



**SAN BENITO COUNTY
PLANNING COMMISSION**

Vacant District No. 1	Richard Way District No. 2	Robert Scagliotti District No. 3 - Vice-Chair	Robert Gibson District No. 4 - Chair	Celeste Toledo-Bocanegra District No. 5
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Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

PLANNING COMMISSION - REGULAR SESSION-
OCTOBER 18, 2023
6:00 PM

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 863 5039 4394
Webinar Password: 334006

*Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.*

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A. Community Media Access Partnership (CMAP) YouTube
Page: https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.

B. Peak Agenda Page: https://cosb.granicus.com/ViewPublisher.php?view_id=1

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us.

Public Comment Guidelines

A. The San Benito County Planning Commission welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@cosb.us.

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

4 CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

4.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Acknowledge certificate of posting for the October 18th, 2023 Regular Planning Commission meeting.](#)

Acknowledge certificate of posting for the October 18th, 2023 Regular Planning Commission meeting.

[Certificate of Posting 2023-10-18.pdf](#)

4.2. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Approve the draft Planning Commission Minutes from the regular meeting of August 16th, and special meeting of October 4th, 2023.](#)

Approve the draft Planning Commission minutes from the regular meeting of August 16th, and special meeting of October 4th, 2023.

[2023-08-16_PC_MINUTES_DRAFT.pdf](#)

5 DEPARTMENT ANNOUNCEMENTS

5.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Upcoming Planning Commission calendar and scheduling needs.**

Staff recommends listening to upcoming schedule and determine dates for upcoming special meetings.

[2023 CHAIR Schedule.pdf](#)

5.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Accept informational report on recent project applications submitted following August 2023.**

Staff recommends that the Planning Commission receive the informational report, and if desired give staff guidance on the project applications.

[Recent Planning Applications.pdf](#)

6 PUBLIC COMMENT

7 REGULAR AGENDA

7.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Receive presentation from staff regarding county efforts to proactively address potential issues in and around Lover's Lane / Pacheco Storm Water District, including code enforcement in the area.**

7.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Receive presentation from staff regarding topics and items discussed during the June 6, 2023 joint Planning Commission and Board of Supervisors meeting regarding a General Plan update. Topics discussed include agriculture, zoning, affordable housing, transportation routes, and initiation of the AD-E: Five Year General Plan review.**

Receive staff presentation regarding the overview of topics and items discussed.

7.3. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Receive presentation from staff regarding procedures for the transaction of business for planning commissioners per San Benito County Planning Commission Resolution No. 2019-04A adopted on March 20, 2019.**

[PLANNING COMMISSION RESOLUTION 2019-04A_03202019 Signed Adopted PC Procedures for Business.pdf](#)

7.4. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Receive presentation from staff regarding the AD-A: development review process and permit streamlining.**

7.5. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-Receive presentation from staff regarding AD-B: Digital Government.**

Staff recommends receiving the presentation from staff and provide direction.

8 PUBLIC HEARING

8.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND**

BUILDING-Hold a public hearing and considering a resolution regarding County Planning file PLN230002, a use permit amendment to allow for the inclusion of the packaging operation within the existing 25,000 square foot storage structure that was previously approved under county file PLN210003.SBC FILE NUMBER:790

[2023-10-18_SRpc_PLN230002 Tobias UP 2250 Shore--202310101002.pdf](#)

[2023-10-18_RESpc_2023-nn_PLN230002 Tobias UP 2250 Shore--](#)

[202310101001.pdf](#)

9 COMMISSIONER ANNOUNCEMENTS

10 ADJOURNMENT

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**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 4.1

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Acknowledge certificate of posting for the October 18th, 2023 Regular Planning Commission
meeting.**

Acknowledge certificate of posting for the October 18th, 2023 Regular Planning Commission meeting.

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Acknowledge certificate of posting for the October 18th, 2023 Regular Planning Commission meeting.

ATTACHMENTS:

[Certificate of Posting 2023-10-18.pdf](#)

San Benito County Planning Commission
2301 Technology Parkway
Hollister, CA 95023



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Stephanie Reck, certify that the **REGULAR MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for October 18, 2023 was posted at the following locations, freely accessible to the public, on this day of October 12, 2023:

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

AND

The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

Stephanie Reck
Associate Planner
County of San Benito



**SAN BENITO COUNTY
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Vacant
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Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 4.2

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Approve the draft Planning Commission Minutes from the regular meeting of August 16th, and
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Approve the draft Planning Commission minutes from the regular meeting of August 16th, and special meeting of October 4th, 2023.

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve the draft Planning Commission minutes from the regular meeting of August 16th, and special meeting of October 4th, 2023.

ATTACHMENTS:

[2023-08-16_PC_MINUTES_DRAFT.pdf](#)

[2023-10-04_PC_MINUTES_DRAFT.pdf](#)



**SAN BENITO COUNTY
PLANNING COMMISSION**

Rodney **Richard** **Robert** **Robert** **Celeste**
Bianchi **Way** **Scagliotti** **Gibson** **Toledo-**
District No. 1 District No. 2 District No. 3 District No. 4 **Bocanegra**
- Vice-Chair - Chair District No. 5

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023
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C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@cosb.us.

Stephanie Reck, Associate Planner, read the temporary procedures for Planning Commission Meetings.

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6 p.m.

2. PLEDGE OF ALLEGIANCE

Robert Scagliotti, Vice-Chair of the Planning Commission, led the pledge of allegiance.

3. ROLL CALL

Rodney Bianchi, Planning Commissioner, was absent.

Richard Way, Planning Commissioner, was present in chambers.

Robert Scagliotti, Vice-Chair of the Planning Commission, was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commission, was present in chambers.

4. CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, staff, or the public to be removed from the consent agenda.

Approval of a consent item means approval of the recommended action as specified in the staff report.

If any member of the public wishes to comment on a consent agenda item, please fill out a speaker card present it to the Clerk prior to consideration of the consent agenda and request the item be removed and considered separately.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the consent agenda certificate of posting and the Planning Commission minutes from July 19 and August 2, 2023.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Approve
Motion Passed: 4 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

4.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Acknowledge the certificate of posting and Free Lance Proof.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the consent agenda certificate of posting and the Planning Commission minutes from July 19 and August 2, 2023.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Approve
Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

4.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Approve the draft Planning Commission minutes from the regular meeting of July 19, and special meeting of August 02, 2023.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the consent agenda certificate of posting and the Planning Commission minutes from July 19 and August 2, 2023.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Approve

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

5. DEPARTMENT ANNOUNCEMENTS

Abraham Prado, Director of Planning and Building, stated that the RMA has two (2) Office Assistant positions available that will be combined to hire a Staff Services Specialist. Staff received approval from the Board of Supervisors to be hired for this position.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked if the person hired for this position would have basic knowledge of how to support the public within the Planning and Building Department. Staff stated this was a priority.

Abraham Prado, Director of Planning and Building, provided an update regarding the Joint Planning Commission/Board of Supervisors meeting that occurred in June. The following topics were discussed: land use , housing, Housing Element Update, a growth management ordinance, mining, ag preservation and the conversion of farmland standards from a 1:1 to a 2 or 3:1 ratio, the four (4) year irrigation rule for prime ag land and the desire to create a General Plan policy so that the land can continue to remain prime without irrigation, a sustainable agricultural land conservation program and creating an ag element of the General Plan, adding commercial designations throughout the county, removing the Bolsa study area and other community study areas from the General Plan, an extension for Santa Teresa to create a new route for low-income housing, and creating a General Plan Update fee. Staff received directions to send an RFP to receive a scope of work from various consultants for the update to the General Plan.

6. REGULAR AGENDA

7. PUBLIC HEARING

7.1 RESOURCE MANAGMENT AGENCY- A. PRADO, DIRECTOR - PLANNING AND BUILDING-

Hold a public hearing and consider adopting a resolution regarding County Planning File PLN230008 a Conditional Use Permit (CUP) To construct an 85-foot-tall wireless telecommunications monopine tower in a 1,600-square-foot lease area. The applicant seeks a variance under SBCC 7.11.004(H) in order to allow the cell tower to be approximately 330 feet from the nearest residential area, closer than the standard 500-foot minimum setback under San Benito County Code SBCC 7.11.005(A).

Jonathan Olivas, Assistant Planner, presented an overview of PLN230008 a conditional use permit for a new cell tower located at 52 Old Ranch Road on a 5-acre site. The applicant is proposing to construct an 85-foot tall monopine with three levels for mounting equipment for multiple users, the top level intended for communications serving T-Mobile.

No public comment in chambers.

No public comment via Zoom.

Public comment period is closed.

Celeste Toledo-Bocanegra, Planning Commissioner, shared that she spoke with the property owner, and they do not oppose this tower. People who live in Rancho Santana have stated they need better service so this would benefit them. She stated that she would like to know if safety studies and environmental studies have been done. Would the engineers require protective equipment? Is there a possible to get images of where all the cell towers are located within the County? Additionally, will the Sheriff's be able to use the tower and will it cost them to use the tower.

Jonathan Olivas, Assistant Planner, stated that the applicant did submit the required studies per FCC law and the specific bands they will be using are within a safe distance from anything in proximity. The project is also exempt from CEQA but will have to comply with NEPA review at a federal level.

Bill Lewis, applicant representative, stated that the applicant performed an electromagnetic emissions study done by a third-party and they meet all the safety guidelines set forth by the FCC and are at lower limits than allowed by the maximum on what is safe for the general public. The EME report would list mitigation measures, but no measures are needed as they are below the threshold. He stated that regarding the Sheriff's usage of the tower, it is possible if they go through the proper channels, but he does not have enough information to say if it will be a free service to them.

Abraham Prado, Director of Planning and Building stated that the GIS team could perform a survey of the existing cell towers and map them if it were of public interest.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked if any thought was put into something more aesthetically accurate for the County rather than the monopine tree, that does not fit with the environment of the County.

Bill Lewis, Applicant Representative, stated there are multiple different stealthing options. It typically starts with a pole, and they felt that would be inappropriate in this community. They determined a pine tree would be most suitable. You mentioned a windmill, which is agricultural and would fit with the community, but there are issues with a windmill being cluttered looking and it is difficult to screen the antennae. He stated this is why they felt the pine tree would be more appropriate.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to continue the public hearing so that the applicant can come back with other options outside of the monopine tree and to determine if the Sheriff's office can use the tower for free.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Continue
Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

7.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Hold a public hearing and consider adopting a resolution regarding County Planning file PLN220024 (Minor Subdivision / Tentative Parcel Map) This project proposes to subdivide an existing 562.8-acre parcel into three parcels of 165.8 acres, 136.9 acres, and 260.1 acres.

Jonathan Olivas, Assistant Planner, presented an overview of PLN220024 for a Minor Subdivision located at 4701 Santa Ana Valley Road of an existing 562.8-acre parcel into three parcels of 165.8 acres, 136.9 acres, and 260.1 acres.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked what Fish and Wildlife's concern was that they noted in their comment letter. Staff stated that their stipulation was that if future development were to happen that a biological and botanical study be conducted at that time to determine if endangered species were in the area.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked about the potential for future development if this subdivision were approved? Staff stated that the applicant does not propose any construction at this time and the land is being actively farmed and ranched.

No public comment in chambers.

No public comment via Zoom.

Public comment period is closed.

Anne Hall, Applicant Representative, made comments about some of the conditions of approval that are being proposed. This is a large lot that is being divided into smaller lots. The Williamson Act contracts have also been divided and the intent of the land is to remain in ag production. However, Condition 18 is with regard to future development requiring CEQA and other studies, however environmental studies have already been conducted for

this subdivision. She would like clarification if Condition 18 refers to future subdivision when it references future development. Additionally, Condition 25 with regard to roadway improvement, the cost of improving the frontage with two (2) and a quarter mile would make this project infeasible. This is not a subdivision for profit and there is no financial gain. She would like to request Condition 25 be waived. She stated her third concern is with BR2 under Mitigation Measures, which is a generic letter provided by Fish and Wildlife and blanket list species that need to be mitigated for any development. The way it is written seems like overkill for the nature of this project. We would like to ask for the removal of BR2 or clarification with regard to the meaning of "future construction," does that mean a single home or a future subdivision.

