the project file number in all communications. **NOTICE IS HEREBY FURTHER GIVEN** that a public hearing for this project before the County Planning Commission is tentatively scheduled for 6 p.m., **December 15, 2021** (or as soon thereafter as the matter may be heard), in the Board of Supervisors Chambers of San Benito County, located at 481 Fourth Street, Hollister, California, at which time and place interested persons may appear and be heard thereon.



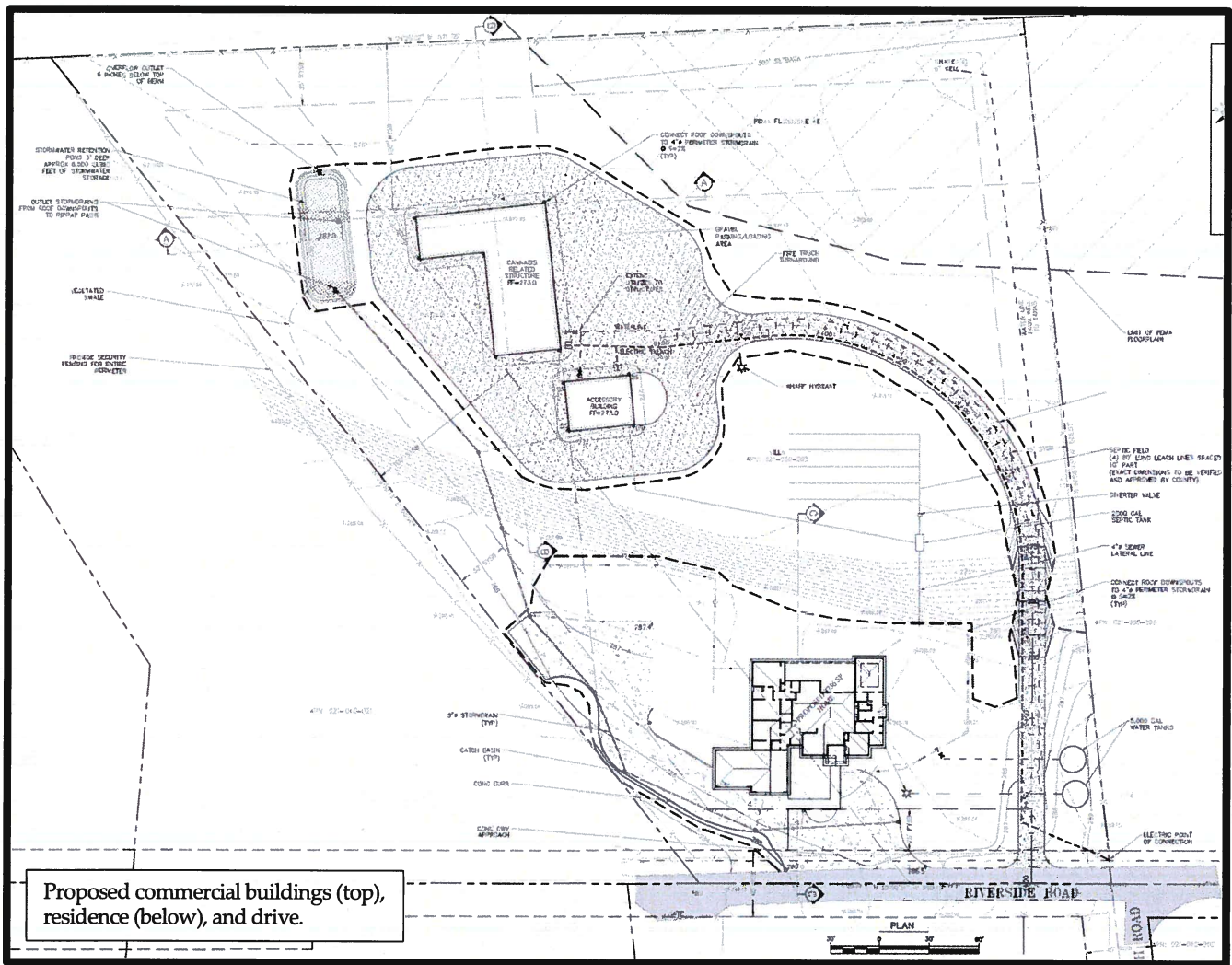
This study revises a prior study dated September 10, 2021, and describes effects of a cannabis cultivation use permit at 1180 Riverside Road near Hollister. The cannabis activities would take place in a new 4,600-square-foot building to facilitate the growing of cannabis plants. A separate building approximately 1,500 square feet in area would contain offices, and the business would involve 6 to 10 employees. In addition, a residence of approximately 4,000 square feet, including residential and storage space, would stand near Riverside Road, uphill from the commercial buildings. Grading would take place across approximately 30 percent of the site with 500 cubic yards of cut material and 500 cubic yards of fill to form the building sites and the driveway, plus a retention pond. The resulting driveway would run down the hill from near the northern terminus of Riverside Road. The site would be served by an on-site well, two water-storage tanks, a septic system, and electrical and telecommunications connections.

The project site is a grassy space of approximately 4.9 acres, stepping downward from a level ground surface near the terminus of Riverside Road to a plain on the west edge of the San Benito River. Adjacent to the site are properties used for rural residences, orchard, and grazing. Farther outward are similar land uses in addition to lands intended for sand mining along the river. The area opposite Riverside Road is hilly, with an area of hill extending to the property's north. Beyond that hill, about 600 feet northward, is Brigantino Park, a public open space presently consisting of unimproved open grass on the river's west side. Although almost all of incorporated Hollister is east of the river, the park is also within Hollister city limits. No public road or foot trail connects Riverside Road to the park or other points northward. Riverside Road leads to the site as a two-lane road past agriculture and

To view project documents using Accela:

- 1) go to the website aca.accela.com/SANBENITO,
- 2) go to Planning and click on "Search Cases,"
- 3) enter the Record Number **PLN200045** and click "Search," then
- 4) open the drop-down menu "Record Info" and click "Attachments."

*Project-related documents can be found here, with the initial study using the file name **IS_PLN200045_211110 Villa Stoney Farms 1180 Riverside revision.pdf**.*



rural residences similar to the project site's neighbors. The road narrows to about 20 feet in pavement width near the project site. Other than the park, Hollister incorporated territory is a quarter-mile to the northeast across the San Benito River. Along the river are the City of Hollister industrial wastewater treatment ponds with a recreational trail at its perimeter. Farther to the east is another public park overlooking the river and a residential neighborhood beyond that. Road access into incorporated Hollister is one mile by road, across the Nash Road bridge. The project site is a ¾-mile from the nearest school, R.O. Hardin Elementary School, in incorporated Hollister.

The site is under the Agriculture (A) designation in the San Benito County 2035 General Plan. This designation is intended "to maintain the productivity of agricultural land ... [and] is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. ... These areas typically have transportation access, but little to no public infrastructure." One dwelling per five acres is allowed. This property is subject to the Agricultural Productive (AP) zoning designation, which allows agriculture in general in addition to residential use limited according to the General Plan. County Code §25.07.022 allows several additional uses under a conditional use permit, most of an agricultural nature. Among these is cultivation of commercial cannabis. County Code Chapter 19.43 regulates cannabis land uses in much further detail. The chapter determines the zones in which these uses are allowed, establishes necessary project components, and sets operating requirements for multiple types of cannabis businesses. This land use is regulated to an especially greater degree by the State of California under the Medicinal and Adult Use Cannabis Regulation and Safety Act and by California Code of Regulations Title 4 Division 19 Chapter 7 and related codes.

Michael Kelly

Associate Planner
Title

November 10, 2021

Date



San Benito County Resource Management Agency

Public Works / Planning & Building / Parks / Integrated Waste

SAN BENITO COUNTY

NOTICE OF PROPOSED MITIGATED NEGATIVE DECLARATION

TO: Responsible agencies, Trustee agencies, other County Departments, and interested parties
FROM: San Benito County Resource Management Agency

This notice is to inform you that the San Benito County Resource Management Agency has prepared an Initial Study, a revision to a prior study dated September 10, 2021, and intends to recommend filing a Mitigated Negative Declaration for the project identified below. The public review period for the Initial Study is from **November 12 to December 13, 2021**. The document is available for review at the address listed below. Comments may be addressed to the contact person, Michael Kelly, Associate Planner. Written comments are preferred. Please use the project file number in all communication.

1. **Project title and/or file number:** Planning file PLN200045 (Villa/Stoney Farms Cannabis Facility)
2. **Lead agency name and address:** San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513
3. **Contact person and phone number:** Michael Kelly, Associate Planner, 831 902-2287
4. **Project location:** 1180 Riverside Road, opposite San Benito River from Hollister west city limit (Assessor's Parcel 021-050-028-0)
5. **Project sponsor's name and address:** Ivan Villa
17088 Shady Lane Drive
Morgan Hill, CA 95037-6518
6. **General Plan designation:** Agriculture (A)
7. **Zoning:** Agricultural Productive/Flood Plain (AP/FP)
8. **Description of project:** The project proposes a use permit regarding a cannabis cultivation facility at 1180 Riverside Road near Hollister. The cannabis activities would take place in a new 4,600-square-foot building to facilitate the growing of cannabis plants. This building would include an approximately 3,700-square-foot greenhouse, of which 3,200 square feet would be used for cultivation, and an approximately 800-square-foot adjunct processing area. A separate, smaller building approximately 1,500 square feet in area would contain offices, and the business would involve 6 to 10 employees.

In addition, a large residence of approximately 4,000 square feet, including residential and storage space, would stand near Riverside Road, uphill from the commercial buildings. Grading would take place across approximately 30 percent of the site with 500 cubic yards of cut material and 500 cubic yards of fill to form the building sites and the driveway, plus a retention pond. The resulting driveway would run down the hill from near the northern terminus of Riverside Road. Runoff from stormwater and landscaping irrigation

would collect in the retention pond. The site would be served by an on-site well, two water-storage tanks, a septic system, and electrical and telecommunications connections.

- **Crop area.** Approximately 3,200 square feet of canopy.
- **Vehicle use.** Small, mostly hand-operated, equipment typical of cultivation and related processing activities, in addition to forklift use and vans for transportation.
 - The vehicle trip generation will be a combination of the trips by a maximum of 10 employees plus deliveries to the site twice a week.
- **Energy use.** The cultivation area would require 74 watts for the 3,200-square-foot growing area, including lighting, cooling, shade curtain, and irrigation. The energy for the residential unit would be the average consumption for such use.
 - Renewable energy is required for this Tier-2 mixed-light licensee per California Code of Regulations Title 4 Division 19 §16305. According to regulations taking effect on beginning January 1, 2023, energy use would meet the average electricity greenhouse emissions intensity required by the local utility or, if the intensity of such emissions is greater than the utility's emissions intensity, require that the operator obtain carbon offsets to cover the excess in emissions. Prior to January 1, 2023, the facility would:
 - Implement an automated system controlling lighting, HVAC, and all power aspects, with light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting and with energy-efficient climate-control systems.
 - Install solar panels.
 - Track energy data in real-time for metering, lighting, HVAC, water, and environmental controls are included, with attention to avoiding over- or under-sizing equipment.
 - Conduct quarterly energy self-audits with the strict focus on energy conservation, efficient electricity use, and cost-and-profit analysis.
 - Train employees in awareness of their energy use.
 - Implement conservation and efficiency practices.
 - Equipment that would especially consume energy would include manufacturing equipment, ventilation equipment, pumping systems, carbon scrubbers, heavy machinery, vehicles, lighting, cooling/heating equipment, shade & heat curtain, carbon-dioxide generators, and irrigation pumping equipment.
- **Lighting.** The project will include external security lighting fixtures including motion sensors and placed to illuminate entrances to the facility, dark areas and detect and recognize movement in the protected area. All exterior lighting fixtures will have only the intensity to provide adequate security for all operations, personnel and the site without disturbing the surrounding properties or the overall area. The fixtures will have motion sensors, a downward angle, and a level of visibility consistent with County Code §19.43.080(D) (regarding preservation of dark nighttime skies). The project will also include internal nighttime lighting for the 3,200-square-foot cultivation area. This light would be kept within the building by opaque walls and ceiling curtains. In daytime the curtains would open for the crop to receive sun through skylights.
- **Hazardous materials.** Agricultural items including lubricating oils, fertilizers, and pesticides would be used as would household cleaning agents such as bleach. Any hazardous materials will be maintained in a manner compliant with County Code, including completing a hazardous materials business plan. Pesticides and fertilizers would be labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from pests or wildlife, in accordance with County Code §19.43.090.
- **Water use.** Cultivation would use 1,184 gallons of water per day:
 - Drip irrigation would require 384 gallons per day (at 0.12 gallons per square foot per day for 3,200 square feet).

