

**MEMORANDUM**

**TO:** San Benito County General Plan Advisory Committee (GPAC) Members

**FROM:** Dan Amsden, Project Manager, Mintier Harnish

**DATE:** January 21, 2010

**SUBJECT:** **RESPONSES TO GENERAL PLAN/EIR QUESTIONS**

**CC:** Art Henriques, Planning Director, San Benito County  
Byron Turner, Assistant Planning Director, San Benito County  
Michael Kelly, Associate Planner, San Benito County  
Larry Mintier, Principal, Mintier Harnish  
Jessica Law, Associate, Mintier Harnish

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During the December 12, 2009, meeting GPAC members raised questions related to the update process and the Environmental Impact Report (EIR). The following are responses to those questions.

**Question 1**

What are the normal EIR entitlement costs for a project not included in the GP update? *(letter from committee member Robert J. Gatto)*

*Response: Typical Project-level EIR costs in San Benito County run between \$100,000 and \$400,000+ depending upon the complexity of the project.*

**Question 2**

Is it just the EIR report (costs) that the private projects will tier off of? *(letter from committee member Robert J. Gatto)*

*Response: San Benito County is required under the California Environmental Quality Act (CEQA) to prepare a Program-level Environmental Impact Report (EIR) on the updated General Plan. The EIR prepared on the updated General Plan is considered a "first tier" document under CEQA. It will include broad alternatives, mitigation criteria, and a cumulative impacts analysis. Future EIRs for individual projects will be "second tier" documents that can rely on the General Plan EIR. For example, the General Plan EIR will analyze jurisdiction-wide alternatives, regional impacts, and mitigation measures. Individual project EIRs can then be*

*limited to project-specific alternatives and impacts and can incorporate by reference the General Plan EIR's treatment of broader alternatives and impacts.*

**Question 3**

What are the "normal fees" mentioned on page 2 of the memo? *(letter from committee member Robert J. Gatto)*

*Response: This means that applicants would still be responsible for the preparation of a Project-level EIR for their specific project. The applicant may save some money tiering off of the General Plan EIR since they would not have to perform a countywide analysis. Please note that EIR costs represent direct costs associated with the production of the EIR. In other words, the County does not make a profit from EIRs.*

**Question 4**

Would the County lose revenue normally received as part of the planning process? *(letter from committee member Robert J. Gatto)*

*Response: The County collects direct costs for the production of the EIR (see response to Question 3). Some of these costs go to County staff time and some go to consultants. While the tiering process would presumably allow for faster Project EIR processing times, the associated County staff time would essentially be the same. This is because County staff would be working on both the General Plan EIR and the Project EIRs. The benefit for individual project applicants is that their Project EIRs can rely on the General Plan EIR for cumulative analysis (see response to Question 2). This would save time for the project applicant.*

**Question 5**

The last paragraph of the October 23, 2009, memo states that the criteria would allow projects in logical locations for their type to be considered as part of the overall update of the GP land use map. Is this update (GP land use) going to include a general EIR review or will it include a specific EIR review related to each project considered? If specific review, what would the cost be? I know each project is different, but an estimated cost would help. Maybe even a few examples might help. *(letter from committee member Robert J. Gatto)*

*Response: Please see responses to Questions 2 and 3 above.*

**Question 6**

How would it benefit the County if private projects were tiered off of the GP update process? *(letter from committee member Robert J. Gatto)*

*Response: Tiering would benefit the County by providing a more streamlined permitting process for applicants. There are no direct financial benefits or drawbacks for the County to tiering since the costs to produce Project EIRs would be funded by project applicants.*

**Question 7**

The next year of the General Plan Update focuses on identifying issues and constraints, and then developing alternatives. Why are we not looking at refining/updating the County's goals and policies first, then selecting a growth scenario? *(letter from committee member Franz M. Schneider)*

*Response: The General Plan Update work program includes multiple stages that go from broad to specific in detail. This approach is typical for California counties and is recommended by the State. While the specific goals and policies of the General Plan will not be edited/revise until later in the process, early stages of the update include preparing a vision and guiding principles for the county. This vision, along with the guiding principles, will act as the framework for which the alternatives will be developed. In a sense, they act as broad policy direction for the county and will guide the General Plan Update process. Please see the enclosed project example CD to view the content of work products prepared during recent General Plan Updates.*