Abraham Prado, Director of Planning and Building, stated that with regard to Condition 18, once a project is entitled and goes through the parcel map process it would become a final subdivision. If it is approved and subdivided there is the ability to have ministerial project approved, which is a by-right-approval for what is allowed in the code. For example, one (1) unit per 40 acres can be approved ministerially and wouldn't require future CEQA review. With regard to Condition 25, the County Engineer indicated that the Planning Commission can waive the road frontage improvements if that is their will, but the condition is part of the code requirements. And finally with regard to Mitigation Measure BR2, these recommendations are prior to any construction, and again, if it is ministerial and the project is exempt, this measure would not qualify.

Richard Way, Planning Commissioner, stated that BR2 does seem to be generic, and the mitigation is merely a recommendation. He stated that he would strike this measure. He is conflicted with Condition 18; he would be fine with leaving it in. And with regard to Condition 25 he thinks the applicant has a point based on their comments about the roadway.

Celeste Toledo-Bocanegra, Planning Commissioner, stated that she is okay with removing Condition 18 and BR2. She stated that she would like to see if the road needs fixing before removing Condition 25 as that is an automatic requirement per our code.

Robert Scagliotti, Vice-Chair of the Planning Commission, stated that he would like to strike BR2, but would like to keep Condition 18 and 25.

Robert Gibson, Chair of the Planning Commission, stated that he would recommend deferring Condition 25, but he has concerns regarding future subdivisions, as there was no real reason stated as to why it was being subdivided. If this were approved, he would like to add another condition that if any of these three (3) parcels are further subdivided that the applicant must repair the entire length of Santa Ana Valley Road and John Smith Road across the three (3) parcels being created. He is fine with Condition 18 with the clarification from staff.

Michael Brigantino, Owner/Applicant, stated there are four (4) owners who own the property together and it gives them the opportunity to split up the parcels between the

owners in the future. It is currently leased to Taylor Farms, and the owners have no plans to change that. He stated they would accept a condition that if it were further developed they would conduct the road improvements.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to remove mitigation measure BR2, Condition 25, and Condition 18, and add an additional Condition that if the three (3) parcels were further subdivided that the applicant would be responsible for the road improvements on the entire length of the Santa Ana Valley Road and John Smith Road to be repaired to the full width of County standards.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Richard Way to Approve as Amended

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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9. ADJOURNMENT

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Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn the meeting.

Celeste Toledo-Bocanegra, Planning Commission, seconded this motion.

Motion passed four (4) to zero (0) with one (1) absent.

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Confirm

Motion Passed: 4 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

10. PUBLIC COMMENT

No public comment in chambers.

No public comment via Zoom.

Public comment period is closed.



SAN BENITO COUNTY PLANNING COMMISSION

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

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Toledo-
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District No. 5

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PLANNING COMMISSION - SPECIAL SESSION-

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The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 853 4637 4989

Webinar Password: 564740

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

Remote zoom participation for members of the public is provided for convenience only. In the event that the zoom connection malfunctions for any reason, the board of supervisors reserves the right to conduct the meeting without remote access.

Remote Viewing:

Members of the public who wish to watch the meeting can view a livestream of the meeting online through either the:

A. Community Media Access Partnership (CMAP) YouTube

Page: https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.

B. Peak Agenda Page: https://cosb.granicus.com/ViewPublisher.php?view_id=1

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us.

Public Comment Guidelines

A. The San Benito County Planning Commission welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@cosb.us.

Stephanie Reck, Associate Planner, read the notice of temporary procedures for Planning Commission meetings.

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Celeste Toledo-Bocanegra, Planning Commissioner, led the pledge of allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted roll call.

Richard Way, Planning Commissioner, was present in chambers.

Richard Scagliotti, Vice-Chair of the Planning Commission, was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commissioner, was present in chambers.

4. CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested

by a member of the Commission, staff, or the public to be removed from the consent agenda. Approval of a consent item means approval of the recommended action as specified in the staff report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

4.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Acknowledge certificate of posting for the October 4, 2023, Special Planning Commission Meeting.

Richard Way, Planning Commissioner, motioned to adopt the certificate of posting.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Richard Way; seconded by Robert Scagliotti to Approve

Motion : 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

PUBLIC COMMENT

Public comment in chambers:

Annette Perez, San Benito County resident, stated that she has concerns regarding the October 11th Special Planning Commission meeting to discuss the landfill as District 1 has no representative. She stated that residents have lost their voice in their district, and this is not the democratic way. She stated that residents want to be heard and represented in District 1 and the meeting should be moved to when all Commissioners can be present.

Maureen Nelson, San Benito County resident, emphasized that the October 4th and October 11th meeting appear to be rushed as these are big issues that affect residents of the County. She stated that it is the commissions choice to delay these topics and let citizens have more than just the 10 days required to get a better representation of your constituents.

Barry Katz, San Benito County resident, stated that even though he lives some distance away from the landfill it is still a great concern and an important matter. Commissioner Way notified staff that he would be unable to attend the October 11th meeting for the landfill and it is important that all districts be represented during the meeting. It doesn't make sense to

approve the landfill expansion next to where homes are being built, a college, and the gateway to our national park.

Brigitte Bauman-Thorp, San Benito County resident, stated that Hollister would never be the same if the landfill expansion is approved as it will no longer be the gateway to the Pinnacle but the gateway to the Mega Dump. The legacy of this County will be a garbage mountain.

Public comment via Zoom:

Mary Shaw, San Benito County resident, stated that she shares the same comments as those previous, she would like Commissioner Way to be present during the meeting. There are a lot of environmental concerns, and that district should be represented. She stated that residents have been waiting for this for a long time and it could be pushed out farther as 10 days is not enough time to review the Final EIR.

Public comment period is closed.

5. REGULAR AGENDA

5.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Find that a Planning Commissioner cannot hold the office of Planning Commissioner and Trustee of the County Board of Education; or, in the alternative, direct County Counsel to request a more recent Attorney General opinion regarding appointment of Rodney Bianchi to the office of Planning Commissioner in addition to his appointment of Trustee of the County Board of Education.

Arielle Goodspeed, Principal Planner, stated that Rodney Bianchi cannot hold the position of Planning Commission and County Board of Education simultaneously, staff recommend directing County Counsel to request a more recent Attorney General opinion regarding the appointment of Rodney Bianchi.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked who determined that Rodney cannot hold both positions and why.

Sean Cameron, Assistant County Counsel, stated that it's part of Common Law and state statute that an individual cannot hold two (2) offices that are incompatible based on a past ruling done by the Attorney General.

Robert Gibson, Chair of the Planning Commission, asked if there is a difference between a School Board and the County Board of Education as one owns land and runs a school and the other is an oversight committee. Is this the same thing in the eyes of the Attorney General.

Sean Cameron, Assistant County Counsel, stated that it is unlikely that they will not be found to be incompatible.

Richard Way, Planning Commissioner, asked if Rodney has an option to resign from the Board of Education and remain with the Planning Commission.

Sean Cameron, Assistant County Council, stated that was correct.

Public comment in chambers:

Brigitte Bauman-Thorp, San Benito County resident, stated that Rodney applied to the Board of Education roughly six (6) weeks ago and this was public knowledge. She stated that the commission knew of the possibility that District 1 would have no representation so staff should not have scheduled the Public Hearing for the landfill. Please postpone the October 11th meeting until there is a representation. Members of the public don't even have the information or enough time to make arrangements to come to the meeting.

Maureen Nelson, San Benito County resident, stated that Rodney was immediately sworn into the Board of Education and took part in the meeting that day. Knowing this it should have been known at that time that he cannot serve both parties and that decision needed to be made immediately. It doesn't appear that he was aware of this or his County Supervisor, Zanger. She stated that residents count on you to guide us as citizens and rely upon you as elected officials to inform, be aware, and advise.

No public comment via Zoom.

Public comment period is closed.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to have County Counsel request and updated opinion regarding this particular case.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Authorize

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

6. **PUBLIC HEARING**

6.1 **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-**

Hold a public hearing and consider adopting a resolution regarding county planning file PLN230002, a use permit amendment to allow for the inclusion of the packaging operation within the existing 25,000 square foot storage structure that was previously approved under county file PLN210003.

SBC FILE NUMBER:790

Victor Tafoya, Assistant Planner, requested the Planning Commission postpone this item per the applicant request to October 18, 2023 to further review the road improvements listed in the conditions of approval.

Public comment in chambers:

Barry Katz, San Benito County resident, stated that it can be easy to postpone the meetings when there is reason to. The public and staff should have proper time to review projects.

No public comment via zoom.

Public comment period is closed.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked how recently the traffic study was completed or when a vehicle count was taken in that area.

Victor Tafoya, Assistant Planner, shared that the traffic study was completed a few months ago and is fairly recent.

Arielle Goodspeed, Principal Planner, stated that the last vehicle count done by the county was completed in 2019, it is four (4) years old.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to continue the item until October 18th where staff can provide an update regarding a new traffic study and vehicle count.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Continue

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

6.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

Hold a public hearing and consider adopting a resolution regarding County Planning file PLN230012 (Minor Subdivision / Tentative Parcel Map) This project proposes to subdivide

an existing 18.74-acre parcel into two separate parcels, measuring 5.00 acres and 13.74 acres, respectively.

Jonathan Olivas, Assistant Planner, presented the location, project description, CEQA findings and determinations, land use consistency, and staff recommendation for the PLN230012 minor subdivision at 505 Blossom Lane.

Joe Torquado, Applicant, stated that he is the fifth generation to reside at the property and his grandchildren are the seventh. He stated that they would like to subdivide to ensure their family can remain on the land. He stated the goal is to put themselves back into a position of standard funding as they became ineligible for residential funding once they built two residential units on one parcel.

No public comment in chambers.

No public comment via Zoom.

Public comment period is closed.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked what the existing facility is in reference to regarding the improvements which may amount to minor alterations?

Jonathan Olivas, Assistant Planner, stated that it references simple grading for a driveway that is already pre-existing.

Robert Gibson, Chair of the Planning Commission, asked about a deferred improvement condition for road improvements if a subdivision for families is ever transferred or sold to another family to trigger those road improvements. Will there be a turnaround for fire trucks?

Steve Loupe, Public Works Administrator, stated that parcel in question is located at the very end of the road, it is essentially just a driveway. If the parcel had more road frontage adding the clause would make sense. They are going to share the driveway and are proposing to include an easement if they ever change it. The application was routed to the fire department and they had no other comments than what is presented in the packet.

Celeste Toledo-Bocanegra, Planning Commissioner, wanted to state for the record that she is concerned about the floodplain, and just wanted to make this comment to the applicant.

Richard Way, Planning Commissioner, motioned to approve PLN230012 minor subdivision at 505 Blossom Lane.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Richard Way; seconded by Celeste Toledo-Bocanegra to Approve

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

6.3 RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-

The purpose of this memorandum is to address the erroneous text on condition 12 of Resolution No. 2023-11 (approved August 16th, 2023).

Jonathan Olivas, Assistant Planner, presented amendments to condition 12 of Resolution No. 2023-11 which was approved on August 16th, 2023. The correction specifies the buildable areas and their function more clearly and more logically. It now correctly applies the building permissions to the buildable areas and the non-buildable restrictions to the non-buildable areas.

No public comment in chambers.

No public comment via Zoom.

Public comment period is closed.

Robert Scagliotti, Vice-Chair of the Planning Commission, asked if the update to condition 12 would not change any of the wording regarding the improvements along the frontage of the properties that were approved. Staff noted that was correct.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to approve the amendments to condition 12 of PC Resolution No. 2023-11.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Approve as Amended

Motion Passed: 4- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

COMMISSIONER ANNOUNCEMENTS

Richard Way, Planning Commissioner, stated that Planning Staff was notified in late August that he would be out of the Country between October 11th through October 24th. He needed to make

the public aware of that. He subsequently learned the landfill expansion was proposed for October 11th and will have to miss that. He is concerned that there is not time to adequately review the EIR with the 10-day minimum period provided. With this and the fact that two districts will be missing he thinks this decision should be delayed until after October 25th when he returns.