- Evaporative cooling would consume 800 gallons per day (at 0.25 gallons per square foot per day 3,200 square feet).
- Excess water used for crop irrigation, if it does not evaporate, will be retained for further irrigation.
- All interior/exterior water fixtures through the site will be low consumption fixtures consistent with the requirements of Building Code.

9. Surrounding land uses and setting: The project site is a grassy space of approximately 4.9 acres, stepping downward from a level ground surface near the terminus of Riverside Road to a plain on the west edge of the San Benito River. Adjacent to the site are properties used for rural residences, orchard, and grazing. Farther outward are similar land uses in addition to lands intended for sand mining along the river. The area opposite Riverside Road is hilly, with an area of hill extending to the property's north. Beyond that hill, about 600 feet northward, is Brigantino Park, a public open space presently consisting of unimproved open grass on the river's west side. Although almost all of incorporated Hollister is east of the river, the park is also within Hollister city limits. No public road or foot trail connects Riverside Road to Brigantino Park or other points northward.

Riverside Road leads to the site as a two-lane road past agriculture and rural residences similar to the project site's neighbors. The road narrows to about 20 feet in pavement width near the project site.

Other than the park, Hollister incorporated territory is a quarter-mile to the northeast across the San Benito River. Along the river are the City of Hollister industrial wastewater treatment ponds with a recreational trail at its perimeter. Farther to the east overlooking the river is Apricot Park, with a residential neighborhood beyond that. Road access into incorporated Hollister is one mile by road, across the Nash Road bridge. The project site is a ¾-mile from the nearest school, R.O. Hardin Elementary School, in incorporated Hollister.

<u>Seismic zone:</u>	Not within an Alquist-Priolo fault zone [13e].
<u>Fire hazard:</u>	Moderate fire hazard (State responsibility area) [13f].
<u>Floodplain:</u>	Zone X (outside the 100-year floodplain) except for a portion of Zone AE (within 100-year floodplain) outside development/grading footprint [13g].
<u>Archaeological sensitivity:</u>	High archaeological sensitivity [13h].
<u>Habitat conservation area:</u>	Within the San Benito County Habitat Conservation Plan fee area per County Ordinance 541 [13i].
<u>Landslide:</u>	Least susceptible [13c].
<u>Soils:</u>	Sorrento silt loam, 0 to 2 percent slopes (Grade 1), and Metz gravelly sandy loam, 0 to 2 percent slopes (Grade 3) [5].

10. Planning and zoning: The site is under the Agriculture (A) designation in the San Benito County 2035 General Plan. This designation is intended "to maintain the productivity of agricultural land ... [and] is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. ... These areas typically have transportation access, but little to no public infrastructure." One dwelling per five acres is allowed.

This property is subject to the Agricultural Productive (AP) zoning designation, which allows agriculture in general in addition to residential use limited according to the General Plan. County Code §25.07.022 allows several additional uses under a conditional use permit, most of an agricultural nature. Among these is cultivation of commercial cannabis.

This land use is regulated to an especially greater degree by the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including State Business and Professions Code §26012 and §26013, and by regulations implemented by the California Department of Cannabis Control (California Code of Regulations Title 4 Division 19 Chapter 7 and related codes). These regulations establish business practices

in addition to controls on potential environmental effects from cannabis businesses. County Code Chapter 19.43 also regulates cannabis land uses in detail. The chapter determines the zones in which these uses are allowed, establishes necessary project components, and sets operating requirements for multiple types of cannabis businesses.

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- California Department of Cannabis Control — cultivation license
- California State Water Resources Control Board — NPDES Construction Stormwater General Permit, Cannabis General Order enrollment
- Monterey Bay Air Resources District — permit for generator, if any
- California Department of Fish and Wildlife — Incidental Take Permit, if necessary

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

- ☐ On the basis of this initial evaluation: I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that

earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Michael Kelly

Signature

November 10, 2021

Date

Michael Kelly

Printed Name

San Benito County Resource Management

Agency

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analyses Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista? ☐ ☐ ☒ ☐

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — The County 2035 General Plan contains policies regarding scenic resources. This includes protection of certain scenic corridors, with limits on signs, grading, architecture, and landscaping in these corridors. This project is located away from those designated corridors. Other policies address aesthetic issues more generally, primarily with regard to hills, signs, and landscaping in designated agricultural areas.
- b) **Less Than Significant Impact** — San Benito County has no designated State scenic highways [16]; while some area highways are eligible for the designation, the project site is not located within view of any such highway. The County has locally designated certain highways as scenic [1f], but the project site is away from those, too. The site has no other specially designated scenic resources.
- c) **Less Than Significant Impact** — The project site is located about 2,000 feet southwest of the western edge of incorporated Hollister residential development. Along that city edge adjacent to Summer Drive is Apricot Park, a public park overlooking the San Benito River, its floodplain, and the City of Hollister industrial wastewater treatment ponds. From this vantage point the park's users can see the subject property in the distance set among other features of the landscape; these include riverside trees, neighboring buildings, farm features such as an orchard, and hills to the site's rear and side. The residence and commercial buildings would not especially stand out visually in this environment, considering the other residences nearby and the proposed greenhouse architectural type that is also found elsewhere in the area's agricultural lands.
- A walking trail extends out from Apricot Park toward the river's edge and passes within approximately 1,000 feet of the subject property. The trail follows the western perimeter of the industrial wastewater treatment ponds, visible through a fence. Turning away from the treatment ponds, trail users have passing view of the subject property but only through the dense woods that line the river. As in Apricot Park, the viewer would not find the new structures to stand out among the trees, nearby buildings, and treatment ponds.
- The project would also be viewed from Riverside Road, which runs at the base of hills near the San Benito River before reaching the subject property's western lot line. The current user of the road sees a largely unobstructed view of hills to the west but mostly does not see the river to the east because of the buildings, fences, and mature trees together with the road's relatively low elevation. New buildings on the project site, which would stand just beyond the end of the public portion of the road, would continue this pattern, with the three new buildings stepping down with the terrain.
- d) **Less Than Significant Impact** — The site is within Zone II as defined by County Development Lighting Regulations (Ordinance 748), intended to limit nighttime glare affecting the Fremont Peak observatory and Pinnacles National Monument. New lighting for the residence and commercial buildings will be required to comply with the ordinance to prevent excessive glare, including requisite shielding that limits light to below the horizontal plane as well as minimizing

light trespass across property lines. Regulations specific to cannabis businesses (Chapter 19.43) also require compliance with these lighting regulations. According to the applicant, the crop-production lighting to be in use during nighttime only will be fully blocked by opaque curtains and walls and will prevent light from exiting the growing facility. In addition to satisfying Chapter 19.43, the shielding would also serve the lighting limits applicable to cannabis cultivators under California Code of Regulations Title 4 §16304.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — The subject property is composed of Grazing Land as mapped in 2016 by the Farmland Mapping and Monitoring Program [13k]. Approximately one-fifth of the site at the front 150 feet of the property, where the residence would be built, contains Grade-1 soil (Sorrento silt loam, 0 to 2 percent slopes) [5]. The site would be mostly converted from this to residential and commercial use, but only five percent of the site would have buildings; of the Grade-1 soil, approximately one-third would be built, paved, or graded. This change would diminish the area's agricultural productivity by a small degree, the land's viability for agricultural already compromised by the property's small area. The

General Plan Land Use Element gives special recognition to Grade-1 soil that is also Prime Farmland, but this site's soil is not of such quality as to be regarded in this way.

- b) **Less Than Significant Impact** — The property is not subject to a Williamson Act contract. Although the site is presently zoned Agricultural Productive (AP), agriculture potential on the property is substantially limited by its 4.9-acre size.
- c,d) **No Impact** — The project site is not forested and does not have a history of forest cover.
- e) **Less Than Significant Impact** — See items a through d.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — The subject property sits within the North Central Coast Air Basin (NCCAB), overseen by the Monterey Bay Air Resources District (MBARD),¹ which serves San Benito, Santa Cruz, and Monterey Counties. MBARD prepared its Air Quality Management Plan (AQMP) in 2016 using forecasting of regional population, housing, and employment growth. The forecast was prepared by the Association of Monterey Bay Area Governments (AMBAG) in 2014 and took into account land uses illustrated in area jurisdictions' general plans at the time; that included the depiction of the subject property under the County's then-General Plan. The next year the County adopted its current General Plan, which retained nearly the same land use designation for the subject property. In both plans the property was depicted as an agricultural type on which commercial greenhouses are often located. With the proposed land use resembling the assumptions in place at the time of the AQMP's preparation, including the potential for commercial greenhouse uses, this proposal would not conflict with that plan.
- b) **Less Than Significant With Mitigation Incorporated** — The County recognizes air as a natural resource, strives to maintain air quality through proper land use planning, and, under General Plan Health and Safety Element Goal HS-5, seeks to "improve local and regional air quality to protect residents from the adverse effects of poor air quality." The goal is supported by several policies including the reduction of 10-micron particulate matter (PM₁₀) emissions from construction.
As described in the AQMP, San Benito County has nonattainment status for ozone (O₃) and PM₁₀ under State standards. The AQMP further describes the occurrence of ozone as being primarily the result of San Francisco Bay Area emissions arriving in San Benito County by wind. This presence of ozone would occur regardless of the proposed construction and land use.

¹ Formerly known as the Monterey Bay Area Unified Air Pollution Control District (MBUAPCD).

The plan also describes ozone as the product of interaction between reactive organic gases and nitrogen oxide, with motor vehicle use among the main sources of those pollutants. The business would result in some motor vehicle use that would likely release these pollutants and generate ozone. With plant cultivation the primary business activity on the site, motor vehicle use would consist of industry-related transportation comparable to typical agricultural transportation in the area, in addition to employees' daily trips to and from the workplace. The resulting motor vehicle use would be approximately the same as for the other similar land uses in and around Hollister. These land uses and their effects were also considered and discussed in the General Plan's environmental impact report (EIR) at a programmatic level prior to the adoption of the plan; policies resulting from the EIR addressed impacts of new land uses, though in a manner unspecific to subsequent project proposals.

The project's air quality impacts were analyzed using CalEEMod Version 2020.4.0 [30]. The following tables show the daily emission of MBARD criteria pollutants of concern modeled by CalEEMod. MBARD has established thresholds of significance, which define certain rates of pollutant emission that would constitute a significant impact; as shown in the table, the modeled emissions would not exceed those thresholds.

Unmitigated Construction Impacts (pounds per day)²						
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
	1.6779	13.3245	12.9181	0.0230	0.8667	0.7036
<i>Significance threshold³</i>	137	137	550	150	82	55
<i>Threshold exceedance⁴</i>	no	no	no	no	no	no

Mitigated Construction Impacts (pounds per day)						
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
	1.6779	13.3245	12.9181	0.0230	0.8667	0.7036
<i>Significance threshold</i>	137	137	550	150	82	55
<i>Threshold exceedance</i>	no	no	no	no	no	no

Unmitigated Operational Impacts (pounds per day)⁵						
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
<i>Area</i>	0.9512	0.0216	1.0172	0.00185	0.1335	0.1335
<i>Energy</i>	0.00506	0.0456	0.0355	0.00028	0.0035	0.0035
<i>Mobile</i>	0.1871	0.4036	1.8353	0.00392	0.3542	0.0974
Total	1.14336	0.4708	2.888	0.00605	0.4912	0.2344
<i>Significance threshold</i>	137	137	550	150	82	55
<i>Threshold exceedance</i>	no	no	no	no	no	no

Mitigated Operational Impacts (pounds per day)						
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
<i>Area</i>	0.9512	0.0216	1.0172	0.00185	0.1335	0.1335
<i>Energy</i>	0.00506	0.0456	0.0355	0.00028	0.0035	0.0035
<i>Mobile</i>	0.1871	0.4036	1.8353	0.00392	0.3542	0.0974
Total	1.14336	0.4708	2.888	0.00605	0.4912	0.2344
<i>Significance threshold</i>	137	137	550	150	82	55
<i>Threshold exceedance</i>	no	no	no	no	no	no

Still, PM₁₀ emissions could occur at substantial levels during grading activities, and dust control will prevent unhealthful concentrations of airborne pollutants during the earthmoving. General Plan Policy HS-5.1 requires the applicant to reduce air emissions from construction and operational sources, with Policy HS-5.4 more specifically requiring PM₁₀ emissions reduction in construction projects. Adherence to **Mitigation Measure AIR-1** would implement these policies and reduce impact of cumulative pollutant increase to a level less than significant.

- c) **Less Than Significant With Mitigation Incorporated** — The site is about 600 feet south of the edge of Brigantino Park, consisting of open grass and a portion of river bank. The park, however, does not contain features serving a particular group with sensitive health, and a prominent hill physically separates the park from the project site. About 2,000 feet to the east of the project site is Apricot Park, located inside Hollister city limits and adjacent to the residential neighborhood along Summer Drive. This park includes picnic tables and a playground, features likely to attract sensitive receptors such as children. A walking trail extends out from this park toward the river's edge and passes within approximately 1,000 feet of

² ROG—reactive organic gases, or volatile organic compounds; NO_x—nitrogen oxides; CO—carbon monoxide; SO₂—sulfur dioxide; PM₁₀—particulate matter of 10 or fewer microns in diameter; PM_{2.5}—particulate matter of 2.5 or fewer microns in diameter.

³ As adopted by the Monterey Bay Air Resources District (MBARD).

⁴ If the threshold is exceeded, a significant environmental impact occurs, and mitigation would be proposed.

⁵ The amount for each operational pollutant is chosen from the season in which emission is greater, as modeled by CalEEMod. All figures represent summer and winter emissions equally except that mobile NO_x and CO represent winter while mobile ROG and SO₂ represent summer.

the subject property but lacks amenities that would promote use other than walking. The nearest school is R.O. Hardin Elementary School, a ¾-mile east of the site. In addition, seven residences are located within 1,000 feet of the project footprint, found to the west and south in a low-density neighborhood with most of these residences on properties of five acres or more. The two nearest dwellings are respectively 350 feet and 400 feet from the business site. Although the neighboring residences would not necessarily house sensitive receptors, emissions of operation- and construction-related pollutants could reach these sites in a manner typical of commercial greenhouses in agriculturally zoned locations. See item d for discussion of odors.

However, as earlier stated, modeled emission levels would be below the significance thresholds established by MBARD. This combined with dust control measures of **Mitigation Measure AIR-1** to reduce PM₁₀ emissions will result in an insignificant health impact.

- d) **Less Than Significant Impact** — In addition to aforementioned insignificant or mitigated air quality effects, cannabis cultivation can create a distinctive odor that persons in the vicinity might consider objectionable. The project applicant has addressed this by including in project plans an industrial odor control system that uses a mist to collect and dampen odoriferous compounds [24]. If this system insufficiently restrains odors, the County may exercise its ability under County Code §25.43.009, regarding modification and revocation of conditional use permits, to identify a compelling public necessity requiring that the business operator correct the issue. MBARD also continues to enforce Rule 402, controlling potential nuisance air contaminants.

This land use is also subject to detailed environmental-protection regulations of California Code of Regulations Title 4 Division 19, implemented by the State Department of Cannabis Control. As noted in Section VI (Energy) and Section VIII (Greenhouse Gas Emissions), cultivators are required to submit energy-provider information, including greenhouse gas emission intensity, to the State Department of Cannabis Control, with carbon offsets required for higher-intensity activity.⁶

Mitigation Measure AIR-1: The applicant shall observe the following Best Management Practices requirements during grading activities:

- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
- c. Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- d. Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
- e. Haul trucks shall maintain at least two feet of freeboard.
- f. All trucks hauling dirt, sand, or loose materials shall be covered.
- g. Inactive storage piles shall be covered.
- h. Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
- i. Streets shall be swept if visible soil material is carried out from the construction site.
- j. A publicly visible sign shall be posted that includes the telephone number and person to contact regarding dust complaints. The phone number of the Monterey Bay Air Resources District shall be included on the sign to ensure compliance with Rule 402 (Nuisance).

⁶ California Code of Regulations Title 4 Division 19 §15020(f), §16305.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a,d) **Less Than Significant With Mitigation Incorporated** — The project site, unbuilt and used for grazing, is located in the Hollister quadrangle as mapped by the United States Geological Survey. The quadrangle, covering approximately 50 square miles, is known to contain habitat for the San Joaquin kit fox (*Vulpes macrotis mutica*), California tiger salamander (*Ambystoma californiense*), bank swallow (*Riparia riparia*), tricolored blackbird (*Agelaius tricolor*), steelhead (*Oncorhynchus mykiss irideus*), and California red-legged frog (*Rana draytonii*). In addition, the Pinnacles optioservus riffle beetle (*Optioservus canus*) and San Joaquin whipsnake (*Masticophis flagellum rud docki*) have been observed nearby [6].

A more detailed survey was carried out in June 2021 by Denise Duffy and Associates, Inc., and presented to County in July [28]. This analysis found that “no sensitive habitats are present within the project site” but that sensitive species may appear, with the loss of their habitat or death of an individual constituting a significant impact under CEQA. According

to the survey, the San Joaquin kit fox, California tiger salamander and San Joaquin whipsnake, California red-legged frog, and burrowing owl (*Athene cunicularia*) have "moderate potential to occur within the project site." Raptors and other nesting birds are described as having "potential to nest within the trees present within 300 feet of the project site." Recognizing potential hazards to these species, the survey recommends mitigation measures that avoid harm to these species and prevent significant impact. **Mitigation Measure BIO-1** contains those actions, with further actions added to elaborate on biotic needs identified by the United States Fish and Wildlife Service.

- b,c) **Less Than Significant Impact** — The site itself does not contain wetlands [17] or riparian habitat [6]. Eastward is the San Benito River [13], where wetland areas are mapped 500 feet away from the project site [17]. These include freshwater forested/shrub wetland, freshwater pond, and riverine types. The project as proposed would not disturb these wetland areas, with construction held to existing standards containing effects within the project site and drainage from new construction directed to the on-site retention pond to release stormwater in a steady manner. The business operator seeking a cultivation license is also required to give evidence that the business is not in a watershed or geographic area significantly adversely affected by cannabis cultivation.⁷ See Section VII (Geology and Soil) and Section X (Hydrology and Water Quality) for discussion on erosion and water quality. Development proposed by this project would disturb the site but create an impact to wetlands that is less than significant.
- e,f) **Less Than Significant Impact** — No habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans include the project site. The site is located within the Habitat Conservation Plan (HCP) Preliminary Study Area, as defined by County Ordinance 541, and shall be subject to an HCP interim mitigation fee upon construction per this ordinance. While County Code includes the Woodland Conservation Ordinance, the area to be developed does not contain tree cover subject to the ordinance.

Mitigation Measure BIO-1:

- a. A qualified biologist shall conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist shall meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities; 3) the identification of special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-status species is encountered within the project site to avoid impacts.
- b. To avoid impacts to nesting birds, if any construction takes place during the nesting season (February 1 through September 15), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 15 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat within 300 feet of the project boundary. If nesting birds are identified during the pre-construction survey, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 15 (when young are assumed fledged).
- c. A qualified biologist shall conduct a pre-construction survey for burrowing owls in suitable habitat within the construction footprint and within 250 feet of the footprint no more than 14 days prior to the start of construction. If ground disturbing activities are delayed or suspended for more than 14 days after the pre-construction survey, the site shall be resurveyed again within 14 days of the initiation of construction. If no burrowing owls are found, no further mitigation is required. If it is determined that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that the owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the

⁷ California Code of Regulations Title 4 Division 19 15011(a)(11);

breeding season (February 1 to August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers will remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.

- d. A qualified biologist will survey the proposed project area the morning of the onset of work activities for the presence of San Joaquin whipsnake. If San Joaquin whipsnake is detected within the project site prior to or during construction, work shall not commence or shall be halted until the whipsnake has moved out of the site unimpeded and of its own volition, or the qualified biologist has moved the whipsnake outside of the project area.
- e. A qualified biologist will survey the proposed project area and immediately adjacent areas 48 hours before and the morning of the onset of work activities for the presence of California tiger salamander (CTS) and California red-legged frog (CRLF). If any life stage of CTS, and/or CRLF is observed, construction activities will not commence until the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) are consulted and appropriate actions are taken to allow project activities to begin.
- f. A qualified biologist shall survey appropriate areas of the construction site daily before the onset of work activities for the presence of San Joaquin kit fox (SJKF), CTS, and CRLF. The qualified biologist shall remain on site until all ground disturbing activities are completed. If any life stage of SJKF, CTS, and/or CRLF is found and these individuals are likely to be killed or injured by work activities, work shall stop and USFWS and/or CDFW shall be contacted. Construction activities will not resume until USFWS and/or CDFW are consulted and appropriate actions are taken to allow project activities to continue.
- g. After ground disturbing and vegetation removal activities are complete, or earlier if determined appropriate by the qualified biologist, the qualified biologist will designate a construction monitor to oversee on-site compliance with all avoidance and minimization measures. The qualified biologist shall ensure that this construction monitor receives the sufficient training in the identification of SJKF, CTS, and CRLF. The construction monitor or the qualified biologist are authorized to stop work if the avoidance and/or minimization measures are not being followed. If work is stopped due to the presence of SJKF, CTS, and/or CRLF, USFWS and/or CDFW shall be notified and construction activities will not resume until USFWS and/or CDFW are consulted and appropriate actions are taken to allow project activities to continue.
- h. The qualified biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the proposed project.
- i. To prevent inadvertent entrapment of SJKF, CTS, and CRLF during project construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals.
- j. Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including CTS and CRLF.
- k. Because dusk and dawn are often the times when CTS and CRLF are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour after sunrise.
- l. All trash that may attract predators shall be properly contained, removed from the construction site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
- m. **All construction activities shall take place between June 1 and October 31** in order to avoid periods when listed amphibians are most active.

Mitigation Measure BIO-2: California tiger salamander (CTS).

- a. CTS Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for CTS and

if protocol surveys are advisable. Habitat assessments will follow USFWS and CDFW protocols and results will be submitted to both agencies for review.

- b. Focused CTS Protocol-level Surveys. CTS are known to occur in the vicinity of the Project site (CDFW 2020). Therefore, an upland protocol-level survey in accordance with the USFWS' Interim Guidance document (USFWS 2003) is recommended to determine if the species is present. The survey findings shall be submitted to the USFWS and CDFW for review. Acceptance of a negative finding for CTS requires upland protocol-level surveys to be conducted for two consecutive years, prior to any site disturbance. Alternatively, the applicant may instead forego surveys, assume presence of CTS on the project site, and shall consult with USFWS and CDFW to discuss the need for incidental take authorization.
- c. CTS Avoidance. A minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows within and/or adjacent to the Project construction footprint and occupied breeding pools within and/or adjacent to the Project site footprint. Any impacts that could alter the hydrology or result in sedimentation of breeding pools shall be avoided. If avoidance is not feasible, consultation with CDFW and USFWS is warranted to determine if the Project can avoid take.
- d. CTS Take Authorization. If through surveys it is determined that CTS are occupying the Project site and take cannot be avoided, the applicant shall consult with CDFW and USFWS to discuss the need for incidental take authorization from each agency prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081(b), and through USFWS pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act. Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and pursue ITPs from CDFW and USFWS.

Mitigation Measure BIO-3: California red-legged frog (CRLF).

- a. CRLF Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for CRLF and if protocol surveys are advisable. Habitat assessments will follow USFWS and CDFW protocols and results will be submitted to both agencies for review.
- b. CRLF Surveys. If suitable aquatic or riparian habitat is present within or immediately adjacent to the Project site, a qualified wildlife biologist shall conduct surveys for CRLF in accordance with the USFWS's "Revised Guidance on Site Assessment and Field surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF are present and if incidental take is likely to occur.
- c. CRLF Take Authorization. If the results of the habitat assessment and protocol surveys (if applicable) indicate that CRLF occur on or are likely to disperse through the Project site and incidental take of CRLF is likely, the applicant shall consult with USFWS to discuss the need for incidental take authorization prior to initiating ground-disturbing activities.

Mitigation Measure BIO-4: San Joaquin kit fox (SJKF).