Celeste Toledo-Bocanegra, Planning Commissioner, stated that she is open to receiving comments from community members on the landfill expansion. Anyone is welcome to present their opinion. This project has been ongoing for years, the applicants deserve a determination, either for or against.

7. ADJOURNMENT

NOTE: A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

NOTE: In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn the meeting.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Richard Way to Confirm

Motion Passed: 4 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 5.1

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Upcoming Planning Commission calendar and scheduling needs.**

Staff recommends listening to upcoming schedule and determine dates for upcoming special meetings.

AGENDA SECTION:

DEPARTMENT ANNOUNCEMENTS

BACKGROUND/SUMMARY:

TBD.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends listening to upcoming schedule and determine dates for upcoming special meetings.

ATTACHMENTS:

[2023 CHAIR Schedule.pdf](#)

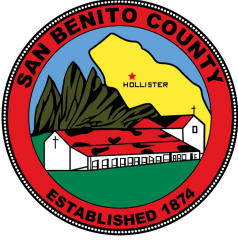
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
	PLANNING COMMISSION ITEMS TO SCHEDULE				
	Title 25 Zoning Code Update	Arielle Goodspeed		exempt	TBD (need to update contract)
	ED-A and C: Presentation from EDC regarding CEDS & their view of our County's business friendliness and marketing	EDC		N/A	waiting on confirmation for November or December
	Homeless Presentation from HHSA	Enrique Arreola (HHSA)		N/A	waiting on confirmation for November or December
1/18/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
1/18/23	Appointement and calendar	Arielle Goodspeed		N/A	Informational
2/15/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
2/15/2023	Housing Element Annual Progress Report	Stephanie Reck		Exempt	
2/15/2023	General Plan Annual Progress Report	Arielle Goodspeed		Exempt	
2/15/2023	PLN220029 (Coke Farms UP Amendment)	Michael Kelly		Exempt	
3/15/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
3/15/2023	PLN220012 (LUCAS/FORD MINOR SUBDIVISION)	Jonathan Olivas		IS/MND	
3/15/2023	PLN220014 (RENZ MINOR SUBDIVISION)	Jonathan Olivas		IS/MND	
3/15/2023	PLN220029 (Coke Farms UP Amendment)	Michael Kelly		Exempt	
4/19/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
4/19/2023	REF230001 (New Community Study Areas Amendment)	Michael Kelly		EIR Addendum	Project Update
5/17/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
5/17/2023	Mine Ordinance Update	Arielle / Benchmark	continued to 6/7/23	Exempt	

6/7/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
6/7/2023	Mine Ordinance Update	Arielle / Benchmark	continued from 5/17/23	Exempt	
6/21/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
6/21/2023	PLN200031 (Wilson UP/GR 4807 San Juan Cyn)	Michael Kelly		IS/MND	
6/21/2023	PLN230013(Alcala UP/121 Harbern Way)	Victor Tafoya		Exempt	
6/21/2023	PLN220060(Borland UP/1989 Old Hernandez Road)	Victor Tafoya	continued to 7/19/23	IS	
6/22/2023	PLN230026 (CUP Amendment Douglas)	Jonathan Olivas		Exempt	
7/19/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
7/19/2023	Chapter 21.03 Affordable Housing Regulations Revisions	Stephanie Reck		Exempt	
7/19/2023	PLN220060(Borland UP/1989 Old Hernandez Road)	Victor Tafoya	continued date uncertain	IS	schedule update only
7/19/2023	Homeless Task Force Assignment	Arielle Goodspeed			Assign (2) Commissioners
8/2/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
8/2/2023	Ranch 35 NOP Scoping Meeting	Arielle Goodspeed / Benchmark		EIR	Scoping Meeting for EIR
8/16/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
8/16/2023	PLN220024 Brigantino Minor Subdivision	Jonathan Olivas		IS/MND	
8/16/2023	PLN230008 CUP New Cell Tower	Jonathan Olivas	Continued to a date uncertain	IS/MND	
9/20/23	PLANNING COMMISSION-CANCELLED				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES

10/4/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/4/2023	PLN230003 (Tobias/2250 Shore Road)	Victor Tafoya		IS/MND	
10/4/2023	PLN230012 (Torquato Minor Subdivision at 505 Blossom Lane)	Jonathan Olivas		Exempt	
10/4/2023	PLN220024 Brigantino Minor Subdivision (Condition Revision)	Jonathan Olivas		Exempt	
10/4/2023	Request for Attorney General to Re-Review Commissioner Bianchi double appointment	Arielle Goodspeed		N/A	
10/11/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/11/2023	PLN210002 John Smith Landfill Expansion	Stan Ketchum		EIR	
10/18/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/18/2023	PLN230002 (Tobias UP/2250 Shore Road)	Victor Tafoya		IS/MND	
10/18/2023	AD-E: Five Year General Plan Review	Abraham Prado		N/A	This was done at the 6/6/23 Joint PC/BOS meeting, follow-up in Fall 2023
10/18/2023	AD-A: Development Review and Permit Streamlining Presentation	Abraham Prado		N/A	Informational
10/18/2023	Code Enforcement and what we are doing to prevent a future problem in and around Lover's Lane /Pacheco Storm Water District Presentaiton	Victor Tafoya		N/A	Informational
10/18/2023	Planning Commission Procedures	Abraham Prado			
10/18/2023	AD-B: Digital Government Presentation	Arielle gOODSPEED		N/A	Informational
10/18/2023	New Applications	Victor Tafoya/ Abraham Prado		N/A	Informational
10/18/2023	Review Upcoming Schedule and Holiday Schedule	Arielle Goodspeed		N/A	Informational
10/25/23	SPECIAL PLANNING COMMISSION				

Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/25/2023	PLN210002 John Smith Landfill Expansion	Stan Ketchum	Continued from 10/11/23	EIR	
10/27/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/27/2023	PLN210002 John Smith Landfill Expansion	Stan Ketchum	Continued from 10/25/23	EIR	
10/1302023	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
10/30/2023	PLN210002 John Smith Landfill Expansion	Stan Ketchum	Continued from 10/27/2023	EIR	
11/1/23	SPECIAL PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
11/1/2023	PLN220052 San Benito Ag Center NOP Scoping Meeting	Arielle Goodspeed / Kinley-Horn		EIR	Scoping Meeting for EIR
11/1/2023	PLN230008 (CUP New Cell Tower)(continued from August)	Jonathan Olivas	Continued from 8/16/23	IS/MND	
11/15/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
11/15/2023	PLN230015 (ZC/MS KELLOGG)	Jonathan Olivas		Exempt	
11/15/2023	New Applications	Victor Tafoyal/ Abraham Prado		N/A	Informational
11/15/2023	REF230001 (New Community Study Areas Amendment)	Michael Kelly		EIR Addendum	
12/20/23	PLANNING COMMISSION				
Planning Commission HEARING DATE	REPORT TITLE	REPORT AUTHOR	Continued or Scheduled	CEQA Approach	NOTES
12/20/2023	Tentative-Update on SALC Grant	Arielle Goodspeed		N/A	Informational
12/20/2023	PLN230006 Garcia MS	Jonathan Olivas		Exempt	
12/20/2023	PLN230007 Pierce MS	Jonathan Olivas		Exempt	

12/20/2023	New Applications	Victor Tafoya/ Abraham Prado		N/A	Informational



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 5.2

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Accept informational report on recent project applications submitted following August 2023.**

Staff recommends that the Planning Commission receive the informational report, and if desired give staff guidance on the project applications.

AGENDA SECTION:

DEPARTMENT ANNOUNCEMENTS

BACKGROUND/SUMMARY:

Planning staff have received **XX (XX)** planning applications on or after the prior Regular Planning Commission Meeting of August 16, 2023.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission receive the informational report, and if desired give staff guidance on the project applications.

ATTACHMENTS:

[Recent Planning Applications.pdf](#)



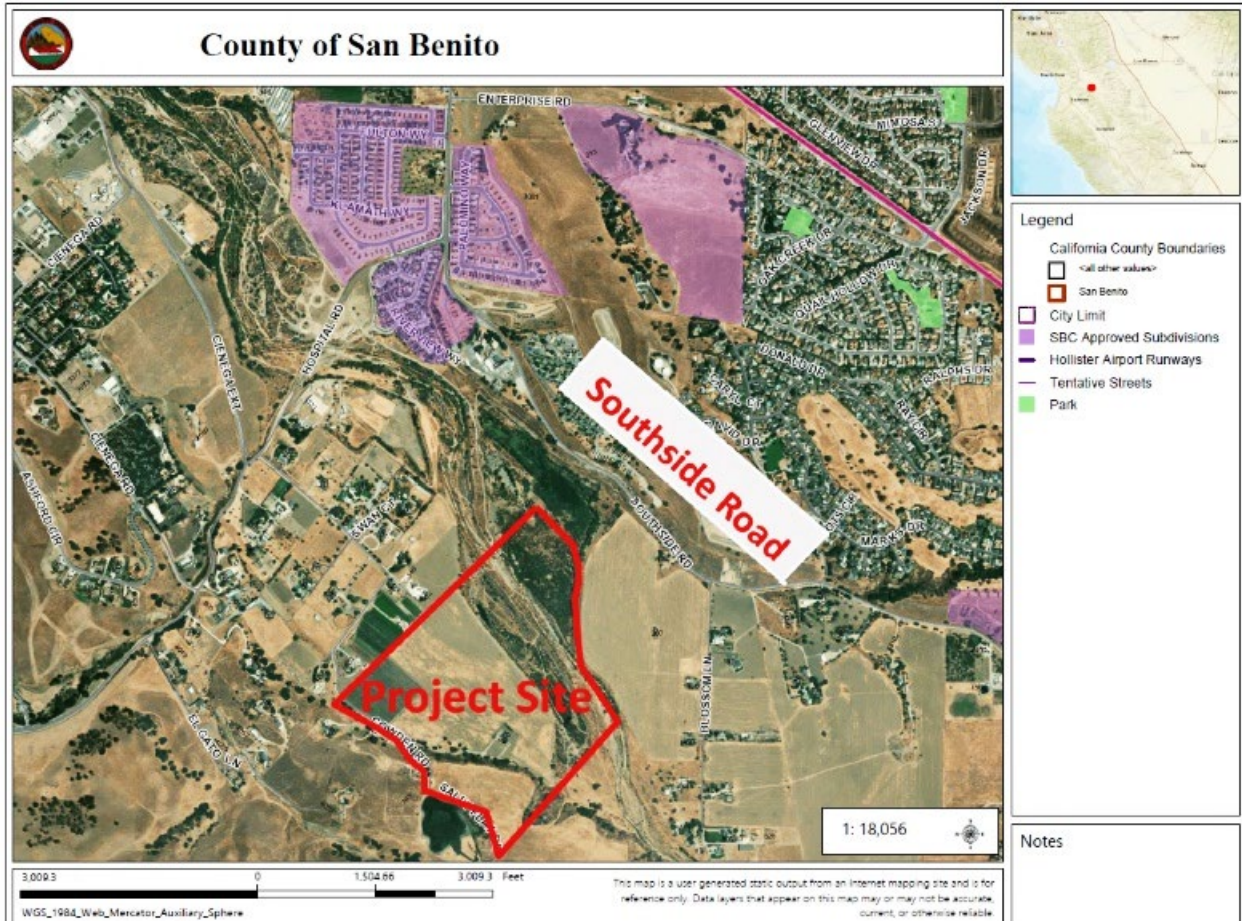
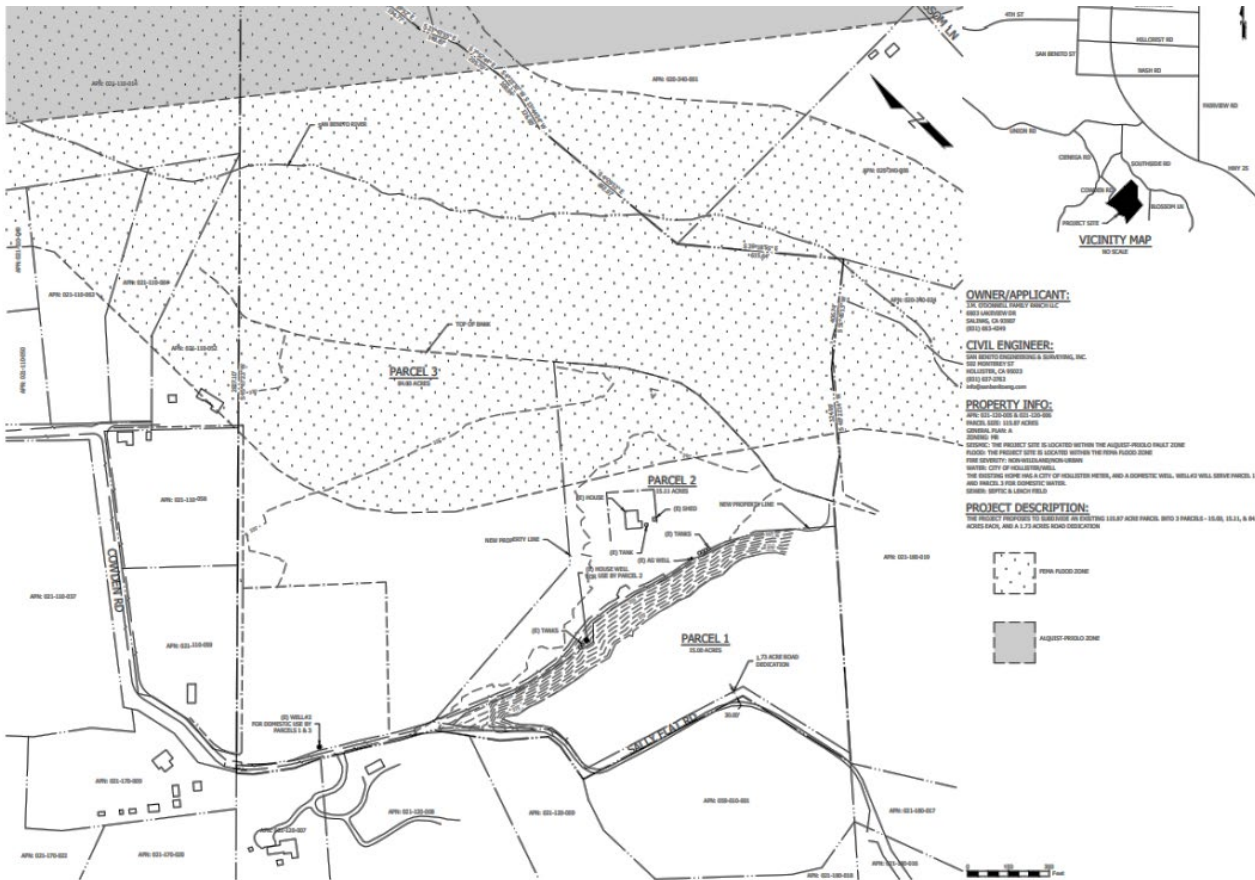
Recent Planning Applications