- a. SJKF Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for SJKF and if protocol surveys are advisable. Habitat assessments will follow USFWS and CDFW protocols and results will be submitted to both agencies for review.
- b. A qualified biologist will conduct a preconstruction survey for San Joaquin kit fox and potential kit fox dens in all suitable habitat within and adjacent to the project area no less than 14 days before the beginning of ground disturbance or other activities that could affect the San Joaquin kit fox.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox or kit fox sign, or if any known or potential San Joaquin kit fox dens are discovered within or adjacent to work areas, USFWS and CDFW will be contacted immediately for further instructions. Any activities which may cause harm to kit fox will cease until USFWS indicates it is safe to resume work.

Mitigation Measure BIO-5: No work may be performed if a rain event of 0.25 inch or greater in a 24-hour period occurs. Construction may resume after precipitation ceases, a drying-out period of 48 hours is observed, and a qualified biologist inspects all work areas to verify absence of California red-legged frogs and California tiger salamanders.

Mitigation Measure BIO-6: If surveys confirm that CRLF, CTS, or SJKF are present on the project site and are likely to be harmed by project activities, or if the applicant assumes presence of any of these species and pursues incidental take permits for them, the applicant shall consult with USFWS and CDFW to determine appropriate compensatory mitigation for incidental take of the affected species and loss of their habitat.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a-c) **Less Than Significant Impact** — A cultural resources review was prepared by Basin Research Associates in July 2021 to determine any historical significance of this property and its setting [29]. In the preparation of the review, specific to this property and this project, site inventory and consultation of records found that the site contains no cultural resources that could be adversely affected by the project. This process also found no signs indicating that subsurface testing would be necessary, and the review notes that multiple reports considering adjacent properties' cultural attributes also found no relevant resources present.

The following conditions are typically applied to discretionary project approvals in unincorporated San Benito County, and the applicant's compliance with these conditions will both comply with the cultural resources review's recommendations and avoid impacts beyond an insignificant level to cultural resources:

- Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
- Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code.

Regulations implemented by the State Department of Cannabis Control further require the licensed cultivator to take action in accordance with State Health and Safety Code §7050.5(b) upon any finding of human remains during cultivation activities.⁸

⁸ California Code of Regulations Title 4 Division 19 §16304(a)(3).

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — Construction would involve an amount of energy use typical for the proposed level of built intensity, approximately equivalent to building two large residences. No features are proposed to suggest that operation would use significantly more energy than the average residential and office land uses of the same intensity, although crop-production lighting at night and climate-control equipment could require somewhat greater-than-average energy use than comparable industrial use. A diagram of lighting layout and power output is to be submitted to the State Department of Cannabis Control (DCC).⁹ During daytime, the crops will receive sunlight rather than artificial lighting. Solar energy use is proposed, with new construction further subject to the California Building Code Title 24 standards for energy efficiency. If a generator is involved, its use is subject to standards and limits overseen by the DCC.¹⁰ (See the project description for further information on equipment use.)

Electricity in the community is provided by Central Coast Community Energy (CCCE). This service uses community choice aggregation to supply Pacific Gas and Electric (PG&E) with renewable energy including solar, hydroelectric, wind, and geothermal [23], which PG&E then distributes to its customers. Cultivators are required to submit energy-provider information, including greenhouse gas emission intensity, to the DCC.¹¹

The County of San Benito does not have a local renewable energy or energy efficiency plan in place, and therefore the project proposal is not in conflict with such an unwritten plan. The County General Plan does, however, include policies and procedures applicable to all development in the County addressing sustainable development patterns, green sustainable building practices, solar access, and energy conservation in construction. The present proposal is not inconsistent with these policies.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

⁹ California Code of Regulations Title 4 Division 19 §15006(i)(6)

¹⁰ California Code of Regulations Title 4 Division 19 §16306.

¹¹ California Code of Regulations Title 4 Division 19 §15020(f), §16305.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a)

i–iii) **Less Than Significant Impact** — *The project site is not located within an Alquist–Priolo Earthquake Fault Zone. The nearest fault is a branch of the Calaveras Fault, slightly over a mile to the east and passing directly through central Hollister [13e]. In general across the local area, strong shaking is likely [8], but, being away from mapped faults and steeper slopes, seismic events are unlikely to cause ground failure. A possible exception is liquefaction, with this river-edge site mapped as having a medium risk of liquefaction. A geotechnical report is a requirement of the type of residence and the type of commercial buildings proposed in this project and will determine requirements for proper structural design in the natural soil conditions of the project site. The required adherence to the report's recommendations will allow natural geologic risks to create an impact that is less than significant.*

iv) **No Impact** — *The level subject property is in a location “least susceptible” to landsliding [8,13c].*

- b) **Less Than Significant Impact** — Sorrento silt loam and Metz gravelly sandy loam of the types found on 0 to 2 percent slopes together cover the entire project site, and both types have an erosion risk of “slight to none” [5]. Erosion will not likely be a problem for the proposed use on the site. If the soil were susceptible to erosion, the proposed drainage system described in Section X (Hydrology and Water Quality) item c would prevent the stormwater diverted by the new impermeable surfaces of the houses and pavement from eroding the earth around the site.
- c,d) **Less Than Significant Impact** — As noted in item a, liquefaction is a medium risk for the site. This site’s Metz gravelly sandy loam on the lower-elevation ground has “low” shrink–swell potential, while its Sorrento silt loam on higher land has “moderate” shrink–swell potential [5]. Other geologic hazards, if any, would be identified in a geotechnical report, a requirement prior to building permits for the types of structures proposed by this project, and the report would recommend measures to minimize geologic risk.
- e) **Less Than Significant Impact** — Septic system use on this property is feasible, as the site’s soils present “moderate” limits on the use of septic systems [5]. See Section X (Hydrology and Water Quality) for further discussion of regulating septic systems.
- f) **Less Than Significant Impact** — The project site is not known to have unique paleontological or geologic features, and the project’s physical effects would be limited to the site itself, avoiding effects to off-site paleontological and geologic features.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response:

- a,b) **Less Than Significant Impact** — Emissions of certain gases into the atmosphere have resulted in a warming trend across the globe, with human activity an influence on this trend. Releases of greenhouse gases (GHG) — carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and water vapor, which occur naturally and prevent the escape of heat energy from the Earth’s atmosphere— have been unnaturally increased by activities such as fossil-fuel consumption. The warming trend became especially pronounced in the 1990s, leading to the warmest years in human history. Believed future impacts of climate change may include significant weather-pattern changes, decreased water availability, increased occurrence of wildfires, and resulting health effects.

In 2006, State Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, set a goal of reducing GHG emissions to 1990

Greenhouse Gas Emissions (metric tons per year)		
	Unmitigated	Mitigated
<i>Construction</i> ¹²	4.77	4.77
<i>Area</i>	1.03	1.03
<i>Energy</i>	15.70	15.70
<i>Mobile</i>	56.16	56.16
<i>Waste</i>	1.71	1.71
<i>Water</i>	1.21	1.21
Total	80.57	80.57
<i>Per person</i> ¹³	8.06	8.06

¹² Both figures are the quotient from amortizing 238.61 metric tons emitted by project construction across a 50-year life cycle.

¹³ These two figures represent the project’s total resulting metric tons of greenhouse gas emissions per capita of the use’s proposed 10 employees.

levels by 2020. Subsequently, 2007's State Senate Bill (SB) 97 added greenhouse-gas emissions to the set of environmental issues requiring analysis under CEQA. In addition, the County General Plan Health and Safety Element contains Goal HS-5, to "improve local and regional air quality to protect residents from the adverse effects of poor air quality," and also contains policies supporting programs for greenhouse-gas reduction, although policy specifically addressing the proposed development is not included.

According to analysis of the project using CalEEMod Version 2020.4.0, the project would emit carbon-dioxide-equivalent substances, or GHG, in amounts shown in the table. No standard established for San Benito County and its air basin, managed by the Monterey Bay Air Resources District (MBARD), is available to indicate whether emissions could be considered significant. However, the San Luis Obispo County Air Pollution Control District (SLOCAPCD) uses detailed standards that can be used to analyze this project's emissions. Under SLOCAPCD standards, a project's GHG emissions can be considered a less-than-significant impact if the project is modeled to emit fewer than 1,150 metric tons per year of carbon dioxide equivalent annually. This takes into account both operational impacts (including area-, energy-, mobile-, waste-, and water-related sources) and construction impacts; because construction is a one-time activity, SLOCAPCD practices instruct that emissions be amortized, or spread, across a 50-year period and then added to operational impacts. The sum of these annual GHG emissions, as shown in the table, amounts to less than the aforementioned SLOCAPCD threshold. Therefore, the greenhouse-gas emissions of the proposed project can be considered less than significant under SLOCAPCD standards.

Cultivators are required to submit energy-provider information, including greenhouse gas emission intensity, to the State Department of Cannabis Control, with carbon offsets required for higher-intensity activity.¹⁴

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁴ California Code of Regulations Title 4 Division 19 §15020(f), §16305.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a–c) **Less Than Significant Impact** — Neither the residential nor cultivation portion of the project proposes use or transportation of materials generally considered hazardous beyond that which would be typical of agriculture [9]. However, any future use of hazardous materials on this property will be subject to permitting by the County Division of Environmental Health. For use of pesticides and other agricultural chemicals, the operation is required to comply with the regulations and protocols implemented by the State Department of Pesticide Regulation¹⁵ and by the State Department of Cannabis Control.¹⁶ (See the project description for further information on hazardous materials.)
- d) **Less Than Significant Impact** — The site is not on a list of hazardous-materials sites according to the Department of Toxic Substances Control EnviroStor database, according to its separate Cortese List, or according to the State Water Resources Control Board GeoTracker database. The nearest listed cleanup site is the former ordinance manufacturing facility ¾-mile westward.
- e) **No Impact** — The property is located approximately 3¼ miles (as the crow flies) from Hollister Municipal Airport property. According to the Hollister Airport Land Use Compatibility Plan [19], the property is outside the Airport Influence Area and away from its safety zones and modeled flight paths.
- f) **Less Than Significant Impact** — The addition of a single residence and a business raising cannabis plants would not present a new barrier to emergency response. Access to and from the site would be permitted according to current standards established with emergency response as a consideration. In addition, Chapter 11.01 of the San Benito County Code states that the County of San Benito Disaster Council is responsible for the development of the County of San Benito emergency plan, which provides for mobilization of the County's resources during times of major emergency within the County. The proposed project would not interfere with implementation of an adopted emergency response plan or emergency evacuation plan.
- g) **Less Than Significant Impact** — The site is designated "moderate" fire hazard in a State responsibility area [13f]. Directly adjacent to the east is a local responsibility area of "Non-Wildland/Non-Urban" land. Hills to the southwest are under State responsibility with "high" fire hazard at upper elevations. However, the site is close to incorporated Hollister, with Fire Station 1 in Downtown Hollister three miles away by road and Fire Station 2 in southeast Hollister 3½ miles by road. The City of Hollister Fire Department also serves as the County Fire Department in addition to providing mutual aid to State responsibility areas. Construction of all new structures will be required to perform measures in conformance with California Fire Code, and County Code §21.01.021 further requires sprinklers for fire suppression. These codes require

¹⁵ California Code of Regulations Title 4 Division 19 §16307.

¹⁶ California Code of Regulations Title 4 Division 19 §15006(i)(5)(c), §15011(a)(12), §16310.

adequate water supply for the sprinklers and other firefighting, for which the applicant has included water-storage tanks in project plans.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — The project, for both its residential and commercial components, proposes use of an on-site well for water service and a septic system for wastewater disposal. Development of this type and scale is subject to existing public health requirements overseen by the County Division of Environmental Health and the Central Coast Regional Water Quality Control Board to ensure that the proposed project does not contaminate groundwater and expose on- and off-site population and land uses to health hazards and pollution.

The project application acknowledges the hazard of backflow or other contact between wastewater discharge and cannabis-related water and proposes plumbing design to prevent this. The nature of cannabis production also demands that valuable matter found in the water be retained rather than be discarded; water that could contain such matter would result from irrigation and be returned to the crops.

In addition to these local and regional agencies, the business must be reviewed and approved by the Cannabis Cultivation Program of the California Water Boards according to the program's Cannabis Cultivation Policy. Details of the water use, means for wastewater discharge, watershed setting, and possible water-quality hazards such as pesticides are also to be submitted to the State Department of Cannabis Control.¹⁷ See also item c for discussion of surface water drainage.