October 18, 2023

Presented By: Abraham Prado, Director of Planning and Building

- Project: Subdivision of an existing 115.87-acre parcel
- Proposed Subdivision:
 - Parcel 1: 15.0 acres
 - Parcel 2: 15.11 acres
 - Parcel 3: 84.03 acres

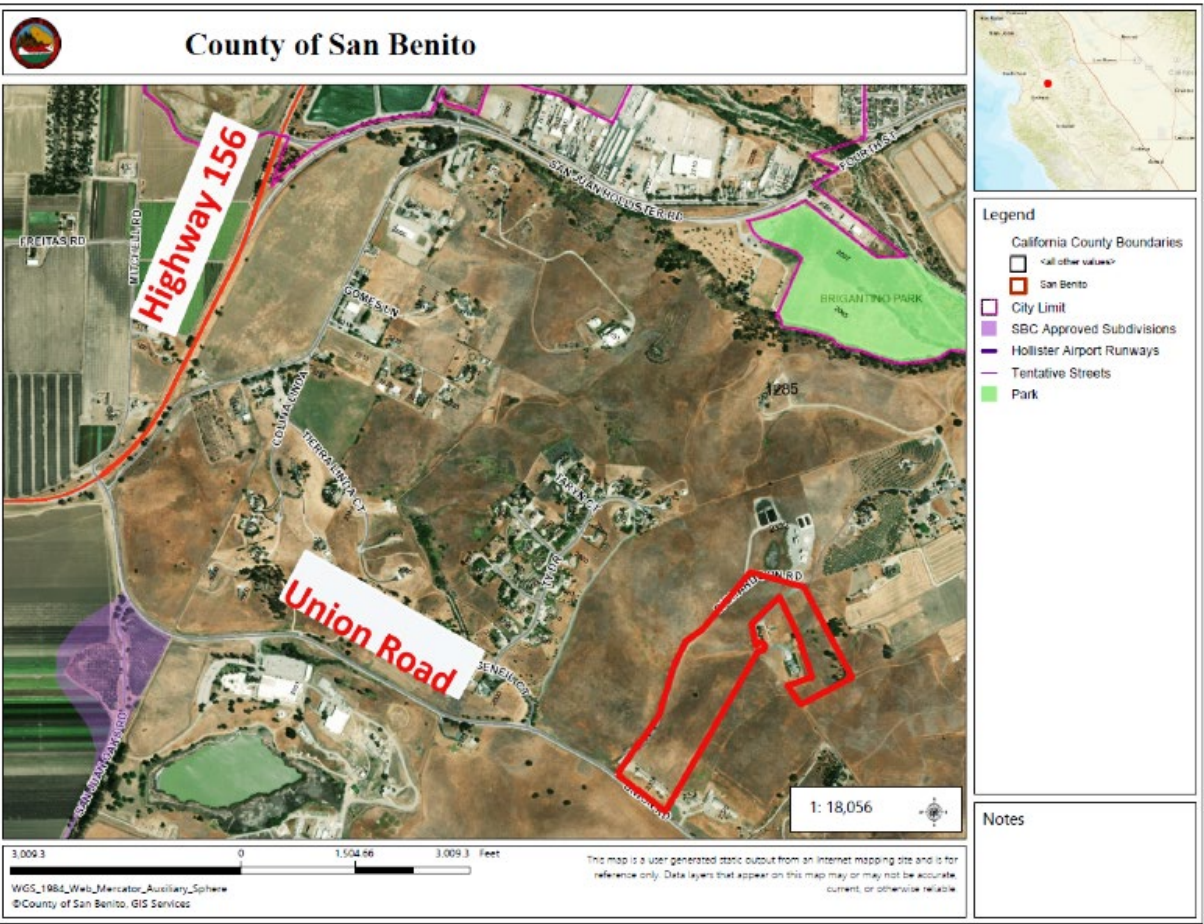
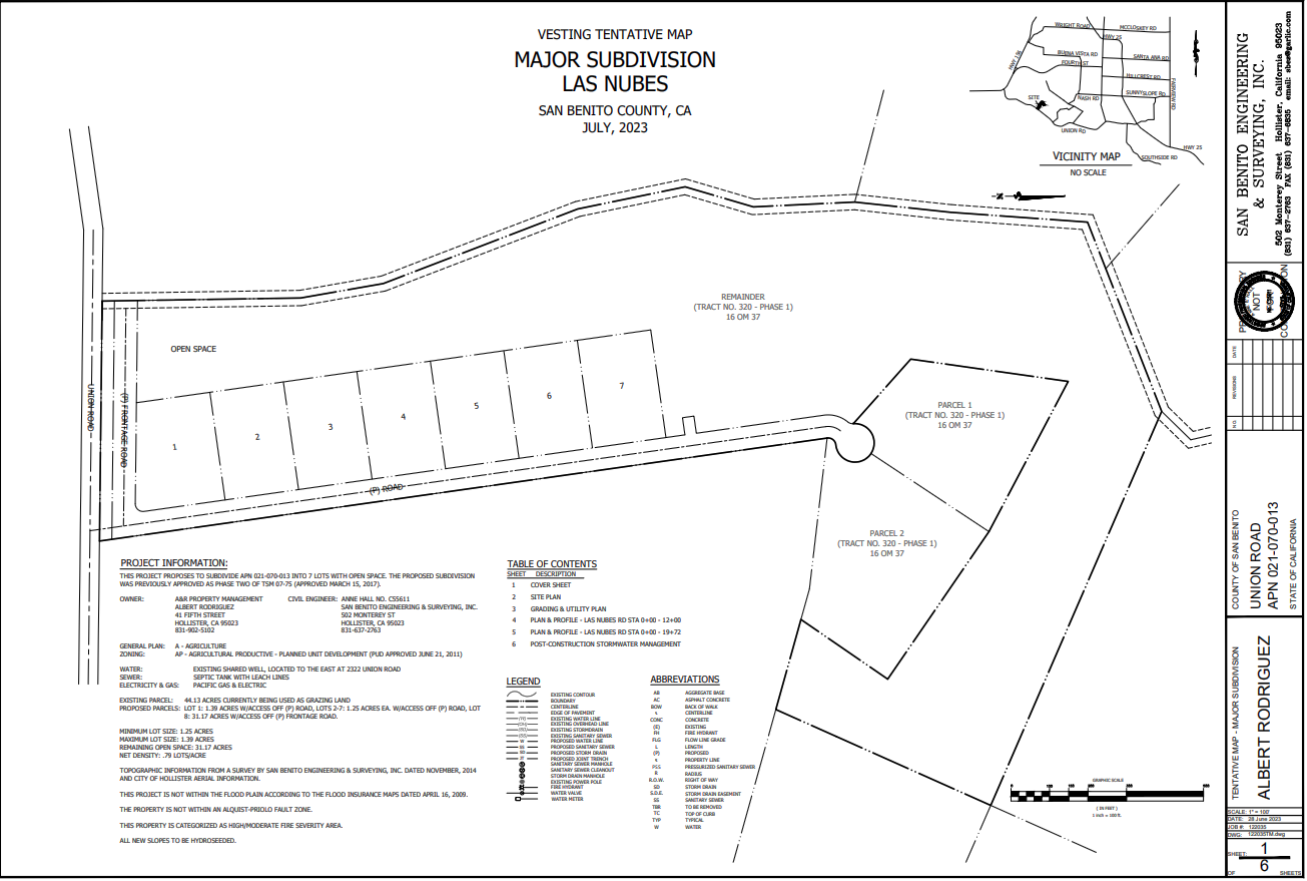
- Additionally, 1.73 acres are dedicated for road purposes.
- Approximately 0.8 mile southwest of HWY 25



Major Subdivision Application-PLN230035 (A & R Property Management) Union Road

- Project:** Subdivision of APN 021-070-013 into seven lots with open space.
- Previous Approval:** The proposed subdivision was previously approved as part of TSM 07-75 on March 15, 2017.

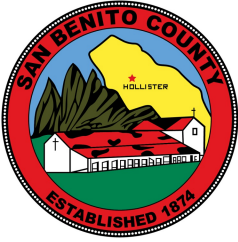
- PUD Approval:** The project site was approved as a Planned Unit Development (PUD) on June 21, 2011.
- Approximately 1 mile east of HWY 156**





Thank You

Questions



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.1

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Receive presentation from staff regarding county efforts to proactively address potential issues
in and around Lover's Lane / Pacheco Storm Water District, including code enforcement in the
area.**

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Staff would like to present information to the Planning Commission county efforts to proactively address potential issues in and around Lover's Lane / Pacheco Storm Water District, including code enforcement in the area.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

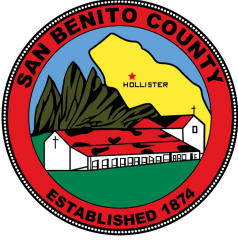
STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends receiving the presentation from staff.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

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Way**
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**Robert
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District No. 3
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**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.2

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Receive presentation from staff regarding topics and items discussed during the June 6, 2023
joint Planning Commission and Board of Supervisors meeting regarding a General Plan update.
Topics discussed include agriculture, zoning, affordable housing, transportation routes, and
initiation of the AD-E: Five Year General Plan review.**

Receive staff presentation regarding the overview of topics and items discussed.