- b) **Less Than Significant Impact** — Groundwater extraction in the jurisdiction is presently governed by County Code §15.05.001 et seq., which states guidelines for underground water resources and prohibits extraction beyond the watershed's replenishment potential. All proposals for new wells are subject to these regulations. The proposed retention pond that would collect new runoff from impermeable surfaces, as described here in item c and in Section VII (Geology and Soils) item b, would allow that flow to percolate into the ground for potential benefit to groundwater supply.

The applicant has submitted a count of water use resulting from the cannabis cultivation. According to the applicant, crop irrigation would require 384 gallons per day, and evaporative cooling for the growing space would use 800 gallons per day. This would total 1,184 gallons per day, or 1.32 acre-feet per year. This is roughly equivalent to the water use of five households each with three residents [27].

County Code §19.43.050(A)(5) requires that cannabis businesses present a water management plan that includes, in addition to a water demand estimate, "a detailed description of how the new water demand will be offset," with the requirement that this demand "be offset at a 1:1 ratio." Compliance with this current regulation maintains impact to groundwater at a level less than significant.

- c) **Less Than Significant With Mitigation Incorporated** — The proposed structures would create impervious surfaces, which would divert drainage, including stormwater, within the impervious area's footprint. This drainage is proposed to run into storm drains connecting with a retention pond at the site's lower end, near the main commercial building. This will compensate for the impervious surface by regulating stormwater's flow to prevent erosion and diminish the runoff's impurities that could arrive in the area's drainage and groundwater.

*Construction activities, including grading an approximately 1½-acre area, would also have potential to affect drainage and introduce impurities into runoff. The proposed project and its construction are subject to County Drainage Standards, which address project engineering concerns including drainage. Implementation of the standards as specified in **Mitigation Measure HYDRO-1** will control both short- and long-term effects on drainage and reduce impact to a level less than significant.*

- d) **No Impact** — The property contains land that is within a 100-year flood hazard area [13g], but the project proposes no construction within the flood zone. The site is neither located downstream of a levee or dam holding a substantial volume of water that could present substantial risk to the subject property [13j] nor located near a body of water that could experience a tsunami or seiche.
- e) **Less Than Significant Impact** — See items a through c.

Mitigation Measure HYDRO-1:

- a. As part of the submittal of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and therefore shall provide full construction detail, including hydraulic calculations, of the proposed retention pond and storm drainage system capable of collecting and conveying runoff generated by the proposed project for a 100-year flood. The storm drain system shall provide for the protection of abutting and off-site properties that could be adversely affected by any increase in runoff attributed to the proposed project. All drainage improvements shall be installed prior to the certificate of occupancy for the proposed building construction.
- b. The applicant shall be responsible for complying with all National Pollution Discharge Elimination System (NPDES) requirements in effect. Prior to start of grading/construction activities, a Stormwater Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Practitioner (QSP) or Qualified SWPPP

¹⁷ California Code of Regulations Title 4 Division 19 §15006(i), §15011(a)(3), §15011(a)(7), §15011(a)(11), §16304(a), §16307, §16310.

Developer (QSD) shall be submitted to County Public Works Department. A QSD/QSP shall be retained for the duration of the construction and shall be responsible to coordinate and comply with requirements by the Regional Water Quality Control Board, to file a Notice of Intent (per Construction General Permit Order No. 2009-0009-DWQ as amended by 2010-0014 DWQ), and to monitor the project as to compliance with requirements until its completion. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the County Public Works Division prior to start of any construction activities as part of this project. A note to this effect shall be added on the engineered improvement plans for this project.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **No Impact** — The project would take place at the northern terminus of a rural road that currently has no circulation to points beyond this property. Private property and physical terrain now separate the project's neighborhood from other lands farther northward. The current proposal would not change or exacerbate this circumstance.
- b) **Less Than Significant Impact** — The process of adopting regulations allowing cannabis business activities selected this site's zoning district, Agricultural Productive (AP), and specific other districts as being appropriate for this land use. The action to adopt these regulations was declared at the time to be compliant with the County 2035 General Plan, which includes policies adopted as environmental mitigation. The adoption was also found to be exempt from CEQA as "Actions by Regulatory Agencies for Protection of the Environment" under Class 8 of Categorical Exemptions in State CEQA Guidelines.¹⁸

Among the policies of the General Plan are those written as mitigation of significant impacts identified in the plan's environmental impact report. Three are relevant to the current proposal:

- **Policy NCR-8.11, Landscaping in Areas Designated for Agriculture or Rural Land Uses** — The development is expected to be "screened and/or developed in a manner to appear similar to existing agricultural, rural, or low intensity uses in the vicinity."
- **Policy NCR-9.1, Light Pollution Reduction** — "The County shall continue to enforce the development lighting ordinance ... and restrict outdoor lighting and glare from development projects in order to ensure good lighting practices, minimize nighttime light impacts, and preserve quality views of the night sky. The ordinance shall continue to recognize lighting zones and contain standards to avoid light trespass, particularly from developed uses, to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park." The lighting regulations under County Code Chapter 19.31 remain in effect and apply to all construction in the unincorporated area. See also Section I (Aesthetics).
- **Policy NCR-2.8, Pre-Development Biological Resource Assessment** — "The County shall require the preparation of biological resource assessments for new development proposals as appropriate. The assessment shall include the following: a biological resource inventory based on a reconnaissance-level site survey, and an analysis of anticipated

¹⁸ San Benito County Board of Supervisors, agenda item 40 of December 11, 2018, regular meeting <<https://sanbenito.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3629&MeetingID=268>>, and agenda item 42 of June 25, 2019, regular meeting <<https://sanbenito.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4290&MeetingID=307>>.

project impacts to: potentially occurring special-status species (which may require focused special-status plant and/or animal surveys); an analysis of sensitive natural communities; wildlife movement corridors and nursery sites on or adjacent to the project site; potentially jurisdictional wetlands/waterways; and locally protected biological resources such as trees. The assessment shall contain suggested avoidance, minimization, and/or mitigation measures for significant impacts to biological resources.” Please see Section IV (Biological Resources).

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — The project site is located near a bank of the San Benito River. The State Department of Conservation has designated the bed and course of the river as MRZ-2, or an area with mineral deposits of uncertain significance [1i]. The land along the sides of the river is designated MRZ-3, areas with mineral deposits with a degree of significance that cannot be evaluated from available data. The project site lies along the boundary between these MRZ-2 and MRZ-3 areas. While County zoning includes the Mineral Resource (MR) zone to regulate mineral significant lands, the subject property is not mapped under that zone.

Approximately five percent of the 4.9-acre lot would be covered by buildings, with a small additional amount for a driveway. The property has historically been used for agriculture and large-lot residences. These lands on the southwestern bank of the river have generally neither been used nor been proposed for mineral extraction, which would require a conditional use permit in the AP zone. The degree of change resulting from this project would insignificantly reduce access to mineral resources.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — The General Plan Health and Safety Element addresses noise from aircraft, ground transportation, industry, and construction. The plan's noise policies include noise-level standards and limits incorporated into County Ordinance 667 §1(XV) (County Code §25.37.035) and Ordinance 872 (County Code Chapter 19.39); temporary noise resulting from construction is exempt when occurring in the hours of 7 a.m. to 7 p.m. on all days except Sundays and federal holidays, when temporary noise-level exceedance is prohibited. In the site's AP zone, sound pressure is limited to 45 decibels in daytime and 35 decibels at night.¹⁹ These regulations allow activities permitted under conditional use permits to exceed the standards at the discretion of the County, but no exceedance is proposed under this permit. Grading and construction activities will temporarily expose neighboring properties to increased noise, subject to the aforementioned regulations. Operational noise will likely come from transportation, a standard need for properties where crops are grown, including properties of this zoning and General Plan land use district. Other business operations would take place indoors, with resulting noise limited by the structure. Further noise output, including that caused by power generators, is regulated by State law implemented by the State Department of Cannabis Control.²⁰ The site's residence may generate further noise typical of residential locations but, standing uphill from the commercial buildings, the residential structure may also potentially diminish commercial noise otherwise reaching Riverside Road neighbors.
- c) **No Impact** — This site is not located near air traffic facilities. The nearest such facility is the Hollister Municipal Airport, located 3¼ miles away.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹⁹ County Code §19.39.030 using the AP zone and County Code §25.37.035 using "rural residential" standards (a description of de-facto land use rather than zoning district). In the former, "day" is 7 a.m. to 10 p.m., while the latter does not give a specific definition of "day."

²⁰ California Code of Regulations Title 4 Division 19 §16304(e), §16306.

Response:

- a) **Less Than Significant Impact** — As estimated for 2019, population of San Benito County is 60,376, with an unincorporated population of 19,670 [21]. The preparation of the County 2035 General Plan, including its review under the CEQA process, contemplated the location and density of future population and housing across the unincorporated area. In establishing the Agriculture (A) land use on this site, the General Plan has envisioned productivity that would require employees to be present. The proposed single residence has negligible effect on this planning. The cannabis business, with up to 10 employees proposed to be present, would have a slightly greater but minor effect on growth in the project vicinity. The project also proposes no changes that would indirectly allow growth on other properties. Population growth would not occur beyond an insignificant level as a result of this project.
- b) **No Impact** — The project, involving the construction of a cannabis cultivation operation and one residence, would not require displacement of any existing housing and residents.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. PUBLIC SERVICES. Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — Demand for some of these services, funded by the County as a whole, would rise incrementally as a result of intensified land use. The nature of the business use is unlikely to increase demands on schools and parks, but services such as fire and police protection might be affected. The one proposed residence could have an effect on each of these services, albeit very minor. Impact fees, e.g., for parks and schools, would help fund increased use of these services and will be a requirement of building permit issuance for the proposed development under County Code Chapter 5.01. In addition, the business activity, including new trade and new jobs, may serve in economic development that could benefit public services funding. The occurrence of incidents requiring fire and police personnel response, as well as the costs associated with such incidents, could also be minimized through compliance with State regulations requiring coordination with the County Fire Department and the County Sheriff.²¹

²¹ California Code of Regulations Title 4 Division 19 §15011(a)(10), §15036, §15042.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b) **Less Than Significant Impact** — The two nearest parks are both within Hollister city limits. One, located at Summer Drive and Apricot Lane, is directly visible 2,000 feet eastward across the San Benito River from the project site but 1¾ miles by road. Brigantino Park is closer, under 1,000 feet northward as the crow flies,²² but is also 1¾ miles by road. This park is separated from the project site by a prominent hill and not visible from the south.
- A business land use in a non-urban location is unlikely to generate significant new use of parks in the area. The one additional household resulting from the proposed residence could potentially increase park use by a small, insignificant amount. The impact fee for parks, established under County Code Chapter 5.01, is a requirement for building permit issuance and will help fund increased parks use.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

²² The subject property and the Brigantino Park property are under 600 feet apart at their closest points. The park is not developed for use by sensitive receptors such as youth in such a way as to be a “sensitive use” as defined in County Code §7.02.020 (definitions for County Code Chapter 7.02, regarding cannabis businesses).

Response:

- a) **Less Than Significant Impact** — Following California Senate Bill 743 of 2013 and subsequent updates to CEQA Guidelines, transportation impacts are evaluated according to impacts related to vehicle-miles traveled (VMT). See item b for analysis of this project using VMT.

Prior to establishing VMT as the primary transportation impact measure, traffic impacts were typically measured in terms of change to level of service (LoS). The County General Plan's Circulation Element continues to use this measure, as Policy C-1.12 states that the "County shall endeavor to maintain a General Plan target goal of LOS D at all locations." The countywide transportation impact mitigation fee (TIMF) was established under County Ordinance 554 in service of maintaining adequate LoS. The fee funds transportation improvements in the area as selected by prior transportation plan documents and is a prerequisite of residential building permits' issuance under County Code §5.01.250.

For distinctly larger projects in the area, this payment has been found to address LoS effects adequately on its own. The County's CEQA review of the 84-lot Bennett Ranch subdivision (Tentative Subdivision Map 15-93) found that TIMF payment upon building permit issuance was sufficient response in itself to likely transportation impacts from its 895 daily trips [20]. The same was found for the 3586 Airline Highway residential assisted-care facility (County Planning file PLN180004), serving 180 residents and generating 468 daily trips but with transportation impacts adequately addressed by the TIMF. The present project would have a far less significant effect by comparison, with 46.87 weekday trips as modeled by CalEEMod Version 2020.4.0. Building permits for each component of this project are currently subject to the TIMF to help address the project's share of effects on the area's transportation system, and this payment will prevent significant conflict with General Plan Policy C-1.12.