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

On June 6, 2023 the Planning Commission and the Board of Supervisors held a joint meeting to discuss the initiation of a General Plan update. Staff presented information regarding the General Plan Land Use Element including and update on the New Community Study Areas, the Housing Element update, and the SMARA mine ordinance.

Staff were directed by the Board of Supervisors and the Planning Commission to initiate the General Plan amendment. General topics to be addressed during the update include agriculture, zoning, affordable housing, transportation routes, and the initiation of the General Plan update.

Items related to Agriculture:

- Review four-year irrigation rule
- Increase 1:1 agricultural land preservation requirement
- increase minimum acreage for land zoned agricultural
- support for the Sustainable Agricultural Lands Conservation grant
- Implementing an Agricultural Element in the General Plan

Items related to Zoning:

- Review Residential zoning in Rural areas
- Review districts which allow for 20-units per acre
- Rezone East of Fairview to Rural Transitional, Rural, or Agricultural
- increase Commercial nodes in areas adjacent to incorporated cities
- Work with LAFCO to annex Residential islands and retain Commercial islands.

Items related to Affordable Housing:

- Increase the density of affordable housing within proximity to incorporated cities.
- Work with non-profit organizations to produce affordable housing for below moderate-income
- Focus on affordable housing for below moderate-income, homeless, farmworkers, veterans, and workforce
- Implement a Growth Management Ordinance

Items related to Transportation routes:

- Review Caltrans project to extend Santa Teresa Road from Castro Valley Road to highway 101/25 interchange.
- Work with transit agencies to create routes to and for affordable housing
- Address flood zone issues with Caltrans regarding the routing of traffic from 152/Santa Theresa/10th street (Gilroy) in Santa Clara through highway 25 into San Benito County
- Address the highway 25 expressway conversion with Caltrans

Items related to the General Plan:

- Initiate the General Plan update
- Implement definitive language like "shall" and "require", remove "encourage"
- Implement a General Plan update fee to future developments projects
- Review or remove the New Community Study Areas
- Include the Planning Commission in the General Plan Update.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Receive staff presentation regarding the overview of topics and items discussed.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.3

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Abraham Prado

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Receive presentation from staff regarding procedures for the transaction of business for
planning commissioners per San Benito County Planning Commission Resolution No. 2019-04A
adopted on March 20, 2019.**

-
-

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Staff would like to present information to the Planning Commission regarding procedures for the transaction of business for planning commissioners per San Benito County Planning Commission Resolution No. 2019-04A adopted on March 20, 2019 and receive direction.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends receiving the presentation from staff and provide direction.

ATTACHMENTS:

[PLANNING COMMISSION RESOLUTION 2019-04A_03202019 Signed Adopted PC Procedures for Business.pdf](#)

A RESOLUTION OF THE SAN BENITO COUNTY)
PLANNING COMMISSION APPROVING THE AMENDED)
PROCEDURES FOR THE TRANSACTION OF BUSINESS)
FOR PLANNING COMMISSIONERS)

WHEREAS, the San Benito County Planning Commission has reviewed the existing guidelines for the Transaction of Business and hereby desires to amend those guidelines,

NOW THEREFORE BE IT RESOLVED that the San Benito County Planning Commission does hereby amend the “Procedures for the Transaction of Business for Planning Commissioners” as set forth in Attachment “A”; and,

BE IT FURTHER RESOLVED THAT the revised “Procedures for the Transaction of Business for Planning Commissioners” shall hereby replace the procedures adopted by Resolutions 2009-09, 2010-06, and 2011-07.


PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 20TH DAY OF MARCH 2019 BY THE FOLLOWING VOTE:

AYES: RODRIGUEZ, EGLAND, GIBSON, EGGERT, NAVARRO

NOES:


ABSENT:

ABSTAIN:



Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:



Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

ATTACHMENT A

SAN BENITO COUNTY

Procedures for the Transaction of Business

for

Planning Commissioners

Passed and Adopted By the
San Benito County Planning Commission
October 21, 2009
Resolution 2009-09

Amended and Adopted June 2, 2010
Resolution 2010-06

Amended June 15, 2011
Approved and Adopted August 17, 2011
Resolution 2011-07

Amended and Adopted March 20, 2019
Resolution 2019-04 A

SAN BENITO COUNTY

Procedures for the Transaction of Business

for

Planning Commissioners

Passed and Adopted By the
San Benito County Planning Commission
October 21, 2009
Resolution 2009-09

Amended and Adopted June 2, 2010
Resolution 2010-06

Amended June 15, 2011
Approved and Adopted August 17, 2011
Resolution 2011-07

Amended and Adopted March 20, 2019
Resolution 2019-04 A

Procedures for the Transaction of Business

San Benito County Planning Commission

The Planning Commission is a quasi-judicial body composed of five members appointed by the Board of Supervisors. The Planning Commission advises the County on policies and legislation relating to the regulation of growth, development and environmental conditions of various geographical areas and the commercial, industrial, and agricultural interests affecting San Benito County. The Commission reviews and acts on matters related to planning and land use development and makes recommendations to the Board of Supervisors on various land use matters. The Commission is compensated for meeting attendance. This Commission is subject to the Conflict of Interest Code, California Form 700.

- No. 1:** The Commission shall consist of five (5) appointed members and three (3) shall constitute a quorum.

- No. 2:** As long as all new Planning Commissioners have been appointed by the Board of Supervisors by the first meeting in January, the Chair and the Vice Chair shall be elected annually at the first meeting in January of each calendar year. If all new Planning Commissioners have not yet been appointed and sworn in by the first meeting in January, the election for the Chair and Vice Chair shall occur during the first meeting in February of each calendar year. In the absence or inability of either to act, the members present shall select a member to act as Chair Pro-Tem for that meeting. However, if the Chair or Vice Chair later arrives, the Chair or Vice Chair shall then assume responsibility for the meeting upon arrival.

- No. 3:** The Director of Planning and Building Inspection Services or his or her designee shall act as the Secretary without any voting rights. In the Director of Planning's absence, the Chair shall appoint an acting Secretary.

- No. 4:** Meetings of the San Benito County Planning Commission shall begin at 6:00 PM and be held in the San Benito County Board of Supervisors Chambers, 481 Fourth Street, Hollister; or such other place as may from time to time be determined by the Commission. At least one regular meeting shall be held each month in accordance with San Benito County Code, Article III; Section 3.05.51(A). Meetings shall be held per adopted meeting calendar except as otherwise determined and noticed by the Secretary. The calendar for the following calendar year shall be adopted no later than the last meeting of the current year.

- No. 5:** New agenda items shall not be considered later than 10:00 PM, unless approved by majority decision of Planning Commissioners present. Special meetings and legal public notices may be called at the direction of the Chair, or a majority of Commissioners, at a regularly scheduled meeting.

- No. 6:** The Director of Planning and Building Inspection or his or her designee shall prepare and distribute to the Commission an Agenda for each meeting. The Agenda and all related materials shall be completed and distributed no later than the Thursday prior to the scheduled meeting.

No. 7: At the ~~end of each regular point of the~~ agenda labeled “Commissioner Announcements,” the members of the Planning Commission may report or announce informational topics of interest to the general public and fellow Commissioners. Such reports will not be project or applicant specific or subject to any final action.

No. 8: The following procedures are adopted as Rules of Order for public hearings:

- a. Open Public Hearing
- b. Staff presentation
- c. Applicant presentation
- d. Take any testimony from the Public
- e. Rebuttal testimony as determined by Planning Commission
- f. Close Public Hearing
- g. Commission discussion
- h. Render a decision

No. 9: When the Commission alters or modifies an application, the appropriate finding(s), evidence and condition(s) or modification(s) to findings, evidence and conditions shall be clearly stated and noted in the record.

If a motion to approve does not pass, then the Chair shall:

- a. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
- b. Entertain a motion of intent to deny if findings for denial are not fully articulated.
- c. If there is an unbreakable tie vote, the Chair shall solicit findings for both sides and state those findings in the record.

No. 10: Approval of any legislative recommendation (for example, a General Plan adoption or amendment, specific plan adoption or amendment, or zone change) requires the affirmative vote of a majority of the Commission, i.e. at least three members. Approval of any other motion requires the affirmative vote of a majority of those members of the Commission present and voting. An abstention disqualifies the member as a voting member.

An application shall be deemed disapproved unless it is approved, or continued, by the required majority vote as provided above. In the event of a tie vote, the motion fails; unless another motion is thereafter approved by the required majority vote, the application is deemed denied. In the case of an appeal, if an affirmative vote does not occur, the decision appealed stands as decided by the decision-maker from which the appeal was taken.

No. 11: The following section shall constitute the “Rules for Presenting Testimony and the Procedures of Conduct” for all Planning Commission matters:

Introduction: Planning Commission meetings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons must observe the following rules:

- a. When you come to the podium, first identify yourself. You may provide your place of residence, but are not required to do so. Since all meetings are tape recorded, please speak clearly and use the microphone provided.

- b. Be recognized by the Chair before speaking; acknowledge to the Chair when you are finished.
- c. Address staff by name or by Department.
- d. All remarks must be addressed to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- e. Applauding, catcalls, stamping of feet, whistles, yells or shouting, and/or similar demonstrations by the audience are unacceptable public behavior and will be prohibited by the Chair.
- f. Conversations between audience members are not allowed during any agenda items.
- g. Keep your testimony brief and to the point. It is encouraged that you talk about the proposal and not about individuals involved. It is also encouraged that you focus testimony on the most important parts of the proposal. Avoid duplicating testimony provided by others. The practice of civility and decorum by all is expected.
- h. Members of the public wishing to speak to the Planning Commission should complete and turn into the Clerk a "Speakers Card" prior to the agenda item being called indicating the agenda item that they wish to address.
- i. However, with the exception of applicants and appellants addressing the Planning Commission during a public hearing, public comment is limited to three (3) minutes per speaker. Any organized opposition shall be granted the same time given to applicant/appellant to speak. An organized opposition will be recognized only upon written application to the Chair (through the Clerk) prior to the hearing. Such application should identify the speakers(s) for the opposition. Speakers may not concede any part of their allotted time to another speaker.
- j. The Chair may modify the time allocated for public comments per speaker in a manner consistent with the orderly conduct of the meeting and such modifications shall be fairly applied.
- k. Members of the public and staff must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Planning Commission meetings.
- l. Written testimony is acceptable. However, letters are most effective when presented at least a week in advance of the hearing. The Planning Commission strongly encourages written comments in advance so that material may be reviewed. Mail should be addressed to the Planning Department to the Planner responsible for a specific project.

No. 12: These procedures may be revised by vote of the Planning Commission.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.4

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Abraham Prado

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Receive presentation from staff regarding the AD-A: development review process and permit
streamlining.**

-
-

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Staff would like to present information to the Planning Commission regarding regarding the development review process and permit streamlining and receive direction.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends receiving the presentation from staff and provide direction.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.5

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Receive presentation from staff regarding AD-B: Digital Government.**

-
-

Staff recommends receiving the presentation from staff and provide direction.

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Staff would like to present information to the Planning Commission regarding regarding the development review process and permit streamlining and receive direction.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

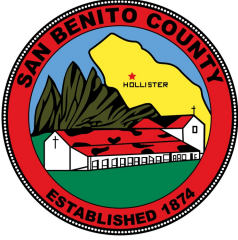
STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends receiving the presentation from staff and provide direction.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vacant
District No. 1

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Way**
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**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 8.1

MEETING DATE: 10/18/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Hold a public hearing and considering a resolution regarding County Planning file PLN230002, a
use permit amendment to allow for the inclusion of the packaging operation within the existing
25,000 square foot storage structure that was previously approved under county file PLN210003.
SBC FILE NUMBER:790**

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The proposed project, reviewed under County Planning File PLN230002, will amend Tobias Farms' current use permit for their existing facility at 2250 and 2290 Shore Road, allowing for the inclusion of packing operations within an existing 25,000 square foot storage structure that was previously approved and constructed under County Planning file PLN210003. The project itself does not entail new building construction, however, there will be associated road improvements and construction requirements. The primary objective is to enhance workers' health and safety by providing improved working conditions for employees during the packing season. This entails conducting the packing operations indoors within a controlled environment, effectively protecting workers from extreme heat, cold, or rainy conditions. The workforce is expected to increase to approximately 15-25 employees during the packing season, with individuals sourced through a Labor Contractor. Transportation for the workers is typically arranged using vans, accommodating 4-6 people per van. Tobias Farms' normal business hours for the proposed project are from 7 am to 4 pm Monday through Friday, and from 7 am to noon on Saturdays. These hours of operation ensure compliance with regulations and effective management of the packing operations within the designated timeframe. The proposed project also emphasizes the significance of food safety. By packing and storing the produce in the existing enclosed storage structure, the project aims to control exposure to environmental pathogens and rodents. This measure ensures that the product arrives at its final destination in better condition, meeting high food safety standards. Currently,

the product undergoes multiple movements between the field, existing storage facility, and an external packing facility for sorting and boxing before being returned to storage until the buyer's truck arrives. By incorporating the packing process within the storage structure at 2250 and 2290 Shore Road, unnecessary movements can be eliminated, reducing the risk of contamination and improving overall product quality. The proposed approach involves bringing the product into the existing facility, storing it, conducting the packing operations to pack the produce into cartons and commercial bins on-site, and then storing it until the buyer's truck arrives for pickup. In addition to worker health and food safety, the project aims to optimize traffic efficiency and reduce trucking requirements. Currently, the product is transported multiple times, leading to increased traffic on county roads.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission consider Resolution 2023-____ and adopt said resolution, subject to the findings and conditions of approval included therein, in order to approve the conditional use permit amendment under County Planning file PLN230013.

ATTACHMENTS:

[2023-10-18_SRpc_PLN230002 Tobias UP 2250 Shore--202310101002.pdf](#)

[2023-10-18_RESpC_2023-nn_PLN230002 Tobias UP 2250 Shore--202310101001.pdf](#)

STAFF REPORT

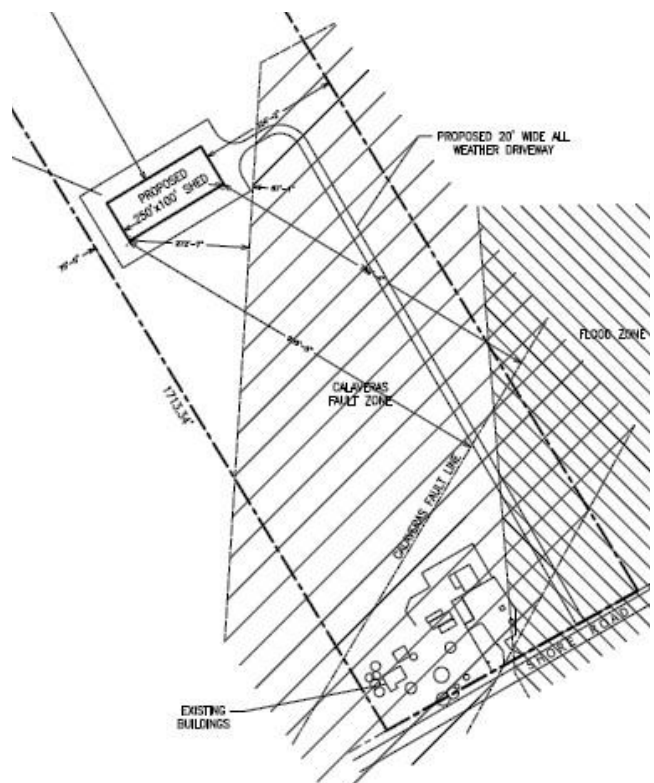
PROJECT INFORMATION:

Application: PLN230002 (Use Permit)
Public Hearing: October 18, 2023
Owner/Applicant: John Tobias / Michael Tobias
Location: 2250 and 2290 Shore Road, 1.4 miles east along Shore Road from State Route 25
APN: 013-050-010
Zoning: Agricultural Productive (AP)
General Plan: Agriculture (A)
Planner: Victor Tafoya

PROJECT DESCRIPTION

The proposed project, reviewed under County Planning File PLN230002, will amend Tobias Farms' current use permit for their existing facility at 2250 and 2290 Shore Road, allowing for the inclusion of packing operations within an existing 25,000 square foot storage structure that was previously approved and constructed under County Planning file PLN210003. The initial project under County Planning File PLN210003 permitted the construction of a 25,000 square foot warehouse for produce bin storage and farm equipment maintenance. The project does not entail new building construction, however, there will be associated road improvements and construction requirements. These improvements encompass various elements, including enhancing half of the 94-foot-wide asphaltic concrete on the 96-foot-wide roadbed along the property's Shore Road frontage. Additionally, the project will ensure compliance with ADA requirements by providing accessible parking spaces for the introduction of additional employees, as per the California Building Code.

The primary objective is to enhance workers' health and safety by providing improved working conditions for employees during the packing season. This entails conducting the packing operations indoors within a controlled environment, effectively protecting workers from extreme heat, cold, or rainy conditions. The workforce is expected to increase to approximately 15-25 employees during the packing season, with individuals sourced through a labor contractor. Transportation for the workers is typically arranged using vans, accommodating 4-6 people per van. In terms of transportation impact, the project is estimated to generate nine AM and PM peak-hour trips, totaling 18 daily trips, with eight of these involving truck trips for hauling produce. Farms' normal business hours for the proposed project are from 7 am to 4 pm Monday through Friday, and from 7 am to noon on Saturdays. These hours of operation ensure compliance with regulations and effective management of the packing operations within the designated timeframe.



The proposed project also emphasizes the significance of food safety. By packing and storing the produce in the existing enclosed storage structure, the project aims to control exposure to environmental pathogens and rodents. This measure ensures that the product arrives at its final destination in better condition, meeting high food safety standards. Currently, the product undergoes multiple movements between the field, existing storage facility, and an external packing facility for sorting and boxing before being returned to storage until the buyer's truck arrives. By incorporating the packing process within the storage structure at 2250 and 2290 Shore Road, unnecessary movements can be eliminated, reducing the risk of contamination and improving overall product quality. The proposed approach involves bringing the product into the existing facility, storing it, conducting the packing operations to pack the produce into cartons and commercial bins on-site, and then storing it until the buyer's truck arrives for pickup. In addition to worker health and food safety, the project aims to optimize traffic efficiency and reduce trucking requirements. Currently, the product is transported multiple times, leading to increased traffic on county roads.



SITE DESCRIPTION

The proposed project is located at 2250 and 2290 Shore Road in an unincorporated area of San Benito County, California and encompasses 50-acres of agricultural property on Assessor’s Parcel Number (“APN”) 013-050-010. This property is surrounded by several other farmlands which could be accessed by Shore Road. The site currently contains two single-family residences, several agricultural support structures including a 25,000-square-foot storage building, and farmland. Surrounding land uses are primarily agricultural, with some rural residential uses in the vicinity. The project site is relatively flat. Local access to the project site is provided by SR 25, located about 1.4 miles west of the project site by way of Shore Road, and by SR 156, which is located approximately 3.4 miles east of the project site by way of Shore Road and Fairview Road. Regional access to the site is provided by Highway 101.

Legal Lot of Record: The parcel was established as a legal lot of record in Volume 1 of Maps at Page 8 on November 24, 1879, in San Benito County Official Records, excepting thereof as described in the legal description. Issued development permits and constituting real property eligible for a certificate of compliance under State Government Code §66499.34 and §66499.35(c).

Minimum Building Site Allowed: Five acres.

Land Use: Historically been used for agricultural production with a proposal to introduce 15-25 employees to the existing 25,000-sq.-ft. structure to support commercial agriculture.

Sewage Disposal: To ensure compliance with state and local regulations and sanitation standards a wastewater connection to a septic system will be established.

Water: To ensure compliance with state and local regulations it is necessary to establish a water connection to a well to fulfill the restroom and sanitation requirements for the employees.

Land Conservation Act (Williamson Act): Within an agricultural preserve, there are no specific restrictions on the project as long as the structure is related to agricultural production. The Board of Supervisors found this project to be consistent with the existing agricultural zoning and in compliance with the restrictions stipulated in the Williamson Act Contract during their meeting on June 13, 2023.

Soils: Not within Grade-1 soils.

Seismic: Project site within an Alquist–Priolo Earthquake Fault Zone.

ALUC: Within Frazier Lake Airpark Land Use Compatibility plan. On February 17, 2023, ALUC found the proposed project consistent with the Airport Land Use Compatibility Plan.

FEMA Flood Zone: The property lies almost entirely outside within Flood Zone A, except small portion of southeastern corner.

Fire Severity: Non-wildland/Non-urban.

Archaeological sensitivity: Not within a mapped archeological sensitivity area.

BUSINESS OPERATIONS

During the current summer season, Tobias Farms, an established agricultural business in San Benito County, aims to use the existing storage structure at 2250 and 2290 Shore Road for the packaging of produce. Since its inception in 1976, the farm has been engaged in cultivating a diverse range of row crops and orchards. Currently, the project site is planted with summer crops. The primary objective is to enhance efficiency and ensure the freshness and quality of the produce.

The initial project under County Planning File PLN210003 permitted the



construction of a 25,000 square foot warehouse for produce bin storage and farm equipment maintenance. The storage structure offers a suitable environment for the packaging operations. By conducting the packaging indoors within a controlled setting, Tobias Farms can safeguard the produce from exposure to extreme weather conditions such as heat, ensuring better working conditions for employees involved in the packaging process. The packaging season typically extends from summer to late fall, aligning with the harvest period of various crops, including summer vegetables and fruits. The proposed project entails bringing the harvested produce into the existing facility in field bins, where it will be stored temporarily. The farm workers, sourced through a labor contractor, will then proceed with the packaging process, carefully sorting and packing the fresh produce into cartons or commercial bins. The raw product will be preserved in its original state and will not undergo any processing, such as dicing, cooking, or freezing. The packed produce will be stored at the existing facility until it is ready for pickup by the buyers.

To facilitate the packaging operations, Tobias Farms plans to increase the number of employees on-site during the packaging season, which typically runs from summer to early fall. The additional workforce, numbering around 15 to 25 employees, will contribute to the smooth and efficient operation of the packaging process. The farm will coordinate transportation for the workers using vans, with each van accommodating 4 to 6 individuals.

Overall, the proposed project allows Tobias Farms to leverage the existing storage structure space for packaging operations, enhancing worker safety, maintaining product freshness, and optimizing the farm's operations during the summer season. The project aligns with the farm's commitment to quality and efficiency, ensuring that the produce reaches its final destination in optimal condition, ready to be enjoyed by consumers.

PLANNING AND ZONING

The site is under the Agriculture (A) designation in the County 2035 General Plan and under the Agricultural Productive¹ (AP) zoning designation. The underlying Zoning District (AP - Agricultural Productive) and General Plan designation Agriculture (A) require a minimum building site area of 5-acres. This land use designation is to maintain the productivity of agricultural land, including conditional uses like agricultural processing of product not grown on site, which encompasses packaging for shipment or sale within enclosed structures, and permitted uses related to commercial agriculture, involving the distribution of agricultural products to wholesalers, retail outlets, or the public.



ENVIRONMENTAL EVALUATION

An initial study resulting in a proposed mitigated negative declaration that was prepared for this project under CEQA² by Victor Tafoya, Assistant Planner with the County of San Benito. The study identified

¹ County Code §25.03.004.

² California Environmental Quality Act.

mitigatable impacts that would potentially occur as a result of the proposed packaging operation and proposes measures to mitigate potentially significant environmental impacts identified in the review; these measures have been incorporated into the recommended conditions of approval for this project.

The proposed project, lacking any physical changes outside the existing building, will not result in a substantial adverse change in the significance of any historical resource, as defined in CEQA Guidelines §15064.5. The project site itself does not contain any historical resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. Given that there is no physical change proposed, the project solely entails an operational change within the existing 25,000 square foot storage structure to accommodate the packaging of produce.