- b) **Less Than Significant Impact** — Using modeling by CalEEMod Version 2020.4.0 [30], the project is estimated to result in 146,403 vehicle-miles traveled (VMT) annually. The model attributes a quarter of this to the residence, with the remaining annual 111,243 commercial VMT implying a daily 30 to 51 VMT per employee, assuming 6 to 10 employees. These figures assume a rural setting to account for the site's distance from metropolitan areas, typically requiring transportation across longer distances than in an urban setting. If cannabis-related industry and retail expand in and around the Hollister area, shorter trips from this site could be possible as a result of closer trade opportunities.

San Benito County currently does not have a threshold of significance adopted or recognized for vehicle miles traveled, and vehicle travel resulting from this project would therefore not conflict with an applicable threshold. However, the Governor's Office of Planning and Research advises that "projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact" [25]. This project, according to CalEEMod, would cause 46.87 trips on weekdays (peak days), indicating that this project's transportation impacts would not be significant in terms of VMT.

- c,d) **No Impact** — The proposed crop production would involve transportation using vehicle types similar to other agricultural land uses found in the site's zone and vicinity along Riverside Road, Nash Road, and Union Road. The project proposes no change that would aggravate hazards relative to existing road use. New driveway access is required to comply with existing road standards under County Code, including geometry and sight distance, developed in part to accommodate safety and emergency access.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — *The site is not on a register of historical resources or places and contains no known significant cultural resources [13h,22,29]. Presently no California Native American tribe has requested regular consultation in review of discretionary projects under Assembly Bill 52 (2014), although the County has communicated with tribal representatives to inform CEQA review of this project. These representatives were identified as stakeholders in the geographical area by the Native American Heritage Commission. This communication has not identified any significant tribal cultural resource. See also the discussion in Section V (Cultural Resources).*

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a-c) **Less Than Significant Impact** — Additional utility facilities using typical designs will be added. These will include a septic system sized for both the residence and the office building, an on-site well, dual 5,000-gallon water tanks supplied by the well, and electrical and telecommunications connections. These additions will be roughly equivalent to services needed for two large residences and will not create a significant change to the site or to the neighborhood.
- In particular, the groundwater supply that the well would access is actively managed by the San Benito County Water District. As noted in Section X (Hydrology and Water Quality), groundwater extraction is limited under County Code §15.05.001 et seq. to that which would not draw beyond the potential replenishment of the watershed, with all new wells subject to this regulation. The replenishment is assisted by the stormwater retention pond, collecting runoff from new impervious surfaces for absorption into the ground.
- Meanwhile, no connection to a wastewater treatment provider is proposed, with the on-site septic system serving that purpose instead. As Section VII (Geology and Soils) item e notes, soils on the property present “moderate” limits on the use of septic systems [5], and existing regulation enforced by the County Division of Environmental Health requires proper system engineering to respond to these limits.
- d,e) **Less Than Significant Impact** — Cannabis waste is regulated by the State, which allows cannabis waste sufficiently free of hazardous material to be disposed by composting or with miscellaneous waste [26]. For this and other waste, the site will be served by the John Smith Landfill, the primary site for solid waste disposal for San Benito County. Solid waste disposal is governed by County Code Chapter 15.01, under which the proposed use would be required to have its solid waste collected for disposal in the John Smith Landfill, which currently has sufficient capacity to accommodate the project. The chapter

also provides for recycling, and awarding by the County of a collection franchise is subject to County General Plan Policy PFS-7.5, requiring waste management practices “to meet or exceed State waste diversion requirements [diversion from landfill facilities] of 50 percent.” Cannabis cultivation operators are also to maintain a cannabis waste management plan using specific methods of disposal expressly stated in State regulations.²³

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — As noted in item g of Section IX (Hazards and Hazardous Materials), the site is three miles away by road from Fire Station 1 in Downtown Hollister and 3½ miles by road Fire Station 2 in southeast Hollister. The neighborhood, designated as having “moderate” fire hazard in a State responsibility area [13f], is an established rural neighborhood that has been long present during local emergency planning. The project in its location, scale, and design would not establish a barrier to or otherwise inhibit emergency response. In addition, State regulations require the business operation to provide attestation of communication with the County Fire Department regarding the cultivation.²⁴ Please also see Section IX item f, regarding emergency planning.
- b–d) **Less Than Significant Impact** — The project site, near the Hollister city limit, has “moderate” fire hazard [13f]. The area of next-greatest fire hazard, or “high,” is found ⅓-mile southwestward and uphill. In this location employees and residents would be exposed to fire risks and fire-related effects to a degree approximately equal to that of much other existing development of a similar design and density in the project vicinity. A standard degree of emergency preparation under Building Code and Fire Code is expected, including fire sprinklers in the buildings and storage tanks with adequate water for fire suppression. These preparations would impose little impact beyond the similar protective features already found on nearby properties.

²³ California Code of Regulations Title 4 Division 19 §16309 and §17223.

²⁴ California Code of Regulations Title 4 Division 19 §15011(a)(10).

The building footprints are on land outside the 100-year floodplain [13g], which would not be modified by the project. The footprints are also on land mapped as “least susceptible” to landsliding and located somewhat distanced from areas of potential future landsliding, with the foot of slopes mapped as “most” susceptible found approximately 300 feet away [13c].

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant With Mitigation Incorporated** — Section I (Aesthetics) describes limits on nighttime lighting. Section II (Agriculture and Forestry Resources) notes no significant change to woodlands. Section III (Air Quality) describes potential effects on air and reduction of impacts to a level less than significant by mitigating PM₁₀ emissions during construction, and Section VIII (Greenhouse Gas Emissions) finds no significant effect related to greenhouse gases when both counting overall project intensity and also emissions attributed per-capita to service population. Section IV (Biological Resources) finds impacts to native wildlife habitat that can be mitigated to a level less than significant. Section V (Cultural Resources) notes that detailed review finds neither historic nor prehistoric resources on or near the property, though County Ordinance 610 sets requirements in case of an archaeological find. While Section VII (Geology and Soils) identifies minimal hazard of soil erosion from natural geological characteristics, Section X (Hydrology and Water Quality) describes how the introduction of construction machinery and new runoff from impermeable surfaces can cause erosion, with mitigation identified to make impact insignificant. This mitigation would also prevent other pollutants from being carried downstream. Section XVIII (Tribal Cultural Resources), like Section V, finds no significant effect to cultural resources.
- b) **Less Than Significant With Mitigation Incorporated** — Section XVII (Transportation) notes that transportation to and from the project has potential for impacts that would be addressed by transportation impact mitigation fee (TIMF) requirements, and these programs have been established to address cumulative effects of local development in general. Air quality, greenhouse gas, and water quality effects could be counted as contributing to a cumulative effect with other projects,

but pollution-control mitigation measures combined with project design would keep the contribution less than significant. While the additional residence and potentially the new business could create a very minor population increase, cumulative population-related effects overall are addressed by requirements applicable to other topics, such as air quality and transportation, in addition to existing programs and practices responding to population growth, such as impact fees. In addition, the County 2035 General Plan has been adopted, and its environmental impact report has been certified, in part to consider and give cohesive policy addressing cumulative effects of the various activities taking place in San Benito County on an ongoing basis. Included among the General Plan policies is Policy LU-3.1, encouraging the local agricultural industry to diversify.

Currently operating licensed cannabis businesses can be found in the surrounding area at five addresses, each within City of Hollister limits. The closest is two miles eastward in central Hollister, while the others are 2½ to 3½ miles northeastward in city-edge industrial lands. No other licensed cannabis businesses now operate in the geographical area of San Benito County, its nearest limit located six miles away. The unincorporated jurisdiction of San Benito County has not yet permitted operation of such businesses but presently has two active applications for cannabis business, this project and another just under one mile northwestward in established industrial surroundings.

- c) **Less Than Significant With Mitigation Incorporated** — Section I (Aesthetics) finds no significant degradation to visual quality. As discussed in Section III (Air Quality), emissions resulting from the project would not exceed MBARD thresholds of significance, but particulate-emitting activity such as construction could otherwise create health impacts that would be made less than significant by the stated mitigation. Section VII (Geology and Soil) finds the subject property lacking significant hazards or significant functional challenges imposed by geological causes. Section IX (Hazards and Hazardous Materials) and Section XX (Wildfire) describe emergency access, especially with regard to fire risk, and determine that the project location are suitable for emergency response. Section XIII (Noise) discusses regulations limiting noise levels. Section XIX (Utilities and Service Systems) identifies practices to maintain long-term availability of water, and Section X (Hydrology and Water Quality) mentions existing regulation to preserve the water's quality for human health. Other effects on humans would either be insignificant or be unlikely to occur.

XXII. LIST OF REFERENCES

The numbers indicated in the checklist in parentheses refer to this numbered list:

1. San Benito County General Plan
 - a. Land Use Element
 - b. Economic Development Element
 - c. Housing Element
 - d. Circulation Element
 - e. Public Facilities and Services Element
 - f. Natural and Cultural Resources Element
 - g. Health and Safety Element
 - h. Administration Element
 - i. Background Report, November 2010
 - j. Revised Draft Environmental Impact Report, March 16, 2015
2. San Benito County Ordinances
3. Zoning Ordinance
4. Grading Ordinance
5. *Soil Survey for San Benito County*, 021-000-009, 1969, US Dept. of Agriculture, SCS.
6. Natural Diversity Data Base for San Benito County.
7. Field Inspection.
8. Staff Knowledge of Area.
9. Project File
10. *Air Quality Management Plan*, Monterey Bay Air Resources District.
11. *Water Quality Control Plan for the Central Coastal Basin*, California Regional Water Quality Control Board, Central Coast Region, 2017 <https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/>.
12. *AMBAG Population Projections*, Association of Monterey Bay Area Governments
13. Maps
 - a. General Plan Land Use Map
 - b. Zoning Map, San Benito County
 - c. Landslide Hazard Identification Maps: Relative Susceptibility Map
 - d. Landslide Hazard Identification Maps: Landslide and Related Features Map
 - e. Alquist-Priolo Fault Hazard Maps, 1986
 - f. Fire Hazard Severity Zones in State Responsibility Areas
 - g. FEMA Flood Insurance Rate Map panel 06069C0185D, dated April 16, 2009
 - h. San Benito County Sensitivity Maps, Prehistoric Cultural Resources
 - i. Habitat Conservation Plan Impact Fee Map (County Ordinance 541)
 - j. U.S.G.S. Quadrangle: Hollister
 - k. San Benito County Important Farmland 2016 Map, California Department of Conservation, Division of Land Resource Protection, Office of Land Conservation, Farmland Mapping and Monitoring Program <<https://www.conservancy.ca.gov/dlrp/fmmp/Pages/SanBenito.aspx>>
 - l. Envirostor, California Department of Toxic Substances Control <www.envirostor.dtsc.ca.gov/public>.
 - m. U.S. Fish and Wildlife Service Critical Habitat for Threatened & Endangered Species Map
14. *CEQA Air Quality Guidelines*, Monterey Bay Air Resources District
15. *Trip Generation* (3rd edition), Institute of Transportation Engineers
16. California Scenic Highway Mapping System, California Department of Transportation <http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/>
17. Wetlands Geodatabase, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation <<https://www.fws.gov/wetlands/data/Mapper.html>>
18. Web Soil Survey, National Cooperative Soil Survey, Natural Resources Conservation Service <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>
19. Hollister Municipal Airport Land Use Compatibility Plan, San Benito County Airport Land Use Commission, 2012.
20. Bennett Ranch Initial Study/Mitigated Negative Declaration (Tentative Subdivision Map 15-93)
21. U.S. Census Bureau, 2019: ACS 5-Year Estimates Detailed Tables <data.census.gov>.
22. San Benito County 1992 General Plan Environmental Resource and Constraints Inventory (adopted 1994).
23. Central Coast Community Energy, "Understanding Clean Energy" <<https://3cenergy.org/understanding-clean-energy/>>, accessed August 27, 2021.
24. Fogco, "Industrial Odor Control Systems" <<https://fogco.com/misting-systems/odor-control/>>, accessed August 30, 2021.