Planning staff circulated the Draft IS/MND for comment during a public review period from August 7 through September 5, 2023. The County received no comments on the IS/MND. Therefore, there were no changes made to the IS/MND. The initial study documents are enclosed as attachments.

STAFF ANALYSIS

The proposed project is consistent with the Agricultural Productive (AP) zoning district, allowing for the agricultural processing of products not grown on-site under a conditional use permit. In addition, it aligns with the Agricultural (A) land use designation in the General Plan, which is designed to maintain the productivity of agricultural land and protect the rights of operators of productive agricultural properties.

Moreover, the project aligns with LU-3.2 (Agricultural Integrity and Flexibility) by aiming to preserve the integrity of existing agricultural resources while concurrently bolstering the economic sustainability of farming operations. Achieving this involves the incorporation of packaging operations within the existing agricultural storage structure, leading to improved efficiency and working conditions for employees.

Furthermore, the project is in alignment with LU-3.5 (Locally Grown and Produced Food), which actively encourages the consumption of locally grown and produced food. By granting Tobias Farms the capability to pack their produce on-site and subsequently distribute it, the project significantly contributes to the availability of locally sourced food options.

Additionally, the project resonates with LU-3.6 (Agricultural Support Services), which aims to promote services like trucking, warehousing, and distribution centers in suitable locations, ultimately enhancing the economic viability of commercial agriculture. Through the integration of a packaging operation within the existing facility, Tobias Farms seeks to optimize the efficiency of their agricultural operations. This includes reducing the necessity for additional trucking by conducting on-site packing, thereby streamlining their distribution process.



Consequently, the project plays a vital role in bolstering the economic sustainability of commercial agriculture by refining the handling and distribution of their agricultural products.

Furthermore, our review has encompassed an examination of each structure against Agricultural Productive (AP) development standards, covering aspects such as setbacks, building heights, drainage, and access. Additionally, we have conducted a thorough evaluation of project operations, including the flow of trucks and interior traffic within the proposed project. Importantly, any potential issues related to this use permit have been thoughtfully addressed through meticulous project design, an extensive environmental review process, and the integration of recommended conditions of approval.

In addition, the applicant is mandated to construct the project driveway in compliance with STAA truck turning radius and geometric design specifications. Furthermore, the applicant is obliged to improve half of the 94-foot-wide asphaltic concrete within the 96-foot-wide roadbed along the property frontage on Shore Road, ensuring full adherence to County Code improvement standards.

Moreover, we have taken proactive measures by implementing mitigation strategies aimed at reducing the potential for significant environmental impacts to levels well below significance. These measures, particularly evident in the areas of Biological Resources and Cultural and Tribal Resources, are thoroughly addressed through MM CR-1 and MM CR-2.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission consider Resolution 2023-___ and adopt said resolution, subject to the findings and conditions of approval included therein, in order to adopt the Initial Study/Mitigated Negative Declaration for the project and approve the conditional use permit amendment under County Planning file PLN230002.

ATTACHMENTS AND EXHIBITS

- A. Planning Commission Resolution 2023-___ (draft) including
 - Exhibit A California Environmental Quality Act (CEQA) Findings
 - Exhibit B Conditions of Approval
 - Exhibit C Site Plan
 - Exhibit D Summary of Mitigation Measures
- B. CEQA Initial Study Mitigated Negative Declaration

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution No. 2023-__

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION APPROVING COUNTY FILE PLN230002: A USE PERMIT TO AMEND TOBIAS FARMS' EXISTING USE PERMIT, ALLOWING FOR THE INCLUSION OF THE PACKAGING OPERATION WITHIN THE EXISTING 25,000-SQUARE-FOOT STORAGE STRUCTURE THAT WAS PREVIOUSLY APPROVED UNDER COUNTY FILE PLN210003. THE PROJECT IS LOCATED AT 2250 AND 2290 SHORE ROAD, HOLLISTER, CA; ASSESSOR'S PARCEL NUMBER (APN) 013-050-010.

WHEREAS the proposed project is located at 2250 and 2290 Shore Road, Hollister CA, 95023, within San Benito County, California, on a project site within a 50-acre parcel (Assessor's Parcel Number ["APN"] 013-050-010); and

WHEREAS on January 26, 2023, John H. Tobias, acting as the authorized agent for the property owner, John H. and Marian R. Tobias Trust, submitted an application for the proposed amendment to use permit PLN210003, which includes the addition of packaging operations within the existing agricultural storage structure; and

WHEREAS County staff received the proposal as County Planning file PLN230002 and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS local access to the project site is provided by SR 25, located approximately 1.5 miles west of the project site via Shore Road, and by SR 156, situated roughly 3.5 miles east of the project site via Shore Road and Fairview Road, with regional access to the site provided by Highway 101; and

WHEREAS the subject parcel has a land use designation of Agriculture ("A") in the County 2035 General Plan and under the Agricultural Productive¹ ("AP") zoning designation, with the surrounding adjacent parcels designated as the same; and

WHEREAS the proposed project aligns with the Agricultural Productive (AP) zoning designation's objective of preserving agricultural land productivity. It also complies with the conditional use of agricultural processing, as defined in the County Code, which includes the packaging of harvested products; and

WHEREAS the proposed project is consistent with the area's Agriculture (A) land use designation in the General Plan in that it meets or fulfills LU-3.2 (Agricultural Integrity and Flexibility), and LU-3.5 (Locally Grown and Produced Food), and LU-3.6 (Agricultural Support Services) as proposed the amendment of Tobias Farms' existing use permit would reflect the County's goal to support commercial agriculture; and

WHEREAS the County assessed the potential for any substantial effect on the environment for the project consistent with the requirements of the California Environmental Quality Act (CEQA) by preparing and Initial Study and Mitigated Negative Declaration (IS/MND) that was circulated for public review and comment for 30 days from August 7th, 2023, to September 5th, 2023; and

¹ San Benito County Code §25.03.004.

WHEREAS the IS/MND was presented to the Planning Commission, which reviewed and considered the information contained in the IS/MND and received public comment prior to making its recommendation on the project; and

WHEREAS the IS/MND found all potential environmental impacts to be less than significant provided adherence to stated mitigation measures, which have been included as conditions of project approval; and

WHEREAS the IS/MND reflects the County of San Benito’s independent judgment and analysis; and

WHEREAS the Planning Commission of the County of San Benito reviewed the use permit amendment application at its regularly scheduled special meeting held on October 18th, 2023; and

WHEREAS the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Exhibit A**.

BE IT FURTHER RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito also adopts the Initial Study/Mitigated Negative Declaration for County Planning file PLN230002, as clarified and amplified for October 18th, 2023, and included as **Attachment C** to this resolution.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN230002 subject to the conditions of approval found in Exhibit A, Exhibit B, Exhibit C and Exhibit D.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 18TH DAY OF OCTOBER 2023 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director of Planning and Building & Code Enforcement
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding

Finding 1: The Initial Study for PLN230002 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County implementing procedures for the California Environmental Quality Act.

Evidence: All provisions including both State and County environmental guidelines and policies for the preparation of an initial study have been followed. The environmental documents in the preparation of the initial study are filed in the project record located at the San Benito County Resource Management Agency in file number PLN230002.

Finding 2: The Planning Commission has considered the mitigated negative declaration together with all comments received from the public review process.

Evidence: An initial study/mitigated negative declaration (IS/MND) was prepared and publicly circulated for review from August 7th to September 5th, 2023, to receive comments from members of the public and other public agencies. During this review period, no comments were received. The document, along with the staff report and written and verbal testimony, were presented to the Planning Commission in preparation for, and during, the October 18th, 2023, Planning Commission meeting.

Finding 3: The mitigated negative declaration reflects the independent judgment of the Planning Commission.

Evidence: County Resource Management Agency Planning prepared the IS/MND and circulated the resulting document to the public. Planning Staff also prepared the staff report and its discussion of the IS/MND. The IS/MND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgement of the project.

Finding 4: The Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to adoption of the mitigated negative declaration. The Planning Commission determined that, based on this evidence, the project as proposed with the conditions of approval included in the staff report, including mitigation measures resulting from the IS/MND, would maintain impact at a level less than significant.

Use Permit Findings

Finding 1: That the proposed use is conditionally permitted within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the County of San Benito County Code, the General Plan, and any applicable Specific Plan.

Evidence: Conditions of approval have been included for this project to manage impacts to the health, safety, and welfare of the surrounding residents. In addition, the project can be found consistent with the County General Plan:

- The project aligns with LU-3.1 (Agricultural Diversification) as it supports an existing agricultural operation, Tobias Farms, by allowing them to diversify their activities. By incorporating the packing of produce within their existing facility, the project encourages value-added and small-scale agricultural practices. It enhances the sustainability of their operation by improving working

Exhibit A to Resolution

conditions for employees, controlling environmental factors that could affect product quality, and reducing the need for additional trucking, which can contribute to more sustainable and efficient agricultural practices.

- The General Plan Land Use Element designation for the site is Agriculture (A). The project aligns with the purpose of maintaining the productivity of agricultural land, particularly in the context of agriculturally productive lands like crop land, vineyards, and grazing lands. It seeks to introduce agricultural support use, specifically packaging of produce, within the existing facility. This aligns with the allowance for agricultural support uses, such as processing, in areas designated for agriculture.*
- The project aligns with LU-3.2 (Agricultural Integrity and Flexibility) by aiming to protect the integrity of existing agricultural resources while simultaneously enhancing the economic viability of farming operations. By incorporating packaging operations within the existing agricultural storage structure, it improves the efficiency and working conditions for employees, thus contributing to the economic sustainability of the farm.*
- The project aligns with LU-3.5 (Locally Grown and Produced Food), which encourages the purchasing of locally grown and produced food. By allowing Tobias Farms to pack their produce on-site and subsequently distribute it, the project supports the availability of locally grown and produced food.*
- The project aligns with LU-3.6 (Agricultural Support Services), which aims to encourage services like trucking, warehousing, and distribution centers in suitable locations to support the economic viability of commercial agriculture. By incorporating a packaging operation within the existing facility, Tobias Farms aims to enhance the efficiency of their agricultural operations. This includes reducing the need for additional trucking by packing produce on-site, which can streamline their distribution process. Therefore, the project contributes to supporting the economic viability of commercial agriculture by optimizing the handling and distribution of their agricultural products.*
- Policy NCR-9.1 (Light Pollution Reduction). A condition of approval requires compliance with exterior lighting limits under the Zone II regulations of County Code Chapter 19.31.*

Evidence: *This project conforms to the General Plan's Agriculture (A) land use designation for this area and contributes to its implementation. The primary purpose of this land use category is to "to ensure the long-term preservation of the agricultural industry, agricultural support services, and rangeland resources by protecting these areas from incompatible urban uses and allowing farmers to manage their land and operations in an efficient, economically viable manner." The proposed project is properly placed next to compatible land uses of agricultural production. The site has historically been used for agricultural production, and the proposed use will not take away from the existing farming but rather support the agriculture packaging operations. It is conveniently located near transportation routes to serve the facility.*

Evidence: *The project is properly located in relation to the General Plan, to the community as a whole, and to other land uses. The subject property of the existing farm is a 50-acre parcel and the inclusion of the packaging operations within the existing agricultural structure does not propose nuisance to neighbors or property. Squash harvesting typically begins in early September ramping up to the Thanksgiving holiday and then tapering off and finishing in December, and the agricultural packaging and storage structure would help support harvest operations.*

Evidence: *The project is properly located in relation to transportation infrastructure and service facilities. Local access to the project site is provided by SR 25, located about 1.5 miles west of the project site by way of Shore Road, and by SR 156, which is located approximately 3.5 miles east of the project site by way of Shore Road and Fairview Road. Regional access to the site is provided by Highway 101. The*

Exhibit A to Resolution

project site would be accessed via an existing 20-foot-wide gravel access driveway accessible via Shore Road that is connected from the entrance to the existing 25,000 square foot storage structure.

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard or nuisance to persons or property.