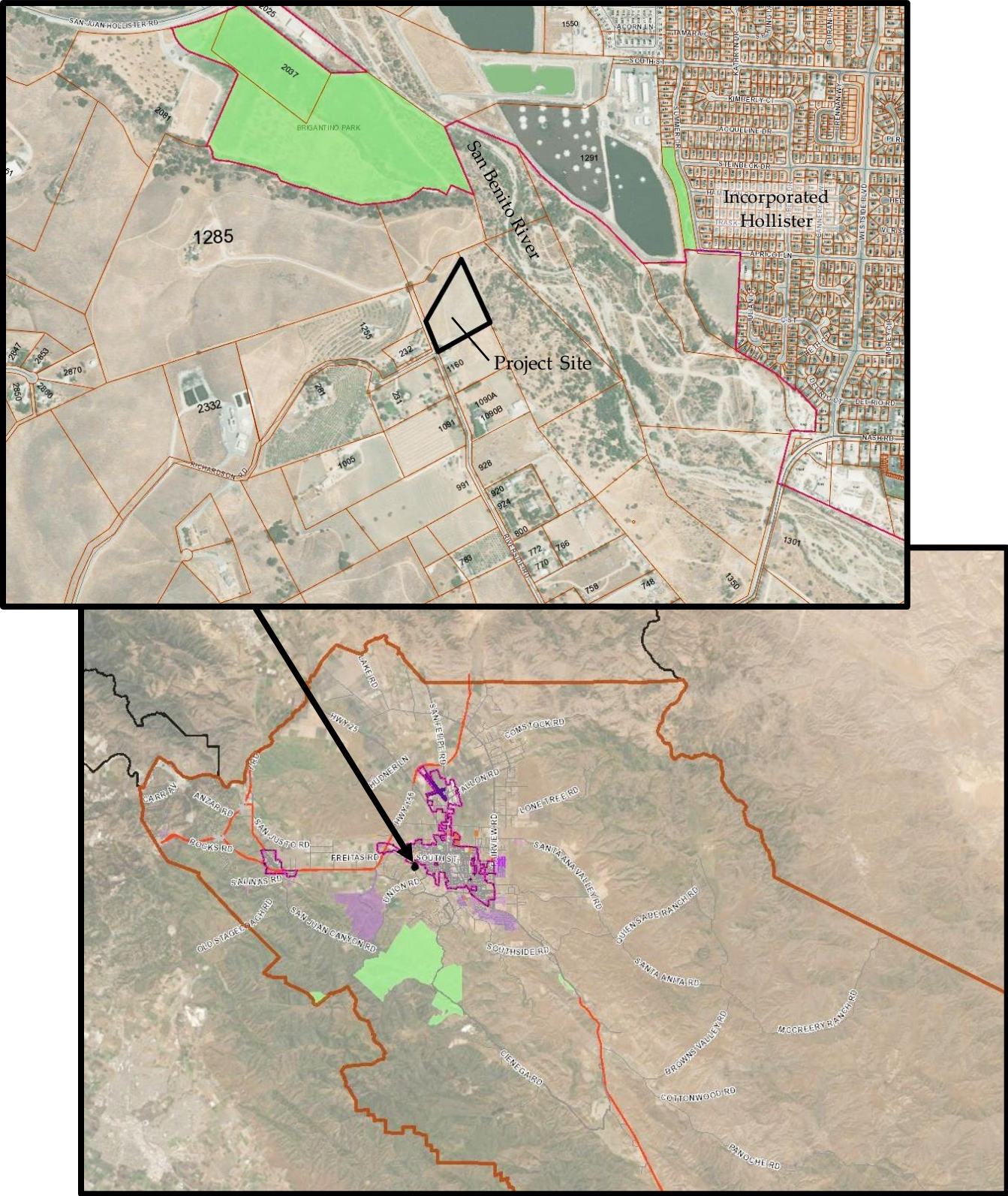
25. Governor's Office of Planning and Research, "Technical Advisory on Evaluating Transportation Impacts in CEQA," December 2018, <https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf>, accessed September 1, 2021.
26. CalRecycle, "Cannabis Waste Questions and Answers," <<https://www.calrecycle.ca.gov/swfacilities/compostables/cannabis>> accessed September 1, 2021.
27. Legislative Analyst's Office (California), "Residential Water Use Trends and Implications for Conservation Policy," March 8, 2017 <<https://lao.ca.gov/Publications/Report/3611>> accessed September 8, 2021.
28. Denise Duffy & Associates, Biological Resources Analysis for the 1180 Riverside Road Project, July 9, 2021. Available upon request from the County Resource Management Agency.
29. Basin Research Associates, Cultural Resources Review — 1180 Riverside Road, Hollister, San Benito County, July 26, 2021.
30. CalEEMod Version 2020.4.0 modeling of effects to air quality, including transportation component, August 13, 2021. Available upon request from the County Resource Management Agency.

XXIII. FIGURES

1. Vicinity Map
2. Proposed Site Plan
3. Greenhouse Plan
4. Greenhouse Illustrated Features
5. Construction Contractor Project Features
6. Site Illustrations

©

Figure 1. Vicinity Map



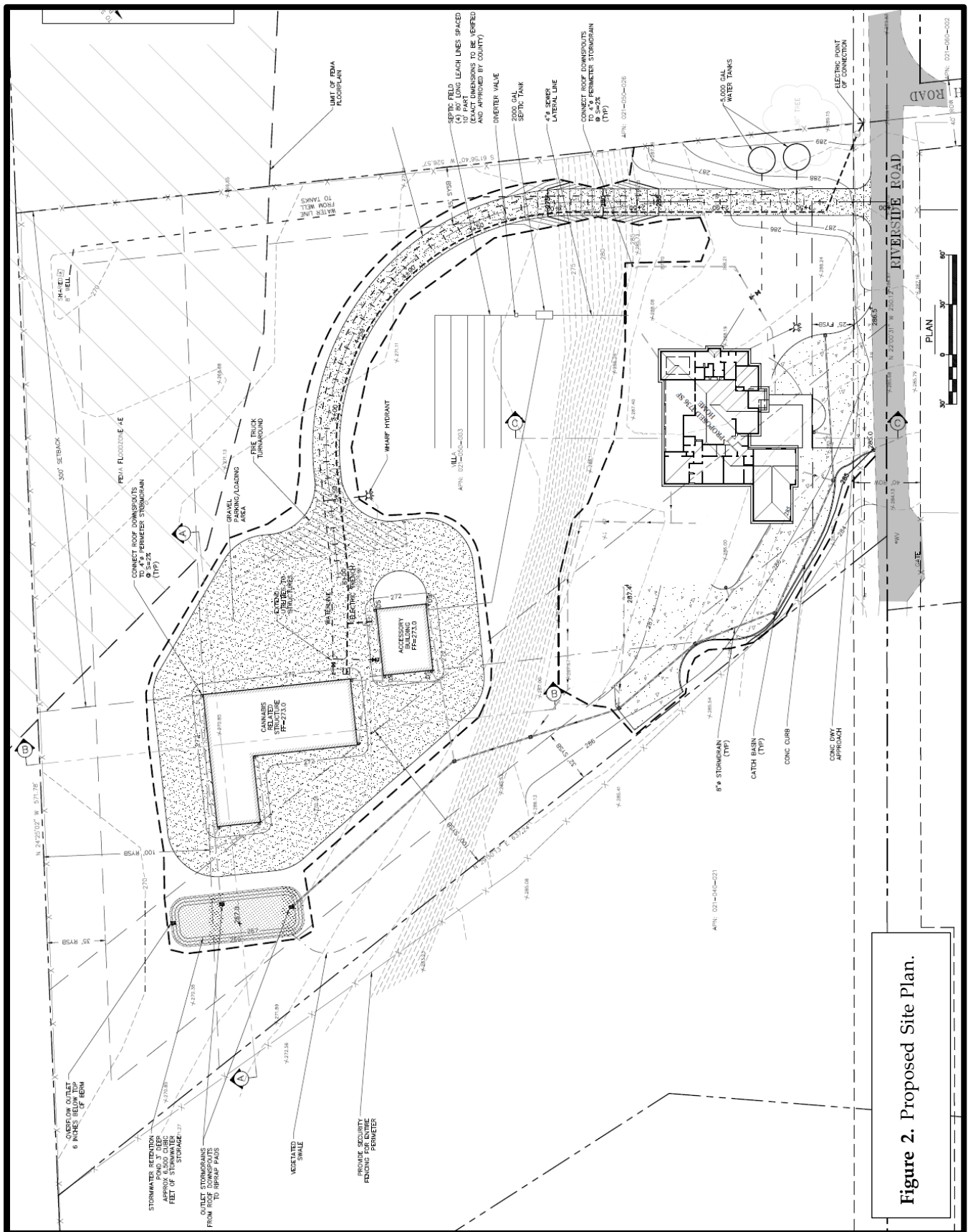


Figure 3. Greenhouse Plan.