Evidence: *County departments and responsible agencies have reviewed the application and recommended conditions of project approval to address possible effects on the vicinity and to prevent hazard or nuisance to persons and property. Environmental analysis of the project under the California Environmental Quality Act (CEQA) was available both to public agencies and to members of the public for consideration of environmental impacts and mitigation measures intended to minimize impacts; those mitigation measures are included as conditions of approval. Activity beyond the scope of the proposed use as approved by the County shall require further permit review.*

Conditions of Approval

- 1. Indemnification:** The property owner and tenant (hereinafter collectively referred to as “APPLICANT”) shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of APPLICANT’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
- 2. Successors in Interest:** The conditions of approval are binding on all successors in interest of APPLICANT, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]

Exhibit B to Resolution

- 3. Agreement with All Conditions of Approval:** Prior to or upon approval by the Planning Commission, APPLICANT shall sign the statement below certifying that APPLICANT is in agreement with all conditions of approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

APPLICANT Signature: Michael Tobias

PROPERTY OWNER

Date:

By: John H. and Marian R. Tobias Trust

- 4. Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan (illustrated in Exhibit C), and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be substantially changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code. (See attachments enclosed.) [Planning]
- 5. Staff Review Invoices:** Within 60 days of approval of the use permit, the applicant shall pay all remaining invoices for reimbursement of County staff and consultant time related to the review of the Conditional Use Permit. Payment of these invoices shall be a prerequisite to commencing the Condition of Approval/Mitigation Monitoring and Reporting Program for this project. [Planning]
- 6. Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to construction and site preparation for the new uses under this permit, the applicant/owner, County Counsel and the County Resource Management Agency Director shall agree to and sign the Condition of Approval/Mitigation Monitoring and Reporting Program form(s). A deposit, using an hourly rate of \$134 per hour, will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. [Planning]
- 7. Compliance Documentation:** Before commencing commercial operations, the APPLICANT shall provide a written summary response to these conditions of approval, demonstrating compliance with each condition. This summary shall include specific dates of compliance and references to supporting documents or evidence of compliance. [Planning]
- 8. Notice of Determination (California Department of Fish and Wildlife Fees):** The APPLICANT/owner shall file a Notice of Determination, provided by the County Resource Management Agency, with the County Clerk within five (5) days of approval of the use permit. The State Department of Fish and Wildlife fee (\$2,764 as of 20 23, per Fish and Game Code §711.4(d) plus \$50 County Clerk processing fee) shall be submitted with the filing. A copy of the filed notice shall be submitted to the County Resource Management Agency. Should the Notice

Exhibit B to Resolution

not be filed, and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code §21167 and the project is not operative, vested, or final until the Notice is filed, and the fee is paid (Public Resources Code §21089(b)). [Planning, California Department of Fish and Wildlife]

9. **Payment of Taxes:** All businesses are subject to San Benito County Code Chapter 5.03 Article IV (Business License Tax). [Planning]

10. **Hours of Operation:** The hours of operation for the site and its activities shall adhere to the following schedule:
 - a. Monday through Friday: 7 a.m. to 4 p.m.; and Saturdays: 7 a.m. to 12 p.m. [Planning]

11. **Periodic Review:** In the event of a compelling public necessity, non-compliance, problems, concerns, or complaints, this permit will be subject to further review and conditioning or, if necessary, revocation by the Planning Commission. Violation of the permit, creation of a nuisance, or a compelling public necessity could cause the revocation of this permit. Any expansion of this use beyond what is currently proposed must first be reviewed by the Planning Director, and if necessary, shall require further Use Permit review by the Planning Commission. [Planning, Building]

12. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]

13. **Construction Noise:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code Chapter 19.39 Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]

14. **Landscaping:** The site shall be maintained in a litter-free and weed-free condition. All storage of equipment and other items shall be inside or behind the structure so that it is not visible from the public right-of-way. No trees of six-inches diameter at breast height or larger shall be removed from site without prior approval of the planning department [Planning]

15. **Dust Control:** The APPLICANT shall incorporate the following requirements into any improvement plan for any grading activities occurring as part of this project:
 - 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. Haul trucks shall maintain at least two feet of freeboard.
 - d. All trucks hauling dirt, sand, or loose materials shall be covered.
 - e. Inactive storage piles shall be covered.
 - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]

Exhibit B to Resolution

16. **Cultural Resources:** The property owner/applicant, if at any time discovering any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site, shall:
- a. cease and desist from further disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains;
 - b. 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 no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals;
 - c. notify the County Sheriff–Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 *et seq.*). [Planning]

Division of Environmental Health:

17. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, to the business operation shall complete and submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Department. [Environmental Health]"

Public Works:

18. **Road Improvement:** Prior to commencement of operation, applicant shall comply with the following to County Standards.
- a. Applicant shall be required to submit a detailed Improvement Plan for review and approval by the County Engineer; submittal of said plans is to be accompanied by an engineer’s estimate of probable construction costs for the improvements. Additionally, payment of the appropriate plan checking fee, which is to be based on the Engineer’s Estimate, will be required with the Improvement Plan submittal. An inspection fee will also be required prior to issuance of the permit. [§ 23.31.001; § 23.31.02(E)&(G); §5.01.048]
 - b. The applicant shall improve half of 94-foot-wide asphaltic concrete on 96-foot-wide roadbed along property frontage on Shore Road. The design of improvements shall comply with County Code improvements standards.
 - c. The Applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways. [Public Works]
19. **Right of Way Dedication:** Prior to commencement of commercial activity, applicant shall dedicate half of a 110-foot ROW along property frontage on Shore Road [Public Works]
20. **Parking:** Prior to the commencement of commercial operations, the applicant must submit detailed improvement plans for review and approval by the Resource Management Agency. These plans shall demonstrate a robust parking solution in full compliance with County Code §25.07.010,

Exhibit B to Resolution

which pertains to parking requirements for agricultural-processing land uses. The parking solution must ensure an ample number of parking stalls and provide an appropriately sized truck loading area to meet operational needs. [Planning, Public Works]

21. **Drainage & Erosion Control:** The Applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways. [Public Works]
22. **Driveway:** Applicant shall construct project driveway to meet STAA truck turning radius and geometric design, hence, applicant engineer shall provide detailed driveway geometry showing STAA truck turning templates as part of the improvement plan submittal. Turning lanes, when required per traffic study, shall also be shown on the improvement plans.
23. **Encroachment Permit:** In accordance with § 19.27.004 of the San Benito County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project.

Fire Department:

24. **Fire Code:** Any and all development on this property, shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size.
 - a. Make contact with the fire department for additional comments, concerns, plan submission and inspection fees. [County Fire]

Building Department:

25. **Building Permit Updates for Commercial Facilities:** Prior to commencing any commercial activities on the property, the applicant shall obtain all necessary building permits and ensure that existing facilities, including but not limited to the existing 25,000 square foot storage building, are brought up to code and adequately modified to meet the requirements for commercial use. This includes, but is not limited to, ensuring compliance with fire safety regulations, accessibility standards, sanitation and hygiene requirements, and any other applicable building codes. The project applicants shall work closely with the building department to obtain the necessary permits and complete any required upgrades or modifications prior to commencing any commercial activities. [Building]

Exhibit C to Resolution

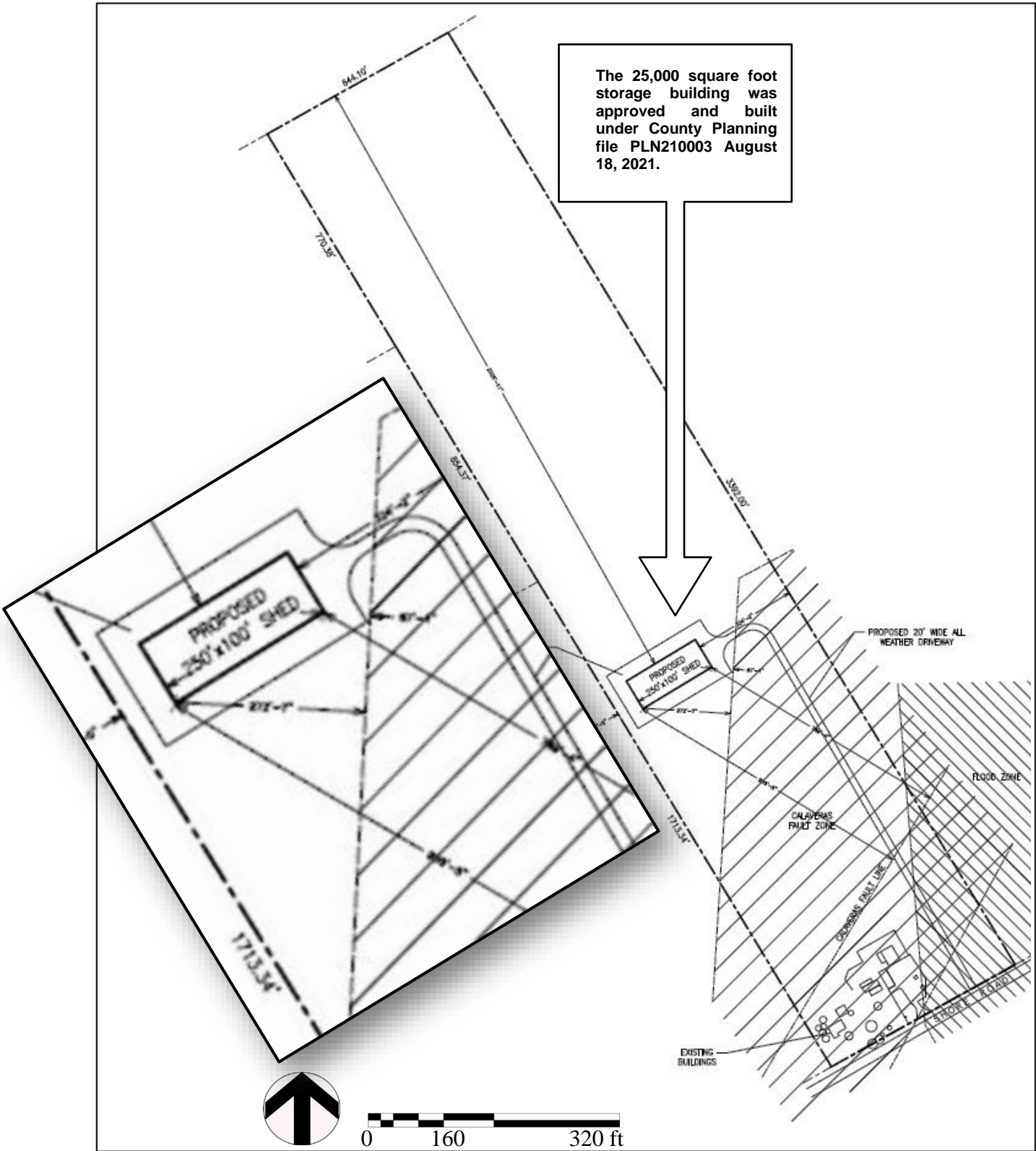


Exhibit D to Resolution

<u>Table 4</u> <u>Summary of Mitigation Measures</u>					
<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
<u>Cultural Resources</u>					
<p>CR-1: If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)</p>	<p>Inclusion of stated measures in construction and grading plans, reporting archaeological monitoring to County, additional mitigation measures (if needed)</p>	<p>During construction activities</p>	<p>Construction Manager, Qualified Archaeologist</p>		
<p>CR-2: If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)</p> <p>Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <p>If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:</p> <p>a. 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.</p>	<p>Inclusion of stated measures in construction and grading plans, reporting archaeological monitoring to County</p>	<p>During construction activities</p>	<p>Construction Manager, Qualified Archaeologist, Project Applicant</p>		

<u>Table 4</u> <u>Summary of Mitigation Measures</u>					
<u>Mitigation Measures</u>	<u>Method of Verification</u>	<u>Timing of Verification</u>	<u>Responsible Agency or Party</u>	<u>Verification of Completion</u>	
				<u>Date</u>	<u>Initial</u>
b. 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;					

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<p>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.</p> <p>c. Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff-Coroner shall be notified immediately of the discovery as noted above.</p> <p>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. [Planning]</p>					
<u>Tribal Cultural Resources</u>					
See Cultural Resources.					