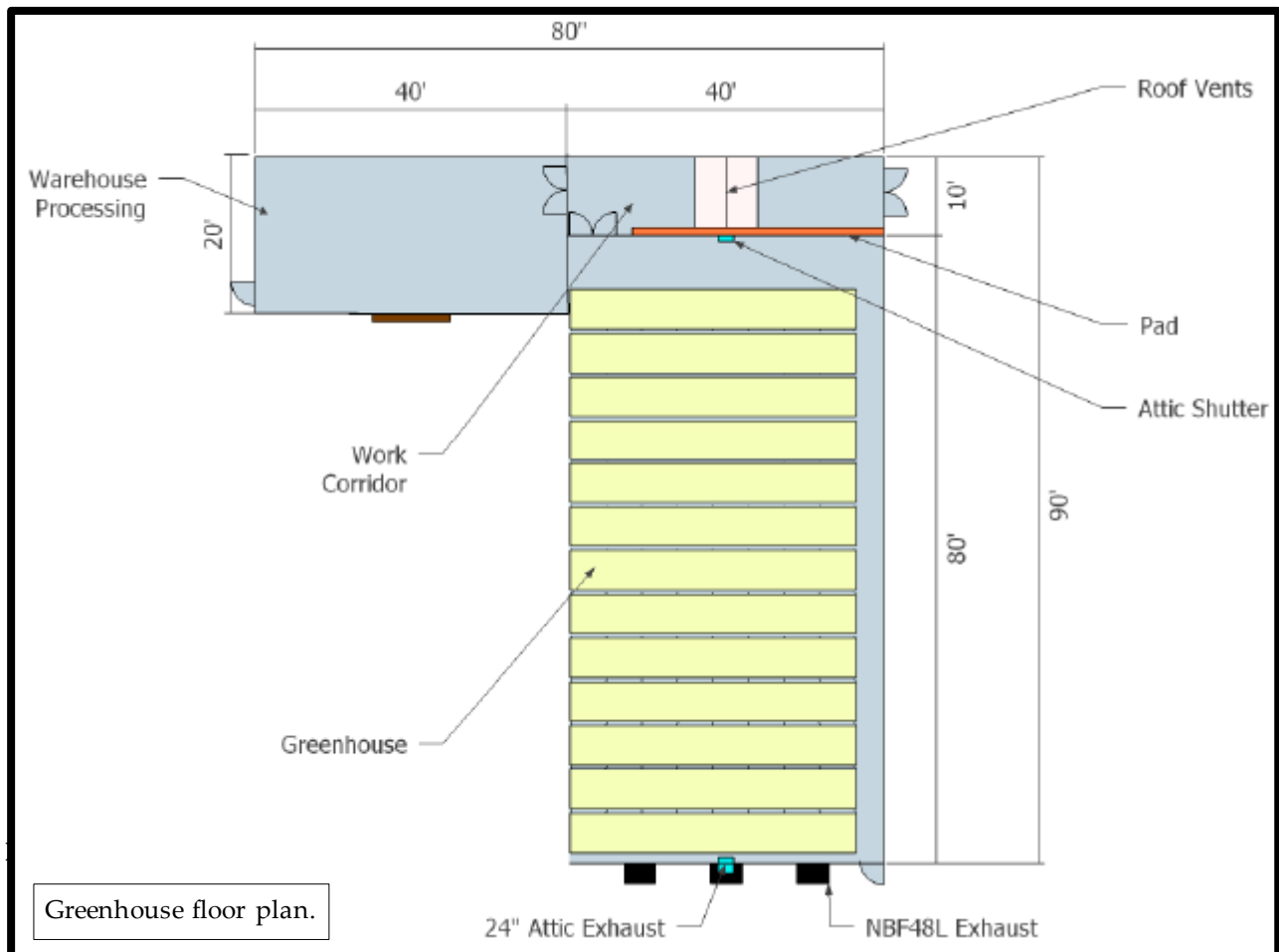
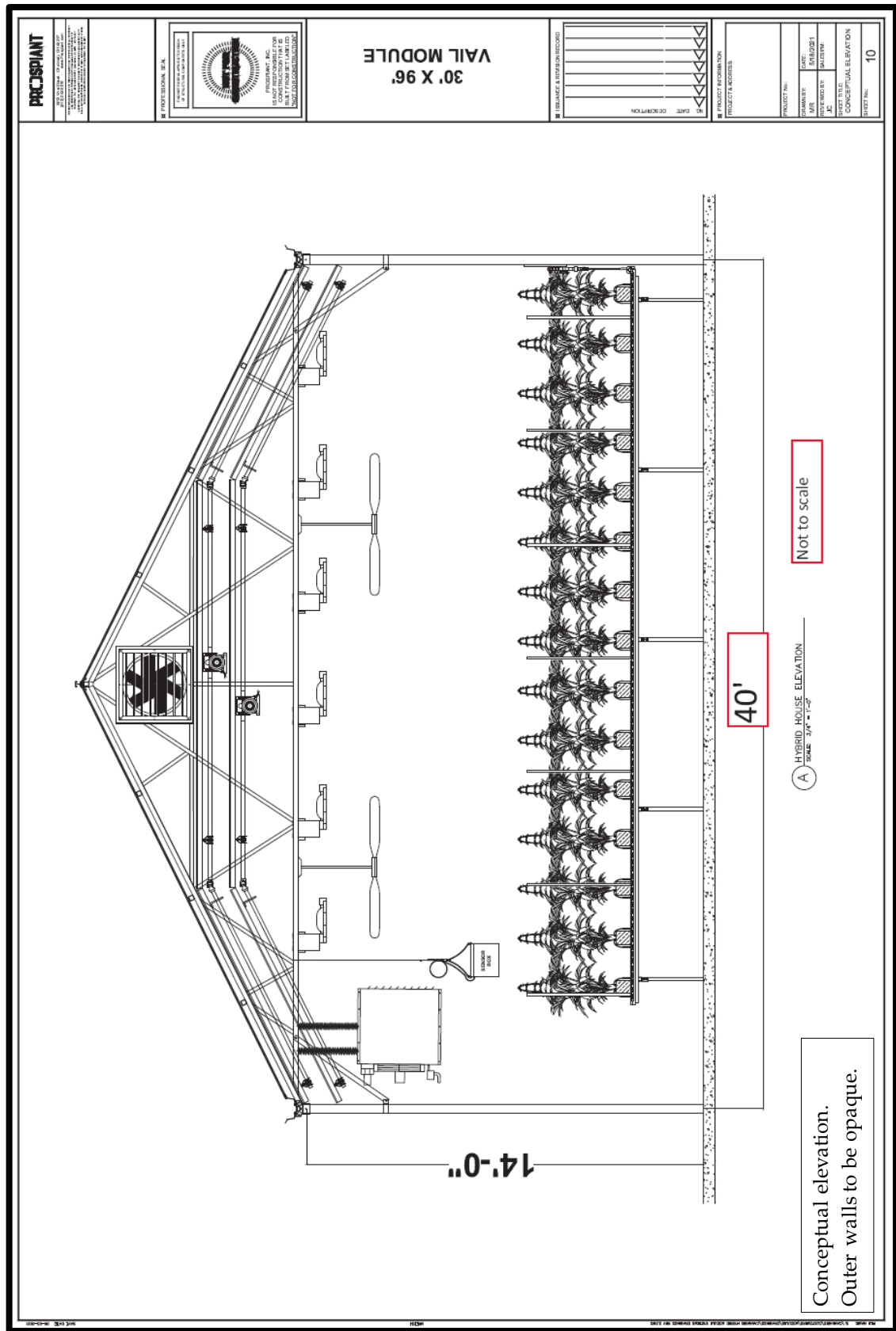


Figure 4. Greenhouse Illustrated Features.



[illegible]

Figure 5. Construction Contractor Project Features.

Primary Structure:

Hybrid 420 Greenhouse, 1 – 40' wide x 90' long, with Attached Processing Warehouse
Grow Zone 40' x 80' = 3,200 sqft
10 ft. bay spacing, 11 purlin runs per house
14 ft. under-gutter height
4" SQ. galvanized steel columns with base plates

Framing and covering accessories for roof, sides, and ends:

Gable framing for 5 ends, Gable attaching accessories for 12 ends, Gable flashing for 5 ends
Sidewall framing for 20 - 10ft. bay sections
Sidewall attaching accessories and flashing for 38 - 10ft. bay sections
Side Extrusions: 1-Sides 15 Ft. net sidewall ht. Polycarb, 6 Ft. Sheets
Gable Extrusions: 5-Gable ends Polycarb, 6 Ft. Sheets

Additional items and accessories:

(100) ft. Poly lock for sides
(900) ft. Purlin Drip Cap
(5) ea. Equipment framing(s)
(40) ft. Pad stringer framing
(4) ea. Heater hanging kits (4-rod)
(3) ea. Gutter end cap(s)
(3) ea. Gutter down spout, bolt-on
(200) ft. Under gutter drip channel
(7) Agrifans
(2) CO2 Generators
(1) Fogco Odor Mitigation System

Environmental Controllers: Fully Automated, Cloud Based - Mobile Device compatible -

Prosplant to provide a complete environmental controller system which operates the "Veg" and Flowering zone.

- Wiring diagram(s) to setup controller and greenhouse equipment
- Contactor panels
- Temperature and humidity aspirators with cable
- Weather station
- CO2 generator and CO2 transmitter
- Light sensor leveling fixture
- Light sensor: PAR & PPF
- Phone line, or Internet based, alarm manager

Benches:

(13) - 60in. x 36ft. long Rolling Benches (Unassembled, Complete Bench)
18" Web Spacing, 21in. Aisle, Legs w/ Plates, 1.315" 14ga Rollers, Alum. Bench Rail w/ 1" Lip ,32" std.ht.
(182) Trellis Brackets for crop flower support
(728) ft. 1" square galvanized tube Trellis Bracket Risers
(1404) Nex-Trough Bench Gutter system to allow for "through crop" air circulation

Water Management System:

(1) RO Skid, GPD sized accordingly
(1) Greenhouse PVC, Drip System, Tanks
(1) HE Anderson Fertigation Unit, SEED Environmental Controls Compatible, Multi Feed, Diaphragm Pumps
(1) Dual DAB Pumps, Redundant Dosing Line Pressurization

Covering:

(3600) sq.ft. Corrugated Diffused 48" wide. Greenhouse roof
(6750) sq.ft. Twin wall 8mm, W/B/W. Interior layer of exterior walls, and interior gable, hygienic, reflective
(1400) sq.ft. 8mm Solar Soft Twin wall diffused - 72" wide, clear wall facing south side
(900) sq.ft. Metal Corr. 26ga painted. Warehouse roof
(6250) sq.ft. Metal Corr. 29ga painted, Outer layer of exterior wall
(5650) sq.ft. Insulation 3"x 72" Exterior walls

Lighting:

- (56) PL- NXT-2 1000 watt Double Ended HPS fixtures
- 30+ Mols PAR Supplemental DLI

Cooling Equipment:

- (1) 3200 sqft. Shade System(s), LS-Harmony 3647 Fire Rated, closed weave diffused, 50% light transmission
- (3) Coolair Fan(s): NBF48L 1HP (1-Speed, 3 Phase, Box-wall housing) Below curtain exhaust fans
- (1) Coolair Fan(s): NBF24J 1/2HP (2-Speed, 230V, Box-wall housing) Above curtain exhaust fans
- (1) ea. Automatic Shutter(s): LRW39E above curtain air intake
- (72) ft. 8" Roll Flashing
- Pad System: 1 - 4' x 35', 6" PVC, & End Kit Evaporative cooling wet wall

Light Deprivation Systems:

- (3) ea. Light Traps Blackout BW56x56
- (1) ea. Light Traps Brownout for pad wall
- (3) ea. Extended Wall Housing-Fan (48")
- (80) ft. Light Dep Flashing – Gable
- (180) ft. Light Dep Flashing - Exterior Sidewall
- (32) ft. Light Trap Flashing/Housing
- (1) 3200 sqft. Shade System(s), Triple layer blackout shade system, extending down south wall

Doors and entry ways:

- (2) ea. Door framing kit (Walk Door opening)
- (4) ea. Door framing kit (Dbl. Door, Slider, or Gable Ovhd.)
- (2) ea. Polar white 3' 0" x 7' 0" RHOS (unless specified otherwise _____)
- (3) ea. Polar white Double-Door 6' 0" x 7' 0"
- (1) 8080 Roll Up Door, Warehouse equipment access

Insect Screen:

- Insect Screens with brushes over roof vents
- Additional layer Anti-Thrip screen over air intake above the work corridor. (480) sq.ft. OptiNet 50

Heating Equipment:

- (3) ea. Greenhouse and Work Corridor, Lennox Heater(s), LF25-200S (Stainless Steel)
- (1) ea. Warehouse Processing Lab, Lennox Heater(s), LF25-300S (Stainless Steel) (Heater Vent Stacks are Not included)

Vent Control Motors:

- (2) ea. Roof Vents Controller VC100A ILS-Open/Close (LST) (M-1001)

Figure 6. Site Illustrations



View northward from southern corner at approximate site of downhill driveway. River beyond the trees.



Edge of property's upper level with pronounced slope in distance separating this site from Brigantino Park.



Slope between residence site (upper) and commercial buildings site (lower).



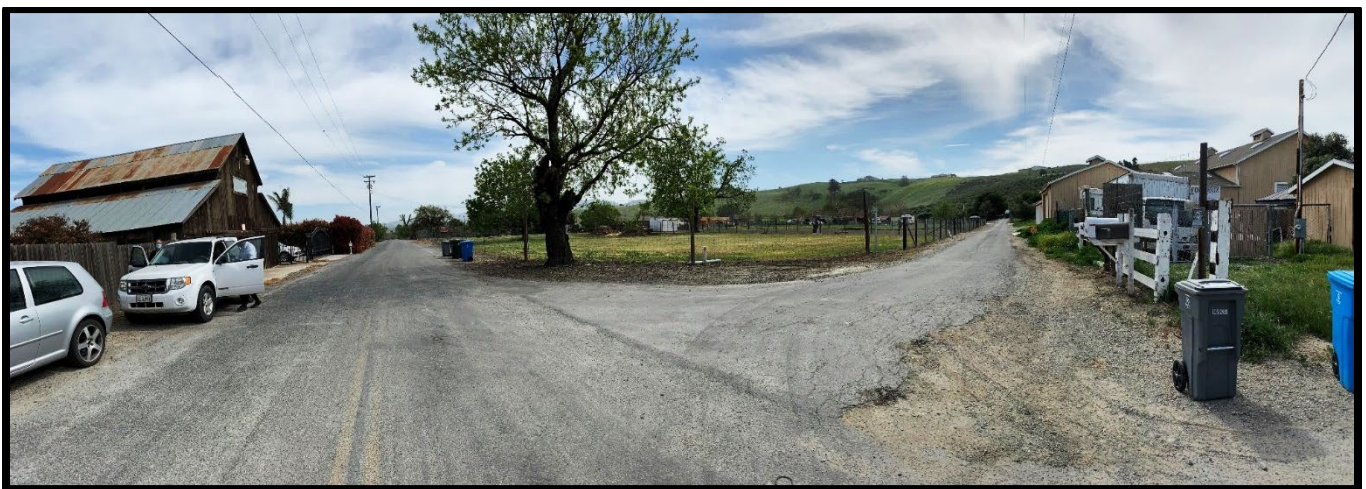
Northeastward view across San Benito River toward residences along Summer Drive in incorporated Hollister.



View uphill from mid-property slope toward western property line and Riverside Road.



Northwestward view toward Riverside Road's end (right) and Richardson Road (left).



Southward view toward Riverside Road (left) and Richardson Road (right).